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Loudoun County Board of Supervisors, Public Hearing, Wednesday, February 12, 2025

Date Wednesday, February 12, 2025
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 3h 50m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7870>
- Meeting page: <https://loudoun.granicus.com/player/clip/7870>

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[00:13:55] it's not bad no it's not bad well once again good evening supervisors getting the staff and good evening loud and we are now going to call the february 12 2025 loud and cambridge supervisors public hearing to order this room does have a hearing loop if you need hearing assistance please switch your hearing aid to the telecall 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 addressing the board this evening you may only sign up to speak on matters that are advertised for the public hearing Due to the broadcast delay, any member of the public who are not in the boardroom wishing

[00:14:32] to address the board in items one, two, three, four, five, and six, which are on the consolidated agenda, please call the number that is scrolling across the bottom of your screen at this time. If you signed up to speak, you will be allotted two and a half minutes. If you are in the boardroom, we ask when your name is called, please come to the podium closest to you.

[00:14:49] Say your name for the record, and if you'd like to say where you're from, you're free to do that as well. The timer on the podium will indicate your remaining time, when your time has expired. Please yield the floor to the next speaker. If you are providing your comments via phone, I ask that you use your own stopwatch because I never stop people like when they're two minutes out because it messes up your flow, but when you get to two minutes and 30 seconds, then I actually will stop you.

[00:15:15] So if you could time yourself, I'd appreciate that. And when taking public input for items, I will first ask if there's anyone in the boardroom wishing to speak, then I will go to the moderator on the phone and ask if anyone is on speakers via online. Please note that there is a slight delay between the broadcast and the boardroom.

[00:15:33] Before we go to the pursuant section by code, I do want to make one statement. Supervisors in the memo that I sent, I actually put in that memo that the meetings for the budget will start at 5 o'clock.

[00:15:51] is not right, the meetings for the budget will start at 5:30. The meetings were pushed back to try to accommodate our colleagues who are working, especially the ones who are working in D.C. So it's a mistake in the memo, I apologize, but the budget meetings are 5:30 and not 5 o'clock. I don't plan on sending you out a new budget item or new information, I'm telling you right now, so now you got it. Pursuant to Virginia code section 2.2-3708-3.3 in the Board's Rules of Order, Supervisor Brixman requested to participate in this meeting by electronic communication. A physical quorum of the Board of Supervisors is present in

[00:16:28] the Boardroom and the Board has made arrangements for the voice of Supervisor Brixman to be heard by all persons in the Boardroom. Supervisor Brixman made this request within the required timeframe and the County Attorney determined the request meets the qualification to participate remotely. The Board will record in its minutes that Supervisor Brixman participated remotely from a location in Brooklyn, Maine, for personal reasons.

[00:16:49] Supervisor Brixman, can you hear me? I can, Madam Chair, thank you. Wonderful, wonderful. Supervisors, please have your, accessibility Mr. Sains, please pull out your motion sheet. Most of the motions this evening are either countywide motions or motions in the Dulles District, so I'm happy to make those.

[00:17:11] But if they are not, please have your motion sheets out so you can make motions on the consolidated agenda. The board will hear the following items as a consolidated hearing. As a reminder, these items, I think that's Ms. Burks. Oh, that's yours. Okay. These items are being consolidated because there is no outstanding issue.

[00:17:29] Staff has recommended approval. The applicant has waived their presentation time, and no public speakers are requested in advance to speak to the board. Items that consolidated are as follow. Item 1, CPAM 2024-0004, the Rural Historic Village Classification, that's a countywide item. Item 3, ZOAM 2024-0003, Manufactured Home Regulations, also a countywide item. Item 4, Leji 2024-0028, Chick-fil-A, Sugar Land, that's a special exception, 2024-0045,

[00:18:05] that's in the Sterling District. It's in the Sterling District, not the Golden Nickel Factory, We got it. Item five, Leji 2023-0090, Reisfield substation, special exception 2024-008, special exception 2024-0018, that's the Dulles district. I will make that motion. And item six, Leji 2023-0109, Novex South Fork substation, special exception 2024-0033, special exception 2024-0034, that's also in the Dallas district I will make that motion as well are there any members of the

[00:18:43] public who are here who wish to speak on any item on the consolidated agenda all right seeing none to the moderator is there anybody online who wants to speak on any items on the consolidated agenda chair randall i have no one online wonderful wonderful all right i'm seeing none i'm going to close the consolidated agenda public hearing i'm going to make motions on the consolidated agenda right now

we will go to item number one which is a rural historic village classification which is a county-wide item i move the board supervisors approve motion 2b for the approval of the comprehensive plan amendment as provided on february 12 2025 public hearing item number one

[00:19:21] staff report second i'm going to give that second to mr crony um motion made and seconded ladies first yeah so i all i will say on this item is no kidding to mr crony and to mr kirschner and to all the staff um thank you for for all the work we have been doing and will continue to do on this item i also want to do a special thank you to madeline skinner um who she is such a great voice for the rural rural historic villages she has taught me so much she took one of my staff

[00:19:55] members um out on a on a field trip um and if you if you've not met miss skinner if if there's something she needs for you to know she's going to make sure you know it because she's going to contact you and in the nicest possible way keep talking to you until you surrender and so so thank you miss skinner and thank you everyone on the real real historic um village um community the communities for all the community support you all have given us because you all have have been absolutely amazing.

[00:20:31] Mr. Crony. - Yeah, thank you, Chair Randall, and I wanna echo Chair Randall's comments and also extend my gratitude to Heidi Siebentritt, Theresa Stein, Jennifer Moore, everyone who contributed to this CPAM, and again, special thanks to Madeline Skinner from the Loudoun Historic Village Alliance.

[00:20:51] Preserving our villages is essential, and this marks the first step, and it's time really to start with a small area plan each village we're working on st louis and i have high hopes that will be done soon and then we'll be moving on to luke's and i do support the three villages that are that have been prioritized by staff and i recommend that all db part be first in the second round i know that we had a bunch of speakers who came and i want to just recognize that i heard them and aldi being first in that

[00:21:26] second round will help address some of the impacts um with the opening of oak hill some of the traffic and other impacts and i look forward to working with uh supervisor kirschner chair randall and um the loudon historic village alliance to prioritize the rest of the villages so we have lots to go through i think there's 15 in total so thank you so much thank you ma'am mr kirschner thank you madam chair i'm not going to repeat everything that was already said but Madeline, obviously, is she here?

[00:21:56] No, there she is. Oh, she's hiding, okay. Thank you for all your hard work and everybody that put in that work with you as well. And I agree with Supervisor De Kony, I'm in agreement, and I'm assuming that the recommendations of those three villages as the first to move forward or being prioritized is what staff will follow.

[00:22:15] It wasn't clear, but I'm assuming that's the case. Thank you for all those. This has been a long time coming, and I'm really happy that we are putting in the time and effort to prioritize our rural historic villages, their classification and how we're going to handle them, obviously making them something in Western Loudoun primarily that is very unique and really great places to visit and in many of those cases, places to live.

[00:22:42] Thank you, Madam Chair. Thank you. Ms. Glass. Thank you, Madam Chair. I do have a question. On the consent agenda? So since the CPAM focuses on rural villages, how are villages in eastern Loudoun, such as Ashburn, Arcola, Sterling, and Waxpool identified in the comprehensive plan?

[00:23:06] Thank you. Thank you. Supervisor Glass, not all of those villages are identified within the plan. The plan currently has a designation for a legacy village core over Arcola, Old Sterling, and Ashburn with

some associated policies. But they are as you said not part of this project, but there is some policy guidance for them in the plan currently. Thank you very much. Thank you. Thank you Miss Brickspin do you have anything on this? No, ma'am. Okay So I made the motion missed to crony second at the motion. Thank you everyone

[00:23:42] And again, thank you to staff and and and everyone and by the way Yay, st. Louis we're getting it done all in favor say aye any opposed that motion will pass 801 with Mr. Kirshner being off the dais for that motion item number two is the manufactured I think it's Letourneau madam chair I'm sorry Mr. Turner okay he is and how I miss him I am that's that's why I'm just trying to block it out so I'm sorry Mr. Turner being off the dais and he brought me a sandwich and

[00:24:20] Everything. Gosh. All right. Item two. I'm sorry. I'm with the support supervisors. This is the Manufactured Home Regulation. Move the board supervisors approve. Motion 2B for the approval of the Zoning Ordinance Amendment as provided in the February 12th, 2025 Public Hearing Item Number 3, Staff Report. Thank you. Thank you. So this is the Manufactured Home Regulation. I'm sure you all read this. I said this a couple of meetings ago, but

[00:24:52] But just to have it again, I did ask AIDWAB to do a white paper on tiny homes, which manufactured homes may or may not be able to fall under the definition of tiny homes.

[00:25:07] And so this is just a discussion of like what we can do, that they can't do what they are and that type of thing. So we will find out more about this item later on as well. Anybody else on this item? Supervisor Bricksburg, do you have any comment on this item?

[00:25:24] No, ma'am. Thank you. All right. Wonderful. All in favor of the system, please say aye. Aye. Opposed? That motion will pass 801. Mr. Letourneau being off the dais right now. We have an item in the Sterling District, Mr. Chains. Thank you, Madam Chair. I move that the Board of Supervisors approve motion to be for the approval of the minor special exception as provided in the February 12, 2025 public hearing item number four, staff report.

[00:25:49] Motion is made and seconded by Ms. glass you okay discussion that motion mr saints none just uh doing some adjusting for the second time at a very very popular chick-fil-a uh in the sterling district right off of route 7 in front of the burlington coat factory the lytle and a few other great uh shopping destinations in the sterling district all right anybody else miss briggsman anything on this one nope all right um motion made by Supervisor Sane, seconded by Supervisor Glass, on the field please say aye. Aye. Any

[00:26:27] opposed? The motion passed 8-0-1. Mr. Letourne is off the dais. Leggy is the race field substation item is in the Dulles district in Mr. Letourne's absence. I will make the motion. I move the board of Supervisors to approve. Motion to be for the approval of the special exception provided in the February 12, 2025 public hearing number five staff report action item. Motion has been made and seconded by Supervisor Glass. I have no opening on this item, no discussion. Ms. Bricksman, do you have discussion on this item no ma'am okay anybody else seeing none i'm pleased to say aye any opposed that motion passed 801 and then the last um on the consolidated agenda is the novak

[00:27:06] south fork substation um it's also in the dulles district i'm with the support supervisors approved 2b for the approval of special exceptions provided in february 12 20 25. public hearing item number six staff report so a second on this item motion is made and seconded by supervisor to crony i

have no opening on this motion anyone else want to speak on this item miss bricksman yes ma'am thank you madam chair on both of these items in dulles i was a little bit concerned about the applicant's request to forego the the buffer requirements and uh there's a wall that's required as well i understand that the dulles office has been working hard with the

[00:27:43] applicants to solve those issues so hopefully i'll be able to support them when they come to the full board thank you um wait a minute does this motion not move this motion is i'm sorry i can't i'm sure yes the motion on consolidated is to approve it to approve it yes that's what i thought miss briggsman this motion will this is we're done with this now it's not gonna okay we're proving

[00:28:17] this that's fine i i reviewed the changes so thank you all right um and and and well foreclosing i'll say yes mr mr letourneau does an amazingly good job um having these discussions with applicants um and and normally they wouldn't i've never seen one come from the dallas district to the for to the full board that hasn't been well worked through by the staff and mr letourneau and he will often call me and tell me what's going on with them so i feel comfortable with that as well all right all in favor say aye aye any opposed that motion passed 801 and again that was seconded

[00:28:53] by mr crony okay supervisors we only have one item tonight um for discussion besides the consolidated agenda and you would think with only one item we'd be on and off this day it's in about 15 minutes i don't think that's going to happen tonight um because the one item we have is the data center standards and locations uh phase one staff is coming to the table right now you need

[00:29:20] more than i do and i can watch that you need it more than i do good evening no i can too and you You guys are ready to let me know.

[00:29:55] You're good? I'm ready. Okay, we're going to do the presentation. Awesome. Good evening, Madam Chair and Supervisors. My name is Abdul Jaffrey. I'm the County's Project Manager for this project. I'm joined here with our Department Director, Dan Galindo, and Ryan Reitz, Deputy Zoning Administrator.

[00:30:15] I'm here this evening to present the proposed amendments for the data center standards and location, CPAM and ZOAM Phase 1. We will begin by explaining the proposed amendments for Phase 1. Then we will discuss the growth of data centers in the county.

[00:30:33] Next, we will go over to phase two, the scope of work and project timelines. Finally, we will conclude by presenting the Planning Commission's recommendation and staff recommendations. Ultimately, the focus for tonight will be on two topics, the proposed amendments for phase one and the scope of work for phase two.

[00:30:56] So the purpose, we're here to present the proposed amendments to the Loudoun County 2019 general plan and all Loudoun County zoning ordinance for data center standards and location phase one. The CPAM includes both text and map amendments.

[00:31:14] The text amendments designate data center as a conditional use in all place types where they're currently identified as either a core or complementary use. The map amendments includes replacing the urban employment place type with the urban transit center place type, revising the suburban policy area place type map to redesignate Arcola area from suburban employment to suburban neighborhood place type and revising the joint land management area place type map to redesignate Goose Creek Club from the Leesburg JLMA employment

[00:31:51] to the Leesburg JLMA residential neighborhood place type. The ZOM text amendment designate data center as a special exception used in the three zoning districts where they're currently permitted by right. It does not include any mapping amendments.

[00:32:07] Additionally, the ZOM does not apply to the properties governed under 1972 zoning ordinance. This graph showcased the growth of data center development in a county over the past two decades, focusing only on existing data centers.

[00:32:24] The blue line, which represents the cumulative square footage of existing data centers, demonstrates steady and exponential growth. In contrast, the brown line represents the annual permitted square footage with notable spikes in 2018, 2022, and 2024, indicating period of increased investments.

[00:32:47] In 2024, the county approached 45 million square feet of data center development. The same year, it received applications for an additional 26 million square feet and issued building permits for 5.2 million square feet, further adding to the cumulative growth.

[00:33:05] This trend highlights the county's status as the world's largest hub for data center. This graph illustrates the growth in existing and unconstrained pipeline data centers in the county.

[00:33:21] As of December 1st, 2024, the total combined square footage of existing and unconstrained pipeline data centers in the county reached 105 million square feet. For comparison, the county's total industrial space is limited to just 20 million square feet.

[00:33:39] Will you give a definition of unconstrained? So I will actually ask Abdul to pause here a little bit. Just to give a little bit of additional context on that approximately 60 million number there and the 105 million total that shows on the December 24 estimate.

[00:33:55] So for the purposes of this project, the Department of Planning and Zoning has looked at development approvals and applications in an unconstrained manner. And we've updated this data set more quickly than our typical data development to be able to see the growth in applications and square footage over the course of Phase I, is primarily what you see for March, July, and December. So, for example, within that 60 million or close to 60 million number there, there are 18 million square feet in active legislative applications that are shown for December. However, board approval would be needed for any development of that 16, or excuse me, 18 million square feet to occur. So, we have looked at this very broadly

[00:34:33] and the related just to try to track what we have through the various types of approvals and applications that have been in process as of December 1st. It's where we're at at the moment. Conversely, the Department of Economic Development's constrained estimate for the maximum practical capacity for data centers in Loudoun County is approximately 75 million square feet without additional legislative approvals. So both estimates have validity, but the two departments will ensure the differences between these estimates are better conveyed in the upcoming business meeting staff report. Dan, there has been just so much interest in this item,

[00:35:07] And so sometimes when I'm asking a question, it's not for the board, the staff, it's for the people watching people in the room. So if you do not mind, can you give a definition of what you all mean by constrained and unconstrained? So for a constrained estimate, we utilize market knowledge discussions with actual companies that are involved in development of data centers to take the numbers that we are generally looking at that look at the maximum allowed on a rezoning or a site plan and pull

that down to a more practical number in some cases depending on the specific site we have not attempted to do that for this project we've been trying to track the growth of applications

[00:35:46] and square footage over a relatively short period of time so we have just looked at the numbers that are on those documents to try to track them and that's what we are doing as an unconstrained analysis thank you thank you dan moving on this map to the right displays the location of existing and pipeline data centers as of december 1st 2024 the map to the left depicts existing and pipeline data centers situated on industrial lands. It illustrates that a substantial portion of industrial lands is dominated by single-use data centers. This graph depicts the data center

[00:36:25] development across different policy areas in a county. As shown, 80 million square feet of existing and pipeline data centers are concentrated in the suburban policy area, accounting for 77% of the county's total data center development. Leesburg Joint Land Management Area is an emerging sub-market with over 7.5 million square feet of data center currently in the pipeline.

[00:36:51] This graph illustrates the distribution of existing and pipeline data center development across different place types. Some of the key takeaways from this slide are as follows: approximately 35 million square feet of existing and pipeline data centers are located in place types where data centers are designated as a core use in the 2019 general plan. Core use are uses that align directly with the intent and purpose of the place type. In the Leesburg JLMA employment where data centers are a complementary use there is about 8 million square feet of development.

[00:37:29] Complementary use supports the core use while also helping achieve the place type's broader goals. The suburban employment place-type where data centers are designated as a conditional use accounts for the largest share of data center development, totaling 45 million square feet.

[00:37:49] Conditional use are evaluated on a case-by-case basis to determine their compatibility with the place-type's objectives. Additionally, approximately 18 million square feet of data center development is occurring in place-types where data centers are not envisioned under the 2019 general plan. This is because in some cases the underlying zoning allows data centers by buy right and in other situations a rezoning application which was approved to allow data center development. This graph illustrates data center development by zoning districts.

[00:38:27] Significant majority of the existing and proposed data center development is located on parcels zoned for industrial uses. Very few data centers have been built in commercial and residential zones. The industrial park or IP zoning districts have seen the most significant development with approximately 50 million square feet of development.

[00:38:54] This is the phase two of the project which includes amending and updating updates to the 2019 general plan. We will be focusing on revising or adding some policies on land use site and building design sustainability and also policies related to energy water usage air light and noise for data centers and substations will also align policies within within the 2019 general plan particularly between chapter 2 and chapter 5 phase 2 of the cpam currently does not include

[00:39:30] a mapping component the zoom aligns with the cpam work examining the existing use specific standards in the current zoning ordinance will determine if additional use specific standards are needed, such as the noise attenuations, building and site design requirements, and landscaping buffers.

[00:39:51] Based on our research and stakeholder engagements, phase two may include additional components that have not yet been identified. This is the revised project plan. Phase one, spanning approximately 12 months is on track for timely completion contingent upon the approval of the proposed amendments the timeline for phase two reflects a planning commission check-in scheduled for July 20, July 2025 ahead of the board's check-in in September 2025 this adjustment addresses feedback

[00:40:29] from the commission emphasizing their desire for early engagement in the process the anticipated completion for the entire project is fall of 2026. The commission the commission recommended denial of the proposed amendments and the rationale for the Commission's denial is due to the limited scope of phase one however the Commission provided several recommendations for board considerations including adopting a grandfathering resolution and an effective date for such resolution providing additional flexibility to modify the data centers

[00:41:06] approval without special exception, adding guidance in the 2019 general plan to assist in evaluating the data center as a conditional use and adopting specific criteria under which a special exception would not be required.

[00:41:28] On the proposed SEPA map amendments, the Commission supported redesignating Arcola area from suburban employment to the suburban neighborhood place type. The Commission also supported redesignating the Goose Creek Club from Leesburg JLMA employment to Leesburg JLMA residential place type. However, the Commission did not support redesignating the metro station area from urban employment to urban transit center place type. Finally, staff recommends that the port approve the proposed amendments. This concludes our presentation. We're happy to answer any

[00:42:04] questions that you may have. Thank you. All right, thank you so much. We've got a questions. I know I keep coming to you, Ms. Brickspin, it's only because when somebody's online, I just don't want to forget them. So I'm not trying to pick on you, but I'm going to come to you first for questions, ma'am. Thank you. Thank you so much for the hard work on this. So staff is, sorry, probably not staff, but the project is recommending mapping amendments or CPAMs for Arcola, the JLMA areas, and the areas around Metro 3 areas?

[00:42:44] that's that's correct okay um i understand the metro i understand or cola i it was not clear to me from the maps which areas are changing in the jlma um so it would be it would be good if maybe we could have some comparator maps at some point i know that there was some in the back it looked to me like there's just like one little green spot that was changing um bear with me for a second so I'm just going to put some, so this map is, as you mentioned, is the metro station area.

[00:43:22] I understand the metro area. I'm on a clock here. I'll just focus on Greek club. I think this is the one that you wanted to have a better understanding. I see. Okay. I got it. Thank you. Okay. That's great. How do we think, or how do the staff recommendations accomplish the goals that were first envisioned?

[00:43:46] with the mapping project that I started with the Department of Economic Development in 2021 and then went to TLUC, I think, in 22. So whenever we did the check-in with the board last year, we presented a number of possible mapping amendments. It was board direction to not pursue any of those amendments that would have added land into a place type where data centers would have been considered any sort of appropriate use. And just to focus on these couple of changes where it would remove land to clarify it's protecting residential areas. Perfect. Okay,

[00:44:19] great. And then what's the difference between something that is a specs and something that is a conditional use? So they're the same kind of concept. Conditional use is the terminology we use in the plan, which is solely policy. A special exception is within the zoning ordinance, and that is where it would require a legislative application for approval of that use.

[00:44:45] Okay. Okay. Great. And so are there any, under this scenario, you're saying in phase two, there is no mapping. So does that mean there will be no CPAM amendments in phase two? There will be a CPAM. However, the CPAM will be specific to the text amendments, updating policies in the 2019 general plan. We don't anticipate at this point, on the scope to make any map changes okay okay so it kind of feels like we split it out anyway cpm

[00:45:21] and then zoning i am out of time right now i will make more comments during the motion thank you thank you ma'am miss umstead uh thank you madam chair first thank you for putting this much work into it um as this is a pretty complicated area i'm i was happy to hear that um your department Dan will be working with economic development to try to come up with a perhaps a more accurate view

[00:46:03] of what is we're likely to see in data center demand. You talked about constrained versus unconstrained. I would think unconstrained, as I think you said, would not be quite as, accurate as a constrained approach and as i recall the number you quoted was unconstrained plus existing was 105 million square feet is that correct approximately yes whereas um economic

[00:46:42] developments position is constrained would be 75 million square feet yes with also the the added nuance that we are including active legislative applications for the purpose of the board's awareness here which would not be under the constrained considerations typically all right I think there were some and I'd hopefully you've seen the letter that came in from the data center coalition yesterday have if you have it I'll send it but they are concerned about the date of the

[00:47:20] grandfathering not surprisingly they thought the Planning Commission made some very valid points and would like the board to fully consider those points I think I got the impression especially in relation to when grandfathering would start and I know that's something you guys based on your very kind briefing me are debating and I think the proposal is to have it start tonight but that

[00:47:54] tonight is not the only potential date as I understand so we've not taken a position on recommending any particular date but we the the board we're hoping by the end of the night the board will give us some guidance on an actual date certain to include in the resolution and a triggering point for that date so it would address those kinds of issues so I've heard different dates mentioned including tonight as well so if the board so chooses then we can move towards that all right thank you very much miss um miss uh class the votes are glass thank you madam chair and um

[00:48:33] thank you for the presentation uh can data centers be built on parcels that are still in the 1972 zoning ordinance yeah yes correct that's that's correct what what is the far that can be built that they can be built it's going to vary by district which i can look that up for you and get back to momentarily so it varies by district you said yes okay um do we know are there still a

[00:49:08] large number of parcels that are still under the 72 ordinance i'm thinking mainly in the eastern part yes i can just give you one on that accurate number in one second if you can bear with me for a second you can just give me like a round number it's it's in the hundreds so almost there right

[00:49:39] there we go um so we have around 300 approximately 300 uh parcels that are under 1972 zoning ordinance okay within districts that would allow data centers okay but then i'm thinking that parcel has to be like a certain at a certain acreage in order for a data center to be built correct if something in 300 of them there there are practical limits to the size of an acre the acreage of a

[00:50:16] parcel for it to be considered for data center construction yes okay thank you mr kirschner thank you madam chair and thank you staff um for all the hard work this is not an easy subject nor is it a small chunk to bite off and so um i just want you to know as a board member i recognize that i think many of the other board members up here recognize that as well um obviously i voted against moving forward on this initially we are here now and so we have to address some of these things i think as far as tonight is concerned my first questions are there were a number of

[00:50:53] recommendations made as alluded to by supervisor umstead by the planning commission um i think there are a total of six all of which i think i largely agree with as well as a letter we received from the data center coalition who i think we have all recognized based upon the presentation that was made earlier tonight what great partners they are and they seem to be actually i thought they were far more what's the word i'm looking for farm yeah reserved in their letter than um i would have been if i were in their shoes facing some of what's in this item i guess my question

[00:51:31] really to staff is what do you recommend the process by which to not only address these recommendations by the planning commission but also data center coalition as well as I believe there was a grandfathering one that's kind of separate. Is it best to address and have discussions on those in some ways tonight obviously we're hearing from folks is this something that staff will be working with economic development is this some if do we come to you prior to the next business meeting assuming this gets moved on um requesting um motions uh how

[00:52:08] how would staff like us to um address something there's just too many obviously to go through right now in my short time so the vast majority of the commission's recommendations um we are considering it within phase two as if you'll recall when we did the check-in with the board they gave guidance on the specific the three specific items to take forward as part of phase one and so the resolution intent to amend was written very narrowly there's not a lot of flexibility to address a number of these items with the how we've structured things in this project to this point. So for phase two essentially everything that they've they are recommending we will consider what we've told those that we've briefed is that if there are any specific matters

[00:52:47] you want us to look at please let us know whether it's by motion or general consensus as well as anything you want us to stay away from that sort of guidance would be very useful so that we know where to kind of tailor our efforts. Okay, as far as the grandfathering help me understand why we're talking about today and not a later date. So the only so we need a date certain and the only later date typically would I would be the date of adoption. In this case we've well really the board can talk about anything and Leo might want to help me out here but there are there are pros and cons to both well of any date not both any date that could be considered. We've talked

[00:53:25] about either of the hearings we've talked about the date of adoption as well as the date that the board kicked this off just internally as we've talked with different board members different commissioners over time but those are more matters of convenience of dates that just make sense given the different stepping stones on the project and leo if you want to add anything feel free yes supervisor kirstener uh the

grandfathering date needs to be an objective period you have to have an objective time when it's going to be done and the board's goal here if you are going to adopt grandfathering is fairness what would be fair to the people who have reached a certain point in the application process with today there wouldn't be anyone

[00:54:05] else looking to submit an application before you adopted the ordinance but the ordinance date today or a date further back all would be possible up to the board to draw that line all right thank you mr crony yeah thank you chair randall and so this may be a question for leo as well um can we do a grandfathering that kind of separates out the legislative applications versus the administrative applications yes and and we generally do uh the administrative applications and the legislative applications go through

[00:54:41] different processes and what we're looking at with both is a trigger date again looking at the fairness to the people who are applying as grandfathering only deals with applications. Right. And the vested rights, we spoke about that. For administrative applications, it would be site plan approval, correct? That's one of the main actions for vested rights.

[00:55:08] Essentially, that is correct. Okay. And the legislative, it's just... You could actually get a vested right through a legislative application. If the legislative application had a detailed concept development plan and you approve that application, that would be vested as well.

[00:55:26] Okay, thank you. That's very helpful information. So I do agree with staff, and I thank you so much that a lot of what the Planning Commission recommended could be dealt with in Phase 2. So is there a process where allowances for minor changes can be allowed, minor changes?

[00:55:47] so not the way that the ordinance amendments are drafted at this time no it is something that has been discussed but it's not included in what's in front of you in the packet okay but in phase two we could discuss it right you could and actually if it was a minor clarification that the board wanted to add within the table that's within the roya it's something that we could work on between now and the business meeting if that's guidance that the board wanted to provide to us but accessory uses to a data center, those will be discussed, like district heat, battery energy storage, those all can be discussed in phase two, correct? Because we want to encourage innovations.

[00:56:24] So one thing I would like to add to phase two is an energy forum or some kind of forum where we bring in the industry and we talk about evolving technologies and just the changing nature of the industry so we can understand kind of what we should look for in phase two. I think that would be a good idea to look at the scope on that. Before you answer that question, can you stop for time? It is so important to, can you stop for time, put it back at 30 seconds. It is so

[00:56:57] important to remember that legally the board cannot consider energy constraints as we decide whether or not to approve a data center. And so to have, I understand why you might ask that, but I want to be really careful that we don't walk ourselves into something that we can't walk ourselves back out of because we're not allowed legally to consider energy constraints at all when making these decisions.

[00:57:26] Okay, well then maybe we call it an innovation forum or we can change the name. But the idea is just to get the industry together seconds. And figure out what are best practices. So that was the idea. Will you be hiring a tonal noise expert for phase two, some kind of consultant to look at noise? So we did

procure a consultant at the very beginning of this project. And we basically need to rewrite their whole scope, given where we ended up with phase one and phase two. So we will look at noise.

[00:57:57] Depending on the feedback we get and the level of analysis we want to put into that, it might be necessary to procure another consultant to look into it in a more detailed manner. Excellent. Thank you very much. Thank you. Mr. Vice Chair, Vice Chair Turner. Thank you, Madam Chair. So I just want to be clear here. The purpose here is not to penalize existing data centers that want to make what could be called non-substantive changes within a certain band of acceptable parameters.

[00:58:31] So we want to be able to allow existing data centers to flex and grow and evolve based on a rapidly changing environment. The best way, I think, to do that is to add language, and I think you're working on language. We don't need to include that in the motion for tonight, or do we need a separate motion subsequent to tonight, or can we do it within the context of phase two?

[00:58:51] I'd like to do it as soon as possible rather than wait through the 18 months of phase two. either by motion or consensus if you give us the guidance to come back with something prior to the business meeting we will work on that okay all right I think I can do that so the motion tonight that you're looking for is the motion in the packet plus if we desire a motion for the grandfathering parameters plus a motion directing you to fine-tune the language for existing data centers that we just talked about yes okay thank you mr. Reiser could you

[00:59:27] come down please, if you don't mind. I just want to make sure that I know what I'm looking at. Staff, could you go back up back to slide 9, please? I am very happy to know that so much of so many of our data centers are in the industrial areas or suburban employment areas, although that's an issue that we didn't even know, boards in the past didn't even know what to address, but you know

[01:00:03] that's here, that's not, that's, it is what it is. I am very concerned about the urban transit centers and the urban employment areas. Mr. Reiser, could you help me understand? I know obviously one of our metros already has, you know, data centers, but we have the other two that really don't.

[01:00:22] So when we're talking about the Planning Commissioner's last recommendation, and we're talking about these urban employment area, urban transit center, are those areas, Mr. Reiser, are those the areas right now that we would, is that the Ashburn Village Station, the Innovation Station?

[01:00:42] Yes, I would imagine so. Okay. I have a lot of heartache putting data centers in the Innovation Station or the Ashburn Village Station, a lot of heartache. And I understand what the data center coalition has said, but we have been – my biggest issue in data centers is land use, where they belong and where they don't belong.

[01:01:02] They don't belong in neighborhoods. They don't belong on bucolic corridors. And they certainly don't belong in our urban areas, which are meant to be transit-oriented development, dense vertical housing, entertainment venues, those types of things.

[01:01:19] And so, you know, there's a lot of discussions we can have, and there's a lot of pieces of property where, okay, by right or not by right. But the urban discussion right now about data centers is something that I want to pause this on and make known.

[01:01:36] So then, Dan, when we see that last, when we see slide number 15 and the last recommendation, what is that saying? maybe i'm reading that long number eight what is that

recommendation saying on that slide so i'm going to have abdul pull up the map of comparison so there's only one contiguous area within the urban policy areas that is currently designated urban employment and that is the area that is just north of the airport um where the the flight pass issue well so the the flight pass were there and that's why the i believe the commission back when we did the original plan

[01:02:16] recommended doing something different here the proposal would be to take that designation away and switch it to urban transit center where data centers would not be an appropriate use that would bring this particular kind of rectangular area into alignment with largely the rest of the areas around the three metro stations mr reiser because mr reiser i think the challenge is is then what does go there unless the board changes their direction to not allow housing east of lounton county parkway the reason we have data centers there is because there were

[01:02:52] no other viable uses one because once you weren't going to have houses there we weren't going to get mixed use so unless the board is going to change the flight contours i other than that we are 100 aligned that there should be no data centers at the actual greenfield mixed-use development centers 100 okay all right would you like to stay here or would you like to i got nowhere i bet you do but thank you for being down here i really do appreciate it bet you do but thanks so

[01:03:28] much okay we have quite a few speakers um on this item it is my practice to always allow professional courtesy to elected leaders in the room we have six of our seven town mayors in the room today and we do thank them all for coming. So they will be the six that speak first in this order, and then we will go back up after our town mayors to Bill Junda.

[01:03:52] So it will be Mayor Rich Littleton from the town of Middleburg, Mayor Kelly Burke from the town of Leedsburg, Mayor Christopher Bruteau from the town of Percival, Mayor Christopher Hornberger from the town of Levittsville, Mayor Roger Vance from the town of Hillsboro, and then bringing up the the end would be mayor scott ramsey from the town of round hill good evening good evening i have to say real quickly when you said um all those in favor say i almost

[01:04:26] said i so um good evening madam chair and members of the board i am here tonight with my other members of colt to express our strong support for many components of the c pam and zo zoom require especially the one requiring all data centers to obtain legislative approval and also to express our opposition to any grandfathering provisions. The rapid expansion of data centers in Loudoun County has brought many advantages but it is also quickly outpaced proper planning and oversight leading to serious concerns about their impacts on our communities from our citizens.

[01:05:02] These facilities bring significant challenges including excessive noise, increased energy consumption soaring land values which are at exacerbating our housing crisis and a strain on local infrastructure having approvals tied to a legislative process is essential because it allows for a case-by-case evaluation ensuring that future data center development aligns with our county's long-term vision allows for proper mitigation of impacts on a site-by-site basis and do not negatively negatively impact residents to I also urge the board to reject any grandfathering proposals grandfathering would create an uneven playing field allowing

[01:05:42] existing and pending projects to bypass the very standards that you are trying to implement with legislative approvals to protect our communities if these new regulations are so necessary to prevent future harm then we should apply them universally today without loopholes fair and consistent

regulations are critical to maintaining the integrity of our zoning process. Too much of anything is not good. With that, Loudoun County is at a crossroads, and our citizens are demanding

[01:06:16] a stronger voice to be heard about data centers. By making data centers a legislative use without grandfathering, we can ensure responsible growth, safeguard our neighborhoods, and preserve the county's economic and environmental sustainability for the future. Thank you. Thank you. Mayor Burke.

[01:06:37] Good evening, Chair Randall and Vice Chair Turner and members of the board. I am Kelly Burke, the mayor of Leesburg, and I am speaking along with my colleagues from the six other towns. I would like to encourage you to consider doing what Leesburg did a few years ago and required that data centers seek a special exception approval for all districts where they are currently permitted by Wright. This change aims to give the county greater control over the data center development and ensuring compatibility with community needs and planning goals.

[01:07:08] I would also like to encourage you to make stringent standards, not guidelines, but standards. This is what we did, and this required the data centers coming to Leesburg to comply with standards for things like building design and facades and placement of the buildings, the noise modeling, the noise restrictions, lighting plans, generator designs, green environmental standards, and on and on. We have a number of, we've got six pages of them and I left to you all our, what we came up with when we created this a few years ago. But again, all of our standards are quantifiable and measurable. That's a very important component.

[01:07:48] We worked with the data center community and with our residential community at large to come up with these standards please do the same and you will have a much better project at the end again i have left you the copy of what we put together i would encourage you to look that over thank you very much for listening to us tonight and thank you appreciate it thank you good evening sir good evening madam chair and all the members of the board of supervisors i too want to express my support for this change to the status of data centers specifically to bring them into the

[01:08:24] legislative arena on a case-by-case basis. The primary reason for doing so on my part is that there's so much in the pipeline. We already have an enormous amount of square footage that's out there. It is the primary industrial use here in Loudoun County already and what's in the pipeline would more than double that. So obviously to underscore what's already been said, grandfathering is an enormous concern i think that the environmental concerns and additional concerns about electric power distribution and availability for the residents

[01:09:03] of this county put this in the forefront of things that this board must consider on a case-by-case basis on a data center by data center basis it's time to take that step thank you thank you good evening mayor good evening uh i won't take the full two and a half minutes saying i'm no longer the rookie and cold i want to call him back up so you can ask questions like you did of me a few years ago but uh my name is mayor chris hornbaker from the town of lovittsville um i won't rehash or re-enumerate some of the some of the concerns

[01:09:37] uh that that are put put forth uh by uh my colleagues and i know that uh when we talk energy it's uh kind of the elephant in the room um but i've never been afraid of being the elephant or or bringing that up as the member of colt that drafted last year's letter with the next era transmission line that cut

through or was proposed to cut through many of the areas in Loudoun County with other transmission lines proposed that might become a spider web through all districts in the

[01:10:14] county earlier it was said that we were here to kill or maim the golden goose well I see the rural western economy uh the rural economy as a golden goose I see our historic uh our historic villages such as Waterford which was leading the charge last year as a golden goose I see data centers as one of the gaggle of the golden goose and I would ask that we not kill the gaggle to support

[01:10:51] the needs of Google thank you what wait what do not kill the gaggle to support the needs of the Google do not kill the gaggle to support the needs of Google the data centers do not kill the gaggle to support the needs of Google that is what's going to be in the paper this week that's that's going to be them that's going to be it that's that's going to be it for those in the room that That was stated by Chair Phyllis Randall.

[01:11:17] No, there's not. Okay, I know where you live. I know exactly where you live. This is not true. Good evening, Mayor. Well, thank you. Good evening, Chair Randall, members of the board. Chair Randall, excellent quote there.

[01:11:32] I like that. Thank you for the opportunity to join with my fellow mayors to offer our support for the Phase I Comprehensive Plan Amendments and Zoning Ordinance Amendments as proposed tonight. Given the enormous impact of data center development, positive and negative, and frequent unintended and unforeseen consequences, these amendments are much needed.

[01:11:54] They will afford our citizens greater input into the review process and your ultimate decisions on the management of future data center development. By increasing transparency and providing more oversight, negative impacts on residents and entire communities and the environment can be reduced.

[01:12:13] The actions in the proposed amendments are fair and reasonable to the industry and developers. They begin to provide a much-needed rebalancing between economic imperatives and the well-being and quality of life of our people. The negative impacts we've seen on nearby communities are justification for requiring the special exception review, and the redesignation to conditional uses will simply allow greater scrutiny of location, compatibility, noise, and light impacts, and allow more robust consideration of mitigation to minimize these impacts.

[01:12:50] While phase one is a great step forward, we urge you to move aggressively ahead on phase two in order to address land use, design, sustainability, operational impacts, and to create the policies and standards needed for the proliferation of substations.

[01:13:07] Environmental impacts, water, and energy efficiency must be the priorities and the new standards. So I want to thank you all for your hard work. Thank you. Thank you, Mayor Vance. Good evening, Mayor Ramsey. All right I'm the last one of the mayors, but thank you chair and supervisors And I will be setting a little bit of a different note than the rest of the mayors But first I do want to endorse all of their remarks But rather than repeating them, I want to address a slightly different kind of more holistic and reflective aspect of this Which is the process by which the board has moved forward on major CPAM and ZOM initiatives in recent years

[01:13:44] In governance, there are both outcomes and process. You all know this. And a bad process can still produce a good outcome and vice versa. And every legislative body must stay mindful of both of those at all times. Process provides that legitimacy as well as an opportunity for actual future compromise.

[01:14:03] So while I definitely agree with the outcome that the board is seeking with this initiative, I've observed yet again that the board has been favoring a very specific outcome on a very tight deadline, and this is really before a full public process and really before engagement with the Planning Commission.

[01:14:23] And so even if I agree with your collective position, which I do over the collective position of, say, the planning commission, I still can wince at how they're being micromanaged here. And so that's really what I wanted to say was to please reflect, you know, take a step back and reflect on the relationship and the dynamic that you have developed with your planning commission and with all the ad hoc committees that you create for each new major initiative.

[01:14:47] and kind of look at it from a long-term view, and whether a regular, you know, predictable, and maybe sometimes, sometimes slower process would still serve your needs in the long-term better. And so with that said, I do want to thank you all very sincerely for all of your hard work and dedication to the citizens of Loudoun County.

[01:15:08] Thank you, Mayor Ramsey. I appreciate it. Bill Jinder, you're going to be followed by J.W. Glass and followed by Natalie Penn. Good evening. Good evening. My name is Bill Junda. I'm a Loudon resident. I'm a civil engineer with Gordon, but tonight I'm speaking on behalf of NAOP. This is obviously a polarizing topic, and so I also have a quote. It's not about gaggles or anything like that, but it's a quote I love.

[01:15:29] It's from Virginia Tech football coach who's now retired, Frank Beamer, and he was always such a steady Eddie and a great leader because of it. And he said, things are never as bad as they seem when it's bad, and neither are they as good as they seem when things are good. And so I think we need to take that steady approach to everything we're doing. I'm guessing you all read the JLARC study that came out in December, or at least the Cliff Notes presentation.

[01:15:50] I think we all expected that study to come out and tell us how bad we are doing and falling short. But what it showed us is that Loudoun is head and shoulders above the rest of the state and is already doing many of the important things to manage this important industry. Yes, there are things we can improve on, but the sky is not falling.

[01:16:07] DEQ recently published information that data centers in Loudoun only contribute 9% of our air pollution in this county. For the largest concentration of data centers in the world, 9%. JLARC published data that data centers are only using 7% of their DEQ air permits.

[01:16:25] And that Dominion doesn't enter into any new power agreements for power they do not have to offer. Meaning that Dominion existing policies protect us, the grid, and Loudoun from the reliability issues that we're concerned with. And that 83% of data centers in Virginia use less water than a large office building.

[01:16:43] And most importantly, it showed that Loudoun is the shining example. This step of making data centers of specs use further solidifies our leadership, not just in the state, but in the nation on this issue, if it's done right. We should be looking to encourage good development here in Loudoun, where it'll be done to the highest standard.

[01:17:03] Otherwise, it'll get done elsewhere, to a lower standard, at a greater risk to our shared air quality and power grid. Pollution and power lines and those types of things, they don't stop at the county

line if we kick them out somewhere else. That'll still impact us, but we won't have all the benefits. So NAOP offers just two minor considerations, which you all have already talked about.

[01:17:21] One is a reasonable grandfathering provision that protects the investments that have already been made. Number two, some minor clarifying text that allows existing campuses that have invested billions to rearrange the deck chairs on their sites without coming in for our specs. This flexibility will also incentivize rather than dissuade projects with existing approvals to improve their technology rather than build an outdated plan.

[01:17:44] That's it. Just those two things. We're happy to continue helping you all with this and with phase two. Thank you so much, appreciate those comments. JW Glass, followed by Natalie Pien, followed by Theo Stamatis, good evening. Good evening, Madam Chair and members of the board. My name is JW Glass. I'm a member of the National Nonprofit Center for Biological Diversity.

[01:18:02] So naturally, we're supportive of any effort to rein in data center development and adopt common sense measures to, you know, curb what we view as a problem that's destroying habitat for native wildlife in rural Loudoun, but potentially in rural America.

[01:18:18] But I'm also here as a Loudoun County resident. I live right here in Leesburg. And, you know, I don't fit the average profile of a Loudoun County resident. And I'll be honest there. I'm a young father. My wife's actually nine months pregnant with our second. We do not make nearly the average household income of this county. And so when I hear that the proliferation of data centers are going to increase my electric bill, I think about how am I going to run the AC in the summer to keep my infant cool. My AC bill this summer was astronomical. I think about how am I going to walk my infant

[01:18:54] down the WNO without the diesel generators kicking on from the data centers and him developing asthma later in life. I think about the habitat. I think about the northern long-eared bat and its migratory corridor here. And I think about how we can take common sense steps to make Loudoun County an example for data center development. Because you all know this, and honestly, it's the way things are shaping out, but the world is watching how this plays out, specifically in Loudoun County, specifically in Data Center Alley. And we're moved here because of some of the benefits that data centers do give us. You know, we are here for the schools and the things that the tax revenue that

[01:19:29] data centers provide give us. But at the same time, if they're going to make it unaffordable for us to live here, and they're going to destroy the rural character which has drawn me to Loudoun County, that's a huge problem for me. So we're supportive of these common sense measures moving forward, opposing a grandfathering provision, and we're just appreciative that this conversation is moving forward. I really do hope Loudoun County can be an example to other counties, you know, not just in Virginia. This is happening across America right now, so I appreciate it. Thank you for the time.

[01:19:57] Thank you, Mr. Glass. Thank you. Natalie Pien, followed by Theostomatis, followed by Julie Boathouse. Where is she? Is she not here? Oh, she's on the line. Okay. Thank you, Chair Randall. My name is Natalie Pien. I'm a four-year resident of Loudoun County in the Little River District. Thank you for the opportunity to share my thoughts.

[01:20:22] I'm grateful that over one year ago, you recognized that data center development, as usual, cannot continue. You directed staff to develop amendments before you tonight with the intention for rapid adoption. Regrettably, the Planning Commission dragged its feet and recommended denial.

[01:20:39] Please ignore the Planning Commission recommendation and vote to adopt Phase I amendments as proposed. Your vote will send a strong signal that you prioritize Loudoun County residents' quality of life over data center industry profits.

[01:20:55] This is not a unique message. The Leesburg Town Council recently made an outstanding decision to deny the Oak Lawn Data Center application. The application, despite including affordable housing and making positive changes, was not consistent with town policies.

[01:21:13] Many residents from the neighboring Stratford community spoke in opposition. They were heard, and Mayor Kelly Burke's primary concern was to protect the quality of life for residents in Leesburg. Facts show that the data center industry has had its way in Loudoun County.

[01:21:30] There are over 30 million square feet of data centers already built in Loudoun, with another 5 million approved. Energy-wise, data center alley consumes nearly 1.5 times the amount of the next largest data center market, Beijing. Data centers are thriving in Loudoun, but do not make good neighbors for a multitude of reasons, including, but not limited to, human health harming noise and air pollution, electrical grid stability, bad harmonics that can cause fires in homes and damage electrical appliances,

[01:22:04] Increased electricity bills, creating energy burden for Loudoun's lower income community and loss of green space, valuable and sensitive ecosystems and wildlife habitat. It's critical that you adopt phase one without any changes. Do not allow grandfathering or exceptions to board review and public input to all data center applications.

[01:22:26] The harm to Loudoun County residents and Loudoun's natural resources must be stopped. Please prioritize your constituents' quality of life over corporate profits. Thank you. Thank you, Ms. Pien. Theo Stamatis, followed by Julie Boathouse, followed by Kate Smiley.

[01:22:44] Good evening. Good evening, Madam Chair. Members of the Board, my name is Theo Stamatis, Loudoun County Chamber of Commerce. Thank you for the opportunity to discuss the Data Center's OMC PAM with you this evening. Loudoun's reputation is paramount to its standing in the global economy.

[01:23:02] Thank you to a robust partnership between the private sector and our local government, Loudoun boasts a globally recognized pro-business environment that attracts significant commercial investments, funding our schools, public safety, and other aspects of our world-class quality of life.

[01:23:19] Business investment is essential to our economy, and data centers have been pivotal in this investment landscape. Changing regulations affecting a sole industry will send ripples across all sectors. Businesses, labor unions, partners will take notice. Billions of dollars are currently being invested in ongoing or planned data center developments.

[01:23:40] To protect Loudoun's economy, we urge this board to take the time to ensure these safeguards are included in the final adoption of the ZOAM. First, we request comprehensive grant filing policies be adopted to respect the time and investments made by companies based on the existing rules governing data center development today.

[01:24:00] We ask that you provide existing data center campuses with the flexibility to retrofit their facilities to integrate new technologies, including clean energy initiatives, battery energy storage, and on-site generation, many of which have been included in Mr. Turner's white paper.

[01:24:19] The chamber understands the community's concerns the board is attempting to address and agrees, as does the industry, that data centers are not appropriate in every location and areas where they are appropriate.

[01:24:35] We encourage a more surgical approach that meets the community's needs. THE CHAMBER BELIEVES PROTECTING EXISTING CAMPUSES IS ESSENTIAL IF THE BOARD DECIDES TO CLASSIFY DATA CENTERS AS A SPECIAL EXCEPTION IN ALL ZONING DISTRICTS, WE STRONGLY URGE THE COUNTY TO RESPECT AND PROTECT DATA CENTER DEVELOPMENTS THAT ARE IN EXISTENCE TODAY. MADAM CHAIR, THE CHAMBER IS EAGER TO ASSESS THE BOARD AND COUNTY STAFF AND WILL HELP IN ANY WAY WE CAN.

[01:25:04] thank you so much thank you sir thank you julie boathouse followed by kate smiley followed by colleen gillis good evening good evening i'm julie bolthouse i'm the director of land use with piedmont environmental council and long-time resident of leesburg please move forward with these changes without exceptions or grandfathering i heard the budget discussion and honestly i was concerned because the dependence that we have put on this industry is is very high risk if there is any changes to the technology or to the market, we lose all of that and we save a penny and we pay 20 cents in a year or two.

[01:25:43] So be careful. More data centers mean increased air pollution, complete industrialization of parts of the county, reduced grid reliability, increased electric bills, reduced water supply, increased transmission lines, and on-site power is not a real solution at this point for hyperscale data centers without the use of natural gas and that means more pipelines, safety risks, and higher air pollution.

[01:26:08] There are already thousands of diesel generators and gas turbines permitted at these facilities. There's very little left protecting us from them running during energy peaks. Concerningly, the Trump administration is embedding goals of AI dominance into every agency and has declared multiple executive actions on energy. Don't underestimate the power of this industry. They claim both utility and military status to protect themselves from oversight and transparency. Be careful how many you allow into our county. The General Assembly

[01:26:44] has yet again kicked the can down the road on this issue this year, so they won't be rescuing us anytime soon. You must act in the public interest. There is no risk that the existing data center industry is going to pack up and leave Loudoun. Not only has a fiber network and market been built up here that is unrivaled in the world, but also where would they go? Every market in the nation, in the world, is facing the same energy and water challenges we are looking at here. Now you have a choice before you. Our county is in trouble. Do not fiddle while Loudoun burns. You can choose to go down in history as yet another board to do nothing to address this issue,

[01:27:23] or you can go down in history as the board that firmly sought to adopt changes, no exceptions, no grandfathering, and turned the tide. Thank you. Thank you. Thank you very much, Ms. Bowhouse. Kate Smiley, followed by Colleen Gillis, followed by Mario Zampiello. Good evening.

[01:27:43] Good evening, Chair Randall. Board, my name is Kate Smiley, and I'm with the Data Center Coalition, a membership organization based in Loudoun County that includes many of the county's leading data center owners and operators. This industry wants to encourage you, given the opportunity to both grow, to both maintain and grow data center investment in Loudoun County, and we therefore support the supplemental recommendations made by the planning commission for phase one of the

pending CPAM-ZOAM, and would offer four thoughts. One, innovation drives the data center industry, and our members continue to lean in on efforts to increase efficiency and reduce and mitigate

[01:28:22] any environmental and community impacts as technology solutions and facility designs and enhancements evolve. Flexibility is therefore needed to protect existing or partially built campuses as changes are often required to update and modernize facilities. Two, we support the Planning Commission's recommendation to add aspirational language to the urban employment place type outlining the kind of development the board wishes to see in the long term rather than replacing it with the urban transit center. This recommendation represents a balanced approach acknowledging the massive investment made by the data center industry in this area,

[01:28:58] including the metro tax district. Three, we endorse the planning commission's recommendation to develop specific criteria encouraging additional environmentally sensitive and energy efficient development which, if met, would permit a data center to be approved on a buy-write basis. Implementing such an incentive-based approach is an effective method to promote development that aligns with the environmental and power related goals the board has set if this is not included in phase one of the cpam zoam we're hopeful it can be accommodated in phase two four the adoption of a grandfathering resolution is needed to protect the investments

[01:29:35] made by industry with applications under review the planning commission's recommendation to require that applications accepted prior to the board's public hearing be considered under the existing regulations would effectively ensure that only applications that have been in design and/or review for some time will be considered. We are appreciative of the opportunity to offer comments and welcome further dialogue regarding the proposed changes to guarantee the best possible outcome for Loudoun County residents, businesses, and data center owners and operators. Thank you very much for your time. Thank you, Ms. Marley. Colleen Gillis, followed by Mario

[01:30:13] Rosanne Pielo, followed by Greg Davis. Good evening. Good evening, Chair Randall, members of the board. My name is Colleen Gillis, and I'm a resident of the Little River District. As many of you know, I'm in front of you many evenings on behalf of clients with property in Loudoun County. But tonight, I'm speaking to you as a resident and constituents.

[01:30:30] As I participated in conversations with clients, the Planning Commission, some of you, I've become worried that this effort will result in the displacement of data centers from Loudoun County as data center developers move their next phase of development to jurisdictions outside of Loudoun County to far-flung locations in Virginia and beyond. Though I'm sure that this effort would be well received by some constituents here in Loudoun, I urge you to think more globally, and I use the word globally intentionally, about that effect. Both the current and former administrations have acknowledged the role that data centers play and will play in national security, so we know that they're not going anywhere. As someone who has worked on behalf

[01:31:08] data center developers throughout Virginia and beyond. I know that the most sophisticated and most educated elected officials pondering data centers sit around this very dais. Your depth of experience in watching the development of data centers has resulted in more environmentally friendly, power sensitive, water sensitive, and green data center development than almost anywhere in the world. The data centers that you have approved and supported are data centers that we, as residents of Loudoun County but also the world can be proud of. But as Uncle Ben of

[01:31:43] Spider-Man said, with great power, no pun intended, comes great responsibility. Your power as the leaders of Loudoun County and the greatest data center market in the world means that you have the power to shape the next generation of data centers to ensure that they are environmentally sensitive, are appropriate uses of power and water and relate well to the community that surround them. My concern is that if we make data center development in Loudoun too unpredictable, too onerous or too uncertain the data centers go elsewhere and while this might be the political easy button so to speak for Loudoun County I worry about the environmental effects

[01:32:18] that Loudoun will still be home to the power lines but this time only serving environmentally insensitive data centers that are not responsive to power water or the environment and they are located elsewhere that the data centers built elsewhere results in an acceleration of climate change not just for their county or neighborhood but impacting every single one of us thus I urge you to walk that careful line of actually encouraging the retention of data centers here in Loudoun County, not because we need them here, but because we need the nine of you to use your knowledge and your experience to continue leading the way on data center development.

[01:32:52] Thank you. Thank you, Ms. Gillis. Mario Zampello, followed by Greg Davis, followed by Roger Smith. Did I get your name right? Chair Randall, by the way, great job with my last name. It's scary looking, but you did a great job. Thank you very much. Good evening, Chair Randall and members of the Board of Supervisors.

[01:33:12] My name is Mario Zampello, and I'm the Vice President of Business Development at William A. Hazel. I want to thank you for the opportunity to discuss the data centers OAM and CPAM this evening. I would like to advocate for the Board to take a surgical approach to propose changes in the data center zoning regulations in Loudoun County.

[01:33:33] William A. Hazel has worked a long time in this industry and hope that the Board can find common sense solutions to these matters. Key points I would like you to consider. Data centers are crucial to Loudoun's economy and pro-business reputation. By doing this, this will allow Loudoun to maintain its business-friendly environment. Changes to data center regulations could significantly impact all business sectors.

[01:33:59] The board shouldn't be backtracking. It sends the wrong messages to businesses. I urge the board to ensure grandfathering policies for existing data centers. This will allow flexibility for retrofitting facilities with new energy technologies as they arise.

[01:34:17] Also urge the board to avoid blanket conversion of data centers to conditional and special exception uses and to take a more targeted approach in areas where data centers are appropriate. Lastly, for the board to protect existing data center developments.

[01:34:37] I appreciate the members of the board's time and request they keep these considerations in mind while addressing the community concerns about data center development to provide a productive path forward. Thank you. Thank you. Thank you very much. Greg Davis, followed by Roger Smith, followed by Devin Caker.

[01:34:57] Good evening. Good evening, Chair Randall and members of the Board of Commissioners. Thank you for giving me a couple minutes to express Steamfitters Local 602's support for Data Center

Coalition's recommendations. My name is Greg Davis, and I represent over 6,000 members of Steamfitters Local 602 who live and work in Virginia, Maryland, and D.C.

[01:35:21] We see data centers as job opportunities for current members and an opportunity for us to bring in new members. Local 602 currently spends over \$6 to \$9 million per year on apprenticeship training. This is with 1,800 hours of classroom training along with 2,000 hours of on-job training of their five-year apprenticeship program.

[01:35:48] This training allows Virginia area men and women interested in pipe fitting, pipe welding, and HVAC service industry to start great careers with six-figure wages and in addition to amazing benefits. It would also allow these workers to work closer to home rather than driving to Maryland and D.C. every day.

[01:36:09] Since data centers started being developed in Virginia, my local 602 members and contractors have worked on nearly every single one. These are not just construction jobs, but service and maintenance jobs as well. Every day, our members are in these data centers servicing, maintaining, and upgrading the HVAC and mechanical systems and monitoring water usage, wastewater, and electrical uses.

[01:36:33] For all these reasons, I ask you to support the Data Center Coalition's recommendations. Thank you. Thank you. Thank you very much, Mr. Davis. Roger Smith, you will be followed by Devin Kaker, followed by Don Sleeman. Good evening.

[01:36:49] Good evening, Supervisors, Chair Randall. As seems to happen every time I stand up here, I cross out the things that I was going to say because they've all been said. The mayors were terrific.

[01:37:06] I've agreed with almost everything every one of them said, so I won't repeat it. Last gentleman said he thought we were moving too fast. I violently disagree with that. We're moving with as much speed as we can, and that's what we should be doing.

[01:37:24] because this is a really important thing that is just going to blow by us unless we take some action i guess i should i should take a page out of the book of some of the data center operators who have perfected the art of flattery so let me say you're wonderful smart people will do the right thing i'm sure. No, I'm afraid that's not me. I don't feel that way. One of the things that we're told we

[01:38:03] can't discuss, I'm going to discuss. Well, not discuss, but make a comment on. I can't live with the fact that we're not allowed to disqualify a data center. Excuse me, I've got something going on here. If we can't talk about data centers that gobble up all the power we've got and then some and use that as a reason for not permitting it to be built.

[01:38:32] Something is extremely wrong. It's my understanding that the reason that this came about was because the power companies were required to provide power, but now they say they can't provide it.

[01:38:50] And if they can't provide, the time to power is now seven years. If they can't provide the power, we shouldn't be authorizing the building. And my final blow, just to show how unpopular I can be, is I don't believe it's appropriate for people, smart people like you, sitting up on that days, to refer to members who wish to stand up and speak here as the block.

[01:39:17] Thank you very much. Thank you, sir. If I was unclear, I apologize, so let me restate it. When you all speak, when the public speaks, you can talk about anything you want to talk about on this issue.

[01:39:35] If you want to talk about power lines and power, you can. And if I was not clear about that, let me make that clear. Legally, we cannot take that into account when we make a decision, which is not the

same thing as you all can't discuss it.

[01:39:50] And so if I gave that impression, let me reverse that and apologize. You absolutely can talk about whatever you want to talk to us about on this issue, including power. Okay, our next speaker is Devin Kaker, followed by Don Slayman.

[01:40:12] Good evening. Good evening, Madam Chair and members of the board. Thank you so much for the opportunity to speak tonight. My name is Devin Kaker, and I've spent the last three years working as a member of the CloudHQ development team here in Loudoun County. After four years at Virginia Tech, I returned to Northern Virginia to work here specifically in the World's Data Center epicenter.

[01:40:35] This industry has provided incredible opportunity for me and other young professionals in high-paying, highly rewarding jobs at the forefront of what I believe is the most impactful industry in the world today. I think it's really important to understand that there are many fulfilling career paths in the data center industry beyond building the buildings themselves or working inside of the facilities. The future of this industry and the passion of the people within it and that I work with have given me what I truly believe is a career path for life and top-tier mentorship for

[01:41:08] life. In my time at CloudHQ, I've seen firsthand how we continue to mentor and invest in young professionals and interns. It's one of the best parts of my job now to watch them discover a passion for the data center industry, just as I did, and to gain the same opportunities and exposure at such a young age that I've been fortunate to receive. This industry has also opened countless doors for me to engage with our local community I've been fortunate to participate in data center coalition's annual blood drives and tree plantings which I'm looking forward to doing again this year

[01:41:46] volunteered with service dogs locally for our nation's veterans through veterans moving forward and attended events with the Loudoun County Chamber of Commerce which has been great for me to engage with DC Connect and 7x24 amongst others in closing I respectfully ask the board to not penalize the development groups who have always followed the county's direction and to continue to allow us to develop in the manner that the county has previously supported thanks so much for your time thank you sir um Mrs Lemmy before you speak I'm going to say this no I'm you're good

[01:42:22] um in the interest of absolute full disclosure this is not required for me to say but I'm going to put it say it anyway I have a son who works for IBEW for the union is my understanding the And the way it works is the unions, when somebody gets a job, he's an electrician.

[01:42:39] He's taken the courses to become a master electrician. It's my understanding that the union will send somebody wherever they want to on every job site they want to. As of right now, my son is working on a job site that is in a data center. I do not know which one. I have no idea which one. But he is in one of the unions, and he is working on a data center job site right now.

[01:42:58] So just for full disclosure, again, that wasn't required that I said that, but for full disclosure, I thought I would put that out there. And now the next speaker is Don Slayman, and you will be followed by some remote speakers, Jean Wright, John Benedict, and Dorna Traynor.

[01:43:15] Good evening, sir. Good evening, Madam Chairwoman. Phyllis Randall and Board of Supervisors members, thank you for the opportunity to speak here tonight. I'd just like to start off by saying after that that we actually are performing on the 20 largest commercial projects in the area.

[01:43:31] They're all our contractors working on those projects. Every 14 months, our apprentices change employers, and we encourage them to learn different aspects of the industry. So he will be working probably on a commercial building next, but eventually he will end up in the data center industry because that industry has spurred our growth.

[01:43:47] We have doubled in membership since I, not because of me, but I arrived just at an opportune time in 2018, and our membership has doubled because of the data center industry by 7,000. And my family has resided in this county since 1973 off of Route 9 West, off of 611 on Lagerd Farm Road.

[01:44:06] The address is Percival, but it's less than three-quarters of a mile from Hillsboro. That's where we always call it. And I'm amazed by the growth of this county. Who knew that this county would be promoting collective bargaining for public employees when my family moved here 50 years ago? Who knew that this would be the richest county in the country?

[01:44:22] And I just want to applaud your leadership, because a lot of that has happened, taken really benefit of the growth of this industry, but also the leadership before then. And I just want to say I fully support Kate Smiley and the Data Center Coalition's four recommendations they endorsed.

[01:44:40] And I just want to say how important this industry is to us. And this industry came here originally because of terms of the Internet, but nothing endears to make sure it can stay here. And 38 states have adopted the same tax incentives that Virginia has that attracted this industry.

[01:44:57] And now with AI, you don't have the need for latencies. These things can go anywhere. We have 11 prefab shops where we are manufacturing products for the data centers because there's economies of scale here. And we are exporting those all around the country and overseas even. And then also in all these buildings that exist, we have 30 people working in every single one of them for six or seven different contractors.

[01:45:18] And these buildings, the insides of those buildings are swapped out. The original hyperscale AOL was bought by Stacks Infrastructure. They doubled the capacity. We need to be able to do that over and over again. That is the jobs we do, and these are great blue-collar jobs.

[01:45:34] I just want to say, we talk about birds. How about a black swan effect? Who knew? My whole entire career here, I spent dealing with deindustrialization, globalization, permanently with China, and I ran around helping workers that were affected by that because there weren't proper worker protections, and there's terrible income equality as a result.

[01:45:51] But this industry has helped us grow and helped – again, I'm running out of time. I just want to say this industry has mitigated problems. Thank you, Ms. Layman. This industry has worked with us, and they're helping me diversify the contractor base. Ms. Layman, you actually – thank you very much. Appreciate it. Thank you very much. All right, we're going to go to the remote speakers, and then we'll go back to people who may or may not be in the room.

[01:46:10] I'm not sure if they are or not. But we'll go to the remote speakers. Gene Wright, John Benedict, and Dorna Trainter are our first three remote speakers. Good evening, Chair Randall, Vice Chair Turner, Supervisor Glass, and members of the Loudoun Board of Supervisors. I'm Reverend Dr. Jean Wright, co-founder and Loudoun Hub Lead for the Faith Alliance for Climate Solutions. And I'm here to express our concerns and urge increased oversight of data centers in the county. While data centers are crucial for

[01:46:45] the digital economy, their rapid growth presents challenges that require careful management. Their energy demands pressure Virginia's ability to meet its Clean Energy Act requirements. Data centers consume vast amounts of land, electricity, and water, contributing significantly to our carbon footprint and straining local resources.

[01:47:09] We need stringent environmental regulations, including the use of renewable energy and advancing cooling technologies to minimize water consumption. Data centers can impact residents' quality of life through noise pollution, increased traffic, and aesthetic issues.

[01:47:29] Enforcing zoning regulations and requiring comprehensive impact assessments will help protect our communities. While data centers bring economic benefits, over-reliance on a single industry can make our local economy vulnerable. Diversifying our economic base and ensuring fair wages and opportunities for advancement will provide more stable growth.

[01:47:56] Increased oversight will promote transparency and accountability. Data center operators must adhere to the highest standards of corporate responsibility, including transparent reporting on their environmental and social impacts.

[01:48:14] In conclusion, while data centers are essential, their development must be managed responsibly to protect our environment, community, and economy. I urge the Loudoun Board of Supervisors to implement comprehensive measures for sustainable growth by voting yes on the amendment to the zoning ordinance, which would make, without exceptions, all future data center applications in the county a special exception use.

[01:48:44] including appearing before the board at a public hearing for community input. Thank you for your attention to this important matter. Good evening. Thank you, Reverend Wright. John Benedict, Dorna Trinter, and Liam Jackson.

[01:49:01] Liam Jackson. Good evening. I'm John Benedict, Little River, for Loudoun's Future. Unconstrained data centers and the substations and transmission lines to serve them have increasingly become duccences in our county. There are threats to neighborhoods, the environment, infrastructure reliability, and electric rate payers.

[01:49:21] Phase one would ensure that the public can see and the board will review their applications. You can't open a daycare center or a dog kennel without a special exemption, so why can a data center? Like the staff, we support the rule changes, but without the exceptions proposed by the Planning Commission.

[01:49:38] Most important, first, don't allow more grandfathering. In the last rewrite, the board let all applications except for filing by the effective date process under the old rules. It was more generous than state vesting law, and the county received a flood of applications hastily filed.

[01:49:54] Don't repeat that mistake. Also, ensure the staff require legitimate engineered documentation at filing. That hasn't always been the case. Second, don't shortchange review of design changes. Industry wants freedom to make big changes in layout, FAR, buildings, whatever, without review.

[01:50:09] the zoning ordinance already has provisions for modest design adjustments if changes aren't modest they should require full review third don't waive special exception requirements the industry wants criteria that would weigh the specs process as incentive to adopt energy efficiency in phase two of

the rewrite we should include performance criteria to help increase energy efficiency and moderate negative impacts instead of using such measures to allow by right development phase one those should be factors for specs approval or denial in the future fourth don't change comp plan criteria prematurely place type descriptions outline the need for case-by-case review of uses

[01:50:47] that may not meet standards don't make exceptions here where adjustments may be warranted those should wait to for more thorough review in phase two thank you thank you thank you mr benedict Dorna Traitor, followed by Liam Jackson, followed by Lily Wong.

[01:51:11] Are we good? Is she there? I'm here. I had mute on. Okay. All right. We're good? You are good, ma'am. All right. I'm Dorna Tainter from Waterford, and I'm speaking on behalf of the Loudoun Transmission Line Alliance.

[01:51:30] We're still at work because this issue is so far from over for Loudoun, and so we urge you to adopt the proposed CPAM and ZOAM changes without exception. I feel like I should always start by mentioning that data centers have been very good to Loudoun. but things have changed. We all know that. No matter what, we still have lots of data centers, and we're building a lot more. We're still dealing with the current proposed transmission lines, and I know another member of our group will give a detailed description of what's in store.

[01:51:57] I urge you to follow your staff's recommendations and want to address the remaining exception, which is grandfathering. The Loudoun Transmission Line Alliance has mostly focused on the issues with power and infrastructure needed for data centers. I got involved over the MARL, and I don't want anyone else allowed and hurt by transmission lines that only benefit data centers whenever possible.

[01:52:19] There's no magic way to build transmission lines that don't harm the places they go through, including in existing rights-of-way. If data centers don't belong in our residential and bucolic areas, neither do the huge transmission lines that power them. Grandfathering will severely undercut the goal of further oversight for data center development and damage to the surrounding communities.

[01:52:41] The data centers being proposed now are not the data centers of 2008 and need rigorous oversight. With their massive infrastructure needs, the grandfathering exception would compound the unresolved issues around transmission lines, and local generation won't solve the problem either, creating noise and pollution for the nearby homes, and there's little oversight for that as well.

[01:53:02] All these parcels, if grandfathered in, will protect the land's value for the developer while affecting either a little or frequently a lot the value of residents' homes, the success of their businesses and schools, as well as their parks and historical places. We saw with Waterford how vulnerable our historical assets really are.

[01:53:21] I don't understand why these things are not considered equally important, equally grandfathered, you could say. Often these are businesses like mine that we have invested in over the years and that were started long before any of us knew this crisis would happen, or homes that are the family's main asset without any idea that a transmission line would be coming through.

[01:53:40] I believe those investments are worth protecting. I understand the concern over fairness and that we want Loudoun to be good for business, but data centers in their current rate of development are not good for businesses like mine. And losing the Loudoun County we love and chose to build our lives in like I did doesn't seem fair either.

[01:53:58] Thank you. Your time is up. Thank you so much. Yep, thank you. Liam Jackson, followed by Lily Wong, followed by Tom Clark. Good evening, Madam Chair and members of the Board of Supervisors.

[01:54:14] My name is Liam Jackson, and I'm an account manager with Landcare, which is a commercial landscaping company with a branch here in Loudoun County. I appreciate having the opportunity to speak my small piece on this rather large topic. Data centers were a new concept for me when I moved to Loudoun County for work this past May, but in my short time here, I've seen how both culturally and economically important they are to the community.

[01:54:36] As many have stated before me, any legal regulations changed will affect industries, not strictly just the data center companies. I can say for certain that whatever affects the data center industry will undoubtedly affect people in blue-collar fields like myself.

[01:54:56] Data centers offer a wealth of opportunity not just for the investors, but for laborers and people in the service industry. The relationship between data centers and the community writ large is complicated, and with a lot of moving parts and stakeholders involved in every corner. The current trend of data centers being concerned with beautification, for example, is great for all parties involved, I believe.

[01:55:18] The data centers begin to look more appealing. The community is made happier by this, and it allows us landscapers the opportunity to create beautiful landscapes, which drives growth and job creation, especially outside of the laborers. Data centers are not proper in all areas, and I could not agree with this more.

[01:55:34] However, a point I think is worth bringing up is that data centers just, They don't have to be an eyesore, and I believe they can be beautiful and enhance the appearance of their communities through both their architecture and their landscapes. In closing, data centers offer opportunity for many more industries than at first glance, and I hope this is seriously considered when determining what legislative action should be taken that affects them.

[01:55:57] Thank you. Thank you, Mr. Jackson. Lily Wong, followed by Tom Clark, followed by Adrienne Martinez. Hello, Board of Supervisors. My name is Lily Wong, and I'm at least a resident.

[01:56:13] I'm encouraged to hear the proposals for much-needed guidelines, especially in Phase 2. Please continue to refer to the JLARC Data Center Report Study, as it provides so much critical information that's relevant for both local and state decisions. Two key points I want to bring up this evening.

[01:56:32] With the increasing number of data centers being built close to residential areas, this can really negatively impact residents. Some localities are taking good steps to address this, but keep in mind that the noise impacts are difficult to resolve. Why are they difficult?

[01:56:48] It's that constant low hum that is frequently a noise that is under the noise ordinance guidelines, but impacts the quality of life and the health of residents who live more than a mile away from a data center. The JLARC also recommends that sites are at least a quarter of a mile from residential areas.

[01:57:07] Well, here in Leesburg last February, the town council approved Village Land Bay D&E site, which is less than 700 feet from our residential community. This site was not listed on your interactive GIS map on your website, so if you're looking at the pipeline for the entire county, please include this site.

[01:57:29] The other point from JLARC is also that the data center industry is driving immense increase in the demand of energy and building new generation and transmission for this infrastructure that is going

to be very difficult.

[01:57:47] These infrastructure costs to support this billion-dollar industry should not be paid by the current ratepayers, which is all of us as residents, including low-income residents. As supporters of affordable housing, this should go hand-in-hand with utility cost increase.

[01:58:04] Quality of life is really at the core of my concern for myself, my neighbors, and our youth of our outdoor space. We will be surrounded by the pipeline of data centers along Route 7, so please consider the long-term impact for residents, the required energy and natural resources, balancing with that data center revenue.

[01:58:23] and please do not grandfather any of these much-needed guidelines for the data center industry. Thank you. Thank you, Ms. Wong. Tom Clark, you will be followed by Adrian Martinez, followed by Scott Russell. Good evening, Chair Randall and members of the board.

[01:58:43] My name is Tom Clark, and I'm a proud member of the International Brotherhood of Electrical Workers Local 26. I would like to speak on the economic success of data centers, It's not necessarily the tax revenue generated, but more importantly, the quality jobs that employ so many Loudoun County residents.

[01:59:01] Not just hundreds of construction jobs on each center, but the constant retrofitting and upgrading to make data centers more efficient and meet our communications and data needs of 2025 and beyond. These jobs I speak of are Loudoun County men and women making six-figure incomes working in their hometown.

[01:59:24] These are private sector jobs that come with full health care benefits, annuities, and most importantly, a defined pension. The health care and defined pensions ensure that these residents will not be a burden on the county or state, but will thrive long into retirement.

[01:59:42] These are fantastic jobs and self-funded for your county constituents, all negotiated the bargaining table and at no cost to the county. Tonight, I ask the board to follow the recommendation of the Data Center Coalition.

[01:59:59] I thank you for your time, and have a pleasant evening. Thank you, sir. Adrian Martinez, you will be followed by Scott Russell, who will be followed by Anthony Virgilio. Good evening. Good evening, Madam Chair and members of the board. My name is Adrian Martinez with IBEW Local 26.

[02:00:18] I live in Lowndon County, work in Lowndon County. I vote and pay taxes in Lowndon County. I support the development of data centers to continue in Lowndon County. thank you. Thank you. Scott Russell, you will be followed by Anthony Virgilio, who will be followed by Debbie Virgilio. Scott Russell, I think he's Russell, R-O-S-S-E-L-L. I'm pretty sure he's in the room. Well, there you are. Good evening, sir. I'll take his time. No, no, no. Are you not him?

[02:00:52] No, I'm Tony Virgilio. Oh, just give me a second. Okay. Is Mr. Russell anywhere out in the lobby, going once, going twice? Okay, Mr. Virgilio, it's you, sir. Thank you so much, Chair Randall, and members of the board. It's been a long night, you've been very patient and I had a set of prepared comments that I've given you a paper copy of.

[02:01:10] Please enter them into the record, but in the interest of saving some time and being able to talk to you, I'm gonna put those aside and just speak off the cuff, provide you hopefully with some comic relief

and go from there. The staff has done a great job in terms of putting together the POAM and the report that they did.

[02:01:28] I think it clearly shows the dramatic increase in the number of data centers, the size of the data centers, the complexity of the whole process and on that there to be commended. It is really spectacular. 200 data centers in the pipeline, another 175 planned, something on the order of 100 million square feet of space allocated. That's like eight or nine pentagons here in Logan County. When it comes to industry, we are more than the chemical industry in Delaware. We're larger than the auto industry in Detroit, bigger than the steel industry in all of Pennsylvania, And we're only behind Texas in the 23 oil refineries in Texas.

[02:02:03] So Loudon has certainly changed. We are now an industrial powerhouse, and that's the way they stay. When Texas stands up and says, hey, we just got a new data center for AI, Loudon says, hold my beer. We are, and we'll show you how it's done. And that's what we're doing. We are in charge of the data centers.

[02:02:21] I know you can't consider electric power requirements in your consideration for approving, disapproving of data centers. I understand that. You have no control over that. It's a consortium of FERC, SCC, the power companies, PJM, a bunch of other people. The problem I have is that they don't even seem to listen to you when you do represent Loudoun County to them.

[02:02:40] And as a result of that, we have what happened this past week with the SCC driving through, you know, a railroad of power lines going from Aspen to Golden right down the middle of Route 7. And that actually sucks. And the fact that you don't get any respect and you don't get any consideration where you should get some respect and consideration, that's a problem.

[02:02:57] So I understand you can't do anything about it, but that's it. Let me just get real quick. I don't really believe very much in the whole CPAM process. It's a process, and as one of the mayors said, processes can have good results and bad results. This one has typically in the past not resulted in good results. However, interestingly enough, Mr. Hemstreet did come up with a solution for you, and that is the tax rate.

[02:03:19] He loves the taxes we get from the data center industry, and my proposal is that if you want to control the industry and do something about it, Double the tax rate for the industry. \$2.4 billion sounds a lot better to me than \$1.2 billion. And if you really want to suppress it, go ahead and boost it up to \$3 billion or more.

[02:03:37] The fact is, you have control, and you just need to increase the tax rates. Mr. Virgilio, thank you so much. You're going to be followed by Debbie Virgilio, and you're going to be followed by Renee Hogan. I'm sorry? Scott Rousseau.

[02:03:54] Did I not? I'm so sorry. Oh, I did call you? I think I was in the bathroom when you may have called me. Scott, that's TMI, but okay. I'm gonna I'm gonna keep it short a lot has already been said that I'd largely agree with I just like to restate that the data centers have provided a great opportunity for me I'm a resident of Sterling and also a member of IBW local 26 it's given me a great job with a good future and great benefits as well as

[02:04:29] kids in Loudoun County Public Schools have an opportunity to join an apprenticeship and work close to home spend more time with their families it is it is really a great opportunity and it'd be really nice to keep it here in Loudoun County I understand there's concerns with pollution and power

consumption and I trust this board to make good decisions on that thank you for your time thank you sir i appreciate you miss virgilio you're going to be followed by renee hogan

[02:05:01] followed by uh thomas donahue good evening good evening um i'm debbie virgilio we've lived in loudon i've been in virginia for since 1968 seen a lot of changes first i don't know how we got to this point from having a simple ballot that said do you want data centers along route 28 where they were built for and the excesses from these data centers will go to offset our taxes that's where this originally came to light of the residents here now we drive through and things in moderation

[02:05:41] are good but we're switching now to mega sizing i've traveled the east coast seen the data centers in florida seen them in north carolina they're not in residential communities they're in community areas where it's data centers and that's it why we i'm going to jump around why we have when we build a house we have to pay for that electricity come to our house why we have to pay for the electricity for these data centers when they're clearly extremely profitable is beyond me they

[02:06:15] should be paying for their own lines their own costs to get their utilities to them not the taxpayers in the county. Third, I hope that all of you sit back and put yourself 50 or 100 years from now and look at what this landscape is going to look like and what you have left behind in your memories and take that into consideration as you are approving. And I think the more time you take and the more time you think about it and the more cautious you are is better because these data

[02:06:50] centers that are built now and are empty still because they have no power are still going to be empty in seven years and you have plenty of time to build more data centers that are going to sit empty until the power is here for them let me see and also i'd have thought that it it was a country-wide law that you did not build in the view shed of historic properties we fought for oatlands plantation for many years to stop the development that was going to go around it

[02:07:23] and we succeeded due to the laws that were here for the country to protect the historic properties we drive by belmont plantation now and it has been stripped of 90 percent of anything that was there for new data centers to go in mr julio your time is up to destruct the view shed thank thank you very much thank you uh yes renee hogan you're going to be followed by thomas donahue

[02:07:56] followed by tia ermin good evening good evening good evening chair randall and board of supervisors first i appreciate all the hard work and long hours you put into making loudon county a great county and for listening to your constituents when making these important decisions i stand before you as a single resident not a coalition i appreciate what the other mayors and residents have said tonight so maybe they are my coalition i'm here tonight to say that we have enough data

[02:08:31] centers but i realize that isn't going to happen but what can happen is the impact that they have on our county that i love yes the benefits of the data centers have already been addressed tonight as we heard in the budget presentation but there are other considerations the overall landscape of our county proximity to residential areas land availability for other uses eastern loudon also known as the data center alley already has a great number of data centers with the oldest standards of building and therefore we are very aware of the visual impact of these buildings surrounding

[02:09:10] our neighborhoods as i drive neighbor as i drive visitors from the airport i say oh yeah data center data center data center data center they usually follow it up by going ugly ugly ugly ugly like i can't disagree you are aware of the many negatives of the data centers environmental impact noise pollution

power water potential home values living near data centers and the power lines that are coming any and all new data centers need to meet the strictest standards that keep our county a place we can be proud of please no grandfathering if this golden goose wants to grow in our county

[02:09:51] make them build to where it makes sense and fit in to our landscape with the latest standards as the architects of our county think what you want this county to look like in the future for the future is now thank you thank you thank you very much thomas donahue followed by tia ermine followed by jim bingle good evening thomas donahue from the catoctin district i'm also speaking for the loudon transmission line alliance which fought against the proposed transmission line cutting through western lowland county again we urge the board to adopt its original phase one

[02:10:27] proposal so the county can have some control over the negative impact of data centers on loudness historic and natural resources and the collateral impact of energy infrastructure on land use by agribusinesses and conservation easements in western Loudoun. We strongly oppose any changes that would undermine these amendments and reduce the board's ability to plan our future nuances can be handled in phase two. I also encourage you to at least begin thinking about where we'll be in 10 to 20 years as we seek to manage this issue. As a reminder of the collateral impact of data

[02:11:02] centers on land use, PGM, in two weeks, will be voting whether to approve a 765 kilovolt transmission line that will cut through northern Loudoun County in the Catoctin District alongside or near the existing right-of-way. This is in addition to the new 500 kilovolt line that PGM approved last summer in that right-of-way and the existing 500 kilovolt line. As you consider all those square footage numbers that the staff presented, keep in mind that data centers built today use a lot more power per square foot compared to what was being built five to ten years ago.

[02:11:39] Thus, as we and the other Virginia counties keep approving more and more data centers, we will need more and more transmission lines, new major power plants, or gas pipelines. The bill to all of us ratepayers for the regional transmission infrastructure that PGM approved last year and will likely approve in two weeks, specifically designated by PGM as supporting data centers, will be in excess of eight billion dollars. Your vote on data center zoning is a step in a direction of trying to gain some form of oversight and control of the county's future. Thank you. Thank

[02:12:12] you, sir. Tia Ehrman, followed by Jim Bingle, and then we'll go back to virtual call and then be Casey Fiesel. Good evening. Good evening, Chair Randall and supervisors. My name is Tia Ehrman. I'm a senior land use field representative for the PEC. I also breed turleuce geese on my farm and can attest they are great but messy and my children affectionately refer to them as murder ducks because their bite packs quite a punch. I urge you to pass your originally planned CPAM and ZOAM without delay. This long overdue adjustment has been discussed

[02:12:50] broadly and publicly for nearly two years. Developers, real estate speculators, data center business interest, and most importantly, the public, have been aware of and anticipating these changes. More than ample time has been given for investors to submit plans, and any claim otherwise is disingenuous at best.

[02:13:08] Last week, the SEC approved the overhead path for the Aspen to Golden Lake of the transmission line loop, which will now run along the south side of Route 7, forever changing the skyline of one of the main thoroughfares of Loudoun County. The southern portion of this loop, Wishing Star to Mars, was approved 100% above ground in 2023.

[02:13:29] And this third segment, completing the loop by connecting Mars to Golden, is in development now. During their open house on January 15th, Dominion reported that this line, like the other two, would once again be infeasible to construct with any portion underground.

[02:13:46] These three legs represent a massive expansion of the local power grid, dual circuit 500 kilovolt and 230 kilovolt lines constructed through largely built out suburban regions of Loudoun in order to provide power to the only customer demanding this increase, data center alley. The trunk line supporting this loop is also in the process of expansion and its construction nearly cost Western Loudoun's farming region dearly last year.

[02:14:12] As you know, the compromise in the end keeps the expansion within the existing right of way for now. However, even with all of this taxpayer-funded infrastructure build-out going on, we know from Dominion's own projections this power increase will not be enough to adequately support data centers already approved today. This means more large-scale transmission lines are coming to our county soon. We urge you to take control of this runaway train where you are legally able to do so and pass these meaningful adjustments to our guiding documents immediately. Thank you.

[02:14:46] Thank you, Ms. Ehrman. Next up, we have Jen Bingel, followed by Casey Fiesel, followed by Trinity Mills. Thank you, Vice Chair Turner and board members.

[02:15:04] I'm Jen Bingel, also a senior land use field rep for the Piedmont Environmental Council. We support your initiative without exceptions. We support data center reform based on four pillars, enhanced transparency, oversight, protections for families and businesses, and incentives for efficiency.

[02:15:25] They are essential, both at the state and local level, and your initiative helps to accomplish them. Phase 1 increases oversight, transparency, and protections by eliminating buy-right status and requiring board review of all applications, and Phase 2 can create opportunities for efficiency incentives and more protections.

[02:15:46] We strongly agree with staff's position on the Planning Commission recommendations for exceptions, that are either in conflict with the scope of phase one or will be addressed in phase two while staff have deferred to the board on the issue of grandfathering we strongly oppose it the grandfathering measures adopted with the 2023 zoning ordinance were very lenient allowing a flood of both legislative and by right submissions to be excluded from the good new regulations that you proposed if you allow it again it would further weaken your effectiveness and result in an outcome in conflict with your intent.

[02:16:23] Despite threats of leaving, data center companies face the same challenges for power and water that they face here elsewhere. So, with Loudoun being a recognized leader, please use your full authority to manage future data center growth and reduce its many direct and indirect impacts on residents.

[02:16:44] Industry changes are happening so quickly that even the most appropriate sites for data center growth will have negative impacts. More energy demand spurring more transmission lines with hard-to-avoid impacts on residents. The use of on-site power creating cumulative air pollution and health impacts.

[02:17:03] Threats to adequate water supply with changing climate conditions. across the wider suburban policy area where most Loudoun residents live these threats add to the noise visual impacts sense of place and industrialized character that that is being promulgated so residents need your bold leadership please

act with resolve thank you thank you miss bingle uh casey fiesel is uh on remote can you hear us good evening madam chair members of the board of

[02:17:42] of Supervisors. My name is Casey Fiesel, and I'm the Business Development Director at MTV Solar and Energy Management Solutions. We are experts in photovoltaics, agrivoltaics, battery energy storage solutions, and grid resiliency. I'm here today to discuss the proposed data center zoning amendment and comprehensive planned amendment. We understand and respect the concerns of the Piedmont Environmental Council and other stakeholders about the environmental impact of data centers. Nonetheless, I urge you to consider a broader perspective, one that weighs the urgent need for sustainable energy solutions and the potential for innovation in energy infrastructure. The energy crisis facing this country is not a future concern. It is here now.

[02:18:18] The decisions made in Loudoun County today will set a precedent for the nation. Rather than making data centers the problem, we have an incredible opportunity to make them part of a much larger solution, grid decentralization. I'd like to offer a quick anecdote to illustrate the impact of grid decentralization. In South Australia, the Hornsdale Power Reserve, a large battery storage facility, was developed to help stabilize the grid during periods of high demand. For this project, the state faced frequent power outages and relied heavily on centralized power plants, which contributed to significant habitat disruption and ecosystem degradation. Since integrating the Hornsdale system, South Australia has been able to reduce grid strain by using locally stored energy,

[02:18:56] especially during peak periods. Not only did this stabilize the grid, but it also cut down on carbon emissions and helped preserve the energy environment by avoiding the need for new fossil fuel plants and long transmission lines. This example is exactly why retrofitting data centers for grid decentralization is such a powerful solution. By integrating renewable energy resources, battery storage, and energy efficient technologies, we can significantly lower carbon emissions, protect ecosystems, and enhance climate resiliency, all while supporting the local economy and maintaining energy security. A blanket special exception for data centers risk limiting future development and hindering the adoption of critical technologies like virtual power plants and on-site

[02:19:34] renewable energy systems. Instead of restricting innovation, we propose a flexible approach that allows data centers to retrofit with renewable energy solutions. To protect existing investments and provide regulatory clarity, we ask that the county adopt grandfathering provisions that safeguard the progress that has already been made in energy efficiency and grid support solutions via data centers. Without such measures, we risk unnecessary delays that could undermine the energy strategy and growth of our region. Sustainable development is Loudoun's pathway to the future and offers a framework to generate economic growth, achieve social justice, exercise environmental stewardship and strengthened governance now view solar is committed to

[02:20:12] collaborating the county industry leaders and all stakeholders to create policies that foster this innovation thank you thank you very much uh next up is trinity mills followed by matt and zina followed by zara hasraya good evening this is trinity mill speaking on behalf of loudon wildlife conservancy we would like to first commend the board for beginning this initiative It's been, as you've seen, a long time coming considering the unparalleled rate of growth that the data center industry has seen in Loudoun.

[02:20:47] As it was originally detailed, Phase 1 of this project is a measured and conservative approach to stemming the challenges associated with data center growth in the county without curtailing benefits that

the industry already provides. A key concern that has caused contention surrounding citizens and community groups' opposition of data centers has been the lack of public involvement and transparency of information to residents on certain applications before you.

[02:21:14] The conditional use of stipulation and special exception application requirement remediate these issues and allow for the neighbors of data centers to feel heard in their concerns and have simplified access to the information about the projects that impact them. Taking these steps will help to ensure that any new data centers can be held to the high standards that Loudoun demands.

[02:21:35] It will work toward instilling necessary protections for sensitive habitats, consideration of on-site infrastructure needs, and resident safeguards. As said, more detailed regulations for the industry that has such a significant foothold in Loudoun is a long time coming, so long that further extension of outdated rules is not appropriate.

[02:21:56] Allowing grandfathering past what has already been extended to the industry would undermine the integrity of the initiative, considering the considerations given to developers during the 2023 zoning ordinance rewrite on top of potential vested interest status of some applications. This process has been prolonged much more than was intended, and Loudoun County residents are seeing the effects.

[02:22:18] We urge you to immediately move this initiative forward without grandfathering or exceptions. Thank you. Thank you very much. Next up is Matt Anzina, and our final speaker will be Zahra Hasraya, I believe it's pronounced. Hi.

[02:22:36] I would like to say thank you to everyone who's come out and said a bunch of wonderful things regarding the importance of passing this item without any additions suggested. I think written as is is going to be a wonderful addition to slowing down the growth of data centers. And I think if we continue to rely on that growth and kind of get blindsided by the AI bubble, we are only going to set ourselves up for getting caught out. And when this bubble eventually does pop, which it seems is coming any day now with DeepSeek. So I hope that the board

[02:23:13] will take into consideration that they should pass the item without any holes or any additions suggested thank you thank you mr sriah and with that i will turn it back over to the chair that's it that's everybody wonderful thank you thank you for everyone who came out and spoke thank you for everyone who spoke via webex with i thought we had that you did say one more you said one more name there's one more person yes you did i'm sorry zara has raya my apologies are you there yes

[02:23:49] Speaking. Thank you for taking my comment. So I would first of all like to echo my agreement with the speakers before who brought up the environmental issues of the current data centers and the obnoxious impact they have as far as noise pollution, their egregious water use, the amount of energy that they use, and the amount of land they take up in our communities.

[02:24:13] One thing that I heard brought up was that people are concerned that preventing data centers from being built would stymie industry and would take away opportunities for people as far as jobs and apprenticeships and economic growth. I want to say that passing these ordinances preventing for the grandfathering would not take away data centers, and it would not prevent more data centers from being built.

[02:24:36] It would only mean that the data centers being built would be further regulated. If truly unregulated data centers are the only ways for people to have jobs in Loudoun County, that to me

represents an unsustainable industry because there is a finite amount of land and there is a finite amount of energy and resources that data centers could take up in our community.

[02:24:56] So if the only way to support this industry is by unregulated growth of the data centers, I think that that is problematic and I think that that is frankly false. The data centers that have been built and the data centers that will be built, according to regulations, should be sufficient to support the industry, and it should be sufficient to support workers in Loudoun County.

[02:25:19] Otherwise, why are we building them, and why are we continuing to build them? Thank you. Thank you. All right. We are going to go to a motion that will be made by Supervisor Turner, and then we will have discussion within the motion.

[02:25:36] So, Supervisor Turner, motion, please. Thank you, Madam Chair. Am I on? you are on can you pull a little closer though all right i move the board of supervisors ford cpm 2024 0001 and zoam 2024 0001 data center standards and locations phase one to the march 18th 2025 board of supervisors business meeting for action i further move the board direct staff to prepare a grandfathering resolution and return to the march 18th business meeting for action such that the grandfather fathering resolution specifies that administrative applications that have an

[02:26:15] approved site plan or legislative applications that have submitted a detailed concept development plan shall be considered grandfathered prior to february 12 2025. i further move that staff develop a set of notional guidelines to return to the march 18th meeting regarding existing data centers and parameters by which we can consider normal evolutionary growth based on market demands to be within and to not require aspects am i making myself

[02:26:51] clear on that part of the motion i think i am and that's it madam chair okay i don't i give me a second i i i don't believe were you clear with what that motion said because i wasn't completely clear with what that motion said i think i would like clarity on on the one point you said that have approved site plans you said that have been submitted for site plan approval no for an administrator how about you just read it again so it's like on the record it's in my head it's that further move that the board direct staff to prepare a grandfathering resolution and return to

[02:27:26] the march 18th board business meeting for action such that the resolution states that an administrative application that has an approved site plan and a legislative application that has submitted a detailed concept development plan shall be considered grandfathered the date the effective date being february 12 2025. before we get a second because no need to second a motion that is not clear so dan you have something you wanted to so i think this gets to your question an application would not have an approved site plan an administrative application is a site plan

[02:28:04] so plus amendments but so i i think the terminology you're looking for there needs to be tweaked somehow is here maybe we should have a brief recess i was gonna i was gonna suggest exactly that it's exactly that let's take 10 minutes and so we can get the motion first of all i need to get the motion like this on paper and let's make sure we get the motion correct so let's take 10 minutes

[02:58:53] miss bricksman are you still there have you run fleeing from the virtual room miss brixman i'm here okay thank you all right um we are back and uh mr turner is going to make a motion i move the board of supervisors forward c pam 2024 0001 and zoe am 2024 0001 data center standards and locations phase

one to the march 18th 2025 board of supervisors business meeting for action i further move to direct staff to return to the march 4th 2025

[02:59:31] board of supervisors business meeting with a draft grandfathering resolution reflecting that any administrative or legislative application formally accepted for review by february 12 2025 should be grandfathered motions is that the right date is that is march 18th the right date okay all right that's the second business meeting marsh um for purpose of discussion i'm going to second this motion although i don't really understand what's happening right now so but i will say second for

[03:00:04] for personal discussion mr turner madam chair can we split the motions please um put the motion please yeah you can always divide a motion that i will call for division of the motion which is how i normally do this after the after the maker of the motion for gives their first statements and then i will because sometimes after those statements you may not want to divide the motion so just give me a second let me let him make his opening statement mr turner thank you madam chair um so let's let me back up here with the purpose that i had back a year ago when i first suggested

[03:00:41] that all data centers be specs in loudon county um everybody saw the numbers tonight we we know where we are right now the kimley horn report said we have 199 data centers on the ground we've got 117 in the pipeline um the objective here is for data center growth to continue it has been for 20 years basically relatively unmanaged and i'm careful and guarded with those words it has been explosive growth that has caught probably everybody including the data center community

[03:01:15] by surprise over the last 20 years and we filled up the industrial areas where we wanted data centers and where we designated they'd be buy right a couple of years ago 2022 is when the crunch started and that's when we began to feel as a board that we need to get better managerial oversight over this growth process. How do we do that? And my thought was we don't want to disapprove all data centers. We don't want to approve all data centers. All we want to do is as the jurisdictional legislative body, we want to be able to see all data center applications to make our own determination whether or not we think that data center under those circumstances

[03:01:53] and that location is the right choice for the county. That's the goal. The only mechanism that we see to be able to do that is to attach a special exception. And if you attach, you can attach it to a buy-write application or a legislative application. Attaching a specs to a legislative application that's already going to come before the board is relatively, it's an inconvenience, but it's not crippling. Attaching a special exception to a buy-write data center application that may have been in the pipeline for two years can be especially onerous to a

[03:02:28] buy-right applicant. So what we're trying to do is thread the needle in fairness. If an applicant operated in good faith under the rules that we had two years ago and submitted a buy-right application, and we just want to see it, but the cost of us seeing it is potentially millions of dollars by the applicant and requiring them to start over again from scratch, I consider that onerous. The problem, after a great deal of discussion today by all the experts in the room and out of the room, is how do you pick a point in the process that is reasonable to say if you're

[03:03:05] up to this point, you're grandfathered. If you're not up to this point, you're not. In a buy-write application, there's not a lot of points. There's acceptance of the application and there's approval of the application. And there's not a whole lot in between. With a legislative application, there's a lot of points in between there. And again, a specs on a legislative of application is not that onerous. The buy right is the

problem, and we're doing the best we can, and what we want to do is ask staff to look at these parameters and come back to us on March 4th, and we will debate the grandfathering on March 4th. Thank you. Ms. Birxman, are you still making the,

[03:03:42] you're still requesting to split the motion? Yes. Okay. In that case, we're going to take the first part of the motion first, and Mr. Turner, you're going to read the first part of the motion, the first paragraph just for just reading read it into the record and and then we'll go and then we'll take the second part so we take the first part mr. Turner we read the first part thank madam chair I move the Board of Supervisors forward CPAM 2024 0001 and ZOM 2024 0001 data center standards and locations phase one to the March 18th 2025 Board of Supervisors business meeting for action yeah I will keep my second on that motion discussion on the motion

[03:04:22] Do you have any other discussion for this part of the motion, Mr. Turner? I do not. Anybody else have discussion for this part of the motion? Ms. Bricksman? Thank you, Madam Chair. I do. I want to thank staff for all the hard work.

[03:04:37] I understand the strategy behind changing the sections on the map that they're changing. I understand the intent behind making everything a specs. The thing that I am nervous about is the way we are designing this is putting all of the onus on the board to make decisions about applications for specs.

[03:05:07] And to me, we still don't have enough parameters either mapped out or in our zoning language. so i don't know how we are protecting um the the county from future boards not just approving every specs that comes in so i need to have a few more conversations about it i'm going to vote yes on this part of the motion i appreciate the mapping um and and i'm hoping after further discussions with staff i'll have confidence that phase two will solve some of my other issues thank you madam chair thank you miss briggsman discussion on the motion the first was just

[03:05:45] discussion, the first part of the motion right now, the motion that's on the table. Mr. Crony. Thank you, Chair Randall. So I want to thank all the speakers who came out. This data center, CPAM and ZOAM, gives the board an opportunity to influence future data center development.

[03:06:02] I agree that we need to use Loudon's experience from being the world's leader to shape the next generation of data centers, but this requires managing the industry to ensure sustainable growth. Currently, some data centers are developing in areas that are not appropriate near residential and environmental and historic resources. As a result, residents are asking for us to manage data center development. By-right development does not give oversight and the voice the public is asking for. A special exception ensures transparency and provides an opportunity for the community to voice support or concerns. The recommendations that were proposed by the planning

[03:06:42] Commission can be addressed in Phase 2, including a robust outreach to the industry to consider evolving technologies and innovation. Innovation drives this industry, and I would like to offer flexibility to retrofit facilities with new technologies and increase energy efficiency.

[03:07:01] And I think this all can be done in Phase 2. So I do support the CPAM and ZOAM, and I thank staff for all your hard work. Thank you. Ms. Umstead? Thank you, Madam Chair. I will be voting against this for many of the reasons that were presented by the Chamber of Commerce, the Data Center Coalition, the International Brotherhood of Electrical Workers tonight.

[03:07:29] I have been increasingly uncomfortable with the fact that we are singling out one industry and targeting that industry to put limits on it in a way that we don't do with any other industry or even with residential development.

[03:07:51] I am troubled, as we heard from the chamber, that the negative impacts to this county's reputation as a place where people can do business are going to spread well beyond the data center industry and impact every industry and business in the county.

[03:08:16] The fact that we had to have a last-minute struggle on the dais to get the wording for a grandfathering clause indicates to me that this is being rushed way too quickly.

[03:08:35] That is something that should have been part of the discussion. The fact that the planning commission clearly felt they were being forced to make a decision that they felt they needed more time to fully investigate makes me uncomfortable with the direction that this motion is taking this board.

[03:08:58] When we get to the grandfathering part, I will have a different set of comments, but it's been too fast. It targets one industry. It targets an industry that every single person in this in this boardroom and every almost every American uses.

[03:09:20] And the reason the industry expands is because we are forcing it to by the way we run our lives using technology. And so when we have an iPad, when we have a laptop, when we have a cell phone, and we're using it for research at the last minute, which is what a lot of us sometimes need to do up here, or when citizens come in and need to read their speeches from their phones or their laptops, that is why data centers are essential to our economy and to the way we conduct our lives in this country.

[03:09:59] so I think it's been too fast we didn't take seriously what the Planning Commission had to say and I think that's a mistake thank you miss glass thank you madam chair I first want to thank staff for the all the hard work that you've done this is this has been extremely difficult I've had a number of constituents in the past week to contact me regarding their concern about where

[03:10:34] we are with data centers and I would agree with chair Randall when she says that we do need a balance here when we talk about this industry I will be supporting this first part of the motion I'm not sure about this the second part I I guess I could talk about that when we when we do the second motion but I

[03:10:58] appreciate this. Thank you. Thank you. Mr. Kirshner. Thank you, Madam Chair. I'm not going to support this portion of the motion, but let me preface some of my comments that I'm about ready to make with some of the things I believe, and that is there's no question that everyone here, everyone on this board, I think most everybody believes that data should belong in the right places with the right with the correct restrictions, not next to residential as a general rule, not without buffering

[03:11:32] not with fenestration, all those aspects of data as a general rule should be in place. However, I am concerned that this CPAM takes the desire that Mr. Turner mentioned, which I appreciate what he's trying to do conceptually, and that is, hey, we want to look at that, but it takes it way too far and says every data center has to come in for a special exception.

[03:11:59] Two years ago, this board made it very clear to the data center industry, it says, if you own land as a data center, you will be allowed to develop. That statement is no longer true. That is not true at all. As a matter of fact, once this passes, anything that's not grandfathered in will have to come before this board, and many of them will be rejected.

[03:12:15] I'm going to tell you why, because there have been a couple, and they're coming up soon, a couple of rezonings for data centers which make total sense where they go, where they are meeting all the JLOC recommendations, and those may not pass. Do you think these special exceptions on some of these data centers will come in?

[03:12:31] I'm concerned that it won't. And I also want to, some of the speakers that have said, everyone who talks about the power issues, we legally cannot take that into consideration. I would appreciate, I mean, you can come and you can say it, but you're basically asking us to break the law when you come and you talk about power.

[03:12:47] We can't take that into consideration. It's quite frankly, I'm concerned we as a board are going to get sued. Every data center, that could be up to a half a billion dollars because if they can prove that we've made decisions based upon power, that's the kind of losses they will take.

[03:13:03] And so when you ask us to make those decisions, you're asking us to break the law and you're opening us up to liability. When we say no to data, which I'm concerned on these special exceptions, we're going to do that on a regular basis. We're going to say no to, we're going to say yes to other development.

[03:13:19] We're going to say more to how, we're going to say yes to houses. We're going to say yes to more traffic as a result. We're going to say less money to schools. We're going to say lower service levels. That's ultimately what we're going to end up saying.

[03:13:36] And many people talked about the reliance and mitigation on data. We have a mitigation fund. We're allowing for that. So basically, what I'm seeing here that we're doing is we're trying to get our hands around an explosive growth. I think we have done a lot of that by requiring certain development requirements.

[03:13:55] But now I think this board has taken it too far, and they say we want say on every single parcel, and I'm concerned we will say no. It's going to significantly, and we saw during the budget presentation, we're going to lose significant money and will ultimately change the face of our county. Thank you. Mr. Sainz?

[03:14:13] thank you madam chair go on mr. Saints okay yeah thank you to staff planning Commission for all your work on this and getting us to this point I'm gonna be supporting the motion I have comment when we get to the grand following part of it the other motion but I'll just simply say you know we've been talking about this for a while still we're seeing applications for data centers nobody's packed up shop and left town which some of the some of my colleagues are fear-mongering and insinuating with some of their commentary and we know

[03:14:49] that's just not true. They're not going to pack up and leave. We have a great industry here. We have the contractors, the subcontractors are here. They know what they're doing. We have the power. We have the fiber in the ground. Other places do not have what we have. And if other places did, maybe they would pack up and leave, but they don't. So they're not leaving anytime soon.

[03:15:09] So we can stop with the fear mongering, plain and simple. Yes. Do we rely on one industry here? we just had our presentation from our county administrator yeah but it's been no secret a lot of us up here uh we've been down here what four years eight years nine years ten years and so we've been saying the same thing for a while we need to have other industries here in the county which we do but nothing to the extent of data centers we know we're probably not going to get anything to the extent of

data centers but we still obviously need more so it's not like we haven't been trying to bring other industries uh into the area um so i think we need to leave it

[03:15:49] there but um we like having our data centers they do provide jobs and opportunities for a lot of different folks uh in in economic backgrounds which is great we just heard some great stories of uh of young folks uh getting jobs and and uh training and developing and being able to provide for themselves and their family which is great um so we i know that's going to continue no matter what um so let's just temper it down a little bit folks and um maybe we'll get through this so thank you so everything everything everything in life is a balance everything one of my favorite

[03:16:28] things to eat is ice cream i won't eat it every day at every meal i won't everything is a balance first of all let me just be real clear it wasn't that we didn't take the planning commission's recommendation seriously is that we might disagree with them just because somebody makes a of recommendation doesn't mean we have to agree with them, and it doesn't mean we don't take them seriously. Secondly, we've been doing this for a very long time. Whenever I see something, when somebody doesn't like the way it's going, it becomes we're rushing it. We are absolutely not rushing this. We're just not. I think the things that Mr. Junda said was probably, of all the speakers, and there were a lot, I really appreciate what

[03:17:07] Mr. Junda said, because I didn't hear one person say, don't do this or don't send this on. Not somebody from data center industry, not somebody from chamber. That's not what they said. That is not what they said. They said to make sure that not everything does have to have specs because for already existing locations that may have a small expansion of small FAR, then we do not require them to have specs. I agree with that. I actually, I agree with that. I think maybe we have gone too far one direction. We said everything has to have specs. I do not agree that we're

[03:17:44] picking on the dais in the industry. This is a huge industry in Loudoun County, and we've got to do something to get our hands around what's happening in our county. When we were, when I first came on this board, the emails I got most often were about traffic. That's what we got most often. And what did we do? We did some things to address the traffic. We built more roads. We put more money out of our budget into building our own roads. We addressed it. The number one thing I get in emails right now is data centers. We would be remiss not to address this issue.

[03:18:19] We have to address this issue. And it doesn't mean we're picking on anybody or doing anything bad. We have to address the issue. There is a balance with this addressing of the issue. The truth is, data centers built early on, those are god-awful ugly buildings. And everyone Everyone driving back down Waxpool Road knows that.

[03:18:39] But the truth also is that the newer data centers that we put design standards around are much, much nicer. They are. They're just much nicer. The truth is early data centers used a ton of water. Today they don't use that much water. It's very different.

[03:18:54] We can't take the electricity issue into account. We just flat can't do that. And I do not believe anyone said anything's going to get us sued. think that is not not not one person has said that they're going to turn down an application on this board because of power that's never been said so i'm going to push back on that really very hard um this first motion is to send it on it is to send it on and of course i'm going to vote to send this on that's all this first motion is doing right now mr turner would you like a closing no close all right um motion was made by mr turner i seconded the motion all people say aye aye aye

[03:19:34] opposed nay that motion will pass seven two with miss umstead and i'm six to one i'm sorry mr mr letourneau still not here six two one with mr umstead and mr kirschner voting against the motion and mr letourneau still being off the dais okay um mr turner would you make the um second motion please um madam chair i'm going to withdraw the second motion if someone else would like to make

[03:20:08] it they can do that but i'm going to withdraw the second motion well i i don't understand what just happened because because because not more than two people can go back there and have discussions so i don't know what just happened back there so i need to know what happened before i can say i won't make a motion i will make i i don't know what to i don't know what to do with this yet i'm going to make the motion i really appreciate somebody would second it for purposes of discussion just so i could know what just happened i may or may not support it in the end but i'm not quite sure what would just happen and i need more information before we just go just just take it off the table so i'm going to make the motion for the purpose of discussion so i can get more

[03:20:47] information i move to direct staff to return to the march 4th 2025 board supervisor's business meeting with a draft grandfathering what you say no no she's got it okay i'm going to say this one more time if you're going to correct me you got to be correct if you're going to help me you got to help i moved to the rec staff to return you thought the date was wrong oh i moved to the rec staff to return to the march 4th 2025 voice advisors business meeting with a draft grandfathering

[03:21:23] resolution reflecting that any administrative or legislative application formally accepted for review by february 12 2025 should be grandfathered second okay motion is made seconded by mr sayings somebody tell me what this means because i thought i understood what was happening before and now i don't and so what is this what are we doing here so the intensive grandfathering resolution that we would prepare would be the same as we did for setting ordinance rewrite that anything accepted prior to a given date in this case tonight would be allowed to proceed for both administrative and

[03:22:01] legislative processes under the current regulations so they would so if something was already being processed in process gets to continue to go in process correct no matter what legislative no matter what goes in process correct if it's been formally accepted if it's been formally accepted because it's in process doesn't mean we would vote yes or no on it it just it gets to keep going correct correct but we can still vote how we vote on it for legislative items for administrative items but but you're saying you're saying so let's say if item we vote on but for buy right items we don't we won't see yes how many buy right i how many buy right items are in the pipeline

[03:22:39] right right as we sit here today so in the and what we've gotten the item is that there are 36 active as of december 1st so we and i don't know offhand how many have been submitted between then and now that have been accepted we'd have to look at that okay so let me say it back to you so we're saying that right now 36 36 data center applications that have been accepted are by right and if we vote on that we do not take a look at those at all if and the rest that are legislative if we vote on this we still take a look at it like we always do if the grandfathering resolution

[03:23:15] follows this guidance of the motion yes you would not see those but you would you would yes the legislative no to administrative you would not see the administrative site plan applications i i understand that. And if we do nothing, what happens? If we don't vote on this or this goes down, what happens?

[03:23:33] - If there's no grandfathering adopted, every legislative and every administrative application and process right now would have to add a special exception and receive approval of that as part of them moving forward. So for a legislative application that's already has a-- - I got you, I got you, and I'm one on one other time.

[03:23:49] I don't mean to be rude, but I got what you're saying. You're saying everything comes before us if nothing happens with this tonight. What if I want to do what I said earlier, so that there are some applications, either ones that would be by right or not, that we don't need to do a special exception on because we've set some standard that said, if it's this, if it's on the same piece of property and it's just going to put a substation on that, whatever, we don't need to see that anymore.

[03:24:27] How do I get to that place? How do I get to that middle ground, which is where I want to get tonight? So either we can add another motion to give us direction to proceed and prepare that language, or honestly, I saw enough head nodding when those came up that we would probably just prepare it and bring it back on March 4th anyway just because it would give you something to look at.

[03:24:48] So that would just be a footnote in the use tables that clarifies anything below a certain threshold and does not trigger a specs. So you don't need this motion to bring that back to us? Unless there's objection by the board, we can just prepare some language for you to look at.

[03:25:04] It says that, and say the words again, a use model? The use table. A use table. A use table. Okay. Understanding all you just said to me and knowing that the use table will come back anyway, I'm going to withdraw my motion.

[03:25:24] Madam Chair, may I make a motion? Can I still ask questions before you do the withdrawal? You want to, uh, sure. Yes. This is so important. i'll leave the motion on the table for the purpose of people asking questions and then i withdraw the motion miss and then of course you could make a motion of course mr saints all right thank you madam chair all right um real briefly because i only have three minutes and i'd like to ask a couple other questions give us a little bit more detail on the use table use table that you're described that you just discussed right now from phase one the changes to the use table are to

[03:25:59] change a p to an s under the three districts for data center we can add a footnote to those that to to that change, that directs you to the bottom of the table, and there we'll add a statement that says, we'll develop it, but something to the effect that minor changes to approved applications do not trigger the need to pursue a special exception.

[03:26:22] So if somebody has an approved site plan and the end user wants to take that building and move it back 10 feet, but nothing else is changing, it would ensure that that kind of thing could happen without them needing to come through a whole special exception process. Right. Thank you. And then clarify, when you say submitted and accepted, does that just mean, okay, I want to build a data center here, here you go, that's submitted and accepted, or is it gone through some review and some processes?

[03:26:50] It's gone through review by staff through the checklist process to ensure that the minimum information is provided on the materials. So it's just more or less submitting some paperwork, but really hasn't gone through a thorough review.

[03:27:05] Right, it would not have gone out for referrals, just ensuring that the things a referral agent would look at or need to look at are there. So it's almost like a, excuse me, probably not using the right

term, but just kind of trying to describe it like a pre-app almost. More detailed than that, but same kind of idea.

[03:27:23] I mean, it's a formal application and we just look at it to make sure that everything that's on the checklist has to be there, that it mentions the zoning district and those sorts of things are provided. But it hasn't gone through the Planning Commission hearing or anything of that nature? No, no, no. it's the very first step of everything that we do okay right so in your use table say for example if we already had an application that was submitted two years ago approved actually by the board changed hands of ownership submitted some new renderings moved the building 20 feet 30 feet switched it from this angle to that angle and was kind of working through the process with staff

[03:28:05] would that fit on your use table to say they'll kind of keep going in the process since they've already been approved and they're just making a few adjustments or were you saying on your use table they'll come back in a full uh process so if we pursue the the chair's idea she was just talking about to add a footnote it would not require them to come back for some some minor changes that will put parameters around in the language that we would insert okay okay all right and then all right and then the use table will cover legislative and by right uses so the use table sets the expectation moving forward that it becomes a special exception.

[03:28:43] Okay. All right. Thank you. There's still discussion. The motion's on the table that has not been withdrawn so that we can -- all the questions can be asked. And really, I just -- I need us to have -- I need people to, in their own head, feel like they're understanding what's happening before they make votes.

[03:29:01] That's all. Mr. Crony? Yeah. Thank you, Chair Randall, and I appreciate the chance to ask questions. So the Planning Commission came up with a list of sustainability practices to put into the use table, and some of them are like onsite battery storage, you know, those types of things.

[03:29:19] Will you be looking at that too, you know, or is that more accessory used to a data center? So all of the, that level of detail would be something for consideration in phase two. This would just be some smaller language that would ensure that those minor changes that any of you would think are relatively simple and shouldn't need a full legislative application, does not automatically force them into that, because without any language like that, there's really not any discretion. Every change from an approved document would have to come through.

[03:29:52] Okay. And I just want to say I'm glad Chair Randall is going to remove the motion. I believe the grandfathering that's been proposed is generous and negates the need for this CPAM and ZOAM, and due to the generous grandfathering that we had with the 2023 ZOR, many of the administrative data center applications are now under the 1993 revised zoning ordinance which does not require the enhanced standards that this board put in place with the 2023 zor and there are 74 applications in the pipeline you had that in your packet totaling 60 million and 50 of these

[03:30:31] applications are administrative i just want to make the board know that there's 50 of them that are administrative thank you miss miss brixman do you have a question on this motion yeah yes thank you madam chair and thank you for um opening this up for questions i i do not have enough information to make a decision on grandfathering tonight um so that's why i asked to take the motion um i just started hearing about grandfathering today and on one end i heard that that we were going to have a motion that we only grandfathered by right data centers that already

[03:31:07] had a site plan approved. And then this motion that came through seemed to be by yards and yards more broad than that, which makes me very nervous. If you were to keep the motion on the table, I would probably make a friendly that staff come back with options for grandfathering. I believe when we were doing the zoning ordinance rewrite, we had some options on the table and staff was able to tell us the ramifications of each option for grandfathering.

[03:31:39] That's the information I would need before I could make a decision on grandfathering tonight. So I appreciate you withdrawing the motion, and maybe we can have more conversations about this as we move forward in the process.

[03:31:55] Thank you, Madam Chair. I think, Ms. Bricksman, in some ways, I think a use table is in a way options for grandfathering some things. That's that's kind of how I'm hearing it. It might it might be. But again, I honestly we I haven't talked about use tables since December 2024, I don't think, or 2023.

[03:32:12] So, again, I wish that some of these motions that aren't the packet motion would come to us or somebody would call us and discuss these motions with us so that we would have an understanding of what we're trying that what we're supposed to be voting on before they come to the dais.

[03:32:28] I understand. Thank you, Mr. Rogers. You want to say something? If I could clarify in the use table, the use table is part of the zoning ordinance, and so that would be an amendment to what the regulations are on the ordinance. It would not affect grandfathering, which affects applications. Yeah, no, I know that. I know it wouldn't affect it. I was just saying, never mind. I was just making a, I know, I got that part.

[03:32:47] Excuse me. I think Ms. Umstead was, I saw before Mr. Kirsten. Thank you, Madam Chair. Excuse me. this this particular motion does is directing staff to return to the board on March 4th with a draft grandfathering resolution um it gives them parameters um and states that February 12 2025 would be the uh the key deadline but it is we are not passing a grandfathering

[03:33:26] resolution tonight. We are simply sending this to the March 4th date with parameters. So this is something, Madam Chair, if you decide to withdraw your motion, I would like to make the identical motion. It gives clarity to the business community, which if we don't indicate support for some form of grandfathering, we're leaving people who've been hanging with significant investments

[03:34:05] and a great deal of uncertainty now. Thank you. Thank you. In your time, Ms. Umsat, you make a good point. So if we did this motion and ended after the word resolution, right, I further move the board of direct staff to return the March 4th, 2025 divorce advisory business meeting for draft grandfathering resolution.

[03:34:35] We did that. First of all, is this enough time, March 4th? Is that enough time? Because that seems awfully fast. You guys are good with that time frame? Okay. If we did that, because he makes a good point, we're not doing grandfathering right now. We're asking you to come back, which is why I was kind of making the, I wasn't saying grandfathering and use table were the same thing.

[03:34:56] I'm saying that what we'll be talking about grandfathering would be some things that we might see in the use table in any way. I mean, what do you think about, I think Ms. Umstead makes a good point, and I think her making the motion again would be, you know, I mean, it's going to be the same vote in the opposite direction.

[03:35:15] So I'm trying to get to a place right now. So if the way the motion is written, and if it ends after the resolution, you're just coming back to us with ideas. You're not saying at that point that this is about legislative applications and this is what we have to do with by right.

[03:35:34] It just comes back to us of what could be grandfathered or not grandfathered. Is that correct? So absent the additional guidance in the motion, I suppose we could bring a resolution that has a fill-in-the-blank essentially and potentially show you the effects of different dates and different cutoffs, but that's going to be, it'll be some work.

[03:35:56] Okay, so then on the whole motion, would that make sense to do, because she's not wrong, it is just saying come back to us, it's not saying do it. Right, so we'll prepare a grandfathering resolution, which would largely be similar language to what we already did for ZOR with some changes to fit this.

[03:36:15] And then with that date and that cutoff of acceptance, we should be able to come back to you with knowledge, firm knowledge that there's 45 applications that will meet this on this day and that sort of thing to actually show you how many we'll get captured. All right, maybe I won't be strong.

[03:36:32] Mr. Kirshner? Thank you, Madam Chair. I want to address some of the things that Mr. Sains put forward. The way he asked you the question suggests this was a very simple and easy process. It was just a piece of paper that was handed to the staff during the application process, and some boxes were checked out.

[03:36:48] But there's a lot that goes into that. Is that a fair estimate as what the applicant has to do, especially on a data center, including an engineering study, and all the amount of money that they undertake there, before they submit that, you guys have to look at it. It takes a two- to six-week process.

[03:37:03] Once you get it, after they've spent all the money that goes into it, and this is hundreds of thousands of dollars they're putting into this thing prior to submitting that application. Am I correct about that? Yes. Okay. So it's much more than just a piece of paper that you check some things off. It's huge investments.

[03:37:20] And so this kind of – I wouldn't call it academic, but this is real-life discussion that we're having up here. We all talk – we all made this comment, oh, we love our data centers and this one. They saw what was coming down the pike. They invested all this money. They go through the ESI process. They have all that reviewed.

[03:37:41] They send it to you, and they're hoping that it gets through the process before this goes down. And there are supervisors on this dais that say, well, for those data centers, this defeats the whole process. Well, that's what happens when you mess with people's land rights.

[03:37:56] They try to get in and try to preserve the land rights that they have, and that's what they've done. For us to suggest anything else is arbitrary and, quite frankly, a capricious date if we don't choose today. And it is a significant investment. And, yeah, it's not our money.

[03:38:13] It's somebody else's money. It's a big corporation's money. Maybe it's not. Maybe it's someone else's money. I think we need to be really careful how we proceed. I think this motion is a fair motion. It was a long time coming. And for us to suggest anything else I think is, quite frankly, unfair, arbitrary, maybe not necessarily legally.

[03:38:33] But I think any other date that we choose would be significantly arbitrary, and I just feel like that would be unfair to what we've called great partners in this county. Thank you. Ms. Glass. Thank you, Madam Chair.

[03:38:49] So I think I need some clarification. So when we talk about grandfathering, so this is what I'm thinking is. So grandfathering is about site plans and applications for future data centers that don't exist yet.

[03:39:05] So are we asking staff to create language that allows existing data centers to make minor changes without a special exception? So I'm thinking, isn't that different from discussing grandfathering of applications for data centers that don't exist?

[03:39:24] Yes, they're two different things. Okay, so we're talking about two different things here. So the grandfathering is separate from the idea about allowing minor changes without aspects. The grandfathering is just determining which applications that have already been submitted at some point in review would be allowed to proceed under our existing regs until they're completed or not, if the board does not, chooses not to do that.

[03:39:50] The other idea is just providing additional guidance once the change is made to require special exception, that there are some minor changes allowed without having to go through the whole process. Thank you. Thank you, Madam Chair.

[03:40:08] I'm not really sure what I want to say here. um let me let me clarify a couple things first of all the use table discussion seemed extraneous to me grandfathering the use table are not related at all are they can you explain if they are related now they are to the effect that you're grandfathering something to not require a special exception that's the only change being made to the ordinance under phase one there are three cells in that table right now that are changing that's it that's the only part of the ordinance that's changing it and they're changing from a p to an s yes okay regardless of the application so if it's a special

[03:40:43] if it's a administrative application or a legislative application it's it if it's a data center it changes from a p to an s in those three parcels oh and those three cells within the ordinance yes right okay um does it we're going to see a legislative application with or without the specs so this second motion if we simply said just take it a piece at a time reflecting that any legislative application formally accepted for review by february 12 should be grandfathered

[03:41:18] that would make sense that would have relatively no impact since the legislative application is going to come to this board anyway for review whether the specs is attached or not doesn't really make any sense you can attach the specs going forward in the use table for legislative applications so future legislative applications would have that specs as a part of requirement of their application but existing legislative applications would not now suddenly have to attach a specs if we grandfathered it prior to this date correct okay so the real tough part is buy right applications that have been in the pipeline it doesn't sound to me like there's

[03:41:55] a lot of steps between acceptance of the application and approval of the application there's not a whole lot in between there which sounds to me like an on off switch you either grandfather back to when they they were their application was accepted or you grandfather in to where it was approved is that is that pretty much the the the a or the b option so there there are steps because there are rounds of review but

by the by being administrative as long once they meet all the requirements of the law it's approved so generally for for something that is a clear

[03:42:31] dividing line i would say yes acceptance or approval but part of what we're talking about earlier is if you're waiting on something to be approved you don't need to grandfather because it's already approved so you can be silent about that part if that is the threshold you're looking at okay what if we amended this this motion and simply said what i just said which is resolution reflecting that any legislative application formally accepted for review by february 12 2025 should be grandfathered everything else stays the same except we just get rid of the administrative part of it and in the interim we can talk to potentially amending this resolution

[03:43:11] when it comes back to us on March 4th to or include or not to include an administrative grandfathering clause that we can work out between now and then. Does that make sense? I think as we're going to be talking about potential changes to draft language on the 4th, it would make more sense for the resolution that we present to you to be fully expansive of everything it might include, and then we can take things out if needed.

[03:43:36] Yeah, okay. All right, so let me -- I'm going to do a closing, and then I'll decide Right, if I'm going to withdraw this or not, not a closing discussion because, okay. So what you would come back to us on the 4th with is not so much anything that's legislative applications because those actually are going to be specs anyway, right?

[03:44:00] You're going to come back to us with administrative applications and what in those administrative applications, you said 36, Laura said, Mr. Corrione said 50, I'm not sure where you got that number from. What in those may or may not be able to be grandfathered for whatever reasons you come back to us with on the 4th?

[03:44:23] So following the language in the motion, the resolution will be prepared for administrative and legislative. Yes, but legislative, but it's really administrative in real time. So if we do not grandfather, any applicant will have to prepare additional materials of some sort for the board to review.

[03:44:46] Okay, let me just ask. I mean, in reality, when you go back and look at the, if you go back and do this and bring us back to Sunday 4th, in reality, wouldn't most of the applications you're talking about be the buy-write applications? There will be a larger number of them than in legislative, yes.

[03:45:04] Okay. If we're trying to get, well, I mean, if we're trying to get to, let's say if applications come to us, there might be some new standards, even in legislative applications, that don't need to come to us, and that would be done anyway. But we're trying to find out right now what we would or would not say is a grandfathering for buy-write applications, administrative applications.

[03:45:29] And that's what you bring back to us on the 4th. It does not mean at that time it does get grandfathered or it doesn't get grandfathered. It means you brought them back to us on that date. So on the 4th, we'd show you the draft and present you the effects of the draft. If the board, whatever the board ends up telling us to move forward with, we bring back on the 18th, because the grandfathering resolution has to be adopted at the same time as the ordinance change.

[03:45:55] And between now and then, no one's going to grandfather themselves in? I mean, nothing's going to happen? Not if we stick with the February 12th date, correct. Not if we stick with the February

12th date. So really, nothing, it kind of stops the clock. Nothing happens. If that's the date that ends up in the adopted resolution, yes.

[03:46:11] If that's the case, I don't believe I've ever before said staff don't come back to us with information for us to make a decision about that information. So I'm not going to make that decision now, so I'm not going to withdraw my motion.

[03:46:26] I'm going to leave the motion because, as Ms. Umstead pointed out, the motion is to direct staff to come back to us. The motion is not to grandfather right now. And after staff comes back to us, we may choose to do all kind of other stuff. may we may we may rehash it that but but this this as you just said is a complicated issue so we may actually redo some rehashing but i'd rather have the staff come back to us and tell me what you would you want to tell us about grandfathering especially as it relates to administrative applications so i'm going to be clarification madam chair on the table yes point

[03:47:03] of clarification ms brixman is this i can't remember if this motion has if you have accepted any friendlies on this motion or if you stopped the sentence at resolution i know and you know why you can't remember because we started having this discussion last week and we still have this so listen i completely understand the the answer is there have been no friendlies and it's the whole it's the whole motion there have not been any friendlies and it's the whole motion all the way from i to grandfathered is the whole motion so i made the motion for the purpose of discussion and thank you mr sayings for a second for purpose of discussion yes um i'm going to

[03:47:43] no we gotta vote now well no no can i make a friendly can you make a friendly yes all right the friendly is well wait i'm gonna tell me what you want the friendly would be actually just to simplify and say i direct staff to to come back on march 4th with grandfathering uh options we we had that discussion already you you we literally had that discussion you're basically saying stop after the word resolution and we just had that discussion well no we're you're saying I just, you're saying grandfathering resolution, I'm saying grandfathering options.

[03:48:19] So that way it's clear that they can give us option A, B, C, D, or however many they want to come up with, but it's different scenarios, not just say one, then we're back here having a whole, again, a whole bunch of other conversations. You're saying the friendly has changed the word resolution to options, but keep everything else in the motion in the motion? I further move the direct staff to return to the March 4th, 2025 Board of Supervisors of Business meeting with a draft, grandfathering resolution options.

[03:48:42] the the you're saying resolution options you're saying both those words yeah I don't think that's needed I think that's inherent in the in our grandfathering options either way my point being is because from the conversation and Mr. Glendo mentioned it he said they can come up with different options for us to review and look at because there might be an option a option b option c so I just want to make it clear so they can come back if you want to just put the word options after resolutions i'm fine with that thank you it's not an issue yeah any other friendly um any

[03:49:17] other well no it's a friendly there's no discussion on the friendly it's a friendly i've accepted the friendly no it doesn't it just says resolution options and then it keeps going no it doesn't stop it just keep that's he just all we did was add a word all he did was add the word option after the resolution nothing stops nothing it keeps going and the friendly doesn't have a discussion it's a friendly so the motions is on

the table with the friendly to add the word option after the resolution and nothing else changes that's the motion made by me seconded

[03:49:52] and given a friendly way mr sayings dan you're good yes ma'am leo are you fine with this yes we understand okay all in people say aye aye opposed nay okay that's a 7-1-1 vote with miss um with Ms. Brickspin voting against it and Ms. Letourne not being on the dais right now. I'm sorry that was that was a lot more than we intended it to be but this is this is as Mr. Kirshner just

[03:50:28] said it's not that easy and it's a little bit messy and and I do apologize for that. If those of you that we uh we met with and briefed would would walk by my boss on the way out and let him know that we did talk to you before this meeting um it might be helpful tonight. Yeah. Ouch.

[03:50:46] okay right now we are adjourned we are adjourned and we are adjourned thank you



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