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Loudoun County Board of Supervisors, Public Hearing, Wednesday, December 11, 2024

Date Wednesday, December 11, 2024
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 4h 2m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7844>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7844

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-18. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:04:18] Okay. Am I on? All right. Good evening. I call to order the December 11, 2024 Loudoun County Board of Supervisors public hearing. Excuse me. This room has a hearing loop. If you need hearing assistance, switch your hearing aids to the telecoil mode. If you need a headset, we have those available as well. Please see the clerk to request one. As a reminder to all members of the public the board addressing the board this evening you may only sign up to speak on matters that have

[00:04:57] been advertised for the public hearing due to a broadcast delay any members of the public who are not in the boardroom wishing to address the board on items two three four five and six which are on the consolidated hearing agenda please call the number scrolling across your screen at this time all members of the public who have signed up to speak will be allotted two and a half minutes if you are in the boardroom we ask that what we ask that when your name is called please come to the podium either side is fine and state your name for the record the timer on the podium will indicate your remaining time when your time has expired please yield the floor to the next speaker

[00:05:35] if you are providing your comments via telephone i ask that you use a stopwatch or your phone to track your time i will monitor your time in the boardroom as well and notify you when your time has expired, but I won't interrupt you to give you a warning about how much time you have left. When taking public input for items, I will first ask if there's anyone in the boardroom wishing to speak, and then I will

go to the moderator and ask if there are any speakers via the online access. Please note that there is a slight delay between the broadcast

[00:06:08] and the boardroom this evening chair randall and supervisor to crony had a event down in washington dc that was scheduled to go till six o'clock so they are probably on their road back on the road back right now so hence i'm chairing the meeting right now but she will be back to finish up okay the board will hear the following items on as a consolidated hearing as a reminder the items are being consolidated because there are no outstanding issues. Staff has recommended

[00:06:43] approval. The applicant has waived their presentation time, and no public speakers registered in advance to speak to the board. On consolidated is item two, DOAM 2024-0002, Loudoun County Land Subdivision and Development Ordinance, and the Loudoun County Facility Standards Manual Amendments to implement dam break inundation zone requirements. Item number three is a DOAM 2024-0003 Loudoun County Land Subdivision and Development Ordinance and the Loudoun County Facility Standards Manual Amendments to implement the zoning ordinance. Item number four, Leggie

[00:07:23] 2023-0099, Kinkora Village Land Bay N, special exception 2023-0033. Item number five, Leggie 2023-0096 stratus substation cmpt 2023 zcpa 2023-007 and spmi 2023-0032 are there any members of the public in the boardroom tonight wishing to speak to the board regarding anything on the

[00:08:00] consolidated hearing agenda seeing none are there any speakers on the phone wishing to speak regarding a consolidated hearing item we have no speakers on the phone okay thank you lisa seeing none i close the consolidated public hearing board members please refer to the document entitled consolidated hearing motion sheet that was placed at your seat and we will

[00:08:32] start with item number two looks like that is county-wide so i'll go ahead and make the motion I move that the Board of Supervisors approve motion 2B for approval of the amendments outlined in DOAM 2024-0002 as provided in the December 11, 2024 hearing item number 2, staff report.

[00:08:59] Thank you. Motion made and seconded. Is there any discussion on the motion? Hearing none, all in favor, please say aye. Aye. Any nays? That motion passes unanimously.

[00:09:16] Item number 3, also countywide. go ahead and make that motion. I move the Board of Supervisors approve motion 2B for the approval of the amendments outlined in DOAM 2024-003 as provided in the December 11, 2024 public hearing item 3, staff report. Thank you. Motion made and seconded. All in favor, please say aye. Aye. All opposed? Hearing none, that also passes unanimously. For item number four, I will go to the Broadrun supervisor sylvia glass thank you chair vice chair i move that the board of supervisors approve motion

[00:09:54] 2b for the approval of the special exception as provided in the december 11th 2024 public hearing item number four staff report motion made and seconded any discussion on the motion no discussion i'm just glad to have another business in the broad run district thank you um motion made and seconded any other discussion seeing none all in favor please say aye aye all opposed that motion will pass 603 with supervisors to crony letourneau and chair randall off the dais and i will correct

[00:10:34] the previous two with the same motion count with those three off of the dais and item number five is in the Sterling District. Supervisor Sainz? Madam Chair, the Board of Supervisors approve. There's been a change on this one. I've spoken to Dominion. Dominion would like to have the permit approved

and the specs, the minor special exception sent to the second meeting in January so that would be motion 1B.

[00:11:06] Packet not from? That's correct. Okay, hold on. Pull that up. Oh, sorry. It was already updated. That's what's on the motion sheet. Oh, motion 2B is on the motion sheet, yep, 2B. Okay, gotcha, okay.

[00:11:26] All right, I move that the Board of Supervisors approve motion 2B for the ratification of the commission permit and the approval of the zoning concept plan amendment and minor special exception as provided in the December 11, 2024, public hearing item number 5, staff report. Second. Point of order.

[00:11:43] Yes. Motion. Turn your mic on. Thank you. We'll hold for just a moment to make sure that we figure out if it's supposed to be 1B or 2b can we take a minute just yes i'll go to the next one then is the next one fine we so what we're having to sort out is which is it is item five or item six because item five was modified to say one so that's what we're sorting out i don't know apologies it's item six that's motion

[00:12:19] 1b item five should be motion 2b okay so that's what he said all right so that's what i said so five is good okay you want me to restate it or are we good through the chair do you need it restated the motion do you need it restated i believe the motion said to be correct it did yeah okay second from supervisor kirschner all right thank you okay motion made and seconded any discussion on the motion no ma'am seeing none all in favor please say aye aye all opposed and that motion

[00:12:52] will also pass 603 with supervisor letourneau to crony and chair randall off the dais and also from Sterling District item number six I move the Board of Supervisors approve motion 1b for the ratification of the commission permit and to for the special exception to a business meeting as provided in the December 11th 2024 public hearing items number six staff report motion made and seconded any discussion on the motion Supervisor Sains seeing no other lights on all in favor

[00:13:25] please say aye any opposed that motion will pass 702 with Supervisor Tacroni and Chair Randall off the dais. So that concludes our consolidated hearing agenda. Let's go ahead and go to item number one. We do have a couple speakers on item number one. Staff could come down. This is the

[00:13:53] 2025 legislative program. So colleagues, my plan for this is that we have the staff presentation.

[00:14:21] We do at least one round of questions. Hopefully one round will be enough. And then my thought is to go to the base motion from Supervisor Sains, who is the member here that's on the legislative committee, and then we can discuss if we have any amendments to that base motion. Hi. Do you have a presentation? Yes. Good evening, members of the board. So these are the pieces of legislation that the Board of Supervisors is seeking this 2025 legislative session. The first is related to

[00:14:58] noise disclosures on properties sold within noise contours around airports within the Commonwealth. The second is seeing legislation to allow staff to have right of entry on investigating erosion violations on properties that fall outside of the MS4. The next are the state funding priorities. The first is to fully fund the education report by JLARC that found the

[00:15:32] education system here in Virginia was underfunding the per pupil by about \$2,000 here in the Commonwealth. The second is to essentially seek funding from the state to essentially help localities out with standing at their own pharmacies, which was from an issue caused by the hospital's interpretation of the FDA regulations regarding track and trace of medication. And the last is essentially highlighting that the board is going from seeking capital funds on our crisis

[00:16:12] receiving center to operational dollars. And those are our overarching priorities for this upcoming legislative session. Okay. Would you like to talk about the supplemental item? Absolutely.

[00:16:31] So going into the supplemental item, you know, December 2023, J. Lark essentially passed a study resolution to study data centers here in the Commonwealth. That data center study by J. Lark concluded and was publicly reported on December 9th at the General Assembly Building here in Richmond and so I'm going to turn it over to Buddy Reiser to speak on some of those recommendations.

[00:17:00] Thank you. Good evening. Good evening. The JLARC came up with recommendations that are in your packet. The first one is Virginia Economic Development Partnership should clarify in site characterization and development guidelines that potential data center sites are eligible for grants under the Virginia Ready Sites program and staff supports that recommendation while Loudon has never been able to leverage the business ready sites we do think that it is a good program

[00:17:36] throughout the state and the staff is supportive of that proposal and the recommended policy statement is in in the packet I don't need to read that the general assembly number two general assembly may wish to consider amending the code of Virginia to clarify that electric utilities have the authority to delay, but not deny service to customers when the addition of customer load can not be supported by the transmission system or available generation capacity.

[00:18:09] Staff supports this recommendation. This is a current practice and is used by Dominion Energy. Dominion has indicated to the industry that, and to the county, that new data centers in the territory will not be energized for four to seven years, but we certainly think that they should clarify.

[00:18:29] Number three, the General Assembly may wish to consider amending to the Code of Virginia to expand the Accelerated Renewable Buyers Program, which allows large customers of utilities to claim credit for purchases of solar and wind energy to offset certain utility charges, to also allow customers to claim partial credit for purchases of capacity from battery energy storage systems based on the current PJM electric load carrying capacity rating. Staff supports this recommendation. Staff knows that the more common vernacular to the term solar and wind energy is renewables. Staff recommends the context of the recommendation

[00:19:06] to be inclusive of all renewable sources. Number four, the General Assembly may wish to consider amending to the Code of Virginia to require that utilities establish a demand response program for large data center customers to require that these customers participate in the program. Staff, we think the concept was considered a few years ago, but the pushback was overwhelmingly negative. The program does work in other places. In fact, in California, it is a last resort program there. Staff would prefer to create the program and ask users

[00:19:46] to voluntarily enter the program. Operations of many hyperscalers make it tough, but we do think that there are those that would support and be part of that operation. The number five recommendation, General Assembly may wish to consider amending the Code of Virginia to direct Dominion Energy to develop a plan for addressing the risk of generation and transmission infrastructure costs being stranded with existing customers and file a plan with the State Corporation Commission as part of its biannual rate review filing or a separate filing, and staff supports this recommendation.

[00:20:24] JLARC indicates the data centers are currently paying the full cost for service. However, the report shows that growing energy costs are likely to increase for other customers moving forward. JLARC

suggests that utilities help insulate non-data center customers by creating a separate data center class rate, adopting new cost allocation methods or adjusting rates more frequently.

[00:20:47] As the study states, the SEC is in the best position to do this, and Dominion Energy should consider a plan for this. Number six, the General Assembly may wish to consider amending the Code of Virginia to expressly authorize local government to, one, require proposed data center developments to submit water estimates, and two, consider water use when making rezoning and special use permit decisions related to data center development. Staff supports this recommendation.

[00:21:16] The report finds that data center water use is currently sustainable and the state ensures future sustainability through regulation. In 2023, 83 percent of data centers use the same amount of water or less than an average large office building. The study notes a lack of clarity among localities regarding their authority and recommends that the General Assembly, consider expressly authorizing localities to require proposed data centers submit water use estimates to consider whether data center projects could affect the ability to meet future residential demand or other economic development opportunities when approving projects.

[00:21:52] Staff is supportive of transparency for the industry with regard to water, but concerns that projects can be denied based on potential future development. Water verifies each application that water in Loudoun County that for water that is available for a project and should have the final say on the impact to the system.

[00:22:12] This recommendation is in alignment with the current data center standards and location CPAM and ZOAM project phase two and will support phase two land use policies and regulations. Number seven, the General Assembly may wish to consider amending the Code of Virginia to expressly authorize local governments to require sound modeling studies for data center development prior to project approval. Staff supports this recommendation. This recommendation aligns with the objectives of phase two of the data center standards and location CPAM and ZOAM project. Pre- and post-construction noise studies are already required for any new

[00:22:49] data centers under the updated Loudoun County zoning ordinance. Additionally, future land use policies and regulations addressing noise mitigation from data center operations directly respond to community concerns. Number eight, the General Assembly may wish to consider amending the Code of Virginia to expressly authorize local governments to establish and enforce maximum allowable sound levels for data center facilities, including using alternative low-frequency noise metrics and setting noise rules and enforcement mechanisms in their zone ordinances separate

[00:23:23] it from existing noise ordinances. Staff supports this recommendation. This recommendation aligns with the objectives of phase two of the data center standards and location CPAM and ZOAM project. Pre and post construction noise studies are already required for any new data centers under the updated zoning ordinance. Already, additionally, future land use policies and regulations addressing the noise mitigation from data centers respond directly to those concerns. And then the policy options. Number one, General Assembly could consider amending the

[00:23:59] Code of Virginia to require that as a condition of receiving the sales tax exemption, the data center's companies meet and certify to an energy management standard, such as the International Organization for Standardization's 5001 Energy Standard for Management. As the report recognizes, The industry already has a strong market incentive to be energy efficient.

[00:24:24] While energy efficiency is a focus, the proposal would have marginal impact on demand. Staff does not think this proposal is impactful, but the recommendation does align with the sustainability policies of the Loudoun County 2019 general plan.

[00:24:44] And there is a typo in the staff recommendation that was my typo. Apologies. It should read support legislation that encourages data center companies meet and certify to an energy management standard, such as the International Organization for Standardization 5001 standard for energy management.

[00:25:09] However, oppose legislation that places conditions for data centers to receive the sales and use tax exemption. Thank you. Number two, the General Assembly could consider amending the Code of Virginia to allow electric cooperatives to create for-profit subsidiary companies that could fulfill their legal obligation to provide energy services retail sales to customers with a low capacity over 90 megawatts.

[00:25:35] Staff supports that policy option. Number three, the General Assembly could consider amending the Code of Virginia to require that electric utilities establish caps on participation in retail choice that protects ratepayers from undue costs and that such caps be approved by the SEC through a formal case process.

[00:25:55] The county does not have the expertise in-house to determine the viability of the proposal to see if it's worth pursuing. It's staff understanding that large users in Virginia under certain circumstances have the opportunity to go to the retail market for renewable energy. This would restrict retail choice and require data centers to use more Dominion Energy Power.

[00:26:17] On the other hand, if more people use retail choice, J.Lark says it could result in fewer ratepayers carrying the load, potentially meaning higher rates. Number four, the General Assembly could consider amending the Code of Virginia to require that, as a condition of receiving the data center sales tax and use exemption, all new data center developments in Northern Virginia ozone non-attainment area use only Tier 4 generators, Tier 2 generators with selective catalytic reduction systems or generators with an equivalent lower emergency rates. Staff supports this policy option. Staff supports phasing in the

[00:26:56] environmentally sensitive equipment such as tier 4 generators, though we should be sensitive to the long lead times for the equipment now estimated between 3 and 5 years. Staff would note that JLARC indicates that while the data center backup generators emit pollutants, their use is minimal and existing regulation largely curb impacts. There are approximately 8,000 generators statewide and in FY23, the industry's actual emissions were only 7% of allowed permitted emissions.

[00:27:25] Federal and state regulations limit potential emissions from backup generators even in worst case scenarios. Air quality in Northern Virginia has improved during the same time the industry has grown due to reduction in car and other emissions. In rare cases, a prolonged large-scale outage could contribute to a temporary air quality issue, but air quality would return to normal after the event. DEQ recently launched a three-year monitoring study and has the authority to increase protections if and as needed. This recommendation advances the environmental goals, specifically the air quality. Staff is supportive of this,

[00:28:04] though we are opposed to addition of more restrictions to the sales and use tax exemption. Number five, the General Assembly could consider amending the Code of Virginia to require that as a condition of receiving the data center sales and use tax exemption, data center companies meet and

certify to an environmental standard such as the International Organization for Standardization's 14001 standard for management systems. Staff supports this policy option. The International Organization for Standardization standard provides a framework the organization can follow for

[00:28:41] for effective environmental management system. And EMS is meant to set goals and create a system that provides review, evaluation, and checkpoints to ensure that goals are achieved by the organization. It's unclear whether the standard is focused solely on operations, but if so, this policy option would minimally impact the land development process.

[00:29:02] There is no known impact to staff as data centers currently meet all the regulatory environments for plan and permit review. This recommendation advances the environmental goals for the 2019 plan. Staff, however, opposes legislation that places conditions for data centers to receive the sales and use tax exemption.

[00:29:21] Number six, the General Assembly could consider amending the Code of Virginia to require that as a condition of receiving the data center sales and use tax exemption. Data center companies conduct a phase one historic resource review of a proposed development site as well as a watershed analysis when proposed site is located within a certain distance of a registered historic site and reports the study findings to the appropriate locality prior to development.

[00:29:48] Staff supports this policy options. Much of this policy option is already required in many jurisdictions. There are phase one archaeology requirements for the site being developed, and staff is not aware of any regulatory requirements that would require a view shed analysis or resources studies when the proposed development is a certain distance from a registered site.

[00:30:08] There are approximately 94 sites in Loudoun County on the Virginia Historic Register. This could lead to additional requirements for locality review and could have resource impacts. This recommendation advances the historic, archeologic, and scenic resource policies of the 2019 General Plan.

[00:30:26] Staff opposes legislation that places conditions on the data centers to receive the sales and use tax exemption. Number seven, the General Assembly could consider amending the Code of Virginia to require that as a condition of receiving the data center sales and use tax exemption, the data center companies conduct a sound modeling study prior to the development of a proposed data center that is to be located within a certain distance of the residential development or area zone for residential development and provide the study findings to the appropriate locality.

[00:30:59] staff supports this policy option as a concept but opposes any condition on the sales and use tax exemption. The recommendation aligns with the objectives of the phase two of the data center standards and location CPAM and ZOAM project. Pre and post construction noise studies are already required for any new data centers under the updated zoning ordinance. Additionally future land use policies and regulations addressing noise mitigation from data center operations directly respond to community concerns. This could lead to additional requirements for locality review and have resource impacts. Staff oppose this legislation that places conditions on

[00:31:38] data centers to receive the sales and use tax exemption. Number eight, the General Assembly could consider amending the Code of Virginia to extend the expiration date for the sales and use tax exemption for data centers from 2035 to 2050. Staff supports this policy option. This policy option is

critical for the long-time retention of the industry. Staff considers the sales tax incentive as a direct benefit to data center clients, not necessarily just data center development. While the developers currently benefit through the attractive fiscal environment

[00:32:14] with the incentive that the incentive creates, the actual benefit is to the clients who fill the buildings with computer equipment and creates by far the largest portion of the tax base from this industry. The incentive remains critical for the retention of companies that populate the buildings. As companies refresh their computer equipment every three to five years, it's easy to deploy computers in areas that are more cost efficient. While there are strategic advantages, and being northern Virginia, those advantages have become less significant as technology and fiber networks become more robust by taking away the sales tax incentives there could be a risk that technology companies invest in areas other

[00:32:54] than the commonwealth. Number nine, General Assembly could allow the sales and use tax exemption for data centers to expire in 2035. Staff opposes this policy option. Server deployment decisions are already being made without the certainty of the sales tax incentive being extended Virginia risks investment lost. JLARC states in this report that there is a downside risk of contract with industry slowing or growing or contracting. If the industry contracts, it would reduce the need for additional generation and transmission infrastructure, but could result

[00:33:32] in higher rates for remaining taxpayers. And finally, number 10, the General Assembly could amend the Code of Virginia to extend a partial sales and use tax exemption for data centers from 2035 to 2050, staff opposes this policy option. With 33 states currently utilizing a similar incentive, a watered-down incentive would have the same impact as listed in number nine above. Thank you. Any other comments from staff? No? Okay. I will open it up to

[00:34:07] questions. Supervisor Turner? Actually, I don't have any questions. I have an amendment, Not this one. I have another amendment. Okay. Do you want to talk about it during the motion then? Okay.

[00:34:22] Supervisor Umstead. Thank you, Madam Chair. Buddy, there was, back in September, there was a meeting at the White House on data centers and their strategic value to the U.S. Recently, the White House has announced that the President is looking at taking emergency action to to enable data centers to go forward at a faster rate.

[00:34:56] What we are looking at tonight is going in the opposite direction of that. In general, I think staff has made some really good recommendations, especially in relation to trying to insulate normal customers from any rate increases and limiting those to the data center industry. But I am concerned that we are targeting one industry in less so in what

[00:35:32] staff is recommending, more so in a couple of motions that are on the dais tonight. So when we look at water use and the water use of over 80 percent of data centers is comparable to a large office building. How do you think we can justify saying that only data centers have to provide water estimates and being regulated in that way? Thank you, Ms. Umstead. First of all, I am aware

[00:36:09] of the article that came out this afternoon in Politico. I have not been able to read the entire article, but I do know that it is something that is being considered by the White House. I have no idea on what that looks like or what kind of action they plan on taking.

[00:36:25] As far as the other things, I think staff spent a lot of time yesterday going through all of the recommendations. You know, we didn't have a lot of time to go through everything. But generally, we

thought that the JLARC provided a very balanced report that, you know, does the things that we think are important to protect.

[00:36:49] the -- protect the citizens, protect the environment and those kinds of things, while also kind of making sure that there are those protections in place. We don't believe that most data centers will have trouble meeting the water restrictions.

[00:37:09] But I think that -- I think your point is good that we should consider this for all major water users. In this instance, the only one that staff really recognize because we don't have a lot of that high-end or big manufacturing that uses a lot of that water. But I think that staff tried to take a very balanced approach with the board's direction in mind, and these are the recommendations that we had. Thank you. Thank you, and I did mean to say thank you. I know that you guys have been head down in this since it came out on Monday,

[00:37:44] and so I really appreciate all the work that went into this. I know we all do. Supervisor Thank you, Vice Chair, and thank you, staff, for being here. Thank you, Buddy, for the update and for staff's recommendation. I agree with Supervisor Umstead. I generally am supportive of staff's position as I think you guys have given a lot of thought.

[00:38:02] I just had a couple of follow-up questions specifically as a recommendation for my -- did you say that this was considered or was that one of the other recommendations at some point and it was somewhat unpopular? And also, can you help me understand?

[00:38:20] what establishing a demand response program for large data customers would look like? Actually, can you pause his time for just a second? Can you define, not in his time, but can you define that, please? Because I think there's some confusion as to what demand response actually is.

[00:38:38] I don't think it's making them pay more as a rate payer. I think it's more about asking them to reduce their demand. That's correct. Demand response is a tool used by grid operators to reduce peak electricity usage during times of high grid demand, usually by temporarily scaling back non-critical operations within the data center or utilizing backup generation for critical load.

[00:39:01] The practice of dynamically adjusting the data center's power consumption based on signals from the electricity grid essentially reduces energy usage during peak demands to help stabilize the grid by responding to alerts from the utility company, often in exchange for financial incentives, allowing data centers to actively participate in managing the grid and stability by lowering their power draw when needed.

[00:39:27] - Okay, did that answer your question or does he still need to answer your question? - I think that's helpful. So you-- - You can start his time again. - Staff would support a voluntary program and not a mandatory one, is that what I understand? - Yes. - Yeah, and that makes more sense because obviously there's a lot of issues with the mandating of it.

[00:39:44] So the other question, I had two other questions What does -- do you know if there has been ever anything introduced at the legislative level to insulate non-data customer users from perhaps data center customer users' rates? Because obviously that's one of the ongoing concerns, and it would make a lot of sense if their major consumer separate those rates so as to protect the non-data center user in a jurisdiction like ours, which has a lot of data centers coming in.

[00:40:11] We're unsure of any legislation that pertains to that. We can certainly check. But what I will highlight is that JLARC staff highlighted within their presentation on Monday that the ratepayer system as well as the, you know, customer class, you know, maybe creating a separate customer class for data centers is so complicated that they would need to bring in experts to help them with that.

[00:40:43] And if that's what JLARC staff is highlighting in their presentation, then I'm inclined to believe that. But they're recommending it, no? No. What they simply highlighted is that the ratepayer system and maybe a separate customer class is so complicated that they need to bring in experts.

[00:41:01] I see. Okay. So that's -- the jury's still out on that, so to speak, whether or not that's really doable. Correct. Okay. The other thing I wanted to highlight and I wanted to make sure I understood is the staff or excuse me, I think it was policy option number four, specifically as to your discussion on emissions and the backup generators.

[00:41:24] Are you saying that our data centers in Loudoun County used only 7% of their total emissions allowed in 2023? Is that the statement that I understood was made? And if that is the case, and you also said they went down, is that true?

[00:41:40] And can you help explain why? That is a statewide number, not a Loudoun County. The report didn't list a Loudoun County number, but the average generators in Loudoun County run very, very few hours. So those are state rules or federal rules that allowable emissions?

[00:41:57] I'm assuming they're state rules. The EQ rules, yeah. Yeah, okay. Well, that's great. Thanks. Thank you. Supervisor Sainz. Thank you. Thank you, staff. Thank you, Buddy and Mr. Freeman for your guys' efforts on this and buddy, going through line by line the supplemental and the recommendations and everything.

[00:42:14] Appreciate that. I took that a lot of good reading from you. You definitely have a history on that. All right, Supervisor Kushner asked a question about demand response programs and he gave a good example. So in my mind when you gave that answer, that sounds like we kind of experienced that a few years ago when DEQ I think was the department that issued that from -- I'm going to paraphrase it here -- from this time to this time, from if I remember correctly, it was May or June to August or September timeframe, they had to power down

[00:42:49] and actually some of them had to use the -- their backup diesel generators. Is that -- is that -- is that accurate or -- It never came to that, and Supervisor Turner and I talked a lot during this period about this, it was floated as a potential option if it was necessary.

[00:43:09] It turned out not to be necessary, but I think that it was between the administration and the industry and DEQ and JPM, the grid operator, they did not message that very well.

[00:43:26] And so I think it was -- there was a lot of misunderstanding of what they were asking for. But I think that having a program in place in advance just in case -- I mean, in Virginia especially, Dominion, their number one job isn't serving new customers.

[00:43:44] It's reliability of the grid. And so they're trying to come up with ways that in the worst-case scenario, the data center operators could actually help the grid in times of need. Okay, but that's pretty much what the demand response program is what that scenario was kind of painting for us a few years ago.

[00:44:06] Okay, and another question, if the General Assembly chose policy option number 10 to extend the partial sales and use tax exemption for data centers from 2035 to 2050, what would be some of the conditional restrictions or regulations imposed, and how would this be enforced? Staff's position is that we are not recommending conditions to be put on the sales tax exemption, but the JLOC report did suggest areas that could be used in their report. Staff,

[00:44:42] after you know discussing amongst all of us given the importance of that revenue to the county and the potential downside of computers being deployed somewhere else. You know you get into a real slippery slope when you start using incentives as a stick as instead of as a carrot. So I think that staff looked at that and thought that there might be more local options to um to support these these

[00:45:15] concepts than trying to tie it to an already existing incentive that has been put in place to attract business okay all right thank you thank you supervisor turner thank you my vice chair um um mr riser what intrinsically market driven motivation can you imagine because i can't imagine one that would cause data centers to voluntarily participate in a demand response system.

[00:45:50] I can only go by the experience in places like California where most of them do participate and they get paid by the grid operator to contribute to the grid.

[00:46:05] So the grid operator, PJM, would be paying the data center operators for the energy they're supplying to the grid. That's a good answer. Sorry, I didn't have my mic on. So we did single out data centers when we incentivized data centers.

[00:46:26] So we did single out one industry to attract the industry. So I don't know that I have an issue with reviewing these things. I do believe that, and I watched the JLARC report come back, And they did say that rate payers are at risk for higher rates because of the infrastructure that's going to be required and the transmission that's going to be required.

[00:46:54] So I hope that we're supporting legislation that would basically require the data center industry to take on some more of that cost. Is that in this language, that we would support legislation that protects rate payers from paying for the infrastructure?

[00:47:13] So as Jay Lark stated on Monday, the ratepayer system is so complicated in creating a separate customer class, they need to bring in experts to look at that. Okay. Well, we wanted to ensure that we stuck to the recommendations and policy options that Jay Lark staff put forward.

[00:47:35] All right. I think that, and I'm of two minds with the incentives as well. um i i hope i know that we oppose um changes to the incentives wholesale but i do think that's the only leverage the state has i mean that's pretty much the only leverage the state has now do i want the incentives to go away for our existing data centers absolutely not i mean they plan to come here because of those incentives and i think it should continue

[00:48:07] And I'm also vehemently opposed to any regional sunsets of those incentives because that would target one part of the state. So when I read partial sunset, to me, that could be construed as to support Senator Rome's bill last year that would have taken Region 8 out of the incentive program.

[00:48:30] So do we specifically say in our, do we specifically not support regional sunset of the, of the incentives? We, the staff recommendation is to oppose any partial role acts.

[00:48:47] Okay. All right. The, the one thing I think JLARC did was they skirted the issue of electricity and power. they recommended or suggested that we might consider that this general assembly might consider local authority in land use cases when it comes to water and when it comes to sound but they also said water is not an issue and sound is you know the big issue is the power and the electricity so i will be having a friendly amendment that we ask the general assembly or that we support any

[00:49:21] legislation that would allow that local authority um okay any more questions wow i'm really surprised okay we're going to try this and it's going to get a little bit messy and uh because you know in in our defense and in staff's defense this big report came out on monday morning it's how many pages 156 how many 156 156 pages um staff spent a lot of time sorry go ahead public hearing oh yes thank you very much yeah i kept reminding myself while

[00:50:00] everyone else was asking questions we do have two speakers on this item before we go to the to the motion um first we have jem bingle followed by thomas donahue thank you i know it's been weird lately yeah um good evening vice chair briskman and board members i'm jem bingle speaking on the legislative agenda tonight as the chair and on behalf of the environmental commission

[00:50:36] We are aware that other environmental advisory bodies in our region make legislative recommendations to their elected officials. Recognizing the value of such recommendations, the Commission would like to offer input to strengthen Loudoun's agenda. Therefore, the Commission voted to provide recommendations for your consideration to add to your legislative agenda, which were sent to you yesterday via email, I'm sorry, for your review.

[00:51:02] Specifically, the Commission notes that the agenda lacks policy statements for environment and energy. Considering the need to protect our natural resources and increase energy efficiency in the face of climate challenges that Loudoun, the nation, and the world face, there was unanimous concurrence that it is an important category to include.

[00:51:22] There are a total of five topics under that heading relevant to recent bills and concerns discussed in the General Assembly in the recent past. Those are tree protection, management of invasive plants, protection of wildlife corridors, encouraging renewable distributed energy opportunities for all, and a requirement to quantitatively measure the energy efficiency of buildings.

[00:51:49] We have provided a short description of a rationale for supporting each of those measures. In addition, the Commission suggested two short additions to the transportation priorities section of the legislative agenda to include funding for multimodal improvements and more weighting for land use and environmental quality measures with smart-scale funding.

[00:52:11] The Commission voted on each of these topic areas individually. The votes were unanimous for tree protection, management of invasive plants, protection of wildlife corridors, and encouraging renewable distributed energy opportunities for all and the transportation additions. The last environment and energy policy topic, measuring energy efficiency of buildings, did not receive unanimous support from the Commission, but was supported on a vote of 12 yes and two no. Thank you for your consideration.

[00:52:43] Thank you, Ms. Bingle. Mr. Donahue. Tom Donahue from the Stockton District. PGM last week finalized its recommendation for a 765 kilovolt power line to be built by 2029 adjacent to the two 500 kilovolt lines we will already have in Northern Loudoun by 2027.

[00:53:06] This means another 200-foot-wide clear cut of the Appalachian Trail and the Sweet Run State Park, and this is another 200-foot-wide slice through the Between the Hills community and other Northern Loudoun communities, all to support Virginia data centers, and we will all pay for this regional transmission line.

[00:53:23] J. Lark's report this week says that building the needed power infrastructure will be very difficult and will depend on other states being willing to build power generation and transmission lines. The head of Dominion's data center practice in a recent industry webinar stated that Dominion has in hand 50,000 megawatts of load requests from data centers and has in hand contracts extending out to 2040, all to support Virginia data centers.

[00:53:53] As you finalize your legislative agenda, please consider how Virginia should be addressing the challenge of data center energy needs and how that can be done without trampling the communities that predate the data centers. We need legislation that will, for example, protect conservation land from transmission lines, ensure that power will be available before energy companies take on more large-scale contracts, as is done in Ohio, and ensure that transmission lines approved by Virginia's SEC make the best

[00:54:26] possible use of existing rights-of-way with the best possible technology in the same way already required under federal regulation. Finally, the JLARC report made no meaningful recommendations to address the energy infrastructure problem. Virginia needs a strategy that includes how much, what kind, and where we should build energy infrastructure. Right now, nobody's responsible, and nobody wants to talk about where to put this stuff. And yet, Virginia counties continue approving more and more data centers without consideration of the impact of the needed energy infrastructure on surrounding communities we need to get behind our

[00:55:06] state representatives and tackle these issues and we need to factor these issues into decisions such as the ones you are considering later tonight and your future CPAM amendments thank you thank you do we have anybody on the WebEx no we have no one online okay all right thank you supervisor Sains are you gonna do both motions I was planning on doing 2a then going to 2B because we have to suspend the rules. Okay. Okay. I move that the Board of Supervisors suspend the rules. Second. Motion. No discussion on that

[00:55:45] motion. Motion made and seconded. All in favor please say aye. Aye. All opposed. Okay thank you. The motion passes 7-0-2 and I am just being reminded that I need to close the public hearing uh for the legislative agenda okay go ahead supervisor sainz thank you my vice chair i move that board of supervisors adopt the staff recommended policy statements as found in the december 11 2024 border supervisors public hearing supplemental staff report and amend

[00:56:24] the 2025 legislative program i further move that the board of supervisors adopt the program as amended. Second. Motion is made and seconded. Do you have an opening, Supervisor Saint? Yes, ma'am. I feel this is a good report. Well, the JLARC is a good report, and I appreciate all the efforts from county staff to the Commonwealth staff and everybody, all the, you know, SMEs that helped put the JLARC study together and brought it to fruition. I expect this study will be used productively as it is a good for awareness for all other localities across

[00:57:02] the Commonwealth of what the benefits and challenges with dealing with the data center industry brings. For Loudoun County, I feel we're almost five, in my personal opinion, we're almost five to ten years past the results of the JLARC study. The study analysis is a great for those areas in the

Commonwealth that are just starting to get interested and starting to do a data center here and a data center there and work with the industry, but we are again we're past the study in my in my humble opinion and we're we've already done well

[00:57:40] specifically the JLARC recommended land use policy changes such as data centers be considered industrial use, that they should not be located near homes, how important it is to implement noise studies. Loudon is about five years ahead of these suggestions. We've already had made changes to our zoning ordinance and working on our general plan amendments as well. Unfortunately the JLARC did not have the subject matter experts to present opinion on data center rate payer systems as we kind of heard from our staff a few minutes ago and that's very important currently to what's happening in our county. I look forward to working with the legislative team following the upcoming bills that will

[00:58:18] come to the General Assembly and see the outcome. So again I'm supporting the the staff recommendations tonight from the JLARC study their recommendations because I feel, again, as I stated, these are good recommendations that staff has looked into, thought out, even though, yes, in very short order from Monday morning until now.

[00:58:36] And we know for a fact there's going to be a lot of bills that are going to be dropped in the General Assembly, and we will need time, energy, and effort to review all those bills, advocate, depending on the bills, and I feel that's the strategy we should take is, you know, obviously we have some good legislative language in our package, in our program, and continue to advocate for those, but wait for certain bills. We can continue to work with our General Assembly partners, as we will be doing, for bills that are going to be coming left and right from all over the Commonwealth regarding data centers, and work with them once these bills are dropped, and advocate accordingly. So, thank you.

[00:59:16] Thank you, Supervisor Sainz. Supervisor Umstead. Thank you, Madam Chair. I support supervisor Sainz's statements I think I'm comfortable with the staff recommendation because staff put a lot of effort into it and there's a fair amount of expertise at the table with staff I'm not comfortable with some of the other motions that may be presented tonight that came in very late this

[00:59:50] afternoon and I I don't know whether they have been as vetted as what staff did so I will support Supervisor Sane's motion. Thank You Supervisor Umstead.

[01:00:07] Supervisor Letourneau. Thank you Vice Chair. First I would like to divide the 2B motion between adopting the staff recommended policy statements found in the December 11th public hearing supplemental staff report the first paragraph and then the second which is further moving that the board adopt the program as amended okay so there's no discussion on that why don't we um take the first part yeah first we'll do this which is what we've

[01:00:41] all been kind of the supplemental anyway yeah um so I would agree with with my colleagues um with the caveat that um this is all a lot of material happening quickly and frankly we we aren't the final arbiters here as is always the case with the legislative program um and so i do anticipate there's going to be some iterative discussion with members of the general assembly with industry with not industry citizens everybody as we head into this session and it becomes a little bit

[01:01:18] more clear what what direction members of the general assembly are going to go with elements of the jlark study and i think that we are very uniquely positioned and loud and because as supervisor saints said we're you know we're this isn't theoretical for us we're we're far more advanced than

most of the commonwealth on this you know i was talking to somebody about the jlrk study who was sort of maybe less than impressed with that and i said you got to remember like

[01:01:48] You got 140 members of the General Assembly, of whom only the ones that are really in Northern Virginia, and not even all of Northern Virginia, really experts in Northern Virginia, have experience with data centers.

[01:02:03] This is a relatively new topic from a policy standpoint for a lot of the General Assembly. So that was the audience that they were writing for. It wasn't necessarily those that are knee-deep in some of these issues. So with that in mind, there may be some changes, there may be some tweaks, there may be some additional expertise that our staff has as we go along.

[01:02:26] And so I don't necessarily view this as like the final chapter on what happens. We don't know what bills are going to get introduced and all that, but it's a good foundation moving forward. We have to, you know, look, I understand there's lots of things about the power side that we're concerned about, lots of things about the transmission side I'm concerned about.

[01:02:43] We have other elements of the legislative agenda that are addressing some of those. But we also had to be protective of the revenue source because the reality is, you know, it is a major, major revenue source for us. And in particular, the sales and use exemption is something that is driving that.

[01:03:00] And so, you know, the amount of disruption to our entire government would be enormous should something dramatic happen in this industry at this point, whether we like it or not. That's just a fact. So we do have to have balance when we look at this. And I think there was balance in the study, and there's balance in the recommendations.

[01:03:18] So I appreciate that. Thank you. Thank you. Supervisor Glass. Thank you, Vice Chair. I just want to thank staff for a great job that you have done and brought it down to a level where we can understand what's going on with this study.

[01:03:38] And I do appreciate Supervisor Sainz, and I will be supporting the motion. And I would have to agree with Supervisor Letourneau when he discussed regarding this is a large part of our revenue, and I want us to make sure that we are doing the right thing, because that would have real effects to our economy locally.

[01:04:08] Thank you. Absolutely. Thank you. Supervisor Kirshner. Thank you, Vice Chair. And yes, I'm not going to speak too long. At least I'm going to try not to. That's the famous last words for a lawyer. First of all, I want to thank Mr. Donahue for coming speaking. I had a lot of real good things to say. I appreciate some of his observations, a lot of his studies.

[01:04:25] I agree that there needs to be a more robust power plan for the state, honestly, and where we're going to put some of these power sources and what they're going to be and what they're going to look like. I think that's going to solve a lot of these issues. Obviously, we continue to remain vigilant and watchful where these power lines will come to, obviously, meet the demand of the data center.

[01:04:48] And I think that's something, obviously, has been a big issue for Western Loudoun County throughout the last year. And we solved that problem, and there will be oncoming issues, and we're going to remain vigilant and make sure that everything we can do on this board, they go where they are. That

doesn't mean we, I think, approach this whole process by saying, well, because the data center just isn't going away.

[01:05:05] We've got a good 10-year build-out at a minimum. And so I think we do have to approach this through a holistic approach, what's the best approach, rather than kind of taking this, what I feel like sometimes we're on this board, we're taking kind of an axe approach, trying to cut here, cut there. What I would also like to say is I want to thank staff.

[01:05:25] I really thought your recommendations as a whole were well thought out. I don't really, I can't say that I disagree with any of them. It's interesting to me that when you have a power meter that reads how much power you use and why you can't differentiate that from other users, that's kind of shocking to me that that's the case.

[01:05:47] I mean, maybe it's far more complicated than that, but it would seem to me that we could figure out a way to come up with a rate for different users, but I think that's something that we need to continue to push because that is obviously a big concern. And I also want to agree with Supervisor Letourneau. I mean, why we take this very, I think, broad approach to our data center industry is because we don't want to upset, in some ways, the tax base we have.

[01:06:12] I mean, if you look at our tax rate compared to Fairfax tax rate, the only difference is data centers at the end of the day. And if you can imagine as a tax, because it not only could upset how we're handling things here and the projects that we have here at the county, It's going to affect every single taxpayer in a dramatic way if we effect or kind of turn this data center industry upside down and they start moving.

[01:06:36] And one of the things that intrigued me in what was said by staff in this report is the infrastructure for fiber and whatnot is broadening out significantly throughout this country. And, you know, obviously then they will have more options to move elsewhere than Latin County. So that's something we need to keep in mind.

[01:06:51] So I appreciate everything that you've done. I support the motion as read and divided. obviously for other reasons i don't support everything in our legislative packet so i'll be voting against no against the second aspect but i think i don't know why we couldn't just say we add to amend the current legislative program and then we don't have to have the second aspect of that but maybe we have to re-adopt it every time we have an amendment but just the thought process yeah no we didn't yeah we haven't adopted it yet that's why he had to

[01:07:21] suspend the rules. Yes. Supervisor Turner. Thank you, Madam Vice Chair. My sincere apologies to all my colleagues and to staff. The supplemental came out, I think, around two o'clock, and my staff and I have been working feverishly all afternoon to try and craft what I think are needed amendments to the to the recommendation I want to so I have an amendment I can speak in the amendment if you'd like I have six amendments actually and so how you want to handle it I don't know if you're gonna be able to do them all but you can

[01:08:01] ask the maker of the motion if they would accept a friendly they're not going to be friendlies you can ask them no I would not submit something as friendly because some of them go against what staff is recommending recommending Okay. So, yeah. Okay, so then you have to make an alternative motion one at a time.

[01:08:23] I will do that. The first one is I move to amend the staff recommendation for item number eight to delete the last sentence, which deals with state-established grandfathering rules, and I can't find it. Is it one of the ones on your blue sheet? It's a supplemental. It's number eight the staff's recommendation it's not on the blue sheet this is the staff's recommendation for

[01:08:56] number eight on the blue sheet that deals with grandfathering i don't know why i can't find it suddenly yes here it is five bullet two last sentence yeah last sentence furthermore support legislation that grandfathers in existing projects for noise so it establishes it allows uh uh local uh jurisdictions to establish hang on can you say the motion the motion is i move we delete the last sentence in item number eight the staff recommended policy statement in item

[01:09:36] number eight do we have a second that motion will die for a second do you want to do another alternative motion yep I move that the Board of Supervisors approve a motion to support legislation in the powers local just your jurisdiction to play or deny land applications exceeding a certain electricity consumption threshold if the local utility has delayed the provision of electrical power to that applicant due to a constrained local power grid or major load violation as documented by the Regional Grid

[01:10:10] Authority or a local power utility. Do we have a second? I'll second that for discussion. Thank you Madam Chair. One of the things that I completely agree with the staff's consensus and with Supervisor Letourneau's consensus, I think the J. Lark study is a good study. I think the findings were excellent findings. If there's a limitation, and I appreciated the fact that JLARC basically started the study by saying, in more words, but essentially saying we can't build our way to meet the

[01:10:49] demand on data center power demand in the Commonwealth. We're just not going to be able to generate the kind of generation, and it's going to be very difficult to create that kind of generation. But the theme that I'm not upset with, but which concerns me about the JLARC study is, exactly to supervise LeTourneau's points, it is a study that is intended to provide the state with tools to manage and regulate the existing data center industry in the Commonwealth of Virginia, writ large, as an average managerial tool. Loudoun County is not like any part

[01:11:26] of the rest of the Commonwealth. It is completely and utterly unique. As an example, and the reason I bring this up is we have load constraints and violations in Loudoun County. We are expected to have those violations until 2028. Does it really make sense to have no local authority to look at a data center, perhaps 500 megawatts of data center? We have a one gigawatt application currently coming to us. A 500 megawatt data center to not have the ability as a local jurisdiction

[01:12:00] to say time out we do not want to add 500 megawatts to our local grid when we have demonstrated documented violations on our regional grid all this does is give the local jurisdiction authority to say to look at each one of these applications in the context of a constrained grid that's documented constrained by both dominion and pjw that's the purpose of this amendment to give us local authority any other discussion supervisor letourneau yeah i wondered if if staff had an

[01:12:33] opinion or had reviewed the motion um so you know the approach that staff took to creating the supplemental and recommendations on each of jlark's recommendations is essentially following their recommendations and policy options as a roadmap for this upcoming general assembly jlark does an audit on themselves every couple of years to look at how many of the recommendations that the General Assembly adopts.

[01:13:09] This last report that they did a couple of years ago showed that the General Assembly adopts nearly 70 percent. So I don't want to cut you out, but I only have two minutes. I'm asking specifically about Supervisor Turner's motion, which is to essentially give local jurisdictions the ability to delay or deny land use applications based on electricity availability? We would like to follow JLARC's recommendation to leave that with the utility to delay but not deny applications. All right. Mr. Krobe, and so this was considered, and

[01:13:44] what was the reasoning for not wanting this authority? So as Supervisor Turner and most Most of you have mentioned that all of these issues are moving at lightning speed. And unlike most board business meetings, we did not have the opportunity to collaborate with Supervisor Turner to work with him to review the language that he's proposed.

[01:14:11] Essentially what we're saying is that staff's recommendation would be to be more closely aligned with the staff recommendation that's included in the supplement. The key issue is where JLARC suggests clarify the authority to delay but not deny because there is currently state code that compels the utility to provide service.

[01:14:40] So likewise this board has discussed repeatedly and I think the county attorney's office has provided written a written brief on the reasons why the board does not have authority to deny an application on the basis of of electrical power and infrastructure okay um so that would it would need to address that section of code then you know which the board could ask for but i don't know if this motion is specifically going that far but all right i i didn't see and it's just a

[01:15:15] product of the time i didn't see these motions until i showed up honestly i was on my way here so i don't know that i can even really kind of parse through this in real time like this so i don't know that i'm going to support this tonight but i guess as i said there'll be more discussion thank you supervisor umstead uh thank you madam chair so um i have a lot of respect for my colleague, Mr. Turner, but I'm afraid that if we try to reach too far, we're going to get our

[01:15:50] hands slapped by the federal government. It happened back in 1996 with the Telecommunications Act when local jurisdictions were saying no to cell towers. And I think it could happen with data centers. I'm going to read briefly from Politico Pro. Today, President Joe Biden's administration is considering executive action to fast track the construction of data centers key to artificial intelligence with potentially much looser environmental constraints.

[01:16:21] The exact nature of the action is still under discussion. The White House was discussing using the Defense Production Act, which gives the president broad emergency powers to achieve its goal. If this president is willing to use broad emergency powers, I imagine the incoming president will be even more willing to do that. I don't think the county benefits from having the federal government come in and say, we're taking all your authority away from you because you have

[01:16:57] stepped over the line. I'm afraid what Supervisor Turner is proposing, with very restrictive language, denial require, all aspects require. I am afraid that goes too far into an area that the White House has already deemed a national security issue. And I think we need to be cautious and moderate in how we handle this. It's why I'm going to support the staff recommendation

[01:17:31] because I think that is a balanced approach. Thanks. Supervisor Sainz. Thank you, Vice Chair. First, I'll just say to Supervisor Turner, I respect you a whole lot and you definitely have dived into this and

came up with your motions. But to this one here that we have in front of us, I think Vice Chair Brissman's motion actually is getting to the heart of what you're trying to do, and I think it has a little bit more, how can I say, teeth to it.

[01:18:07] So I would actually, I can't support your motion, but I'll wait until Vice Chair Brissman brings her motion and can support that, but I think that Vice Chair Brissman's motion is getting exactly to what you're looking to do. It goes to kind of what Mr. Corberth was talking about, how we're always getting direction from Mr. Rogers that we can't look at certain aspects of a data center application regarding power, but I think, again, Vice Chair of Brisbane's motion takes care of that and is asking for the authority to correct that. Thank you. Would you like a closing? Yes, please. Thank you. In fact, I can make this a lot less painful for everybody. I totally acknowledge these motions. They're not

[01:18:46] in legal form. I submitted them to staff at 4.58 this afternoon, and I really had no option. We worked from the time we initially received the supplemental on and there was just no option to do that. I don't blame my colleagues for not seconding or not supporting these motions since they're not in legal form and you really haven't had time to look at them. Let me close with just a broad statement here. The JLARC study acknowledged on the front end that they have serious power issues supplying power to the data centers with really no end in sight. It took part

[01:19:19] of one page of 156 page document to even talk about on-site power. I've been to at least a dozen national data center panels, discussions, forums in the last six months, and I'm telling you the entire world in the data center community is talking about on-site power. The JLARC study mentions that there is one islanded on-site power data center in Virginia. That's in Loudoun County, and we have two more applications for on-site autonomous power.

[01:19:53] These issues are coming to Loudoun County, to a theater near you, tomorrow, not next week, not next month, not next year, right away. We are dealing with on-site power issues right now, and we have no state code authority writ large to deal with the kinds of unknown on-site power issues that are coming up.

[01:20:14] So what I'm trying to do here is, for example, they said the Tier 2 generators are not a big deal. They're a big deal in Loudoun County. We have 4,000 Tier 2 generators. I remember distinctly, I'm pretty sure it was Ms. Bingle sat at that podium and said COG had said Loudoun County in particular has the worst air quality of Northern Virginia.

[01:20:36] Now, I may be misremembering that, and certainly Dulles Airport is here, so I'm sure that contributes. But we have 4,000 Tier 2 generators. I would submit that it's pretty critical for Loudon to get to Tier 4 generation emission standards. We have noise ordinances. The one islanded microgrid data center in this county is operating 24/7, 365 at 65 decibels at the property line.

[01:21:01] I went out, I walked the property line, it's right at 65 decibels. That complies with our zoning ordinance. But that is a lot of noise. And there's a townhouse community right across the street. And it's 65 decibels, 24-7, 365. The JLARC study was great as far as it went.

[01:21:25] It just, as I told them when I met with them some months ago, Loudoun County is unique. Great. We've taken a great first step with the JLARC study. What I'm trying to do is get into our legislative program, empowerment to the local jurisdiction, so we can begin to address the problems, uniquely Loudon problems that are facing us.

[01:21:41] And with that, I withdraw all my other motions. Oh, okay. Thank you. So are you withdrawing this motion that we were just speaking? I'll withdraw this motion. Okay, all right. So then we are back to the original motion, just on the supplemental item.

[01:21:57] Is there anyone else who hasn't spoken on that motion besides moi? No? Okay. So I will speak on that first motion. I agree that Loudon is five or ten years ahead. I agree that we have done a lot of work, and many of us have been asked by our counterparts across the state for advice on how to manage this industry in their jurisdictions.

[01:22:25] We are further down the road. When I hear it's too complicated, several things come to mind. It's too complicated to protect the rate payers. I don't believe that.

[01:22:41] We can do hard things. And when I hear too complicated, I hear lazy or we're trying to protect something or that we just don't want to upset the apple cart. So the idea that Dominion cannot protect regular residents and regular rate payers from having to pay for this infrastructure is just beyond me.

[01:23:09] And so I hope somebody in the General Assembly brings a bill that encourages them to figure it out. Because I don't want to hear it's too complicated. When they showed the charts during the JLARC presentation, they indicated that regular rate payers could be paying between \$13 and I think \$37 a month to pay for the infrastructure that Dominion will need to be powering the data centers that are coming to this state.

[01:23:40] So I'm going to be watching that very, very closely. That is just infuriating to me that they are refusing, basically, or saying it's too complicated to protect our rate payers. That's appalling. And with that, I will actually ask if you would, would you accept this motion as a friendly amendment?

[01:23:59] Yes, Vice Chair Brisbane. Okay. All right. Do I need to read this friendly into the record probably? Yes, you do. Okay. So the friendly amendment is that the Board of Supervisors add the following policy statement to the legislative program.

[01:24:16] And it reads, quote, support legislation that gives localities the authority to, one, require proposed data center developments to submit power use estimates, and two, consider power use when making rezoning and special use permit decisions related to data center development.

[01:24:33] I'm making this friendly amendment because, as I said earlier, J. Lark abdicated, I think, some of their responsibility. Thank you. You didn't need to second. Do you accept that friendly? I'm sorry. No, ma'am. You don't accept that friendly. Okay. Okay, so I will pause that and I will make this as a separate motion.

[01:24:54] I move that the Board of Supervisors add the following policy statement to the legislative program. Support legislation that gives localities the authority to, one, require proposed data center developments to submit power use estimates, and, two, consider power use when making rezoning and special use permit decisions related to data center development.

[01:25:13] Second. Thank you. So this language, fortunately, I was able to get staff to vet this language right before the meeting. Thank you very much for helping out with that. What this does is it mirrors the language that the JLARC study put in about giving local authority for asking for water use estimates, asking for sound and noise studies, but for some reason, they didn't touch electricity.

[01:25:41] And as I was saying a second ago, I think that's abdicating something that they should have been studying. That's the elephant in the room. The power and electricity is the elephant in the room. And when we go down to Richmond, we have been asking our senators and delegates over and over again, please, can we have local authority to consider the power supply when we are looking at specs and rezonings for data center?

[01:26:09] Because Virginia code requires Dominion to power anything that's built, we're not allowed to look at that. And that has created frustration for us because we know we could be approving data centers that don't have power. And they have admitted that they can't power some of our data centers for four to seven years.

[01:26:28] But still, we're really not allowed to ask that question. And that is, I think, one of the biggest concerns in our community with the industry. It's the power lines and the view sheds and the power lines and the idea that they have to build more and more power lines.

[01:26:48] They can't afford underground power lines. That's what the community, I believe, is getting most upset about. So for JLARC not to recommend allowing local authority to consider power as well as water and sound is appalling to me.

[01:27:03] So I appreciate the second on this, and I would really appreciate that my colleagues support this. this language mirrors the exact language that staff put in that is putting into our legislative agenda when it comes to sound and when it comes to water. Thank you. Any other discussion on the motion? Supervisor Umstead. I'm sorry, go ahead. Thank you, Madam Chair. Ms. Umstead and Mr. Krobath had a comment. Thank you, Madam Vice Chair. I'd just like to offer some commentary in regards to your concerns about the complicated aspect.

[01:27:35] So to try to defend JLARC in some way, I believe the context of the report as well as their presentation comments were that within the resources that JLARC had available to them in this study, they did not have the subject matter experts available to evaluate this complicated model.

[01:28:00] There is, however, resources within the state government that does this on a regular basis and reviews tariffs from Dominion and other utilities, and that being the State Corporation Commission. So Dominion, I think every two years or every few years, submits a new tariff structure that gets reviewed by individuals at the State Corporation Commission, but essentially JLARC did not have those resources and that expertise available for them to dive in to make recommendations in that regard.

[01:28:38] Now, I will also add, not to belabor the program, but the State Corporation Commission has assembled a panel discussion that will take place next Monday, and there are about two dozen individuals across the Commonwealth who have been invited to come and offer comments to the SCC on the topic of the electric infrastructure and the passing of those costs onto the rate payers.

[01:29:09] And I have been invited to be one of those panelists. And I will tell you that basically the three topics that I will emphasize in my presentation, number one is to urge the SCC to undertake an analysis of the rate structure to ensure that data centers are paying their fair share.

[01:29:33] Honestly, we interpret the BMI from Supervisor Letourneau in September that it follows that construct to basically staff develop a strategy to pass on the charges to the large hyperscale users.

[01:29:49] So that's bullet point number one. Bullet point number two that I'll be mentioning is asking the SEC to basically impose or put in place protective measures that will protect the rate payers from rapid rises in energy cost.

[01:30:07] So it's basically a supply and demand issue. As supply of electrical energy across the country becomes more and more scarce, and yet the demand in Virginia becomes higher and higher, the per unit cost of energy is going to go up, and that will also impact the average rate payer.

[01:30:27] So we're asking the SCC to put a strategy together that kind of offsets that. And JLARC study did mention that as well. And the last bullet that I'll talk about is addressing the aesthetic and environmental concerns about infrastructure expansion, the things that the board has talked about repeatedly urging the SCC to require utilities to prioritize undergrounding or alternative solutions that minimize visual and environmental impacts. So we will be conveying that information to the State Corporation Commission, which has, it's within their realm of authority to deal with those issues

[01:31:04] and not necessarily JLARC. Thank you. Supervisor Umstead. Thank you, ma'am. My concern with this amendment is very similar to my concern with the previous amendments. Power is a national issue, which is why the federal government basically preempts a lot of state and local action. Rate paying, as Joe just pointed out, is a state function. But for us to jump into

[01:31:40] the federal pond, I think, just invites, as I said before, the federal government slapping our hands. It's not just in Virginia where there is going to be more power demand.

[01:31:56] Microsoft's big AI data center that proposes to resuscitate Three Mile Island and use nuclear power, that's in Pennsylvania. So it's going to be in Ohio. It's going to be in Texas. And any power production shortages are going to be nationwide, and the impact on ratepayers' costs will be nationwide.

[01:32:17] That's why I think it's more appropriate for the federal government to address this issue. But I just, I can't support trying to preempt a federal obligation. Thank you. Thank you. Supervisor Turner.

[01:32:34] Oh, thank you, Madam Vice Chair. I have a point of clarification if I can ask the county attorney through the chair. Is that right? Madam Vice Chair. Oh, yes. Thank you. When we say, consider power use when making, sorry, I didn't bring my reading glasses tonight, rezoning and special use permit decisions related to data center development, that implies approval and denial authority if we are considering power in an application.

[01:33:04] Am I interpreting that correct, that we are presuming then the right to approve or deny based on power? That is correct. That's accurate. Okay. Great. I have nothing further. I like it. Okay. Thank you. Supervisor Letourneau. Thank you. Well, first of all, just commentary-wise, I think we need to be a little bit careful who we're signing blame to because this power is so heavily regulated that the decisions are not entirely within the utilities in terms of even who to charge, nor even, as we've recently discovered in Loudoun, on things like where to build power lines.

[01:33:40] Ultimately, the regulatory authority, the SEC, has these rules and regulations in place. So some of the concerns we have are more with the structure, with them, than they are the individual utilities and the system that they have to work within.

[01:33:57] Anyway, so, okay, this motion. Staff. Well, vetted doesn't mean support. So that's why I'm asking the question. I was sort of led to believe staff supports the motion.

[01:34:13] So... Staff does not object to the motion because the motion starts out support legislation that gives localities authority. So what we interpret that to mean is that should a delegate, should a senator propose legislation, what I also interpret from the proposal is that it's not a specific initiative that the board is asking, seeking out, trying to find a delegate or senator to sponsor, but if someone else does, that we would support it.

[01:34:52] That's how our -- Well, is it a good idea or not is really what I'm getting at. That would imply it is a good idea if we're willing to support it if somebody else has a -- again, I hadn't seen this motion before I walked in, so I'm sort of trying to get the lay of the land a little bit. Supervisor Upstead's concern was really more about strategy than it was about -- I mean, she i don't know but i don't want to characterize but it was more that this is going to be an overstep that will kick up attention well one of the biggest issues first i highlight time constraint this is a short session it's a very complicated idea and it does not follow under the jlrk

[01:35:30] recommendations the jlrk report is what the general assembly will use as a road map this upcoming session now there will be bills that are introduced outside of what the recommendations in the jlrk report highlight but what the general assembly will continuously say this session is what does the jlrk report recommend so we want it to stay within the jlrk report which this doesn't what the jlrk report recommends that this potentially and i'll lean on

[01:36:07] the county attorney a little bit here conflicts with is policy recommendation on leaving the decision with the utility to delay but not deny if i could speak to that it this isn't the provision of power this isn't the generation of power this is the use of the decision of power in a land use decision it gives localities greater authority i can't speak to the question of whether or not this is overstepping for state or federal reasons but in general the board supports giving greater local

[01:36:45] authority the general assembly providing greater local authority thank you supervisor kirschner so i agree with a lot of what's been set up here by uh supervisor umstead and some of the questions that supervisor letourneau asked i mean i guess the it seems like staff is very walking this a very tight rope here number one so i'm a little concerned about that um two i'm not sure if i as a board want to get into becoming the god of, for lack of a better term, land use decisions

[01:37:22] based upon energy. I think the only reason we're delving into this right now is because we're concerned about where power lines are going to go. And the truth of the matter is, everything that's going to be built is not going to change where power lines are going to go or not. I think we should focus our energy, quite frankly, on where they are going to go and where they're going to come. So this is kind of a waste of effort, in my personal opinion, because this is all about power lines this is not about power if we had the ability to just stop data centers and so therefore no power lines were coming in they're just going to go somewhere else so it's not really about the power grid itself because they are going to go someplace else and if we think we're going if we

[01:38:02] think to ourselves oh we're going to help the the the drain on the power grid that's going right now which is really beyond our control quite frankly then we're fooling ourselves so i i i get what what we're thinking but i think we we're kind of being short-sighted here a little bit on this and And to make zoning decisions on more buildings, I mean, setbacks, sounds, the use of water from a county perspective, that all makes sense.

[01:38:29] But telling someone who's going to develop something that we basically either, you know, they want to rezone, they want, oh, you can't do it because you're going to use up too much power, that's really beyond our purview. That is not our, we can't control that power. That is something the Dominion and the state, and quite frankly, the feds have to fix.

[01:38:48] So I don't think we are making one single dent by authorizing this. So I'm not supportive of it for all the reasons just previously mentioned. Thank you, Supervisor Kirshner. Supervisor Sainz. Thank you, Vice Chair Brisksman.

[01:39:03] And if I can go through you to the county attorney. Yes. Mr. Rogers, if you can restate from Mr. Turner's questioning to you earlier regarding this application, where the second part where it says consider power use when making rezoning special use permit decisions related to data center development because over there's been a few times you've stated legally oh we have to stay within the boundaries of this and that so just short answer this will kind of fix that direction from you if this was to come to pass. That's right this would

[01:39:37] give state authority the state would give local authority through the code to do it. I think the issue here is it's the use of power at the site or the transmission of power into the locality. And I think this legislation, or if legislation is proposed, it would address that question.

[01:39:56] Thank you. I like that. Some of us up here do like having local authority. So that gives us that and kind of answers that question sometimes when we get that direction from Mr. Rogers on certain applications. And then to restate what Mr. Korberth said, that this is not giving them direction or stating here here's a bill go fight for this bill this is if somebody proposes something very similar to the language then they will do what they need to do and advocate accordingly down the general assembly so if nobody drops anything of similar verbiage then there's no no work to be done down at

[01:40:34] the general assembly so I think I'm comfortable with that too because again as mr. Freeman stated a little bit ago this is gonna be a very short session again yes we know a lot of bills are going to be dropped within the jlar findings and as you mentioned there will be a lot of bills i believe so in my in my opinion there's going to be a lot of bills that are going to be outside uh the the scope of the jlar as well but again this gives staff authority if something comes that's very similar in wording then they will do what they need to do and come back and report accordingly so i'm fine with that and can support uh vice Chair Brickman's motion. Thank you. Thank you. Supervisor Glass. Thank you, Vice

[01:41:11] Chair Brickman. Actually, I think the answer that was given to Supervisor Sainz sort of answered my question. I'm just, you know, just hearing what my colleagues have been saying. I've been concerned that, you know, if it's something that, that's not in the JLOC study, and are they really going to actually look at it

[01:41:45] because it's not part of what they, they have mentioned in it, if they're going to actually take a look at it, and if we're just, you know, if I'm voting for it, this is not something that they're really going to look into. I don't know. Is that a question for me? Yes, I guess. So, so the, The the idea behind this is if someone someone were to bring a bill It would not necessarily be a bill guided by the Jay Lark study

[01:42:22] But it's something we've been talking about for a while. So it gives us the authority to support such bill for local authority Okay, thank you. Okay Chair Randall would you like to comment on this motion hi everybody?

[01:42:40] on the way back from from from D.C., from the Cog Annual Meeting, we've been watching the meeting and watching all the things that are going on. It's so interesting to listen to the meeting, like, kind of the way it's fascinating. And the staff and everybody up here does such a great job.

[01:42:59] I feel very confident that I'm going to support this motion put forth by Supervisor Brixman. The idea that the federal government is not already aware of Loudoun County when we have almost 70% of the world's internet traffic traveling through our county is ludicrous. They're already looking at us.

[01:43:15] They already know what's going on right here. We're supposed to do what's right for our county and for our constituents, no matter what the federal government may say. In the span of history, the amount of times that the federal government has said something should not happen, and it should, or vice versa, has been astounding.

[01:43:33] At one time, the federal government talked about people who couldn't marry one another. So we're not going to make decisions for the good of our county based on just what the federal government says. We're going to do the right thing for Loudoun County, Virginia. And the federal government wants to come talk to us?

[01:43:48] Come talk to us. Because you know what? We do do hard things in Loudoun County. And the one thing local government wants to do is have local control. The fact that we would hand over local control to anybody, let alone the federal government, is insane.

[01:44:05] and we hand over the local control of our land use, our water, our power, our zoning, we're never going to hand over that power unless we're absolutely forced to. So if they want to force us to, they're going to do that anyway. They're going to do that anyway, no matter what this vote does.

[01:44:22] They're going to do it nationwide, no matter what. But we don't preempt that and say we're not going to do anything because we're scared that the federal government might do something to us. That's insane. We are a local body taking care of local constituents and doing what's right for us right now.

[01:44:41] The federal government may put down all kind of rules. They might. They absolutely might. And I might think they're wrong, and I will have no trouble saying it. But if they do, that's where we're going to be. But until then, we're doing the right thing for the county.

[01:44:57] So I'm absolutely supporting this motion. Thank you, Madam Chair. It would be hard to top that, but I will make some comments in my closing. Listen, we have been asking and talking about this type of local authority for years, for literally years, and our entire legislative program does not need to be built around a JLARC report.

[01:45:21] I mean, our legislative program is pages and pages long. It just so happens that I'm bringing this motion in context of the JLARC report because we held all of our suggestions and amendments until the JLARC report came. So that's why this motion is coming now.

[01:45:39] And, you know, if water were a national crisis, I'm sure the federal government would be looking at how much water Loudoun is using. But somehow it's okay to ask for local authority for water and sound, but not to ask for local authority when it comes to power.

[01:45:56] Any of those natural resources could become scarce. So I definitely agree with you, Madam Chair, and I really would like my colleagues' support on this motion. Thank you. So the motion was made and seconded. All in favor, please say aye.

[01:46:14] All opposed. That motion will pass, let's see, 6-2-1 with Supervisors Umstead and Supervisor Kirshner voting against. We are now back to the original base motion on the supplemental item.

[01:46:34] Supervisor Tacroni is upstairs. Supervisor Tacroni is off the dais. She'll be down very soon. That's great. She was listening with me. So we are back to the base motion on the supplemental item. Madam Chair, you were the only one that didn't speak on that. I'm fine. You're fine with it.

[01:46:49] Okay, so the motion now is for the supplemental, so the amendment to the legislative agenda based on the JLAC report as amended. All in favor, oh, why don't you do a closing? I think you get a closing.

[01:47:05] Oh, thank you. Yes, I do get a closing. I'll make it short and sweet. I think we've deliberated on this topic for a good amount. So again, thank you to staff for all these efforts in getting us to this point now. And we look forward to an exciting and fast-paced session coming up in January and into early February.

[01:47:28] And with my remaining time, on page number, I think it's 18 of the actual legislative program or package, did mr freeman or mr korberth um oh yeah sorry never mind i'll keep that part for the for the second part so never mind i'm good and let's vote for this motion thank you thank you motion made and seconded all in favor please say aye all opposed that motion will carry

[01:48:01] six no eight zero one with supervisor to crony off the dais let's go now to the motion on the entire legislative agenda supervisor sayings because it was split yes that is correct thank you um just repeat it i'll let me repeat it okay paul go ahead we'll move to the board of supervisors adopt the program as amended um so again thank you to staff for all their efforts on this thank you to everybody for uh the comments over the last couple of meetings to to discuss our legislative program it's going to be a short and fiery session so stay up to date and we will be going

[01:48:39] to Richmond and Mr. Freeman what date we're going down? County officials day is January 23rd. So I highly encourage everybody to take a look at your calendars and see if you can join us down if you want to for the excitement. And then I was mentioning just a second ago on page 18 I believe it is Mr. Freeman and Mr. Corberth have reached out to offices for an update. So if you If you have not gotten that update from those two, I highly encourage you to get that update from the both of them.

[01:49:11] And I don't know if you, did you want to make any quick comments regarding the language from the update or no? So I'll just mention briefly that, again, in September, Supervisor Letourneau brought a BMI to the board that essentially directed staff to develop a strategy to assign the cost for undergrounding and power associated with data centers to, I don't know if it's data centers, but it's large scale, hyper scale electric demand users.

[01:49:45] It also further stated that directing staff to bring any legislative initiatives to the board in time for the 2025 legislative session. Now, that BMI was passed, and then we subsequently had direction from the board not to bring specific legislation initiatives that would be connected to the JLARC study and to publicize those before the JLARC study come out

[01:50:21] so that we wouldn't conflict with the JLARC study and it wouldn't be an embarrassment for us. So because of that, we were providing briefings to the board on two potential initiatives.

[01:50:37] One was to require siting agreements for hyperscale users that are over, our proposal was 50 megawatts, and the second was to require primary or transmission lines, service lines to those large

customers be underground. That's good Mr. Corbeth because I'm running out of time but anyway so just want to say please reach out to them if they if you have not done that up that that update from Mr. Freeman Mr. Corbeth please I highly encourage you to do so and and thank you for for everybody's efforts

[01:51:12] and we'll have fun with this with this session hopefully this motion passes thank you. Just a point of clarification staff the the original motion I believe was made by Supervisor Sains and seconded by Supervisor Umstead so that's going to carry through for this yes okay Supervisor Letourneau before that just point of clarification if this is the whole legislative program we're doing right now we were supposed to I was supposed to talk to mr. Rogers about how

[01:51:47] separate them the the issue of reproductive rights out of the whole program and because I don't think it's appropriate to force two of my colleagues to vote against to vote against the whole program because that they because they don't want to vote for the reproductive rights and I respect that decision completely it's also not good for us to go down there and say that our legislative program didn't pass unanimously when otherwise it would and so so i don't have the

[01:52:23] the the line items but i would i would make a friendly amendment quite friendly friendly to remove those two things from the program and then vote on the rest of the program and then go back and vote on that so we're not forcing mr letourneau and mr kirschner to vote against the whole program except you accept that as a friendly that's what i'm making it is okay yes supervisor

[01:52:54] umstead could i have that stated again please i don't know the the line numbers i'd have to go look them up but i'm what i'm trying to do is remove any the language that said that talks about reproductive rights and loud and supporting reproductive rights from the full ledge program we vote on the ledge program without that language and then we'll go back and vote on the reproductive of rights language. I can accept that. Thank you, Madam Chair. Supervisor Letourneau. First of all,

[01:53:30] I appreciate that from the chair, and that will allow us to vote for this motion. I did actually have a couple things that weren't related to that, though. On page 24, transportation funding, the version that's in our packet still has this language about the Bi-County Parkway, which we had removed so i'm just flagging that it's still here we did vote to remove remove that right that was a to crony motion right uh when this program was publicized for the public hearing

[01:54:09] you all had not removed that language yet but if you were uh if you look at the program that was provided at the legislative dinner yeah that has been removed right i'm just making sure because the vote tonight is you know we're basing it on what's here so i just wanted to flag that all right The second thing is I'm asking, you know, we can amend this, and it's probably not something that we can get done in time anyway, but we had a really robust discussion last night at the Finance Committee meeting about several significant impediments

[01:54:44] to completing our processes on sidewalk and trails, even on ADA compliance for bus stops, on intersections. and i do think some of those items and i said this last night are are more systematic in terms of how you know how they're regulated and what the processes are that we have to go through so they may be appropriate as legislative items if not necessarily to seek legislation but to address with the administration and i know i'm bringing this up late but that conversation happened last night at finance committee and i'm not going to make any motions right now but i would

[01:55:24] like to ask staff to get with you know mr hoffman and the dtci team and and you know um everybody who was involved in that to see if there are specific recommendations that the board can adopt in or out of the legislative program that would allow us to address the commonwealth transportation board address vdot and so on that would help on unstick some of those things and move faster such as you know i know we've talked about in the past the standardization of of traffic signal design which we don't have you know but something like that which some states allow some some don't

[01:56:02] so anyway i'm just raising that as something that i would love to have come back to us at you know in january um as a potential addition to this or kind of a sidebar to it adjacent to it um to to work on with state government thank you thank you supervisor turner oh thank you madam I think I know the answer to this one, Mr. Freeman, but during the session, if you perceive that there's legislation that could be potentially harmful to Loudoun County, there's a mechanism

[01:56:39] whereby you immediately notify the chair, and the chair puts out, do we go for straw votes during the session? I think we do, but I just want to verify, to Supervisor Baterno's point, if something comes up along those lines, can you get direction from us mid-session? That's correct. Outside of the board meeting, outside of an item to the board meeting, there is a straw poll mechanism by which we can get an immediate position from the board once we get votes from the board.

[01:57:07] Okay, then, okay, that's good. And then the other, just a point, when you made the comment, I think you're right, is that a lot of legislators are going to refer to the JLARC study. And let's be cognizant of the fact that there are multiple places in the JLARC study that recommend using the state sales tax exemption as leverage to affect various types of behavior.

[01:57:31] That would really be bad for Loudoun County. So I think there's going to be a lot of legislation that picks up on those JLARC recommendations and tries to do precise of that. So I just want to be really mindful of that. Thank you. Thank you.

[01:57:48] Madam Chair, did you have, your light's not on, so I guess you don't have any other comments. No, well, my only other comment was this is, thank you, Mr. Freeman, Mr., thank you, Mr. Quintine, and everyone who's worked on the Ledge program. I think we started a little earlier this year doing it, and that's been good.

[01:58:07] We've already had talks with FOIA Council and with others who were down there. So I feel ahead of the game this year, and that's a great thing, especially since it's going to be a short session. We have a lot to do in a short period of time.

[01:58:23] I will also say that the Ledge team next year will still be Mr. Sainz if he will agree to do that with me. And so we're going to try to keep in very, very close contact with everyone during the session. I'm also going to just take a quick point of personal privilege and say that I came in here with my suit on.

[01:58:41] I thought I looked okay. Mr. Sainz looked at me and said I looked like Mrs. Claus. So I'm not sure he is going to be on the Ledge session with me next year. you look very very lovely very lovely mrs claus yes so i might have a new ledge partner next year it's very possible that won't be mr sayings but on the off chance that it is we will make sure we keep in in in very close contact and try to get any any needed straw pulls out um as soon as we possibly can and we will make sure that on days that on times that mr it's not just mr sayings

[01:59:20] and I going down, that it's everything is on the FOIA calendar, so everyone is fairly well aware of it. But thank you, everybody, who's worked so hard on the LEDGE program this year. Mr. Freeman, you're going to be on roller skates this year, sir. You are. I'm sure he is. Thank you, Madam Chair. Point of clarification on the -- I guess we're redacting the reproductive rights language for this vote. And then, Mr. Rogers, how do we put it back in?

[01:59:49] Just make a motion, put it back in, make a motion for that. What Madam Chair said was accurate. So then we pass it without it, and then it's amendment to put it back in? You do it by a separate vote of the board. Okay, okay, great. Not great, but okay.

[02:00:08] So, thank you, staff, for all the work on the legislative agenda. It's a long process. I think that we had to submit our requests to staff in July. So this has been a well-thought-out process, a well-considered process.

[02:00:29] Can I ask a quick question, Mr. Freeman? When will bills start dropping? So bills have already started being introduced online. The pre-filing deadline has passed. The deadline to file all pre-filed legislation is the first day of session, so January 8th at approximately 10 a.m.

[02:00:54] Okay. All right. Thank you. Again, thank you, and I'm really proud of our legislative program. The dinner with most of our General Assembly delegation was great. We did it over at the Howland-Bernie-Hanson Park, and it was a really nice event.

[02:01:12] So thank you for all of that. And Supervisor Sains, do you have a closing? No, I do not. We're all set. Let's vote. Okay. So all in favor of approving the legislative agenda with the redaction of the Reproductive Rights Clause, say aye. Aye.

[02:01:28] All opposed? That motion will carry 9-0. And I will, I guess, on the fly, add back in. I move the Board of Supervisors include the reproductive rights language on page 8 in the legislative agenda.

[02:01:48] Second. Second. Thank you. That's a second by Chair Randall. So just to clarify, we're adding back the language as it reads, reproductive rights support state legislation that expands the right to reproductive health care and improves access to abortion, including adding language to the Virginia Constitution that protects the right to reproductive freedom, oppose any proposed legislation and budget amendments that restrict reproductive rights for pregnant people, and reduce the accessibility of abortion care.

[02:02:22] So that is the language that's going back into our legislative agenda. I know that our colleagues have been working for a couple months now on the constitutional amendment. I don't know if that's dropped yet, but they have been going back and forth between the House and the Senate on that language.

[02:02:44] And given the events of November, where we actually have somebody going into office who has said out loud that there should be a punishment for anybody that seeks abortion care, meaning perhaps prison, given that states are passing laws to punish, arrest, and imprison health care workers who might assist somebody with such life-saving care, often life-saving care, I think that it is imperative that we support this human right for all of our residents here in Loudoun County and across the state of Virginia.

[02:03:23] Any other discussion on the motion? Supervisor Turner? Just to be clear, and point of clarification, so we passed, I know what we're trying to do, I'm just not sure we achieved it. So we're past

the legislative program, and now we are making a motion to amend the recently passed legislative program, and we're now going to vote on the final legislative program.

[02:03:48] No, we are just voting— Don't have two legislative programs. We are just voting on this clause that our colleagues could not vote yes on, and they felt as if they would have to vote no or abstain on the entire legislative agenda. So we're adding the clause back in.

[02:04:05] We're just amending it. So the final legislative agenda will include the language. Yes. I'm sorry. Go ahead. Go ahead, Mr. Rogers. If you did that, I agree with Mr. Turner, you'd be voting on the program again. I think you have a program that you voted on.

[02:04:22] Now you have a separate legislative initiative that you would also like to include on reproductive rights, and the board votes on that. So you have your program and you have your separate legislative initiative. Was my motion clear?

[02:04:41] And my motion accomplishes what you need, what staff needs. I think it does. This is a separate legislative initiative. Great. We can write a whole white paper on it if you want. Supervisor Letourneau? Yeah, I will just very briefly renew my objection to the inclusion of this item or the creation of a new separate legislative initiative on this item.

[02:05:08] I'm not going to debate the issue. understand there are deeply held beliefs on this issue on on all sides but i don't think it's an appropriate use of our lobbyists i don't think it's an appropriate use of the law firm that we use to lobby on this issue i don't think it's an issue that the general assembly has has to hear uniquely from loudon county on i would more than encourage all of my colleagues and their on their individual basis to to make their feelings known on this and and directly communicate with their legislators but this is just a political statement that's being added to legislative agenda and it doesn't fit and actually if you look at our legislative program we're pretty it's i'm

[02:05:48] actually pretty happy with how tight it it is in that there's a lot it's focused on issues that have a direct nexus to the county so um that's really my objection here i would make this objection regardless of what the topic was if it was something like this and i just just wanted to to clarify that thank you madam chair yeah you know mr mr attorney you make that point every time and i don't i don't think it's um i've given a lot of thought to to that statement and i do understand where you're coming from you know if it was a legislative statement about opposing child

[02:06:23] abuse we would vote on that and we would say loud and opposes child abuse we would and so so i i'm going to disagree that it's not something that could impact anyone in Loudoun County just like anything else could impact someone in Loudoun County and if the General Assembly is going to be taking this up I think it's not harmful for localities municipalities to give our to give our opinion on it one way or the other so and and that's not even about about the issue I do sometimes wish we would focus even more on prevention and education to be quite honest I

[02:07:00] think that should be a bigger focus. But moreover, I believe that just out of respect to colleagues who for whatever reasons, and I don't need to question the reasons one way or the other, feel like they cannot vote for this because I'm not sure it is just that reason. I think there's other reasons too. And I think that's not just the reason Mr. Letourneau gave. I think that's absolutely fine. I think there's nothing wrong with that at all. I don't believe that it is the right of either the chair of the board or the body to vote, to make a colleague either vote

[02:07:38] against the whole program or vote against something that is a deeply held ethical, moral, or religious belief. I just, I don't believe that's the right thing to do. And so the reason I pulled this out and did it like that is because it is literally just a respect for my colleagues that I did this, and I would do it every time, and I would hope it would be done the other way as well.

[02:08:03] But I do believe that there are some things that, you know, I don't even know, some years ago I might have said this blurred the line of what we should do in a alleged program. I don't even know if that's true today because people are dying today. Just sometimes I'm sure it blurs the line.

[02:08:20] And I think us making a statement is, and that's all it is, it's a policy statement. And I think that is fine to do. I just don't believe we should try to force other people, two other colleagues to do it as well. So that's all.

[02:08:36] Thank you, Madam Chair. This is about the health and safety of our residents who will absolutely be impacted if they don't have access to reproductive health care. As Chair Randall said, people are dying. And I believe that human rights and women's rights are not just a political statement.

[02:08:54] And to say that it's just a political statement diminishes and degrades women in this county and across the state, quite frankly. And the idea that, you know, saying that this is not a local issue is cowardice because you're hiding your beliefs behind saying that this is not a local issue instead of just voting yes or no on what your heart tells you to do.

[02:09:18] So motion made and seconded. All in favor, please say aye. Aye. All opposed? Nay. That motion will pass 7-2. And I think since we are finished now with the legislative agenda, unless I have missed something, we will take a break.

[02:09:33] We will come back in about 15 minutes.

[02:09:36] Hey, everybody.

[02:34:09] We're back. I'm going to -- I've had a wonderful and long but slightly tiring day, and I'm going to let -- I'm going to ask Ms. Vice Chair Bricksman if she would continue to chair this public hearing. So she will have the gavel for the rest of the meeting.

[02:34:24] Thank you. Thank you, Madam Chair. So next up, we have Goose Creek Club 2. Members of the public are wishing to address the board regarding this item and who have not already done so. Please call the number scrolling across your screen. I will now turn the time over to staff for any updates and a presentation.

[02:34:42] Good evening. My name is Darby Metcalf with the Department of Planning and Zoning. I'm here tonight to present the application for Goose Creek Club 2. The subject property is 23.86 acres, located south of Route 7 on the south and east sides of Golf Club Road in the Leesburg Election District.

[02:35:03] The property zone office park under the Loudoun County Zoning Ordinance is located in the Leesburg Joint Land Management Policy Area in the Leesburg JLMA residential neighborhood place type. The site was previously developed as a portion of the Goose Creek Golf Course and contains previously landscaped open space.

[02:35:20] The town of Leesburg boundary is present on screen as the black dashed line on the western edge of the subject property. The applicant is requesting a zoning map amendment to rezone the subject

property from OP to PDH-4, administered as RA-ADU, to permit 90 single-family attached units consisting of either 16-foot or 20-foot wide townhomes.

[02:35:44] The applicant is additionally requesting zoning modifications to allow residential units to access via private roads and to decrease the minimum size of PDH-4 from 25 to 23 acres. Present on screen is an annotated excerpt of the CDP depicting the proposed development with the townhome sticks or townhome units outlined in orangish-yellow.

[02:36:15] The applicant is proffered to units within the same stick of townhomes to have differing facade designs. 16-foot-wide units will have two vehicle spaces, one garage, one driveway. 20-foot-wide units will have four spaces, two garage, and two driveway. The applicant -- the application proposes an internal trail in lieu of the sidewalk along Golf Club Road.

[02:36:39] Present on screen is the proposed trail indicated in the blue and yellow segments in the center of the image. Staff support the trail in lieu of the anticipated sidewalk along Golf Club Road due to the reduced risk impacts and the intent of the policy otherwise being met.

[02:36:57] Present on the screen is the depiction of the application's proposed offsite park dedication of approximately 12 acres with the public access easement as well highlighted in blue. The park dedication is between Goose Creek, or it is between the Woodlands residential neighborhood to the south and tonight's application to the north.

[02:37:20] Staff supports a recommendation of approval to the Board of Supervisors. The staff supports, staff recommends approval, as well as the 2019 general plan supports a 100% residential application within the place type. The application is considered a core use for the place type and staff are available for questions.

[02:37:38] - Thank you. Does anybody have questions for staff? Go ahead, Madam Chair. First, is he nervous? No, I had a typo in my speaking notes, and I caught it mid-sentence. I was like, no.

[02:37:55] That was good. Thank you very much. A couple of questions. When was this zoned office parked? So how long has it been sitting there and not having office built on it? It was rezoned as part of ZMAP 2021. I can't find the exact date.

[02:38:12] Oh, apologies. 2015. 2015. So it's been sitting since 2015 without offices being built on it. So almost 10 years. Okay, as always I'm going to ask these three questions. Tell me about school generation numbers and then tell me about the roads and where they're scoring right now and where they will score if we've done that. And then tell me are any attainable homes being offered

[02:38:49] at all although that might be a question for the applicant about attainable homes but let's do let's do schools and roads first so the projected enrollment for the 2024 enrollment is 95 percent at the elementary school level at cool spring elementary harper middle school at 68 percent and heritage high school at 81 percent so then all three schools have space correct they have sufficient capacity. And sufficient capacity for what we believe could be? Correct, as well for the

[02:39:23] 2030 as well as in the 2031 projected enrollment of 92% at elementary school level, 77% at the middle school level, and 90% high school level. I mean that middle school is really under-enrolled, isn't it? Comparatively. Comparatively. And then how are the roads functioning? I have DTIC staff on the call, and I'll refer to them for the question related to the roads.

[02:39:46] Okay. Hi, Lindsay Marford with DTCl. Was the question about how the roads are functioning today? It's both. How will they function today and how will they function if this was approved?

[02:40:08] Have there been any studies yet to show if this was approved how it would impact the roads? There are. One moment. It looks like under current conditions the traffic study indicates that The study intersection of Russell Branch Parkway at Golf Club Road operates at level of service A.

[02:40:32] And one moment. It would continue to operate as level of service A with this development, according to the traffic study. So the level of service the roads have will not decrease at all.

[02:40:48] It's at A and will continue to be A. that's been sitting here without offices on them for 10 years, and there will offer no increase in the schools. I got all that right? That's correct. All right, thank you. And then the final question related to affordable housing, there'll be a proposed and proffered 14 total units, at least three 20-foot wide ADUs at an AMI of 30 to 70%, and at least two 16-foot wide UNUs at 30 to 70% AMI, and the two UNUs are for purchase at 70 to 100% AMI.

[02:41:27] Okay, thank you. Ms. Tironi, Supervisor Tironi. Yeah, thank you, Vice Chair Brissman. So do you know the square footage of the 16-foot wide units and the 20-foot wide units? I would defer to the applicant for the specific square footage that was not provided.

[02:41:46] Okay, so I'll be asking you guys that. And then how many of each size are planned? Do you have that or no? i would also defer to that okay okay so all my questions are for the applicant then thank you thank you supervisor to crony supervisor turner uh thank you madam vice chair um if i if you said this and i missed it i apologize um what was the basis for the no votes of the four commissioners who voted no do you know there was a difference of opinion commissioners felt residential some commissioners felt residential was consistent with the place type and appropriate given the the constraints of the site and proximity to existing residential other commissioners took

[02:42:26] issue with commercial and industrial uses proximate to the site including data center future that the town within the town of leesburg limits as well as the the lexone quarry thank you interesting okay supervisor umston uh thank you i'm sorry i should have gone to you first i'm i i so apologize it's in your district not a problem thank you how close will this new community be to the data center that has been approved by the town of Leesburg

[02:43:01] across River Creek Park Ray Cross Trail Boulevard from Wegmans and the village at Leesburg? The application will be at most approximately 500 feet. That is also taking into account that the town's application does not have a specific building footprint location. Okay, so at most, so it could be closer than 500 feet? No, that's taking into account as well as the 50-foot buffer on the town's data center application side, as well as the enhanced

[02:43:40] type c buffer on tonight's application within the county limits of 30 feet in depth as well as russell branch parkway and golf club road the the folks who live at woodlands at goose creek have faced considerable difficulties with dust collecting on their porches their decks their cars. Do we foresee a similar problem for the folks who would live in this community?

[02:44:15] Staff reached out to Luckstone Quarry to receive comment and to prevent any future impacts as much as practical. And Luckstone recommended enhanced buffering on the frontage that is, as the crow flies, I guess is the best way to say it, direct towards Luckstone Quarry. They recommended an enhanced buffer, which is the applicant has proffered to, which is that enhanced type C buffer of 30 feet. They also

increased the amount of evergreen tree plantings along that buffer as well. And additionally, the Luckstone Quarry recommended a Woodlands at Goose Creek as well

[02:44:52] as Goose Creek Club 2 and Luckstone Quarry committee to meet regularly to discuss any potential or future conflict of issue sources and luckstone wasn't the only issue for woodlands vulcan was also thought to be perhaps a source of some of the dust and the folks at luckstone and vulcan have said that trucks using the road have also generated a fair amount of dust um did staff get a chance to look into anything other than the conversation with luckstone

[02:45:31] so the the enhanced landscaping is is enhanced to prevent the it's it's in the same direction towards the industrial uses south of luckstone corey as well okay thank you very much thank you thank you um so we've heard russell branch parkway i'm sorry okay go ahead supervisor did you have your light on before i had it on like i turned it on while i had a question that popped

[02:46:05] um so did you say there was a substation across the street so the towns i have a an additional image only here so as we see goose creek club two outlined in yellow and along the western frontage within the town's limits there's the village at leesburg land bay e on the bottom of the image where the proposed data center is where the approved data center will will be built and

[02:46:41] on the northern side in the very top of the image in that small i guess the best way to describe it that red outline box is where the substation will go wait so where village at leesburg land bay is where this residential application no it's the data center application data center the residential is outlined in yellow the residential is yellow and the substation is way up there at the top that's correct oh my okay so this is all kind of interspersed with each other all right i'm starting to get why there were four no votes thank you all right thank you

[02:47:20] okay so um do you mind in your time if the chair gets clarification on where the substation is sure would you do you have a pointer um here i have a pointer okay yeah i got it wait okay so this is the residential that's correct this is the substation that's correct and is this a road this is not a road that's golf club road this is a road that's that's correct and this is a

[02:47:55] substation molly would you like to jump in this is a substation there is a small gap the substation that is associated with land bays d and e is in land bay d near the purple it is a gis substation so the smallest footprint substation with the enclosed buildings the date correct the data

[02:48:21] center is below inland bay e okay substation then what is happening up here that exists today there is a there is the red area what is happening there is a gas regulator that exists today it's that small building and then there's also a self-storage building that exists today there this application with that nothing new up in the red area everything that you see on this image on the left side of golf club road is in the town of leesburg and is not part of this application okay

[02:49:00] our this application is on the right side of golf club or the east side of golf club road where the yellow where it says goose creek club two thank you um okay so we we've been hearing russell branch road a couple times but i don't we don't see where russell branch i see belmont ridge road i see sickle in we see ashburn farm it is between the two purple lines those are the 50 foot buffers within is that not built yet it is built that's correct are you looking at the image in the staff report because that staff had an incorrect image in the staff report it's yes that's correct right

[02:49:39] here so it does turn into cochran mill let me let me full size so this is a different aerial that is in the staff report that was an error but this is the correct aerial so the russell branch parkway connects to cochran mill here and then the road changes names okay oh okay nice okay all right thank you um and why are we okay with 100 residential here when so often we are not okay with 100 residential it is in line with the leesburg jlma residential place type that envisions residential of a specific percentage one moment here but it is in line with the general plan

[02:50:17] recommendation for for the type okay and in goose creek village are there shops and a grocery store and stuff like that? I can ask the applicant if you don't know. I believe that's a different location. I see Goose Creek Village on my map right now.

[02:50:32] So the image you're looking at received a supplemental to correct it. Oh, the image is... Yes. Go to the supplemental. No wonder I'm so confused. Okay, I'm going to go to the supplemental and before I... Okay, so the other thing I wanted to ask...

[02:50:49] The supervisor person, the supplemental is just for that image. Okay, thank you. Yes. I'll just look at this one. Is there transit opportunities here? I would defer to DTCI for the transit conversation, but associated with tonight's application, there is not transit.

[02:51:09] There's no transit. Lindsay, would you like to weigh in any additional comment onto that? No, I don't have anything to add to that. Thank you. There is no transit proposed with this application. But are there bus stops around there?

[02:51:27] I don't have the information. Or bus route? I don't believe so, but we can look into that and follow up. Okay, okay, all right. That is all I have.

[02:51:42] So applicant has 10 minutes. You can stay at the table or go to the podium. And, yeah, let's make sure we're looking at the correct slide. Thank you. For sure. If staff can pull up my presentation, that would be very helpful.

[02:51:58] For the record, my name is Molly Novotny. I'm an urban planner at Curata Partners. Pleased to be here on behalf of Kettler, the applicant, with Kyle Crosby, with the Kettler Company, and with Ryan David, urban engineers. So this application is the area outlined in yellow here.

[02:52:17] It is, Route 7 is to the north on the right, and the town of Leesburg line is directly at the top of the screen or directly west of the property. What you see due south or on the left side is the Woodlands at Goose Creek community, which was approved back in 2015.

[02:52:34] At the time that that zoning was approved, the golf club, the rest of the golf course was already zoned OP. So it's been zoned OP for decades. It was included in the 2015 application when that rezoned the Woodlands at Goose Creek for residential.

[02:52:52] The reason we brought forward this application for 100% residential is because that is what your general plan calls for. Our property is the area in yellow with the blue star on it. It's about 25 acres. It's north of Tuscarora Creek, which is the dividing area of that place type.

[02:53:09] The area below it, in pink, is planned JLMA employment, and you as a board are currently considering remapping that neighborhood to also be JLMA residential because it is already developed with residential uses. We are finishing this community.

[02:53:26] This was all part of the original Goose Creek golf course. It's about 90 acres. We are 25 of it. And so phase one is what's developed at Woodlands at Goose Creek. We will be phase two. It is one consolidated HOA.

[02:53:43] What you see on this site is 73% of our 24 acres will be left as open space. It's significant open space. So yes, it's 100% residential in terms of uses, but the open space is substantial. We have 90 for sale townhomes.

[02:54:00] The mix of those is 25 of them will be 20 foot wide units. remaining 65 of them will be 16 foot wide units and we've done that to work on the affordability by design and so those are smaller type units and that's why we've worked hard to do all for sale and not a condo product here we will have 12 adus and two unmet housing needs units on top of that so within the 90 but on top of the overall affordable by design concept all of the colored lines here are different trails. We have the benefit of this being an old golf course. So

[02:54:38] there's great trails throughout and we will connect the community and improve those trails. In addition, we are dedicating 12 acres to the county to expand Keep Loud and Beautiful Park. So Keep Loud and Beautiful Park today is a buffer between, God bless you, is a buffer between Route 7 and Golf Club Road. You can see it in the light green color. What we are proposing is to add all Tuscarora Creek in that floodplain area between Goose Creek at the top of the image and Golf Club Road at the bottom of the image as a park dedication. We are asking for no contribution,

[02:55:15] no capital facility credit for this. It is a straight out dedication. We think it will be a very good amenity for both the woodlands at Goose Creek homes that exist today as well as our residents, but also it works toward your goal of your linear parks and trail plan in providing access to Goose Creek. This is proffered elevations of what those 16-foot wide units could look like, as well as the 20-foot wide units. As all residential projects do, we have significant active recreation space. All of our active rec space will be out of environmentally sensitive

[02:55:50] areas, so they will be able to be programmed and really invite the community to get outside and gather. So our proper package is substantial, 12 ADUs, as I said, and two UNUs, 73% open space at the site, the 12-acre park dedication. Additionally, we've given some seed money to Parks and Rec to help program that park or to make improvements to the existing Keep Loud and Beautiful Park.

[02:56:18] We've got significant trails throughout, a consolidated HOA and enhanced buffers in tree Conservation Area. We have had conversations with Luckstone, and as Mr. Metcalf said, we have worked closely to incorporate the requests and the suggestions that Luckstone made into this project.

[02:56:40] This is the overall, just my last image, an overall site plan of the golf course, and what you see is a significant variety of trails that exist today. There is not bus service to the site today because Russell Branch Parkway doesn't yet extend across Goose Creek. So it doesn't go anywhere.

[02:56:56] It's Cochran Mill Road. It goes down to an industrial district. We would expect once Russell Branch Parkway is extended, which this applicant previously reserved the right-of-way for that road, we would expect bus service would go on there. There is bus service. There is bus service today that serves the Wegmans at the Village at Leesburg just across Cross Trail Boulevard.

[02:57:17] And so just in summary here, you see the yellow area is existing keep loud and beautiful park The purple honeycomb is the new park lane that we'd be dedicating all of our units are between those two

park lands And it's 90 townhomes Think supervisor to crony. You asked a question about the overall size of the units those 16 foot wide units would be around 2,000 square feet and then the 20-foot wide units could be about 2,500 square feet. So still good-sized units, but still on the smaller side for some of these projects that we've been seeing come through. With that

[02:57:54] I'm happy to answer any other questions. Okay, great. If you have questions for the applicant, please put your light on. Supervisor Umstead. Thank you. Thank you, Madam Vice-Chair. Molly, so in order for me to get over the annual school operation costs of over \$900,000, can you convince me that the residents who bought into the woodlands at Goose Creek were under the impression that this part of their

[02:58:31] development would come in the future, that this was always going to be part of the woodlands? So I don't think I can convince you of that, but what I will say, when the project was originally approved, this land was zoned OP, and it was entitled for a hotel and the golf course to remain, but in the HOA documents for the woodlands at Goose Creek, it is very clear that if other residential land is developed or if other residential units are constructed within the golf course, they would become part of that HOA, but I don't want to, I'm not saying that

[02:59:11] the original plan was to do houses here because it was zoned op at that time but you will hear from residents tonight yes thank you very much supervisor saints thank you for the presentation um for your market rate units do you what is the pricing going to be for the 16 foot and the 20 foot wide townhomes so my client is the land developer and they will sell it to a

[02:59:48] homebuilder. So the homebuilder will set those ultimate prices, but we do think those 16 foot wide units would start in the 500s. In the 20s? 20 foot? In the 600s for the 20 foot wide units. Okay, and say the square footage again for the 16 feet wide? The 16 foot wide units is about 2,000 square feet and the 20 foot wide units about 2,500 square feet. And you're thinking 500 and possibly 600. But again, those are today's dollar amounts. We still need to go through site

[03:00:25] plan approval, we still need to choose a builder, and then they will ultimately set the prices. Okay. Well, by the time this comes back to us in January, because I'm assuming we're going to forward this to the next business meeting for action, can you please talk to, I'm sure you have some friends in the industry and can give you a better understanding of price points and come with, just do a little bit more research and see if that's going to be the right.

[03:00:57] We can. Those were the conversations that we had for tonight's meeting, but we can circle up with some more people as well. Thank you. Thank you. Supervisor Tacroni. Thank you, Vice Chair Brissman. So thanks for providing all that information regarding the square feet. The units look to be three levels with an attic. Will the attic be finished and be counted as additional square footage in the calculation? Good evening, Supervisor. My name is Kyle Crosby. I'm with Kettler.

[03:01:33] Currently, we're showing us three stories. There are options for the builders to go up. and use that attic space that hasn't been decided yet because we're not quite sure on who the builder would be but um typically with the 16 footers that's a 16 foot by 40 foot lot so you can kind of see what the additional unit could possibly be on top of the number molly provided okay is that is that part of the the square footage that you just mentioned the 2,000 square feet she talked to a classic three-story design for the 16 foot so that would be um would it be Additional or additional yes, yeah, additional okay the 2,000 square feet that you said that's an additional

[03:02:13] Yeah, it's a 2400. Yeah, 2600. Okay, so that that's what increases the price potentially Right, but but if it's if it's so if it's not included in the 2,000 square feet and they add the attic and it becomes finished I assume that the price will go up With so I'm just we're just I'm just trying to get to that affordable by design concept Yeah, and most of these units would be built for a purchaser, right?

[03:02:45] So they would have the option to choose a unit with an attic that's finished or not, right? Right, okay. Well, it adds to the price, believe me. Yeah, the extra square foot.

[03:03:01] And when we looked at this project, and we understand affordability is a major concern in the county. It is. When we looked at products that we wanted to use here, the 16-foot product is definitely the best for filling in that missing middle of the marketplace that's drastically needed in the county without going into a stacked unit or a condo unit.

[03:03:21] And we felt this environment here and with the plan densities that were in the comprehensive plan, that the 16-foot unit was going to be the best to fill in that gap. Okay, and you don't think you can include the attic in that 2,000 square feet calculation, or no?

[03:03:39] It'll be an additional bump out. See, that's what, you know, I've seen this with applications. You know, adding in the attic just increases the square footage and increases the price. So that's what I'm getting at, is trying to limit the square footage and limit the price.

[03:03:56] Yeah, when we have the follow-up conversations with builders, again, we haven't chosen our builder, But when we have the follow-up conversation that Supervisor Sainz asked us, we can also ask questions like that. But I just want to be clear, until they actually decide on the builder, I won't have a solid answer, but I can give you a range.

[03:04:14] Okay, thank you, Molly. Thank you, Supervisor Tacroni. Just to follow up, though. You have to look down the data. He was on, and I am, too, after him. No, I wasn't. i was on because supervisor letourneau supervisor saints has a follow-up uh which i'm going to ask which is we were a little confused because ketler does build residential products no different keller uh keller brothers did um a long time ago um it was a different company though different company yeah the same name uh a family member actually so bob keller started keller about 50

[03:04:52] years ago his father was a home builder in maryland keller brothers okay um so they did build home products. He said he learned a lot of lessons from his dad not to build the homes. Not to build home products. Okay. Because it's a bunch of different business stuff. So you're just going to go out to the market and whoever picks up the projects. We have a number of builders we work with, national builders, that come in and that are true specialists that provide in the market what they want.

[03:05:14] Okay. Thank you. Okay. Chair Randall. Okay. Thank you. Usually, adding an attic or adding any extra space is the decision of the buyer after their buying.

[03:05:30] And so the decision, the buyer would say that they want to add the attic, so that would add square footage and it would add cost, but the buyer decides that at the time. That's how attics normally work. I rarely, if ever, have seen a finished attic.

[03:05:46] Usually the buyer says, you know, it's like a basement or I don't know, a house with brick all around. it's a decision of the buyer to add that square footage thus to add that cost that's how that normally works when you go back to the picture that i think was the first picture you put up because i'm just trying

to understand still what i'm looking at no no go back go back keep going back keep going back keep going one more back i think it's one go back one more one more there we

[03:06:15] go okay so is it one more back after that is that the last one back that's it okay so where is where is the data center it is not constructed yet what would it be uh where the word town is behind that area in this area that would be the data center okay and the town approved that data center and there are wait wait wait because you're going to take all my time up so the data center would be back here and no place in here at all would there be a substation at all no absolutely not and the

[03:06:51] and and it wouldn't be right there either as far as you know the the substation is behind the kind of e and the s in leesburg okay over there back here somewhere would be a substation okay um and then luxton quarry is quarry is where it's the existing homes on the left it is behind that you can see it over here yep okay so these homes right here would be much further from luxton quarry than than these homes are because it's right because luckstone's right there correct and not accessed off of the same road our homes are accessed and that's not okay it's over here versus over here

[03:07:28] okay and then the last question is i listen i i i completely understand moving into a community i've done this twice and not wanting to see anything built around me to be quite honest i don't want to see houses i don't want to see i don't see anything i don't want to be where am i I don't want to say anything, but I've never known us to say yes or no to an application just because a community thinks something would go there or wouldn't go there.

[03:07:56] If the community wants it, they can buy that land. Otherwise, something's going to happen to it. And then one more time, at the very least, this has been zoned OP for 10 years. Realistically, it's been zoned OP for decades, and nothing's happened on it yet.

[03:08:16] Is that correct? That is correct. Thank you. Thank you. It looks to me as if there would potentially be a lot more land there to put more homes. So can you explain why you went for this density? We went for the density of just under four units to the acre to be consistent with your general plan, which JLMA residential calls for four units to the acre. Okay. Okay. I think

[03:08:49] those are all the questions do we have any members of the public that would like to comment she's bringing them now because the applicant said that we would be hearing from some members of the public okay okay we do have some folks who would like to submit public comment first we i'm going to call your name you can come to either podium you'll have two and a half minutes first we have brian

[03:09:21] addison followed by juan vallejo followed by monica swyddell hi i'm brian addison and i guess i can say i'm a proud owner and member of uh phase one goose creek and uh been there for two years and uh we have a wonderful community uh love being there um you know and it's it's we have a lot of

[03:09:56] trees and space and it's it's really nice uh the only thing we could use a little more of is a few more neighbors because we got more neighbors oh shock no uh actually i was thinking about 90 more neighbors would be perfect and uh i and i think that's it's good because one of the things that Kettler has done and uh and it made it much more interesting to all my neighbors our neighbors we we talk and we've learned a lot about what was going on and we are i think almost to the person

[03:10:33] in favor of this and the reason for it is it just that i think when they said we combine the hoas together instead of having two separate little hoas we can have one big hoa which allows us to do more things with some of the land around us the hoa property actually has a big soccer field and a big parking

lot and a few other things Kettler also has uh promised to do i think their proffers have included a lot of trails uh they also are talking about doing a um um what court was that

[03:11:10] pickleball court two of them so we like now i would prefer a tennis court to go with the pickleball court just personal preference but you know you can maybe do those together but that's just for them but because of all these enhancements they're doing to the community to the trails and things like that i think it's very valuable that our my neighbors and friends find it very valuable and we would love to have that opportunity to have our 90 new neighbors show up with our combined HOA which i think it would be very very helpful and have the trails back and forth so

[03:11:51] i think that's it thank you mr addison would you like to move to Algonkian district no just kidding okay thank you uh Juan Vallejo if i if i mispronounced that please let me know Monica Swidel and then you will be followed by Maren Ala Ma Bay who hi thank you so my name is Juan Vallejo i i'm also one of Brian's neighbors 1-9-3-2-8 Brookwater. So first, let me say this is my first public hearing, and I have a new

[03:12:25] appreciation for the job that you all do. This was quite eye-opening. I want to echo Brian's sentiment. Look, we're over there. We're alone. Quite frankly, we feel like we are alone. We don't have very many neighbors. We have ourselves. We have a quarry. We have an industrial lot whether we like it or not we're there we chose to be there we love our area but we really could benefit from this plan the amount of green space we all love walking outside but we're we're stuck to the sidewalks because those trails aren't developed they're not built you go out there

[03:13:05] it's overgrown but the plan that Kettler has it it gives us tangible real benefits to your constituents. We have three new data centers, one massive campus in Belmont that's being built. Great. We have two others that are being built. Great. That doesn't physically benefit us. This plan does. The green space, incredible. The joint HOA, incredible. There's so many reasons to do it, especially if you live there. Throw us a bone, please. Throw us a bone. We're over there. We're

[03:13:42] by ourselves get us some new neighbors and uh with that i'm done thank you thank you so much uh we can do jazz hands um if yeah that's what we do here Monica Swydel followed by Marin Alla she's gonna have you're just gonna have to tell me your last name when you come up thank you um so yeah i i've uh lived in um the woodlands of Goose Creek since March of 2020 and so we were some of the first people to move into that area. I'm going to read something written

[03:14:19] by Karin Shuey who has spearheaded a lot of the relationship with Kettler and trying to push this forward and I think she said better than I can so and she's due to illness she's unable to attend this evening. She says thank you to the board for this opportunity to speak. I have been at WGC Woodland and Goose Creek homeowner since March of 2020 also. Approving this application and the combining the new neighborhoods HOA with ours would create a strong community and benefit

[03:14:53] Leesburg and Loudoun beyond these two developments. The 14-acre dedication would protect the green space left from the former golf course and build on Keep Loudoun Beautiful Park to bring it closer to actually living up to its name.

[03:15:10] I applaud Kettler's agreement to maintain the cart paths from the course and add amenities for both neighborhoods to share and thank them for the work they've done since the summer. Quality of life for county constituents throughout Central Loudoun is getting a big boost.

[03:15:30] One disturbing thing from the June public hearing expressed doubt regarding the suitability of our area for residential use. Several current commissioners indicated they would not have voted to approve the development of the Wilkins of Goose Creek had they been in office at the time.

[03:15:48] While the land in question is currently zoned for a hotel, restaurant, or office park, there was talk of the steps needed to zone it for a data center. I was relieved when the commission voted to support this application at their September work session. The fact is the area already is residential.

[03:16:08] by virtue of our neighborhoods existence in spite of the current zoning our community is already or soon to be bordered by luckstone i lost it um anyway um if you've been down there and you've seen it the acres of trees that have come down recently when is enough enough and at what point does the quality of the environment and the life for your constituents outweigh the dollar signs

[03:16:41] for tax revenue um thank you thank you and our last speaker is marin alamabeju i think my name is meron alamayo there's no b uh anyway um hi thank you for this time but i just wanted to address a few things about vulcan i know that there was concern but you know over time we uh sorry i'm also a resident of woodlands at goose creek so i want to let you guys know that vulcan

[03:17:18] has done their part to fix the dust issue we actively stay in communication with their um with their team and they realized i think there was like a missing part or something that was causing the dust to you know go in the air or whatever so they replaced that part and they fixed it and that's really dampened down our dust issue so we really haven't had any um since and i would like to say it's been about like a good solid eight to nine months since that issue's been

[03:17:51] resolved um i also want to say that well i'm in support of the woodlands of the goose creek development um i think it just benefits our our life it'll be nice to have some neighbors and that's it thank you thank you okay do we have any um folks that would like to submit public comment on the webex no okay um then i will close that public hearing and supervisor umstead would

[03:18:36] you like to make a motion i certainly can as soon as i can find it i move i move that the board of supervisors forward leji 2023-0023 goose creek club 2 zmap 2021-0020 zmod 2022-0056

[03:19:15] and zmod-2023-0040 to the january 22nd 2025 board of supervisors business meeting for action motion made and seconded would you like an opening i don't need an opening i appreciate the residents coming out they've been a very active community we've gotten emails from them appreciate the applicants very thorough responses to all the questions i asked

[03:19:50] during a previous meeting in this one and i appreciate staff's hard work thank you thank you any other comments in the motion madam chair thank you um this is my ninth year on the board this is my first time remembering uh knowing a community came out in support of um a neighborhood near them the first time we're all the room's kind of quiet right now because we're all just kind of in shock and if you ask me it's happy shock that i'm feeling i mean people are like jazz handing all over the place. It is amazing. When does the quality of your life for your constituents

[03:20:30] outweigh the dollar signs of a data center? That is one of the most powerful statements I have ever heard. And so to the lady who wrote that and had you read it, tell her thank you. This application is bringing a lot of things together. It is one, bringing attainable by design, and is bringing attainable, and it is bringing affordable, or actually, I think in that AMI may be literally affordable for purchase.

[03:21:00] It is not going to overwhelm the schools because all the schools have capacity. It is going to not change the road level of operation right now. It is over 70% open space.

[03:21:18] It is has ample ample buffering. This is in many ways one of the best housing applications I have ever seen. So thank you for the work on that and thank you for bringing it and I can't wait to see this at the board meeting on the 22nd. Thank you, Madam Chair. I am truly amazed at the folks that came to speak tonight. The chair is not kidding when she says that we like never get neighbors that come and say give me more neighbors I'm like you I like

[03:21:53] having lots of neighbors so I appreciate that and of course I if you know anything about me I truly appreciate the pickleball so I think it's great I'm happy to vote for it and also thank you so much for your patience for staying tonight we really do we really do appreciate that and and it is important to come and use your voice in these meetings. It really is. It impacts us up here. It lets us know that, you know, we have concerned citizens in the community

[03:22:26] and, you know, your voices matter. So thank you for that. The only thing I might have liked is a little bit more density just because I'm so concerned about the number of units we have in the county. This may have been one where you could have done it without opposition from the community but i know you had issues with floodplain and those sorts of things that you were working around but thank you for all the green space and thank you for agreeing to maintain those paths and it sounds like it's going to be very very nice would you like a closing supervisor umstead i don't need i do not need one thank you okay great with that all in

[03:23:05] motion made and seconded all in favor please say aye aye anyone opposed that motion will pass 801 with Supervisor Kirshner off the dais. Thank you very much. Have a great evening. Happy holidays. Thank you very much. And we will go to item number eight.

[03:23:21] See you on the 22nd.

[03:23:39] Okay, so this is LEGIE 2023-0077-ZEBRA-EAST.

[03:23:59] Staff, do you have a presentation? And also, I will say again, members of the public wishing to address the board regarding this item and who have not already done so, please call the number scrolling across your screen. I will now turn time over to staff for any updates and a presentation.

[03:24:16] Thank you, Madam Vice Chair. I'm standing in for Allison Britton this evening. I'll do my best to answer your questions. Last item on your agenda. This is 26 acres east of Loudoun County Parkway, south of Waxpool, north of Shellhorn Road. It's zoned PDOP, also crosses two planning areas and also two place types.

[03:24:37] The two place types with concern to this project is suburban employment, which is on the northern part, urban employment which is to the southern part of the property to which the development of this application will be located also two road projects are subject to this property lockridge and prentice unite across this property those projects are scheduled to move forward in 2027 and also 2033 existing proffers apply to this site as part of the uunet and worldcom back in 1998 there is site plan approval for data center on this property about three hundred twenty seven thousand square

[03:25:15] feet they're asking to amend the original proffers to allow expansion of this use or data center use onto the adjacent dullest barrier to the south and with the application there's also a special exception

to increase a floor area ratio in the district this is currently pdop two development options you see on the left and right major differences are the location of the stormwater pond also building orientation and location or excuse me building envelopes and parking envelopes and locations and here you'll see the alignments of lock ridge and prentice drive this is a closer

[03:25:52] view of option one which again noting the stormwater area an interim connection to prentice drive and also the parking and building layouts this is a closer view of option two stormwater pond is to the east building envelopes move to the north again you see the alignment and relationship to lock ridge road and loud county parkway on the west what we're asking the board to consider are the design elements that are proffered to this application specifically this

[03:26:29] the urban employment area has design guidelines that speak to various proposal or various elements we've talked to the board about this before you have either conceptual projects that deal a lot with word descriptions and you have visual depictions of the property this is something that the applicants are asked to be conceptual and provide a lot of text in terms of descriptions for us to fully evaluate the application we're recommending some additional details regarding uh various locations of the elements of the project for further evaluation and we're asking the board are they comfortable with the amount of descriptions that they'll outline in their

[03:27:05] presentation this evening planning mission did recommend approval this did go to work session there were a number of concessions made and details worked out in terms of timing of lock ridge and prentice drive access to the property as well as a number of design elements we could support board approval this is a use that's anticipated within the the place type at the density that's proposed but again we're asking for the board's feedback on the design proffers that the applicant again will present to you in just a second happy to answer any questions thank Thank you. Does anyone have a question? I'll go to the district supervisor first. Supervisor Sainz.

[03:27:44] Thank you, and thank you for pinching for your colleague tonight. So can you clarify one thing for me? Is a data center by right on this, for this property or not? Because that was a little unclear. I apologize. When we spoke earlier, I went and did some more research on it. So there was a site plan that was approved in 2018 that allows 327,000 square feet of data center.

[03:28:08] And that was allowed by Wright through the previous proffers. So there is a site plan that was submitted back in 20, was it? It was approved in 2018. 2018 and to do a data center. Yes, sir. Okay. So that was approved in 2018. But I guess the main reason why they're in front of us is because of the potential for the road that the county is looking to build, which is, what is it, Lock Ridge.

[03:28:33] Yes, sir. And also changes the relationship to the Dulles-Berry project to the south. They're wanting to develop across the property line. to the south and they needed to tweak or excuse me amend the previous concept plan and proffers to allow that but in theory they really don't have to they don't if they don't want to they have some entitlement today yes sir so so technically with what was approved in you said 2008 2018 2018 technically they could build the data center right now if they wanted to correct about 327 000 they're asking you to go up to 936 965 000. okay and then buy right with the 2018

[03:29:09] approval what's the far that they have already points three two uh it was 0.04 with the original proffers they're asking to go up to 1.0 okay so 0.4 i guess is what they're approved right now per no one coming in front of us they can just build a data center right now if they wanted to um with that with what they could do right now how high would that be the the data center? Let's say up to 100 feet. Okay. So like

one story, two stories? Most data centers will be three to four stories at that height. Okay. Data center stories are a little different

[03:29:47] than typical. So in your opinion, would it be similar to what's already in place with digital realty that's already constructed? Yes, sir. Okay. And not at the same height that's being built right now next door, which I think is called Dulles Berry, I think? Dulles Berry to the south.

[03:30:05] They'll have more details about development on the south side, but I believe it's a similar size and scale. And that's what they want to get to? Correct. Okay. And this whole, again, the whole corridor sort of anticipates this level of intensity of data center. Okay. And in their proffers, as of right now, they're only proposing, I guess, to give a small contribution for the proposed road.

[03:30:28] Is that accurate? They're dedicating the right-of-way to allow the county projects to move forward, and they're giving some cash to realign the median once. So they're going to be using part of that road before the project is done. It allows us to go back in and fix the median once the.

[03:30:43] And how realistic are we going to build Light Ridge, or Lock Ridge Road? How realistic is that? 2031. Thank you, Supervisor Sains. Oh, sorry, Supervisor Taconi. Thank you, Vice Chair Brissman. So I noticed in the proper statement that they had the 70 decibels as the noise that was allowed.

[03:31:09] I think they're going under the 93 zoning ordinance. Am I right? Because I think it's 65 now in our current ordinance. They are wishing to develop under the revised 93, but I believe they would be held to that standard. But the 70 is a lot. I think the 70 was the 93.

[03:31:26] Okay. think I think it's 65 yeah I mean I I think you know we've heard from Jay Lark that the tonal tonal noise is an issue in 70s is is some noisy so that's a tie residential is down to 55 so it it seems high to me and they say that the chillers may be enclosed is that is that just a May so that's correct no guarantee correct well awesome to clarify as part okay um and so they're not doing any improvements on the lockridge road right in their proper statement there's no improvement the right-of-way

[03:32:05] they're giving right away which is a substantial savings to the county and then we have capital money is already directed to build the build the roads okay okay thank you thank you supervisor jacrony chair randall um on slide three um this this um plan this lot bifurcates two place type suburban employment and urban employment can you remind me refresh my memory what's what what is allowed in suburban employment versus what is allowed in urban employment so core uses in urban employment are office research and development and data centers that's urban yes ma'am core uses in

[03:32:43] suburban employment are light production office research and development contractor without outdoor storage and flex space so then data centers are not by right in urban i mean sorry they're not a core use they're not a core use correct they're a conditional use so then i'm a little confused by your answer to mr mr saints then because you i i thought and i might have misheard you i thought i heard you say that this is a by right use are you saying it's a by right use in urban and not suburban it's a core use in suburban is that what you i'm a little confused

[03:33:21] sorry i'm distinguishing between the place types and the so you're we're talking place types so So it's not by right or specs. It's the policy aspect of it. And also the approval he's referencing is from prior to the plan being adopted. The approval is prior to the plan. Okay. All right.

[03:33:37] That's much more helpful. Okay. All right. Thank you. Thank you. Could you go one slide back? Yes. Thank you. What is, come on, this?

[03:33:54] That's a data center. Uh-huh. And what is this? That is a data center under construction on Dulles-Berry. Okay. And this? That's UUNet. That's Data Center. Okay. And this? That's Loudon Metro. That's Data Center. Or Loudon Center.

[03:34:10] That's Data Center. Okay. All right. And down here? Data Center as well. Digital Realty, I believe. Okay. And what's going over here between the site and the houses? It's not working. It looks like a parking lot.

[03:34:27] That's Data Center as well. Across the street? Yes, ma'am. There's four buildings that were approved by the same site plan that allowed Data Center on this site. Oh, that came together. But they haven't built the data centers at all, and it was approved in 2018. I believe they're starting to move through with it, but again, I'll have the applicant answer.

[03:34:45] Okay. The increase in the FAR, does that allow a building height increase? No, it would be more likelihood that it would reach that 100 foot that's allowed by the district. Okay, okay, all right. So they're not asking for extra building height?

[03:35:03] No, ma'am. And I assume this is 2023, so these were grandfathered before the zoning ordinance rewrite? Yes, ma'am. Okay, all right. Those are all my questions. So we will go to the applicant. You have 10 minutes. You can stay there or go to the podium.

[03:35:20] Welcome. Thank you. Just waiting for them to pull up my application before I get started. Thank you. Is that better, Chair Randall? Thank you.

[03:35:41] It's been a long day. It's cool. It's lost its touch. No, right? I feel like my parents. I apologize. Here you go. Erin, good luck.

[03:35:57] Apologize to your parents. It's okay. You're going to watch me struggle with the clicker. Thank you very much for giving us control over our slides, and I'm going to struggle through this part of it. So thank you very much. Good evening, Madam Chair, Madam Vice Chair. My name is Erin Splissom. I'm a land use attorney with Walsh Colucci. I'm joined here with Bill Junda and Gavin Klein from Cloud HQ. I want to really thank you for the opportunity to present before you this evening. I also understand that I'm last on the agenda. I'm going to try to make it as snappy as humanly possible. Yes ma'am. Okay. Good heavens, why is it not? Last night's

[03:36:32] finance went to like 12:30, so you know, we're doing good. Okay. All right. As Marchant pointed out, this is a 26 and a half acre parcel. It's located east and south of Launa County Parkway, zoned PDOP and surrounded by properties that are developed by data centers and known by data center developers. He did a great job of talking about the place types, So I'm going to move on and give you a little bit of application context.

[03:36:57] I wanted to talk to you about part of the reason that we're here before you this evening. There is presently an approved site plan for this property allowing data center development in the amount of 372,180 square feet. And when this was approved, the future Lockridge Road, formerly known as Prentice Drive, did not contemplate bisecting the parcel.

[03:37:18] since its approval that alignment has changed and instead of running north of the property transverse the property so in order to accommodate this future right away that the county needs and to make the property functional the applicant filed this application in July of 2023 making it grandfathered. Marchant did note that we have two development proposals here. These plans identify the building and parking envelope shown in red, circulation and parking which in areas that are shown in blue in areas where principal facades will be located shown in orange. While this is a grandfathered application we have proffered to comply with the data center standards that are

[03:37:54] contained in Chapter Four of the 2023 Loudoun County Zoning Ordinance and that Supervisor Traconi is part of the reason that that decibel reading is noted in the proffer statement because we're complying with the sound studies as well for those Chapter Four ordinances so as you will note here all of the facades on Zebra East will be facing future or existing planned roads and are therefore going to be offered as principal facades. You will also note here that we have shown areas where mechanical equipment, if any, will be stored on the property. Those are shown behind the principal facades in pink, so we'll be shielding all of our equipment.

[03:38:28] if it's on the property behind a principal facade that is proffered as part of the zoning application. We are also showing our stormwater management features, parking, buffering, and tree conservation areas. We've also proffered to substantial compliance with all features shown on the CDP as well as to a boundary line adjustment to allow the building to be completed as shown on the CDP. This is our second proposal in addition to the features that we've already talked about we are proffering to a minimum of 30 percent open space which exceeds both the plan and ordinance requirements. This

[03:39:03] includes a 3.3 acre tree conservation area north of the right-of-way that we are proposing to dedicate for future apprentice drive and three acres of additional open space outside of the building and parking envelope as requested by staff. We have also committed to a minimum 15 percent tree canopy coverage up from 10 percent and instead of planting turf grasses throughout the property are providing alternative meadow plantings to provide a more habitat supportive environment and to help conserve water. That's also in addition to the habitat supportive plantings that we are planting in our required buffers and along the banks of our stormwater management ponds on site.

[03:39:37] We're also proud to be committing to providing 100 percent of our required phosphorus reduction on site without purchasing off-site credits. As we noted previously we have committed to compliance with the building and design standards for data centers that have been adopted by the board in the current zoning ordinance.

[03:39:56] We've also proffered to those detailed standards in our proper statement to make sure that they apply to us at the time of site plan, as well as substantial conformance with the building character and materials shown in the image on the screen. So this is included as an attachment to our proper statement. The building designs for Zebra East, in addition to complying with Chapter Four standards, have also been an evolution of the designs that are on the Dulles-Berry parcel directly to the south so that the campus is going to feel cohesive.

[03:40:27] And in addition to this rendering, we're also committing to, as we said, principal facades along all public right-of-ways, a main entrance feature along at least one principal facade for each building, commitments to our building materials, all of the differentiation in colors and tones, and then the noise study to confirm compliance with the noise regulations that are contained in the zoning ordinance.

[03:40:50] One of the areas that did come up at the planning commission was the potential for loading spaces on Zebra East, we don't think that there will be any. However, in order to address the potential for them to, if they are, we wanted to address how we would screen them, and that's what we're showing here. This image is also a proffered image for the structure itself, which it's hard to see because of how deep back this tunnel goes, but this is a tunnel that we would use to screen any loading areas and the actual act of loading and unloading. We have also proffered that the architectural treatments for this type of screening would be compatible with our design

[03:41:28] proffer. Speaking of screening, we know that what this will look like from the road and from surrounding properties is really important to the board. So we have provided these renderings to show how screening commitments along both Loudoun County Parkway and Future Lockridge Road will appear. This rendering shows the buffering that we are providing at the corner of Loudoun County Parkway and Future Lockridge Road. In addition to the plantings, you'll also see that we are providing the berm that is contemplated in the zoning ordinance. And then a similar view from future Lockridge Road that shows the berm and the plantings as well. And

[03:42:08] before we talk a little bit about transportation and phasing, I wanted to provide a little bit of further context for the site. This illustrative shows the interaction between Zebra East and Dulles Berry to its south. As we noted in previous slides, we've committed to the boundary line adjustment to eliminate the parcel boundary between those two buildings that will allow us to construct the building as depicted. We're also burying the distribution lines that you see on this image as part of the development of Dulles Berry. So those will also not be an impediment to construction. So transportation is a big part of what we worked out with staff at the planning

[03:42:46] commission. So we are providing it in three phases. The first phase is before any work on Prentice and Lockridge is done. Access will be provided via an existing curb cut, which is shown is entrance one here on this image and will allow us to access the circulation that's outlined in blue. Entrance two in this instance is only for emergency access because there is a proffered condition on Dulles-Berry that limits the amount of traffic we can put through that intersection until there is access to the signalized intersection up at future Lockridge Road in Loudoun County

[03:43:21] Parkway. In scenario two or phase two once future Lockridge Road and Prentice crosses Loudoun County Parkway and that first stub is built we will close entrance one so you will see here that it's been reconstructed and the curb cut has been removed and we will construct a driveway that you can see outlined in red down to our circulation pathway on Zebra East there. In this scenario as well entrance two is simply for emergency access because we again are complying with the proffered

[03:43:57] condition on Dulles Berry that limits the amount of traffic we can put through that study intersection. And then our permanent access, once future Lockridge Road goes across the entire property and is open, we will close entrance 3A and we'll access the property via entrance four shown here, and then at that point, entrance to becomes a full movement access for the entire campus as a whole. With that, I want to thank you again on behalf of CloudHQ for the opportunity

[03:44:34] to present before you this evening. This application is a result of over a year, almost 18 months now, of productive conversations between stakeholders, and we're very appreciative of the time that Marshawn, Allison's staff, the planning commission, and everybody else who's worked with us has taken. We think that each iteration of this application has become stronger and stronger, and with that, we are

available to answer any questions that the board may have thank you so much and with that I'll go to the district supervisor sayings thank you vice chair briskman you've done a great job tonight oh thank you all right so you're

[03:45:14] asking to go from the far that's already approved from 2018 I guess 0.3 or 0.4 and asking for an increase to 1.0, is that correct? That is, and part of that is to offset the 4.4 acres of right-of-way, so that actually brings us down closer to what would be like a .6 or .7 net on the property as opposed to that 1.0, because once we dedicate that 4.4 acres to the county, we no longer get to count it in our overall project development.

[03:45:46] So why not just build what you already got approved? Because if we were to build what we already have approved, then it would require the county to condemn that building when the -- Well, let me rephrase. Why not build what you can, obviously making a site plan adjustment for the road?

[03:46:03] I think at this point we would actually run into a problem getting a site plan adjustment because of how severely the plan is impacted. At the time that we filed this application, we weren't aware that OP would become a special exception.

[03:46:21] That was something that kind of came at the end of the zoning ordinance rewrite. So, by the time that we knew that that was happening, we'd already filed this application and didn't have the opportunity to go back and try to file a new site plan for that. You could have. By the time that we actually found out, I don't think we would have had time to resubmit something.

[03:46:41] Okay. All right. And would you be willing to proffer building the road in front of your property? So that's something, and thank you for bringing that up, and we have looked at that as part of our discussion since our meeting on this application.

[03:46:59] We want to continue that conversation with you and with staff. Part of the logistical problem that I think we're running into is because this is a part of a larger county-funded program, We want to make sure that we're accounting for all of the logistical problems that might come as part of that.

[03:47:18] But we want to continue that conversation with you and with staff. Well, let's do it, because as we all know, private does build faster, and we know if you get approved for this, you'll be, as I like to say, rocking and rolling pretty quickly. So I'm pretty sure your building will be up way before we even start moving any dirt for that road.

[03:47:35] And it was mentioned, what, 2031, is that what you said, Marcia? 2031, yes, sir. Yeah, 2031. like let's be honest with ourselves right if this was to come get approved you'll be moving like this. Now last question because right now the site is being used as a parking lot for all the construction workers and and folks for the Dullesbury that's right next door so where would all the construction folks go if this was to come to pass because obviously Dullesbury would be built and then you'll be working on the construction site. I'm going to turn that over to Bill Junda.

[03:48:06] So earlier when you saw the slide and you asked that the aerial photo of the construction on the other side of louden county parkway which cloud hq also owns that's also construction parking for these campuses so the that construction phasing would all move over to the the west side of louden county parkway and at that point the dullesbury building would be complete and therefore the parking requirements would go down and it would just be another new building being constructed thank you

supervisor to crony uh thank you vice chair brisman so can you go to the first slide that you showed thanks i'm gonna try so hard for you ma'am oh um it was the one with that showed

[03:48:46] like the hq on the other side and yeah just the whole campus yep um i'm just paging my way back through oh okay sorry no that's okay there this one right here okay yeah so um is this part like it's i see cloud hq i see cloud h clue on the south and then zebra east is this part of one huge campus yeah all of those properties are owned by cloud hq this property specifically is meant to be an extension of the dullesbury campus okay which is owned by cloud hq yes and how many square how

[03:49:26] much how many square feet is that campus data center so dullesbury is entitled for about four million square feet but it can't actually we can't actually fit that many square feet on the site so it's much less than that. Okay, do you guys have power? Do you know if you have power for this entire, including Zebra East? So the Dulles-Barre site to the south, you can see the Dominion Energy symbol. There are actually two substations that are going through the approval process right now that will power this campus. So that Zebra East is an extension of the Dulles-Barre property that

[03:50:03] has a power plan for the entire campus from those two substations. Regarding the chillers, I wanted to bring that up. It said that you may, you know, you may take, you may put those inside the building, but that the word may, so I want to clarify that.

[03:50:28] Sure. So it depends ultimately on who the end user is. So one of the designs that we looked at, that is a possibility. That's also part of the reason we thought it was really important to include that noise study that's in the new zoning ordinance to make sure that we are complying with all of our district regulations and to prove that we are you know encapsulating and mitigating our noise as we're required to do okay okay thank you of course supervisor Turner thank you very much and this is kind of out of the box feel free not to answer and I won't hold

[03:51:06] it against you. I do. I might take you up on that, Supervisor Turner. That's totally fine. JLARC has said we saw the Dominion letter. JLARC has said it could be four to seven years before you have full power. I'm just curious as to why an applicant would build a data center knowing that they could go seven years without any power. So I'm going to answer first saying that I don't think we've had the chance to fully absorb the JLARC study, and I know you appreciate that.

[03:51:38] I think some of this is being shovel-ready for when there is power, and if there's an additional answer, I would turn it over to Gavin, but I think that's really the answer. Then let me do a follow-up, because that just popped into my head. Any contingency plans for on-site power if you don't get power within seven years?

[03:51:59] We would be happy to continue that conversation with you, but that's not something that I'm prepared to talk about this evening. Good. Thank you. Madam Chair? since we're asking questions that you don't have to answer i'm going to ask a question of you bill um because i think you and i have always had a great relationship we've always you know i had a i had a young man a kid he's 12 years old come to me a couple weeks ago and he uh he he asked me a question and he said you know he was really you know you ever met a kid who's like 12 years old but really like 46, like one of those kids.

[03:52:36] He said, like, I understand data centers bring a lot of money to the community, and I understand you guys are trying to make them look nicer, and I understand. He said, but there are whole

walls on them sometimes that are really, like, ugly. Even if you do something in the front, they're really bad. And so, you know, I'm talking to a kid, so I say, what would you do?

[03:52:53] Because usually, you know, a 12-year-old would go, I don't know, right? But he didn't. He said, well, I've been doing all this research on what, you know, certain parcels of land looked like before you built the data center. And I think you should do a painting on walls of what Loudon used to look like before the data center.

[03:53:12] I thought that was an interesting idea from this kid. Like what Loudon used to look like on a mural on the side of a data center wall of what it used to look like. And I said, well, we've had discussions about murals on walls before, but, you know, it's always kind of, it's up to the artist.

[03:53:27] And he said, well, I have pictures of what Loudoun used to look like and like before this. So why don't you just take a whole wall and put a mural on the side of what Loudoun was before? And I said, well, Jackson, that is really, really interesting.

[03:53:44] I'm going to ask some data center people. So you really don't have to answer that right now. But I'm going to come over to DCC and talk to all of you all because I thought that was, first of all, it came from a child, basically. but I also thought, you know, instead of just complaining and complaining, he actually came with me and said, hey, I have this interesting idea. I mean, first of all, he called me and we went out and we sat and we met and, you know, I bought him lunch. He really took up my offer to buy him lunch. And he had this really interesting idea. So I thought I'd say it

[03:54:23] and then come to dcc and talk to you all about it but if you have any thoughts i'd like to hear them right now if you wouldn't mind me answering that question um i i think that that's an excellent idea and i will only and i'm i'm watching supervisors turn her face turn her space for when i say the word signs because that technically qualifies as a sign under our ordinance and if that's something that we're interested in doing i think that's a great idea but it technically counts as a mural and there are pretty strict regulations about what you can and can't do for a mural. Yeah and we can we can look at those regulations and talk about them in the meantime

[03:54:59] I'm just going to give this 12 year old who's really 46 your phone number. Please feel free. But now we can these are these are discussions we can have but I just thought he's a kid and he brought this to me I thought it was great actually. No I think that's a really creative idea. I do too thanks. So during the zoning ordinance rewrite I actually did try to put more flexibility into the murals that we could do in the county.

[03:55:27] And I believe I was actually voted down by my colleagues when I tried to do that. So I would be very happy to talk about it again because I don't think. I'm going to give Jackson credit. Doesn't matter what happens, I'm going to give Jackson credit. I don't think that an entire side of a building is allowed to be painted.

[03:55:47] I think we actually have a restriction of, like, 50 by 50 feet or something like that, which drives me crazy. But I think it's an awesome idea. I mean, anyway, could you show the rendering again, the first rendering you showed?

[03:56:03] Yes, ma'am. This one right here? Yes. Speaking of aesthetics, is this set in stone right here, this kind of grid-like looking? is there anything we can do to make that look a little nicer happy to have that

conversation with you and i will send you an email after this uh hearing so that we can have a meeting to talk about any design considerations it was actually the the district supervisor's question so then

[03:56:38] and we would want to defer to him anyway on what the design so well and i've already i've already committed to having a future meeting with uh supervisor sayings and so that's something that can discuss i'm sure i'm sure yeah okay um and just remind me again the square footage you're going to and and from from where like it's the square footage that you have right now that you're allowed to build is how much uh 272 000 oh sorry 300 thank you bill i i have it right in front of me and read it incorrectly because that's the kind of day it's been 372 172 180 and we are

[03:57:15] Our maximum square footage for 1.0 FAR would be 965.38. So I guess I don't understand. How are you tripling the square footage and not making the building height any higher? The building height will be higher. Okay. Yes.

[03:57:30] Okay. Yes. What was the envisioned building height in 2018? We'll defer to Bill. Sure. While it allowed up to 100 feet, our site plan only showed one story at that time. Okay. Which was typical for a point. It was typical back then. now the three stories are kind of starting to push the envelope there. Okay, I will at least for tonight defer to the district supervisor. I don't know how I will be voting when the item comes to

[03:58:02] a business meeting. We have one speaker on this item, and that is Tia Ehrman. Good evening. For the record, my name is Tia Ehrman. I'm a senior land use field representative for the Piedmont environmental council the jailer findings presented the general assembly just this monday detailed the staggering impacts of the data industry on data center industry on the commonwealth

[03:58:37] this one one industry is derailing our climate goals serving as an excuse for shareholder owned electric companies to construct billions of dollars worth of infrastructure at taxpayer expense and supporting the continuation of outdated coal-fired power plants and justifying the construction of brand new natural gas plants. As JLARC findings show, the increase in power demand due to population increase, electric vehicles, and electrification is nominal.

[03:59:06] In comparison, the increase from the single industry is projected to be as high as an additional 183 percent by 2040 under an unchecked growth scenario. This data center campus in this application is an excellent example of an unchecked growth scenario. While it may be by right, as it was previously approved long before the impacts of this industry were understood, more than doubling its FAR and tripling its overall footprint exponentially increases the

[03:59:37] negative impact -- is what -- sorry, bad typo -- and our county does not have to say yes. While Loudoun has no choice but to allow another campus, we do not need to so significantly deepen our dependency on this industry, worsen our energy crisis, or further monopolize our economy to the extent being requested.

[04:00:00] Loudoun is legally empowered to say no to this massive growth, and we encourage you to do so. Thank you. Thank you, Ms. Zerman. Do we have any callers on the WebEx who would like to comment? No. Okay. With that, I will close the public hearing, and I will go to the district supervisor for a motion.

[04:00:17] Thank you, Madam Vice Chair. I move that the Board of Supervisors Forward-Legy 2023-0077-ZCPA-2023-005 and Special Exception-2023-0019 to the January 22nd, 2025 Board of Supervisors Business Meeting for Action.

[04:00:42] Would you like an opening? I'll just briefly say, obviously we've asked some good comments here. and give you some some food for thought and uh look forward you said you'll continue in conversation with uh with my office so we'll look forward to an ongoing conversation and um we'll leave it at that so thank you thank you any other uh discussion on the motion seeing none all in favor please say aye aye any opposed that motion will carry 702 with supervisors kirschner and letourneau off of

[04:01:16] the dais thank you very much to the applicant and staff um point of clarification supervisor turner is there a tluck meeting this month there is not there is not so no no i'm gonna take the dick gavel back before you close the meeting i am wow i am i want to take the gavel back before you close the meeting to tell you to tell you what a great job you've done tonight this was a tough meeting and i was curious to to because i mean this was a lot going on and um and i threw you in here in

[04:01:55] the last minute you got just the email a couple days ago that you were going to do this and you did a great job so thank you very much and yes um happy holidays everybody want to adjourn us it is now my honor and privilege to close out 2024 for the louden county board of supervisors no more official meetings happy holidays



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