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Loudoun County Board of Supervisors Public Hearing, Thursday, November 12, 2026

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[00:18:52] Can you turn me on, please? Thank you. Well, good evening, supervisors. Good evening, staff. And good evening, Loudon. I'd like to call to order the November 12, 2026, Loudon County Board of Supervisors Public Hearing. This room has a hearing loop.

[00:19:09] 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 my left to request one. Would everybody please join me in the Pledge of Allegiance? Pledge of Allegiance to the flag of the United States of America.

[00:19:28] and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. Okay, before I read all the stuff that I read, let me just say a couple things.

[00:19:44] One, it's been a tough day. Our neighbors in D.C. had a tragic shooting, so let's just keep them close as we think about. I did send a message to Mayor Bowser on behalf of our county expressing our condolences and offering our assistance if they needed our assistance in any way.

[00:20:07] Supervisors, it is, thank you, sir, it is an incredibly long meeting, an incredibly full meeting, and I would never tell people not to talk. But I would say that maybe, you know, if we're going to keep the meeting shorter, we do that by how much we talk or don't talk.

[00:20:23] So let's just remind you of that. Mr. Turner is not here because yesterday was Veterans Day. We normally have this meeting on Thursday because it was Veterans Day. This meeting, I'm sorry, we normally have it on Wednesday. Meeting was moved to Thursday. It's the same day as NVTA, which I normally go to, but he's my second.

[00:20:43] So Mr. Turner has graciously agreed to be at the NVTA meeting tonight, and so he will not be here. Ms. Bricksman, pursuant to junior code section 2.2-3708.3 and the board's rules of order, Supervisor Bricksman has requested to participate remotely by electronic communication.

[00:21:04] A physical quorum of the board of supervisors is present in the boardroom, and the board has made arrangements for the voice of Supervisor Bricksman to be heard by all persons in the boardroom. She made this request within the required time frame, and the county attorney determined that her request met the qualifications.

[00:21:23] So, Supervisor, she did make the request in the required timeframe. If you did not see my answer, because when the request is made, it's requested to the county attorney and to the county chair, and the two of us have to jointly agree, which is not a problem at all.

[00:21:39] If you didn't see anything go back to her, it's because Outlook went down. So we got her request, and then Outlook went down. So that's why you didn't see a request go back to her, but she did request it in the same time, in the required time. Ms. Brixman, can you hear me?

[00:21:55] I can. Wonderful. So as a reminder to all members of the public, if you're going to address the board this evening, you may register to speak, but only on matters that have been advertised for public hearing. Due to the broadcast delay, any member of the public, if you're not in the boardroom and you wish to address the public, I'm sorry, wish to address the board on items 3C, 3D, 3F, and 3G, which are on the consolidated agenda hearing, please call the number that you see scrolling across your screen at this time.

[00:22:29] If you've registered to speak, you will be allotted two minutes. If you're in the boardroom, I ask that when your name is called, you come to one of the podiums closest to you, state your name for the record, and the timer on the podium, will tell you how much time you have and when your time will expire. When your time does expire, I'm going to ask that you please yield the floor to the next speaker.

[00:22:48] If you're providing your comments via phone and you cannot see our clock in the room, I'm going to ask that you set your own clock because when you get to one minute and 30 seconds, I don't want to stop you because it messes up your flow, but when you get to two minutes, I will stop you, so if you need to, please set your own clock.

[00:23:06] And when taking public input, I will first ask, is there anyone in the boardroom wishing to speak? And then I will go to the moderator to ask if there's anyone virtual who wished to speak. Please note that there is a slight delay between the broadcast and the boardroom. Our moderator this year is Andy.

[00:23:24] Andy, can you hear me? Yes, I can, Madam Chair. Wonderful, wonderful. Supervisors, one more thing. If you were listening when I read, the consolidated agenda actually did not read 3E, although you might see it on your paper.

[00:23:41] I did not read it because when we made the consolidated agenda, we did not have a speaker on that. We do have a speaker on that now. That item, I think, will go very, very quickly. And so I'm going to, we're going to go through the consolidated agenda.

[00:23:57] I'm going to call 3E first because I think it's going to go so quickly. I will go to Mr. Sains for a motion. We do have just one speaker on, I shouldn't say just one, but we have one speaker on that item. So we'll go through that first.

[00:24:13] Supervisors, let me also say that I have moved this agenda around. It is normal for me to try to figure out who's in the room for what item and then try to move that item a little bit. And I do that because as much as we love having you all in this room, I don't think you all really want to be here all night with us if you don't have to.

[00:24:32] So we move those items around just a little bit, and so I can get some of the items off the board that have the most speakers. And then the ones that are just going to take a long, long time would be the ones that we hear last. Mr. Minshew, I did move your item up some, so there you go.

[00:24:47] And so just so you guys know, the items won't be in the order that are in your package. They will be in a significantly different order. But let's first do the adoption of the consolidated agenda. The board will hear the following items on the consolidated hearing. As a reminder, these items are being consolidated because they have no outstanding issues.

[00:25:07] Staff has recommended approval. The applicant has waived their presentation. And no public speakers have registered to address us in advance. So the consolidated item is as follows. Item 3C, proposed amendments to Chapter 1415 of the codified ordinances, the affordable dwelling units recordation update.

[00:25:31] That is a countywide issue. I will make that motion. Item 3D, the nonprofit organization's request for property tax exemption by designation. Also a countywide motion. I will make that. I will remind you all at this moment that you can absolutely vote no on a consolidated item.

[00:25:49] It can stay in the consolidated agenda, and you can still vote no if you want to vote no on any item. Item 3F, Allegi 2026-0003, Interim Additions to Agricultural and Forestry Districts, that's in the Catoctin and Little River Districts.

[00:26:07] So I will go to Supervisor Kirshner and to Crony for that item. And item 3G is a ZOAM 2026-0004, affordable housing by property tax exemption, religious and nonprofit organizations. That is also a countywide item.

[00:26:25] However, Mr. Sains has worked on that item for, is that the one you've been working on or is it 3E? 3E. Okay, never mind. I will make that motion instead. At this time, let me ask, are there any members of the public in the room with us tonight or virtually with us tonight?

[00:26:42] who would like to speak on any item on the consolidated agenda that I just read. Andy, do we have anybody virtually? No, Madam Chair. Okay, so seeing none, board members, please go to your consolidated sheet, and I'll start with 3C, and again, it's a county-wide item, so I'll go in and do that first.

[00:27:02] I move the Board of Supervisors approve Motion 2B for the adoption of proposed amendments to Chapter 1450 of the Codified Ordinances, Affordable Dwelling Unit, covenant recordation updates as provided in the November 12, 2026 public hearing item 3C staff report. That is the motion. Is there a

second? Second. Motion made and second by Supervisor Glass. Discussion on the motion. Ms. Bricksman, only because I cannot see you, I will go to you first throughout the evening for discussions on the motion. Do you have any discussion on this

[00:27:35] item, ma'am? No, I do not. Okay. Does anyone else have any discussion on this item? No? No? All All right. All in favor, please say aye. Aye. Any opposed? That motion will pass 8-0-1 with Mr. Turner being at MBTA.

[00:27:56] Item 2. I move the board supervisor to approve motion 2B for the adoption of the nonprofit organization request for property tax exemption by designation as provided in the November 12, 2026 public hearing item 3D staff report. Motion. Yeah, listen, it's too early to be tired already. Stay with me. Motion made and seconded.

[00:28:20] it by Mr. Sains, discussion on this motion. So we do these every year. We have certain nonprofits that, if they meet the qualifications, will get the tax exemption by designation. Some of the questions I always ask when we get these nonprofits coming through are, how many people is a nonprofit serving that lives in Loudoun County? And then they do send in all of their reports and tax reports. There have been times that I've looked at some of these nonprofits and have said no, especially if I did not believe that the bulk of the people that they were serving in was in Loudoun County, but for these three having read them

[00:28:58] and actually knowing them pretty well, knowing the nonprofits and who they do serve, I will be supporting this item. Discussion on the motion, Ms. Bricksman? Nope. Discussion on the motion, Mr. Letourneau. Yeah, thank you, Madam Chair. Consistent with my very long record by this point, and to the surprise of nobody up here, I will abstain on this item. It is not in any way a reflection of the organizations that are up for this, but I continue to have concerns by this process being outside of the nonprofit funding process and also by the lack of published criteria by which the

[00:29:36] board makes decisions on which organizations get exemptions and which do not. And so I will, I don't want to vote no, because that would indicate I don't think these organizations are worthy, and it's not that, but it's that I don't think we should really be doing this this way in the first place.

[00:29:53] Thank you. Thank you. So Mr. Letourneau is right. He's been, since we've been on this board together, he's been very, very consistent in voting no for the reasons he states, and I've been very consistent in disagreeing with him respectfully on this item.

[00:30:09] When we have these, they do send in their tax papers, so we know what they are. We can ask questions in advance. I think our nonprofits are a first multiplier. I think they do things the county government can't do and sometimes shouldn't do. And the tax exemptions are usually pretty small amounts of money.

[00:30:27] And I think it's worth it so they can certainly keep doing the, and I know you think they do good work, certainly keep doing the very good work they do and sometimes the work we as a county government can't do. So I haven't always supported every nonprofit, but I'm certainly supporting these three this evening.

[00:30:44] So, I made the motion, Supervisor Sainz seconded the motion, all of the people who say aye. Aye. Opposed? And abstained. Abstained. That motion will pass 7-1-1 with Mr. Letourneau abstaining and

Mr. Turner being off the dais. The third item is in the Little River District, in the Little River and Kantochtan District, it's alleged interim additions to the Agricultural and Forestry District.

[00:31:09] Which one of you would like to make a motion? Okay, Mr. Kirchner. Thank you. I move the Board of Supervisors to approve motion 2B for the approval of the 2026 interim additions to the new Hillsboro and the new Ebenezer agriculture and forestal districts and adopt the amendments to the individual AFD ordinance necessary as provided in the November 12, 2026 public hearing item number 3F staff report.

[00:31:38] No discussion, Madam Chair. No discussion. Motion is made and seconded. No discussion. Ms. Bricksman, any discussion on this motion? No. Okay. Anybody else? All right. All in favor, please say aye. Aye. Any opposed? That motion will pass, 801.

[00:31:56] And then the last motion, it's a county-wide motion. And after this, again, I will go to item E. I don't even know if I need, well, I guess staff, you can come up for item E, but it's going to be a very fast item. I move the board of supervisors approve motion 2B for the approval of the zoning ordinance amendments provided in the November 12, 2026 public hearing item 3G staff report.

[00:32:17] Motions made and seconded by Mr. Crony. This is the Affordable Housing by Property Tax Religious Exemption and Nonprofit Organization. It's a countywide item. This one's a little harder for me because, and we've had this discussion many times, one, I, you know, when you start, I don't, I am very comfortable giving organizations that I know are serving Loudoun County the tax exemption, but when they're housing

[00:32:57] organizations, that's a little tougher for me to get there. Now, I'm going to vote yes, but I will say that I understand, well, if you know me, you know that I talk about housing all the time. I want to see more housing. I want to see more attainable housing. I made all the motions to put money on the tax rate for housing, all the housing things, all the housing things.

[00:33:24] But I also want to make sure that as we're doing it, that the organizations qualify. It was a very long report with lots of redlining and such. I read it all the way through. I'm not completely comfortable with this, but I did not see any issues at all as I read it.

[00:33:39] And I read it through a couple times, actually, so I am going to support this. Ms. Brixman, do you have any comments? No. Mr. Crony? Yeah, I'll just say that this is a mandate from the state. And luckily, the anticipated impact from this legislation appears to be minimal.

[00:34:01] And also, there was the addition that it must be served by or located within an area planned for connection to the central water supply and central source system. So, that means it has to be served by public utilities.

[00:34:18] So it does not include rural Loudoun County and areas without public utilities. So with that, I will be supporting it. But I do know that this is a mandate and there will be probably some costs that the county has to pick up.

[00:34:39] But my understanding is there's 21 properties that are potentially, could potentially take advantage of this. So it's a minimal impact. Thank you. Chair Randall, I apologize.

[00:34:55] I did have a quick question for staff, if I may. This is unconsolidated, so staff's not at the table. Is there staff you'd like to come to? We can bring a staff member to the table. Just give us one second. You

know what?

[00:35:14] I'll, I'll just email the question. I just, I just want a list of the 21 properties and I didn't see it in the item. So I just saw the asterisks of where they are. Okay. So anything else? I can email once Outlook's up or yeah, once Outlook's up, thank you. So I am, I, I don't like state mandates to local governments. State mandates to local governments will always cost money and whether it's a minimal amount of money or not, I don't like state mandates to local government. And I definitely don't like state mandates to local government that have anything to do with land use and zoning, because the state should not

[00:35:52] make land use and zoning laws for all of Virginia. What happens in Loudoun County is very different than what might happen in Dinwiddie County or Chesterfield County. And there is no possible way that you can say that we're going to put down any number of homes, whatever they might be, and there's not a cost to local government, whether that cost is in school costs, whether that cost is in water, whether the cost is in expanding roads, there's always going to be a cost. And with the bills that passed the General Assembly last year, this is the first salvo into the state doing land use and zoning. It makes me very nervous, and

[00:36:30] as a member of the Virginia Association of Counties Boards, I will always fight to keep local control in local government. This issue is really about the tax exemption, and okay, I can do that. But I fought it last year. I will fight it next year.

[00:36:46] I've literally sat down for an extended period of time with the patron and co-patrons of the bills in the General Assembly to let them know how damaging it is for the state to try to do land use and zoning. So it's religious exemption and non-profit exemption.

[00:37:04] It's a property tax exemption. I'll say yes to this. But this is going to be a big fight in the General Assembly next year between Virginia Association and counties and General Assembly members. All right, I made the motion. Did you second the motion, Mr. Crony? And Mr. Crony seconded the motion.

[00:37:20] All the people who say aye? Aye. Opposed? Did you say nay? Did somebody say something down there? I was calling a supervisor to Crony, my apologies. Okay, I thought I heard nay. That motion will pass 8-0-1.

[00:37:38] All right. I'm going to go to item 3E. Staff, come in and come to the table, but we're going to go through this item real fast because, yeah, I don't believe we even need a presentation.

[00:37:56] In fact, I hope you don't need a presentation because if you do, you're going to be in trouble. There's nothing to be presented, and it was going to be consolidated. Let me ask this, though. Does anyone have any questions of Mr. Commissioner of Revenue Works before we ask for public comment on this item?

[00:38:13] Ms. Brixman, do you have any questions on this item? I do not. Does anyone have any questions? All right. And there is no presentation. So because we've seen and we're good. So seeing that, we do have a speaker. It is Ms. Lakeisha McDurphy. Would you please come to the closest podium, ma'am?

[00:38:36] Good evening. Ready when you are. Good evening, Chair Randall and the members of the board.

[00:38:52] I am Lakeisha Gore-McDurphy. I am the chair of the Commission on Aging, and I am here today in strong support of the proposed amendment to expand personal property tax relief for older

adults and residents with disabilities. Increasing the income eligibility threshold from $52,000 to $87,000 is a meaningful step forward, recognizing the financial realities facing the aging population.

[00:39:21] But we must also recognize that many older adults are living on fixed incomes while facing rising property taxes, health care expenses, and everyday living costs. Many have spent decades contributing to Loudoun County and now facing the possibility of being priced out of their communities that they've helped build.

[00:39:44] The Commission on Aging has developed an additional recommendation that I hope this board will consider as a board member initiative. Our proposal preserves the existing real estate tax relief program while introducing a tax deferral option for quality older adults, increasing these receiving a 50% exemption and those whose income exceeds current eligibility thresholds.

[00:40:14] This approach would provide additional financial flexibility without requiring immediate forgiveness on deferred taxes. I encourage the board to support today's amendment and consider the commission's recommendation as another tool to help older adults remain in their homes and age with dignity.

[00:40:37] Thank you. I yield the floor. Ms. McDurphy, let me ask you, have we received that report yet with the language that you just said? Because I don't remember seeing it. Has that come in yet? No, it hasn't come in yet. Okay, I didn't think it had. But we did email it to all of you, so you should see it in your email somewhere, but it hasn't officially come in.

[00:40:57] I don't remember saying that. Okay, I will go look for it. Thank you. You're welcome. Thank you very much. I appreciate that. I'll take a look at that, and after I do that, we'll consider doing it. We're going to be in my with Mr. Sainz. Thank you. Thank you. Mr. Sainz, would you like to make a motion? Sure, thank you.

[00:41:14] I move that the Board of Supervisors suspend the rules. Second. Discussion on suspension of the rules. Mr. Kirsten? No? No? All the people please say aye. Aye. Aye. Any opposed? That motion will pass 801.

[00:41:30] Mr. Sainz? Thank you, Madam Chair. I move that the Board of Supervisors adopt the amendment to Chapter 873 of the codified ordinance of Loudoun County Personal Property Tax Relief for the elderly or totally and permanently disabled as provided in the Attachment 1 to the November 12, 2026 Board of Supervisors Public Hearing Staff Report.

[00:41:49] Second. Discussion on the motion, Mr. Sainz. Thank you, Madam Chair. I brought this forward back as a BMI back in November of 2025. Glad that we're here now to make this happen and make it a reality in our county. The purpose of the amendments is to, as it was kind of mentioned earlier, increase the qualifying home, qualifying income based upon the income limits published annually by the U.S. Department of Housing and Urban Development, better known as HUD, for the Washington, D.C. metropolitan statistical area for a two-person family qualifying for federal housing assistance.

[00:42:25] The proposed amendments also increased the qualifying net worth limit from the $52,000 to the $80,000 and change. I think this is a good cause to help these folks, and I think every little bit helps. So thank you for your support.

[00:42:41] Thank you. Mr. Kirshner. Thank you, Madam Chair. This has been a – first of all, I want to thank Supervisor Saints for bringing this forward. This is something that has been kind of an issue for a number of my constituents who have fallen just under the threshold where it currently exists and they have been struggling and having difficulty.

[00:42:58] I think when we talk about affordability as a board, when we talk about affordability in this county, this is something that we as a board have power to do, and that is to give relief to those, especially amongst us, who are having a greater struggle in our personal property tax. Obviously, one of the benefits of having a large personal property tax base like our data centers, but for the elderly and the disabled.

[00:43:21] So I'm very glad to support this. This is definitely the direction that I believe we should go as a board as much as we can where it makes sense. Thank you. I almost called you Vice Chair Sainz, but we'll just call you Supervisor Sainz. Acting Vice Chair would be fine. Ms. Bricksman, do you have any comments?

[00:43:45] No? Okay. I do not. Thank you. First of all, I would, you know, this is a good item. You know, we are such a, we're not the wealthiest county in the country, But we are the county in the country with the highest median income. And so a threshold of $50,000 is not that high at all.

[00:44:01] And so to raise that threshold when you have a county that has a median income this high is really important. That's the first thing. Secondly, and I say this all the time, it will always, first of all, it's more humane to do things to help people stay in their house and have a vehicle and all those things.

[00:44:17] It's just a more humane and right thing to do. It's also the cost-effective thing to do. It costs a lot more money for an elderly person or a disabled person not to have a stable home or a stable transportation or whatever that might be. So when we have these moments, it may feel like that we're expending money, but the truth is, in the end, you're going to save money.

[00:44:40] And thirdly, if this could help people stay in their homes and age in place, it's really, really important that they could do that. as many people as we could possibly get, staying in Loudoun County and aging in place with dignity, with help if they need it, is really, really important. So wherever we can use any of the income from whatever sources we may get it to assist some of our constituents who may need it more, we will always do that. So thank you. Mr. Sanger, would you like a closing? I'll just simply say thank you to the Commission on Aging. Keep coming up with the good ideas and suggestions.

[00:45:15] All right. All in favor say aye. any opposed that motion will pass 801 all right so brothers we're going to go to our items and let me just kind of give you an idea of what we're trying i'm trying to do this i'm actually like i said trying to move this along pretty fast so um we're going to do item 3b first it's the codify ordinance for the noise and commercial and industrial uses it was my understanding that that have the most speakers on it and so that's one reason i was trying to to get that done to get three done first and so if staff would please come to the table for item 3b i would appreciate that

[00:46:09] good evening please there we go good evening chair randall and members of the board i'm danny davis with the office of the county administrator and with me is dan galindo director of planning and zoning we're here to present proposed amendments to chapter 654 of the loudon county codified ordinances and these were developed in concert with the county attorney's office. The proposed amendments are in response to concerns expressed by members of the community and members of the

board regarding excessive noise, specifically from certain data center properties. Specifically, there is one data center property with on-site power generation that has been the cause of

[00:46:46] significant noise complaints. There's a separate facility that has been the subject of complaints due to HVAC and mechanical noise. As these particular types of noise are currently enforced under the regulations of the zoning ordinance, enforcement activities to date have not identified any direct violations at the receiving property line.

[00:47:08] As you are aware, the board has initiated zoning ordinance amendments related to the siting, location, and impacts of data centers. And while that effort will intend to develop more specific measurement criteria for data center uses, that effort will require more extensive equipment, training, and effort for enforcement. Those amendments are currently under review and development, and you will be receiving an update on those at the next check-in on December 1st. The proposed codified ordinance amendments are intended to provide a more immediate response to the concerns about noise

[00:47:43] due to ongoing commercial activities specifically related to data centers. The current codified ordinance section 654.02, also called excessive noise, is generally applied to situations such as loud music, loud parties, or one-time noises that can be immediately ceased. The current standard for excessive noise in chapter 654.02 is noise that is audible and discernible in any other person's residential dwelling with the doors and windows closed. That is a plain language standard and was

[00:48:17] upheld in a Virginia Supreme Court noise ordinance case. The current section is enforced by the Loudoun County Sheriff's Office, and a violation is generally only issued if the person creating the violation fails to cease the noise. However, the existing section has not been enforced related to commercial uses such as data centers. So the proposal before you recommends using the same standard of audible and discernible within another person's residential dwelling, with the doors and windows closed that applies to all noise from commercial activity, including mechanical noise, primary power generation noise, or other operational noise between the hours of

[00:48:56] 9 p.m. and 7 a.m. This is not intended to apply to backup power generation, nor would apply to industrial activity in the GI or MRHI industrial zones. The proposed ordinance amendments are intended to be enforced by the Department of Planning and Zoning through the Zoning Enforcement team. This would require the effort of staff after hours, not dissimilar to the rural or other after hours enforcement program that the board has authorized. Due to the need to hire and on board staff as well as to develop the proper procedures and protocols for this effort,

[00:49:34] staff suggests an implementation date of July 1st, 2027. This delay also allows staff to evaluate any potential changes in state code authorization that might result in the upcoming general assembly session. Finally, staff proposes that enforcement of this effort be in the form of civil penalties against the property and not criminal penalties against a person. After multiple violations or failure to abate the noise violation, the county would then seek injunctive relief from the courts to require the property owner to abate the noise violation. Finally, I would note that

[00:50:12] we received some questions from Supervisor Sainz, and due to our outlook outage today, We have provided those to you in an old school manner, which is a memo at your desk. So if you were a paper right in front of you. So we have responded to some of those questions and would be happy to answer any other questions that you might have.

[00:50:31] Thank you, Madam Chair. Thank you, Mr. Davis. Thank you very much. I appreciate it. Supervisors, questions for staff, please. Mr. Miss is Miss Bricksman. No questions.

[00:50:47] Thank you. Mr. Letourneau. Yeah, so I am fully supportive and have been about what we're trying to accomplish here. I'm just wondering about whether we are casting such a wide net with this language that we're going to end up impacting businesses that are not data centers and have noise that is more intermittent.

[00:51:10] So could this be adjusted further and still get at the central issue, which is, I think, the tonal, the sustained tonal noise that's coming not just from one data center, but from others that have HVAC issues and things like that as well.

[00:51:27] And would that actually make it more effective? So, Supervisor Letourneau, some of those items are part of the zoning ordinance phase two standards that we're developing specifically as it relates to tonal or other type noise.

[00:51:43] Part of the challenge with that is whether those new standards apply to existing buildings and whether they could be retroactively enforced. So the codified ordinance provides us the ability to apply that across the board. The board does have the opportunity to limit some of the scope of the proposed amendments.

[00:52:03] We wanted to present this to you as an option in a discussion matter. And if there are a desire to revise that back, we can. Yeah, I mean, like, for instance, we could say noise that is occurring regularly or ongoing. Like, for instance, if somebody had a landscaping business and was moving a pile of mulch on a Saturday, the way I read this, there could be in violation of the noise ordinance if you can hear that noise inside somebody else's house.

[00:52:31] And I don't think that's what, that's not really what we're trying to get after. We're trying to get after, you know, yeah, between 9 p.m. and 7 p.m. But even so, like, I'm trying to know, pick an example, you know, what we're trying to get after, I think, is fairly specific and clear.

[00:52:50] It's HVAC noise, tonal noise, low, low, you know, frequency type of noise, vibration that we're hearing, both as, you know, a result of one particular data center that has gas turbines, but also at some others in some different locations that have HVAC. So I would be interested in seeing some suggestions from staff that would be very clear as to what it is that we're seeking here, and I would be concerned that, as written, we're so broad that we're going to end up having unintended consequences. Wow, everyone's light tone.

[00:53:29] Mr. Crony? So my understanding is that you're doing a study on the tonal noise as part of phase two, correct? The humming, the constant? We're not doing a study, but we are, we have done research into it, and we will be presenting draft regulations towards that goal.

[00:53:50] Because it's a lower frequency. It's not the same frequency as our current noise ordinance, correct? I mean, that's what the study was supposed to be looking at. It should allow us to better regulate that than our current standard, Jess. Okay. This, I thought, was for noise from onsite primary power generation. That's what I thought this was for, which is different from tonal noise, because this is a louder noise, frankly.

[00:54:19] So the amendments proposed before you could tackle a number of different items. It could tackle the issue of on-site power-generated noise. It could also address noise. We've heard complaints from mechanical equipment that create significant noise if they're across the street from residential uses. So this would address some of those most audible noises. And again, the standard being if it's audible and discernible inside someone's residence with the doors and windows closed. Yeah. I see this kind of intermingling with phase two. Am I correct with

[00:54:56] that? Like I see it kind of very similar to phase two, what we're trying to do. There's a little bit of overlap, but again, part of this is it's not in the zoning ordinance. It's in the codified ordinances, so it addresses issues in that way. And phase two is really getting down to more of the technical response to those issues, and those are generally addressed through decibel levels and very technical equipment. Yeah, because I was looking to phase two for the HVAC, because that's the problem. That's the tonal noise half the time

[00:55:32] is from the cooling systems is that constant hum. What are the fines for a violation? So currently, we are limited by state code in the amount of fines that can be issued.

[00:55:49] It is $250 for the first penalty and not more than $500 for each subsequent offense. I know that's been a topic of discussion about potentially seeking legislative authority for having higher levels of fines. Yeah, because those are like minimal fines.

[00:56:05] But the main intention for this is less about the dollars and it's more about the ongoing and repeated offense allows the county to seek injunctive relief to require the property owner to abate the violation.

[00:56:21] Okay, thank you, Danny. Thank you, Ms. Umstead. Thank you, Madam Chair. Okay. One of the issues with data centers, of course, as Supervisor Tacroni was mentioning, is the low-frequency tones.

[00:56:45] I am sure there are residents who live near data centers who hear that, and that's not necessarily going to be, that's not backup generators. So, my understanding is that the only solution for preventing low-frequency tones from entering your home is to be farther away from the source, in some cases two miles farther away from the source.

[00:57:21] The way this is drafted, it appears to me that it is an attempt to regulate that aspect of data centers, as well as noise from backup generators, HVAC systems, etc.

[00:57:40] Now, if every data center generates these low-frequency tones, the net effect of this is going to be to shut down all data centers. I don't think that's going to survive a court challenge.

[00:57:58] And so that worries me a bit about the language that is currently in the draft. So I'd just like staff to think about that. And if you have thought about it, want to share any thoughts, please do.

[00:58:16] Thank you. One of the items Supervisor Umstad is we would have to be able to identify the property that is creating the noise and creating the violation of this codified ordinance. So if a complaint is received, staff goes out and investigates and substantiates that it is audible and discernible inside the home, then their next step would be to identify where that noise is coming from.

[00:58:44] I can't quite speak to the statement you've asked about the overall industry, but specifically they would go identify if they can pinpoint where that noise is, so then they could issue a warning letter and then subsequently, if needed, summons a violation.

[00:59:03] And I would just add that I'd say in our experience, there are a small group of data centers throughout the county that we have tended to get the most complaints about. I definitely do not believe that implementation of this ordinance would shut down all data centers by any means.

[00:59:22] Do we have the staff expertise to evaluate low tone noises coming from data centers and whether they're heard in homes? So, again, this would be just using someone's ears to be discernible.

[00:59:39] The tonal noise regulations and C-weighted decibel scale stuff that would be coming forward in phase two would be using actual sound meters that we do have that are able to detect those and be used for those purposes.

[00:59:56] This is simpler, more basic, and part of the reason that, as I think Danny mentioned earlier, that we have gone towards this is that it's also been supported by Supreme Court cases. Ms. Glass? Thank you, Madam Chair.

[01:00:13] Actually, reading the paperwork that you had given us, I actually answered my question. But I also want to say that I'm in agreement with Supervisor Letourneau with his statement.

[01:00:28] In my district, we have mixed-use development. We have one allowed in, and so we have residential, we have commercial uses there. So we have, you know, restaurants there and, you know, hotels, you know, events that go on throughout the year.

[01:00:50] So I'd be concerned about with this and the noise that, you know, making sure that we make the correct choices when we're talking about having noise in more dense populations.

[01:01:14] You good? Mr. Kirshner. Thank you, Madam Chair. So this, I'm very familiar with both the criminal statute that we currently have in Loudoun as well as the zoning ordinance I've been dealing with in Western Loudoun for six years on this board.

[01:01:31] I probably have it memorized, but I'm not sure if I do or not. But I really like the concept. I think we're moving in the right direction. I think the biggest issue is going to be really an enforcement of this because all we're doing is taking the criminal code that we currently have in Loudoun and we're saying, hey, we're now going to enforce it through a zoning aspect. But again, it still begs the question, we've got to have those people from what we're now calling a rapid response team or whatever the terminology is to get there to, you know, if there's a complaint that's filed, to get there, to go into the house to listen and to see if that noise is audible and discernible so then it can be enforced.

[01:02:06] Obviously, right now, the Sheriff's Department does that under the criminal code, but we'll need people available here in the county. So I think it's a great step. I think it's really important. Most data center operators that I talk to are very much in favor of being community consideration of the community, but obviously this helps to encourage those who may not to kind of get in line. I like the abatement aspect. I don't think that really is part of the criminal aspect, although I think there are mechanisms by which the court can do that, but maybe there is in the code, and I'm maybe not as familiar as I thought I was.

[01:02:41] But I really like it. I guess the one question that I have is, and maybe you can remind me, but in terms of the number of folks that we have under the budget to really respond to this, do we know how many folks at this point yet that we're going to try to bring in who will be part of that team?

[01:03:00] I forget. I think it's just two, right? Just two at this point? There were three positions that were authorized under this year's budget, and as mentioned in the item, that's not really sufficient to do the

scope of the full county. So that's something that we'll be bringing back to the board. But there are three positions in this year's budget.

[01:03:16] Okay. Well, I think that's going to be, to really make this work, I think that's going to really be needed. Just you need people to be able to respond to these. Obviously, it's only during the night hours, so that makes it even more difficult. You'll have to have someone on call if in case it is, because this only applies in the night hours as well.

[01:03:35] So, anyway, just some thoughts. Thank you very much for bringing this. Thank you. Mr. Sains. Thank you, Madam Chair. Thank you to staff for working with us on this ordinance. This came about from the Data Center Noise Working Group that we stood up under my direction.

[01:03:51] Thank you, county staff, again, for doing that. And then this is one of the suggestions that came about it. So that's why we're here today to take proactive action against some of these noises that we're currently having. So if this goes through, this is not going to be really enacted until July 1st of 2027 as to Supervisor Kushner's point so we can get more staffing involved.

[01:04:16] My hope is, I know we were in contact with the Sheriff's Department about helping to possibly do enforcement, so I know as of right now they said no, correct me if I'm wrong, staff, so hopefully we can continue to have conversations with our Sheriff's Department to see if they can help us out with this, but in the meantime, Again, correct me if I'm wrong, our zoning team would be doing the enforcement.

[01:04:38] Is that correct? That is correct. Okay. And why is staff recommending the enforcement for the hours to be from 9 p.m. to 7 o'clock a.m.? So for Supervisor Letourneau's example that he gave where somebody's moving mulch, I'm imagining nobody's going to be out moving mulch at 9 p.m., 10 o'clock or 11 o'clock at night.

[01:04:58] But why is it those hours? Yes, our supervisor is saying those hours match the current noise ordinance and 654.02 excessive noise from 9 p.m. to 7 a.m. And that's generally the time frame, again, when people are in their homes and expect to have a bit of quiet or relief from potential noise.

[01:05:21] And also, during business hours, we would want to ensure that businesses' commercial activity can continue to operate under their normal activities during what would be daytime hours. Right. And I fully believe that once enacted with these hours that we have from 9 p.m. to 7 o'clock a.m., we will definitely catch some of the noise that's coming from said data center on Davis Drive.

[01:05:50] We will catch the noise, some of the HVAC noise from said data center that's on Atlantic Boulevard currently right now. If you go there any day and stand almost five football links from that facility on Atlantic Boulevard in the mall parking lot, you can still hear the HVAC noise that's going on all day and all night.

[01:06:10] So with this enactment, we will be able to start violating some of these folks. Has the county sought to increase the amount of fines that can be levied for violations of the noise ordinance or this proposed amendment?

[01:06:28] I do not believe we've specifically or the board has not made it specifically part of your legislative program as of to date. The board always in the county supports additional authority from the state for enforcing ordinances. But as of now, I do not believe it's part of your legislative program.

[01:06:45] Okay. I'll be bringing something forward in our next legislative update. Thank you. Okay. A couple things. One, and I'll just try to answer all, ask all my questions at one time. You said the words, if it's audible or discernible. What I have found when using advantage as the example is often what I believe is audible and discernible. We go out there and test it and we see that, that, that, that the, that the number is high. And what they have been told and what I have been told as well is there are times when that might be an airplane noise or that might be

[01:07:20] an outside noise or some other noise might be. So how are we making, how are we, and I didn't agree with that. I thought it was the data center noise versus any other ambient noises. So I want to make sure if we're saying audible and discernible, we mean it. And we're not going to say, yeah, but that wasn't really the data center noise. That was some other noise. And so that's important to me.

[01:07:43] With so much respect to my colleague who put this together, I actually don't think that doing this is good use of sheriff deputies' time. I think we have sheriff deputies right now that can't even cover all that they want to cover. I hear all the time they can't get out to the west. I'd like to see more planning and zoning staff.

[01:08:02] If we have to hire more, we hire more that is doing this work because I don't know that this is the job of law enforcement, so to speak. And so I'm a little confused because we have hired the three already, one supervisor and two staff for in-planning and zoning.

[01:08:21] And when we hired them, we specifically said they would be county-wide, not just Western Loudoun County. So I would think that those two positions that we've already approved in last year's budget, which should have been hired up or at least advertised in July, would be two people on the planning and zoning staff we could use right now.

[01:08:42] And then in the next budget, if we need to have more so that we can do greater enforcement, then I would like to have that discussion in the budget. The third question is, one of the things you said is if they have multiple violations, they will be fined.

[01:08:57] I don't know how many multiple means. I'm fine if they have one violation and they get fined. They get a warning and then they get a fine. So I don't believe we need to wait multiple times for them to get fined. and we didn't qualify with multiple means.

[01:09:16] I don't have the concerns that my two colleagues have, who was Glass, who was Letourneau. I think that, I mean, I guess in theory, maybe, but I do think that there is the letter of the law and the spirit of the law. And I think we know the spirit of this ordinance is not to bother somebody who's at a restaurant and one loud, but really we're trying to get to the noises of the data centers, and I don't want to write it so narrowly that it prevents us from doing that, which is to get to the noises of the data centers.

[01:09:50] And I, you know, I always say that I think people have common sense, and they're not going to go to One Loudon at 10 at night and try to shut down. What's the popular restaurant at One Loudon? Lost Fox, Bar. Okay, everyone up here knew the popular restaurant at One Loudon.

[01:10:08] They're like, bar Louie, lost box, whatever that restaurant might be. So those are my questions. Thank you, Madam Chair. We'll try to answer those briefly. The first item is about differentiating from other noise that might be heard. So the challenge that the current zoning staff faced at this particular property is as they were using a decibel meter, roadway noise, kids playing, airplane noise, all of that skewed the data.

[01:10:33] And so it was essentially they were not able to verify some of their results and then other results essentially did not meet the threshold of the sound ordinance. So in this particular case, yes, it would take staff using both their own discretion and expertise to be able to identify the noise and that it is different than highway noise or airplane noise, and then be able to step outside the house and then track that to its particular source point. So again, that relieves them from having to have a certain number on a meter, but to use that plainly audible and

[01:11:08] discernible and then track that to where it was coming from. Okay, thank you. In terms of staffing and DPZ, I think I'll, again, refer that to Mr. Glendo on any particulars about the approved staffing to date, but I do not believe those positions have been hired. They have not, and we are working through a process with HR to try to adjust some of the job requirements for that classification overall so that to try to broaden beyond just the three positions to make it easier for us to move people around and maximize our use of people to address all the concerns that the

[01:11:46] board has but we are still working through that. And it's been advertised but not hired? It has not been advertised because these would be the first that we hired specifically to work nights and evenings. So we have had multiple discussions and are trying to both broaden the zoning inspector and supervisor zoning inspector job descriptions to better capture that. And then also post those positions to be hired as well. And your final question, I would prefer to refer to Mr. Rogers related to how many times a violation would need to be issued before injective relief could be

[01:12:25] site? The goal here is to get compliance from the property owner. So we were looking at one notice. The second one would be a violation. That's $250 per the state code right now. The second one would be $500 and then the third one would be $500. You cannot cite more than every 10 days. So that's at least a month with the notice, probably a month and a half of violations that are going on before we would ever consider going to court for injunctive relief.

[01:12:56] I think that's important, too, for the court to say, we've worked with the property owner, we've given him notice, we've given him violations, and we are still having the same problem before a court's going to look at an injunction. That's the process we're anticipating. I do want to mention that for some of the other questions, there is significant exemptions we're looking at in the ordinance, and we're trying to tailor it to the problem we're having.

[01:13:22] I know data centers have been mentioned here, but noise is noise. And we're looking at noise as being the issue, not noise generated by HVAC or not noise generated by a generator or anything like that. So we're looking at the hours of operation, and we're looking at our exemptions.

[01:13:40] One exemption could be for mixed-use communities, that if you're in a mixed-use community and the noise is emanating from the mixed-use community, We could certainly, under an understandable way of rational basis, exempt that out from application of the ordinance.

[01:13:59] That's why we're coming to the board. That's a great point, and we need to look at some of those exemptions. Okay. Thank you. We have eight speakers on this item. When I call your name, if you come to the podium closest to you, and I will call your name three people in advance, and so you know that you're going to be coming up next.

[01:14:18] The first speaker is Maria Fiusco, followed by Louisa Marcou, followed by Clement Lupton. Good evening, ma'am. Hi. Good evening to you, too. Thank you for letting me speak.

[01:14:36] My name is Maria Fiusco. I'm a resident of Ashburn. I support attention to the issue of noise pollution related to data centers. Data centers run turbine engines, the same engines used in airplanes. Chronic exposure to the low frequency and high decibel levels elevates stress hormones like cortisol, Increase heart rates, hypertension, and cardiovascular disease.

[01:14:56] They disrupt deep and REM sleep cycles, which is linked to chronic fatigue, weakened immune function, and long-term health challenges. But noise pollution is the least of it. I'd welcome expansions to look into these things as well. Studies published in February by the Harvard School of Public Health looked at a single data center in Sterling and its impact on air quality, and only one form of emissions, fine particulate matter, known as PM2.5 emissions.

[01:15:22] do not even consider the center's methane, carbon monoxide, nitrous oxide, and volatile organic compounds emissions, nor are the PFAS chemicals in their cooling systems and semiconductors prone to leach and to wastewater and linked to immune dysfunction and cancer. PM 2.5 is one of the most harmful air pollutants tied to heart disease, stroke, respiratory illness, asthma, and premature death.

[01:15:42] The EPA's COBRA Health Impact Model predicts PM 2.5 emissions from this single data center will result in over $53 million per year in health-related damages, including premature deaths and hospital admissions. If annual impacts remain at this level, total estimated health damages over the next five years would be over $265 million, and over the next 30 years, over $1.5 billion, just from one data center.

[01:16:09] The 500-foot setbacks are inadequate. The distance between data centers and residential areas should be measured in miles, not feet. I respectfully suggest every board member live 500 feet in a data center themselves for the duration of phase two deliberations to best understand what residents are being asked to deal with.

[01:16:29] I do say as well what I've heard in board meetings seems like a sales pitch, prioritizing profit and tax revenue over health. This board really owes amends for 25 years of inaction failing to protect its residents. The residents of this county are paying attention.

[01:16:44] Thank you so much. Thank you so much. I appreciate it. Louisa Marku, followed by Clement Lupton. Good evening. Good evening, members of the board and Chair Rendell. My name is Louisa Marku. I am a resident of Loudoun County.

[01:17:01] I'm here this evening to give you my thoughts on the proposed noise ordinance and ask you to vote no. Nobody wants to live next to excessive noise, but we also have to be realistic about the community that we live in. I, for example, live near a major airport, and between airplanes, traffic, construction, and industrial activity, some level of ambient noise can almost always be heard, and that just comes with living here. That doesn't mean noise shouldn't be regulated, but those regulations need to be reasonable and clearly defined. We don't live in a silent society. Loudoun County

[01:17:38] has been at the heart of the internet since the 90s, and there's a reason so many people want to live here. We have great schools, a robust health care system, beautiful parks, thriving businesses, And so many amenities that make this a great place to call home.

[01:17:56] We enjoy the benefits of a growing active community, and some level of noise does come with that. And while we're talking about things we'd like to see in Lowndon County, I think the chair and I's mutual desire for a Zara at Dulles Town Centre deserves some consideration too.

[01:18:14] No, but seriously, there has to be a reasonable balance here. The way the amendment is currently written raises some flags, namely around noise being audible and discernible inside someone's home. And we know that's subjective. Everyone's homes are built differently.

[01:18:29] Everyone's hearing is different. And just because you can hear something, it doesn't automatically mean it's excessive or a violation. We have rules and standards for a reason. They give everyone a clear understanding of what's expected, but what are the standards here? So, no rush to create a separate ordinance.

[01:18:48] phase two of the county's data center standards project is already underway. I'll wrap up here. Please vote no on this proposal and address these concerns through the ongoing phase two process. Thank you so much and good evening. Thank you, ma'am. Thank you. Clement Lupton, followed by Nicole Riley. Good evening, Mr. Lupton. Good evening, Chair Randall, members of the board.

[01:19:10] I am Clement Lupton, government relations manager for the Loudon Chamber of Commerce, representing more than 1,050 employers. I urge you to vote no on this proposed rewrite of the county's noise ordinance for every commercial and industrial property in Loudoun. The chamber has long supported reasonable protections against excessive noise.

[01:19:28] In fact, we advocated for noise ordinance updates a decade ago following an 18-month stakeholder process involving residents and businesses. This proposal takes the opposite approach and was introduced without meaningful discussion of its intent, expected outcomes, or practical implementation.

[01:19:46] Our primary concern is that the proposal creates a standard that a business can not reasonably meet. Prohibiting commercial or industrial sound that is audible inside another person's home with doors and windows closed is not a measurable engineering standard. Whether sound is heard indoors depends on factors businesses cannot control, including home construction, insulation, and individual hearing. Yet, the proposal could impose civil or criminal penalties based on that subjective standard. Second, this proposal is unnecessary. Loudon is already reviewing noise and compatibility issues through phase two of the data center standards

[01:20:22] and locations project. Finally, proposals of this scope affect Loudon's reputation as a trusted business partner. Employers make long-term investments when they believe county requirements will be clear, reasonable, and developed through a transparent process. Sweeping new restrictions with uncertain compliance standards undermine that confidence. Loudon residents deserve protection from excessive noise, and employers deserve clear and forcible rules. Phase two can deliver both.

[01:20:49] Our letter to the board details these concerns further. Please reject this proposal, and thank you. Thank you, sir. Nicole Riley, you'll be followed by Sarah Kemp. Good evening. Good evening. Good evening, Madam Chair and members of the board. Thank you for the opportunity to hear tonight to comment on the proposed noise ordinance.

[01:21:06] I'm speaking on behalf of the Data Center Coalition to convey our strong opposition to the proposed noise ordinance for commercial industrial uses as drafted and respectfully request that the board conduct additional review. The industry supports reasonable, enforceable, and achievable standards that protect the community while recognizing the operational realities of modern data centers.

[01:21:28] However, we do see several provisions that require greater clarity and would be better addressed through the county's ongoing phase two process. First, as mentioned, the ordinance needs objective standards, clear measurement methods, and reliable compliance criteria. A prohibition on noise that is audible and discernible inside a private residence is inherently subjective.

[01:21:49] It can depend on a home's construction, background conditions, an individual's hearing. And I'd like to point out here that, you know, operators who would like to, you know, self-test and make sure that they are compliant do not have access to private residents to be able to do that kind of testing.

[01:22:07] The ordinance must also explain how the county will distinguish noise from a particular facility from other sources. Without objective attribution procedures, enforcement could be inconsistent and facilities could face costly modifications. We also still believe there should be some additional clarification regarding backup generator testing and maintenance, as well as whether enforcement mechanisms for industrial property would result in civil or criminal penalties given the limitations set out under state law.

[01:22:37] And then finally, I'm speaking to just sort of like, you know, the timeline potentially of subsequent violations. and trying to work with operators in becoming compliant. For a lot of existing facilities, you are talking about, you know, these buildings have been designed under previous ordinances, and so the time to order new equipment and things like that will likely take months and months and would not, you know, satisfy those conditions.

[01:23:03] So, again, we respectfully ask for you to delay adopting this. Thank you. Thank you, Ms. Riley. Sarah Kemp, followed by Erad Kholasi. Good evening. Good evening, Chair Randall and members of the board.

[01:23:20] My name is Sarah Kemp. I am a Loudoun County resident of over 30 years, and I'm the senior real estate and customer experience manager for Prologis, so I manage our industrial buildings in the Dulles area. Prologis owns more than 50 industrial buildings in Loudoun County, supporting over 100 businesses and thousands of local jobs.

[01:23:37] I am here to ask you not to adopt the proposed noise ordinance as drafted. Regarding the draft, we believe it is designed to respond to concerns about data center noise. As a member of this community, I understand those concerns. But this proposal goes much further. It applies to noise from all commercial and industrial properties, including hospitals, warehouses, distribution centers, and flex industrial buildings.

[01:23:58] Most troubling, it establishes no objective noise threshold. Under the proposal, noise that is simply audible inside a home with doors and windows closed could trigger enforcement. There is no minimum decibel level or clear distinction between ordinary industrial activity and genuinely disruptive noise.

[01:24:14] This would be especially problematic for the many large and small warehouse tenants who operate in Prologis' 30 buildings that are in the non-exempt IP zone. Loudon supply chain employees work overnight to avoid causing traffic and other delays during the day, and properly and legally operating customers' truck deliveries, loading and unloading, and other routine warehouse activities produce sound.

[01:24:36] Our customers need predictable standards to operate, serve the community, and maintain jobs. sweeping subjective rule creates uncertainty for these businesses. This proposal could also

undermine Loudon's ability to retain and attract flex industrial users, the contractors, suppliers, service businesses, and employers that diversify our economy. As both a resident of Loudon and someone who works closely with these businesses, I believe we can protect neighborhoods without putting thousands of jobs and lawful industrial operations at risk. Please delay this ordinance and work with the business community on targeted measurable standards. Thank you.

[01:25:09] Thank you. Errod, and if I say your name wrong, I apologize. Kolesi, followed by Lindsay Fister. Good evening, sir. Hi. Hi, good evening to the board. It's Errol Kolesi.

[01:25:25] I'm sorry. You're good. I've gotten Gerald, Harold before, all kinds of things. So, yeah, I do support this amendment. I think the board needs to go much further down the road. But a lot of the arguments that I've heard against it sound like useless whataboutism to me.

[01:25:44] You know, your yum-yum hibachi and Uncle Julio's down the road are not running industrial-scale chillers and compressors produced by Vertiv, right? So these things have very unique sound signature profiles. There's no way one could confuse them with a normal business unless one has never been next to a data center before.

[01:26:03] So I do support the amendment. People have brought up airports before. I live in Brambleton. I'm right next to the airports. There's a lot of businesses that have intermittent noises like that, right? The airport's obviously not a business. It's huge industrial infrastructure. But it's intermittent noise. It comes and goes.

[01:26:18] It's not a big deal. This is low frequency, constant tonal noise. Like another speaker said, it has a lot of negative harmful health consequences. Going beyond this amendment, though, and looking forward, I do want the county to think about, as we have this incredible growth of industrial infrastructure in Loudoun, new data centers, new electrical substations, all the industrial infrastructure that comes with it, these noise problems are going to get worse.

[01:26:42] And so one thing that we should think about is not just having more staff, but real time acoustic monitoring next to these places so we know in real time what is happening. And so people can respond more quickly. You should think about cumulative acoustic zones. So if you sit at the property line and measure the sound coming from a data center, the data center operator will rig the test to say it's 55 decibels, it's below threshold.

[01:27:06] But when these things are normally operating, they're operating in huge clusters, and those can have a compounding effect. On a normal day, you could go from individually them having 55 decibels to collectively having 70 decibels or more, right? So that is a huge problem, you know, real-time acoustic monitoring, accumulative zones.

[01:27:27] And I wish I could say a lot more, but yes, definitely I want a comprehensive plan from the board, I think, going forward for the safety of our county. Thank you, sir. Lindsay Fitzgerald, I think that is how that's pronounced, and then you will be followed by our last speaker on this issue, unless there's anybody else down there that we have any more?

[01:27:47] No? Okay. You'll be followed by Emily Johnson. Good evening. Good evening, Madam Chair and members of the board. My name is Lindsay Fitzgerald. I'm here on behalf of One Loudon tonight. Regarding the proposed amendment to the county's northern residents, we support the county's efforts to address legitimate noise impacts associated with data centers.

[01:28:09] Our concern is that the ordinance, as currently drafted, goes above and beyond this particular issue and will create unintended consequences for One Loudon and other mixed-use communities. One Loudon was intentionally designed as a dense, active, mixed-use community with residents located near restaurants, entertainment venues, retail, hotel, and offices, along with public gatherings.

[01:28:33] The proximity is not a problem, to be corrected. is it a fundamental part of mixed-use environment county that the board has approved and has made One Loudon successful. Normal activities could be affected in mixed-use communities. Sound from normal commercial activities are inevitable and encouraged for the enjoyment of the public.

[01:28:55] Restaurants, hotels, retail stores, offices rely on HVAC systems and other ordinary operations to generate some noise. One Loudoun also has two plazas that host numerous community events. We would have to consider how the proposed standard could affect our ability to continue that programming. A regulation intended to address particular noise issues should not inadvertently make it more difficult to operate restaurants, entertainment venues, hotels, and other public spaces. We should not solve a legitimate data center noise problem by

[01:29:30] creating a new problem for successful mixed-use communities. One Loudon is precisely the type of vibrant, walkable, mixed-use community the county has encouraged. We ask the board to address the data center noise without inadvertently changing the rules for One Loudon. Thank you for your consideration. Thank you. Thank you very much. And then our last speaker is Emily Johnson. Good evening, Ms. Johnson. Good evening, y'all. My name is Emily Johnson with the Piedmont Environmental Council. This is good action. Addressing industrial noise that can be heard within someone's home is sensible and accountable governing. It's also a straightforward action. This motion would take the

[01:30:08] same standard already in the ordinance that noise should not be audible and discernible in any other person's residential dwelling with the doors and windows to that other person's residential dwelling closed. And it would use the same language to be explicit that beyond what has traditionally been enforced, this standard also applies to continuous and not just transient or temporary noise. We know this action is necessary because Loudon residents affected by continuous data center noise that affects their peace and sleep have been dismissed when seeking relief. They instead spend their own money to upgrade windows, move their own sleeping arrangements within the house, and often still suffer. This is necessary. We know this action is reasonable because it does not apply an

[01:30:47] exorbitant standard. It applies the same standard that you and I abide by with respect for our neighbors. It is reasonable. And we know this action is just because the county has already agreed this is an appropriate protection and has the sheriff's office enforce the quiet of people's homes elsewhere. So this motion ensures the enforcement will no longer be selective by the type of noise generating use, but rather inclusive of all who experience this type of impact. It is just. And this is the type of action our local government should be taking, action that protects residents, action that is centered on impact threshold respectfully rather than technology, an action that has been requested for at least a decade. Let's make

[01:31:24] more common sense fixes like this. Let's do them now. And then we can tackle the most challenging problems together. But we appreciate that this simple protection would be one we no longer have to fight for. Thank you. Thank you. Thank you very much. That was the last speaker on this issue.

[01:31:39] I'm going to go to Mr. Sains for a motion. Thank you, Madam Chair. I move that the Board of Supervisors forward amendments to Chapter 654 of the Codified Ordinance of Loudoun County Noise

from commercial industrial uses to the January 5th, 2027 Board of Supervisors' Business meeting for action.

[01:31:58] Second, but Mr. Sainz, I'm going to ask you to consider going to the January 20th meeting because January 5th is an organizational meeting and we don't normally take up items on the first meeting in January. January 20th. Is that the right date for the second meeting in January?

[01:32:14] Somebody check that for me. I think it's January 20th. It's January 20th, so January 20th, not January 5th. Okay, thank you. Mr. Sands, would you like discussion on the motion? Yeah, thank you. Appreciate some of the speakers that came out and spoke. As you heard earlier, I'm going to ask staff this question, we literally can't say data center noise or HVAC noise, whatever have you, so we have to keep it the way it is.

[01:32:38] But as is mentioned earlier, we already have noise ordinances in place. As far as I know, we have not been receiving a lot of phone calls and noise violations for said one loud for restaurants and the like, so I don't see that changing.

[01:32:54] We don't have many, as far as I know, we don't have many operations of businesses operating at 9 p.m. to 7 o'clock a.m. that are close to residential where they'll hear the noise that will be coming from data centers or, in your case, some of your tenants.

[01:33:10] This is a good ordinance that we came up with for staff that's going to be able to take hold right away once July of this year hits. It's something that can go in effect right away. I know some people were waiting to wait until the study is done.

[01:33:28] The North's Ordinance for Data Center study round two is done. We can't wait that long. Sorry. We will take care of some of the readings when we get there, but this is more or less something that can be done now because right now what we have in place is not working. The noise is not picking up on our readers.

[01:33:44] And again, we will handle that when we get to the second part of the study. And this is a noise. This is to show you what we're going after. This is at 3 o'clock, 3.54 in the morning, about, I would say, maybe two football field lengths away from said data center that's on Davis Drive.

[01:34:04] Is that inside the house?

[01:34:20] Yes, ma'am. So, what would you do if you lived there and heard that noise all night long and woke you up out of your sleep and your children out of your sleep at 3.54 in the morning? Are you going to say, oh, let's wait until a study is done?

[01:34:37] Or would you try to work and find a solution? Because what we have currently right now is not working. So this is what we're doing. This is why we're doing what we're doing right now. And with the remainder of my time, it's not coming from one Loudoun.

[01:35:11] That's not coming from businesses that potentially might be working a shift until 10 or 12 o'clock at night. Thank you. Thank you, Mr. Sains. Ms. Bricksman? Thank you. I'm probably going to support this. This is, these are noises that we've been hearing complaints about for quite some time now even all the way back in our first term um and i am proud that we are responding to constituent complaints that and these are new noises right

[01:35:49] we haven't had to contemplate these before so i think this is a fair response i think you know as emily said it's a just response to what has been happening in our communities since um you know, we've had this explosion of data centers. I know that folks have told us they've had to put mattresses against their kids' windows. They've had to move their kids' bedrooms to other parts in the homes. We know that folks are fortifying their windows with plexiglass. I've had folks who live in countryside tell me they can hear the data centers south of Route 7.

[01:36:28] So we have to respond to this. And I congratulate Supervisor Sains for his hard work. And again, I proudly support it. It's just unfortunate it can't go into effect till July, but hopefully once it does go into effect, we will have the staff needed in place to be able to respond when the noises go above what they should be.

[01:36:51] And, you know, with noises that we haven't contemplated before, with noises that we haven't had in our community before, we have to write new ordinances for it. And this is exactly what we're doing. So I proudly will support this. Thank you. Mr. Letourneau.

[01:37:08] OK, so I want to stop what Mr. Sainz played for us. So let me be very clear. I'm not against this, but I'm going to read it. No person shall permit, operate, or cause any source of sound or sound generation from a commercial or industrial property.

[01:37:25] Any. So I get the point, Chair Randall, that no one's complaining about one Loudon. But it literally would only take one person moving into one unit at one Loudon and complaining one time about Uncle Julio, for instance. Nothing against Uncle Julio's.

[01:37:41] And then staff's going to get called out. And this is the language they have to work with. This is black and white. I get it. This isn't what we intend, but we have a chance to do what we intend right now. We can make this what we want it to be. I asked Mr. Davis a question earlier. I'll ask again, do you think that this could be, could staff suggest language that would further refine this to be specific to noises that would not include something intermittent like restaurant noise?

[01:38:12] Do you think it's possible that staff could at least provide us from some options for that language. I think we'd want to work with the county attorney's office to make sure any language is airtight, but we will work on options and can bring that as alternatives. Okay. Without objection from my colleagues, I'd like the ability, thank you, to do that because I take this gentleman's point. I know this isn't what we're after, but I also don't want some member of our staff and zoning enforcement to be in a position where they have to look at this and then provide a judgment because that judgment will be what this language says, even though that's not what we're after.

[01:38:50] So we do need to address the data center noise that is happening, not just at gas turbines in Sterling, but also from HVAC systems and other types of systems. They're all different. There are some data centers that are completely silent.

[01:39:06] You stand next to them, you literally hear nothing. There's others that that is not the case. And people shouldn't have to live with that. So let's do it. Let's just make sure we get it absolutely right and we are precise in what we are trying to govern and what we are really not.

[01:39:21] Because we can't just say this isn't what we mean. When you write law, the law is black and white. So let's get it right. That's all I'm saying. Mr. Letourneau, while we have the rest of this discussion,

would you like to, and I know I'm putting you on the spot, and if you can't, that's fine, maybe put some language forth that could be friendly?

[01:39:42] I wanted to do what Mr. Davis and Mr. Rogers suggested, which was just work with staff to get... But we can make... But I think that should be in the... I think it's fine. I have no issues, but it can be part of the motion. Maybe just add a friendly amendment that we would work with staff to explore precise language to address the problems that the board's indicated that we are seeking to address.

[01:40:05] I'll accept that. And I will, too. Thank you. Okay, thank you. Chair Randall, can I bring up anything? Sure, Mr. Crony. Consideration. Oh, you want to make it friendly as well? Yeah, Supervisor Sainz, would you take a friendly to send this to T-Luck in December to have more discussion?

[01:40:24] Mr. Rogers? I think we might need till January. Okay. I'm looking at Mr. Davis asking if we could get this to the T-Luck, January T-Luck. But if you take it to T-Luck in December, it doesn't mean a decision's made. She literally said for the purpose of discussion.

[01:40:40] For discussion. But then it would have to come back to the board and then go back again, right? It wouldn't. You can keep it in T-Luck as long as you want. No, no, but I'm saying T-Luck would have to come back. to the board, then from board we have to go back and send it to another meeting. No, it would go to the board in January. Okay, you can keep an item, stop her time, you can keep an item in committee as long as you want.

[01:40:59] So she can send this for December, it could stay there for as long as... That's my point, I don't want it. Oh, you don't want it, okay, that's a different issue, but it could, it could stay there. I don't want it to stay there. I understand, I understand, but I'm answering the question now. All right, starter time again, please.

[01:41:15] Oh, thank you, Chair Reynolds. So my plan would be to have it come to the board still January 20th. And Mr. Rogers? Madam Chair, that's fine. I do want to say that there's an effective date of July 1st of 27. So we do have a bit more time if we wanted to put it to the January T-Loc.

[01:41:37] The Friendly Amendment proposal is to the December T-Loc. Is that correct, Mr. Crony? Yes, because I hear Mr. Sainz, Supervisor Sainz, urgency. Max. Absolutely. Through the chair. So what would be your goal in TLUC? I think to refine it, what Supervisor Letourneau brought up, I agree that this should be for the continuous and not just the temporary noise.

[01:42:05] So I think just to talk about it and refine it more. Do you want to do, well he's deciding because I'm the seconder of the motion and I actually have thoughts on that too. Anything else you'd like to say?

[01:42:20] I did hear one speaker, and I thought it was an excellent point, is that there are cumulative acoustic zones that operate as clusters. I thought that was an excellent point because you look at Discovery Elementary, which is surrounded by 11 data centers, and there is a cumulative impact that needs to be taken into account.

[01:42:43] So I think that that needs to be part of the discussion, the cumulative acoustic zones. And that's why I thought maybe sending it to T-Loc will allow us to flush out some of these points that the public brought up.

[01:43:00] Okay. Thank you. You're good. That's your time? Okay. Before I go on, Mr. Sains, she's made a proposal for a friendly. Would you like to accept a friendly? No, I will not accept a friendly. I would suggest

if she has language to... So you want to accept a friendly? We'll come back to you for a closing.

[01:43:17] You can talk about that then. Ms. Umstead. Thank you, Madam Chair. I don't know where we are on the sending to TLUC. I certainly would support that because I do think this needs significantly more work and more information from the business community, the data center community, and the residents.

[01:43:46] I appreciate Supervisor Sain's frustration with that level of noise. I truly do. that demonstration makes it appear that this is to target data centers. And I always get very nervous when we start targeting one industry and don't create a fair and equal treatment of all businesses. The young lady from One Loudon is absolutely right. That community was meant to be

[01:44:23] a vibrant mixed-use community. It is. Uncle Julio's, I just checked, stays open until 10 p.m., so that's an hour past our 9 p.m. cutoff in this proposed ordinance. So I think we need to look at that kind of situation. We saw something very similar in Leesburg with the village at Leesburg with residents above complaining about the noise from the restaurants below them.

[01:44:55] Those folks bought into that community. They didn't know that it would be so noisy, but it certainly was. So I haven't perceived that we have the expertise to understand data centers fully.

[01:45:13] We know they can be noisy, some are not. We know that sometimes they can limit the noise from things like backup generators by putting up concrete shelves around them. That has been done in Loudoun County. And so for those data centers, that type of noise could be controlled and mitigated.

[01:45:37] But what I don't know, I don't know what we're doing with this ordinance when it comes to the low tonal noise, and that may be impossible to moderate in any way unless the goal is just to shut down data centers, and I know we have folks who would like to do that.

[01:46:01] But I think this is much more complicated than what's been presented by staff. I appreciate Supervisor Sane's hard work on it. I would support it going to TLUC in January. I can't support it going forward tonight.

[01:46:18] Thank you. Thank you. Mr. Kirshner? Thank you, Madam Chair. I am going to support this. Let me explain why. First of all, I think there's, and anytime you pass an ordinance like this, there needs to be a balance. I mean, for those folks who came and talked and my fellow supervisor who like this, you know, we need to kind of, or who do like this, we do need to look at the exceptions that were talked about.

[01:46:46] I think there's a whole group of kind of industries, events. We talked about the movies in Brambleton. We talked about One Loudon. They can kind of get swept up in this, so we need to make sure either they're exempted out or there are provisions. Maybe we change the time to 11 versus 9.

[01:47:04] Obviously, I don't think anyone on this dais or anyone sitting in this audience would say, hey, someone who's in their bedroom at night sleeping should be able to hear distinct and audible tones coming from outside on a regular basis. I mean, that's really all this does. For those of you who don't like this, I just want to remind everybody, this is already in the code.

[01:47:24] It just happens to be in the criminal code and not the civil enforcement code. It's the same exact standard that exists. So I don't think, you know, a whole lot's going to change except give the county some enforcement mechanism once we get these enforcers to go and listen.

[01:47:42] And it's going to be, you know, at a certain time. So I think there is enough balance here. I am looking forward to what staff comes up with in terms of how do we address those, for example, public

events that we talked about that may get wrapped up in this. We don't want to open up that.

[01:47:58] But we certainly, and I think the data center community, too, doesn't want this noise bleeding in another folks' house, and will try to do its best to mitigate where it can, if indeed it is a problem. We already, remember, we already have the ordinance where at the property line, you can't be more than 55 decibels. If you're less than 55 decibels and your windows and doors are closed, which is what the code is going to require, and you're still hearing distinct and audible, or audible and discernible, I think is the language, noises in the home, then you're going to be over 55 decibels anyway.

[01:48:27] So it kind of mirrors the current code that we already have. So I will support it going forward. I think it gives a little bit of another extra tool in the toolbox. How much it will actually change at the end of the day, I am not sure. But I do think we need to address some of those concerns about catching up the wrong folks.

[01:48:44] Thank you, Madam Chair. Thank you. So I actually think that once you walk into your house and you close your doors and windows, that's supposed to be your sanctuary. And there's nothing that's supposed to come in to disturb you in your sanctuary.

[01:49:04] If anyone is me, I have horrible insomnia. It takes nothing to wake me up. And once I'm awake, I am awake. And so if I had to live with that, I couldn't live with that because I would never sleep. That would be just horrible.

[01:49:20] I would never sleep. I think that we do have to respect that, you know, data centers, you know, they've been here for 26 years. They were by right, all those things. And so they have those rights, but people have rights too.

[01:49:38] And their homes are where those rights should be most protected. Mr. Rogers, I think I'm a little concerned because the fines we're talking about, $250,000, $500,000, for a data center, that's like couch pillow money.

[01:49:54] I mean, that is no money at all. And so I get what you're saying when you say that we have to do that first before you can get an injunction. But are those the amounts we have to do before you can get an injunction? Are those the required amounts? Those are currently the state limit that we have.

[01:50:09] We have no, okay. And the no more than 10 days is also a state provision. Yeah, I'm sorry. And so 10 days between them. At least. Yeah. If we're working with an applicant, we wouldn't do it every 10 days. And that's $1,200 over a month. I mean. Right. So, yeah, that's a little disturbing.

[01:50:30] I will support this. I think that we have until January 20th when this comes back to us. And so we do have time to work on the language and other things. it going to TLUC, I think we have time to do that because this is not going to the January 5th meeting, it's going to the January 20th meeting, so we have more than a month.

[01:50:49] And so I think that in a month we can both talk to the business community, you know, make this narrower in scope if we want to do that so that it's not impacting the one loudness. Ms. Letourneau, I do hear you. I think you make a point.

[01:51:04] I do hear you. We can make this more narrow in scope so it is just impacting the data centers. Again, my very big issue is when I've gone out to Vantage several times, or that neighborhood around Vantage several times, and there are times I get up in my car and I don't hear anything.

[01:51:23] And other times I get up in my car and it's like, you've got to be kidding with this noise right now. But the question is always making sure that that decibel noise is from the data center and not from other ambient noises. And truth is, the county and the state have both almost dismissed those noises because they said they cannot prove it's just data center noise.

[01:51:44] So we're going to have to figure out how to do that. And that might go to Ms. Umstead's point of who does that? And do we have people who are experts in doing that so we know that it's data center noise? So, Mr. Sainz, a closing, sir.

[01:52:00] Thank you, Madam Chair. Thank you to all the comments from our guests tonight and my supervisor's colleagues. Mr. Loturno put forward a friendly amendment, which we accepted. Supervisor Dracone, I would suggest let's get together. We can talk some more and get with staff to take into some of your points and considerations and add this in before it comes back to us in January.

[01:52:21] I would suggest Ms. Riley from the Data Center Coalition go to the sites that I've talked about. I don't know if you have personally gone there and visited them or not, But you go to Vantage on Davis Drive, go to Atlantic Boulevard and hear the data centers that are there right next to the mall. You will hear exactly what I'm talking about and what this ordinance is getting to the heart of the issue and trying to address.

[01:52:44] So thank you, everybody, for the good-spirited debate here and conversation. And let's take a vote. All right. Mr. Sains made the motion. I seconded the motion, and it was, as he said, has a friendly amendment on it for Mr. Letourneau. All in favor say aye. Aye. Opposed?

[01:53:02] That motion will pass 7-1-1 with Ms. Umstead opposing the motion and Mr. Turner, Vice Chair Turner being off the dais. We're going to go on and do the item on Foxgate mixed use right now. So would everyone for Foxgate please come to the table.

[01:53:22] Staff and others, please come to the table. That is item 3i, everyone. Supervisors, just before we start this discussion, and there are no speakers on this item. I will check again, but I don't see any. The motion that will be made tonight is the

[01:54:01] motion on the green sheet of paper that you have received from Mr. Letourneau. And no, there are no speakers on this item. All right. Good evening. Thank you, Madam Chair. I'm standing in for Waddell. I'm sorry. My name is Marchant Schneider. I'm standing in for Waddell on the Foxgate proposal. This has been a project that's in process. So today I'd like to give you an overview of the status where we're at, get some feedback from the board, and then the applicant can go into further detail about some of their proposed development options. So to orient you, this is a 22-acre site south of 50, north of

[01:54:41] Eastgate. It's about 22 acres. The board approved a mixed-use project here in 2011. It was about 900,000 square feet of employment in commercial uses and 110 multifamily units. This project would replace that previous proposal. Also, the property is currently zoned PDMUB, or mixed-use business district, and the one parcel furthest to the right adjacent to the current retail center is CLI, or commercial light industrial.

[01:55:10] This is within the suburban mixed-use place type. That place type anticipates a compact pedestrian-oriented environment consisting of a vertical mix of residential, commercial, entertainment, cultural, and recreational uses up to 1.0 FAR. Oops, getting aggressive with the mouse. This is just a

summary of the proposal. 362 multifamily units, a public park to be dedicated to the county for capital facilities credit, a 40,000 square foot retail area,

[01:55:43] and then would incorporate the existing church on the property. Okay, I apologize. This is jumping all around. Okay, this is the layout of the proposal. You'll see on the left, land bay one would be the 362 multifamily units. Land bay four would be the commercial land bay, 40,000 square feet. Land bay three is the existing church, about 37,000 square feet. And land bay two would be the public park to be dedicated to the county. This goes in a little more detail of the previous

[01:56:21] backgrounds, talked about the number of multifamily units in the range of commercial hotel and employment uses. Okay. I seem to went to the end of my presentation. Okay. I apologize. So the topics we are looking for the board's input tonight first would be the intent of the planned use business district and how it implements the suburban mixed use place type. The PUD district has a number of uses which may or may not be compatible with these suburban mixed use place type asking for the

[01:57:01] board's feedback if there's additional uses they would like to be considered for being proffered out. Also, the specificity and design guidelines. Also, looking at the accounting of active rec and capital facilities contributions. They are asking for a capital facilities credit for the public park. They are proposing two points of Route 50 access, and they're also we're focusing on connectivity of the church that will be incorporated into the project.

[01:57:28] Okay, so first, the PUD, or Plan Unit Development District, is meant to be a flexible district to implement the underlying place type. In this case, suburban mixed use. It is proposed as sort of separate independent land bays, which doesn't necessarily provide the cohesion anticipated by the place type and by the district.

[01:57:47] Also, the various infrastructure improvements are tied by a land bay rather than the whole project. So, again, we're looking at the board to review that proposal. You'll see in the recommendation we're still reviewing a lot of the associated documents with the CDP. Should this go to a future business meeting, which we are recommending, we will continue to flesh out those details.

[01:58:08] Use compatibility, this chart is somewhat small to see on your screen. Again, the number of uses that are allowed under the PUD district, the applicant has proposed a number of uses to be excluded. But again, having the board review if there's any other uses that might not effectively implement the place type.

[01:58:29] In this one, we're recommending some uses be excluded, more so for just the traffic impact. some of these uses would change the nature of how the area would develop, and this is for the board's consideration. Design guidelines. They've proposed seven layouts, which the applicant will go through for the commercial land bay.

[01:58:50] Again, it's a lot of prescriptive design guidelines and prescriptive language in the proffer statement. We were recommending additional specificity on how these uses lay out and how they're integrated with each other. Looking for the board's feedback on that. Also, there's an active rec requirement for the PUD districts.

[01:59:12] They're asking for the park used to be taking the place of some of their active rec, but also asking for a capital facilities credit for that, and we're continuing to work out the details of how that would be implemented. On this point, with the capital facilities contribution for the -- or the credit for the park,

you have had this issue before where this park is not a public facility on your cip so if the board would adopt this this would take the place or maybe advance in front of some of your other cip projects that you have in the queue although parks and rec does say that they

[01:59:48] could use the facility and this is just an accounting of the active rec space route 50 the planning commission did have a recommendation they there are three inner three points of access today they're wishing to remove one retain the route 50 access for the church and then provide new commercial access for their commercial land bay.

[02:00:13] The CTP policy is more familiar, do anticipate this to be a limited access facility and would recommend that all the land bays be utilizing the internal spine road out onto East Gate View Drive.

[02:00:31] The Planning Commission did have a recommendation that this be a write-in only to the commercial land bay and I do have a graphic that shows this in more detail. So you'll see along the bottom of your screen the three orange arrows, those were the three points of access from Eastgate. You'll see the Spine Road connecting the land bays. You see the access to the church on Route 50. And then you see the write-in, write-out in the commercial land bay. Again, the Planning Commission recommended the write-in only.

[02:01:00] The applicant is asked to retain a write-in and write-out. Connectivity, working with the applicant, the owner of the church has wanted to limit the amount of connectivity to that facility to include not connecting to the Spine Road, retaining Route 50, closing the Route 50 entrance at some future date.

[02:01:21] And we've made some recommendations on how to incorporate that church into the property. This is just the example of, or just a depiction of the community church. This is a circulation plan that would connect to it.

[02:01:37] Again, looking for direct access to Land Bay 3. The commission had a number of recommendations coming out of the work session that we're continuing to work with the applicant to address. At this time, we cannot support it as not fully meeting the alignment of the 29GP.

[02:01:57] The suburban mixed-use place type anticipates more of a vertical mix of uses. This proposal is more of a horizontal mix of uses. And again, sort of the independent way they wish to develop each of these land bays does provide a challenge for cohesion. So that is the conclusion.

[02:02:14] So before I go to Ms. Letourneau, And it's my conclusion assumption that there's a lot of work to be done on this yet. And so we can maybe hold many of our questions for later because it's a lot of work to be done on this yet. Is that correct, Mr. DeTerno, you think?

[02:02:30] Yes. Okay. All right. I'm going to go to you for questions first, sir. Yeah. So I think the cohesion issue, I think the fundamental problem is the church is part of the application but kind of not, right? So how do you kind of make it cohesive?

[02:02:47] um related to the route 50 access that's because we want to make this limited access in the future so i think the staff concern right is that ultimately if we're relying on in and out two different in and out access one that currently exists that would have to go away in the future so we really need to account for a pretty sizable residential project 362 units is a lot um we had a you know the same developer did a

similar project in south riding with 230 so this is quite a bit bigger. You've got to account for that traffic, but not necessarily having the in

[02:03:24] and out on Route 50 available long term. Is that fair? Correct. I think one issue was having the right in, right out on the commercial land bay is if folks are trying to skirt the light at Pleasant Valley and they want to come up Eastgate and then take that right out, now they're having to cross traffic, especially if they're trying to turn left. So there was some concern about adding traffic back on or having that be a shortcut. It would be a circuitous route, but that was one concern the planning commission had. Okay. And then explain to me on the active rec side of this. So the application is short of what our standard would be. Is that because they're claiming the park? Correct. Typically you would not be given capital facilities credit for

[02:04:02] a facility you're otherwise required to provide through the zoning ordinance. And there's some provisions in that. So it's an accounting exercise that we're working through the applicant on how best to account for that. Okay. And then is there anything on the civic space? Because the church is counted as civic space here it is but goes back to the relationship in most instances you have a public civic use site which can be churches but it's more integrated in the community this is pretty nice and this is an existing church been there a very long time and been there and been in it um cop scout troop met there um so i know really well but it's yeah i kind of agree it's

[02:04:39] hard to consider that as part of a civic use as part of this this site so i think there's some things we need to do there and then there's no proper specific to transportation improvements along east gate view or pleasant valley or access to 50 right no the current improvements were considered there's some sidewalk and other improvements that the applicant's providing but majority of the infrastructure is already there well yeah but it's also it's level of service e right at route 50 here yes sir yeah level of service e that's below f so so you can

[02:05:09] see why I have some concerns about adding more. Okay, but the grade is below. Capital E versus the lower cases. Indeed. Point is, it's bad. If you haven't been down here, which none of you have, except Supervisor DeCrony, probably, because it's right on the Loudoun County, Fairfax County line, but if you go there at 730 in the morning, it's not pleasant.

[02:05:42] Ms. Bricksman? I don't have any questions. Thank you. Ms. Umstead. Thank you, Madam Chair. The focus on the church I found interesting because it made it sound as if this was a community with one faith and they would want their church in the middle of the community, but that doesn't tend to be the way churches operate these days.

[02:06:10] You have people driving in from all over to go to any church now. So I don't see a fundamental problem with the church being separate from the rest of the community. Is there any reason why staff would want the church to be so deeply entrenched in the community?

[02:06:36] Not entrenched, but to the point of other groups wanting to use the facility, it's all limited through the Route 50 access. So here, if there was a connection to the Spine Road, you're providing alternate ways to move on and off the site. Pedestrian connections here, there is a pedestrian connection, but you have to either walk north to Route 50 to walk back into the site, or you have to walk south onto the Spine Road and then come back in through the grass or some other way.

[02:07:00] So, again, we just flagged it. Did the board have an interest in providing more or working to see more connectivity, or was it fine the way it's presented? So is the church, I think Supervisor Letourneau may have alluded to this, is the church the major civic area for this community?

[02:07:25] It would share with Lambay, too, which would be the other. But is the church where everybody who lives in the community is going to want to gather for HOA meetings or barbecues or something like that? No, that would not be with this project, no.

[02:07:42] Okay. All right. Thank you. I'll pick up on Ms. Umstead's question. So the problem with making the church a civic use is it's private land that's walled off that they don't want to let open up to the public, correct?

[02:07:58] So you really can't call it, because when we did the comprehensive plan, the goal of civic uses was a place that everyone could have some access to. This is a, so I don't, I don't, I understand that churches are civic uses. I do. I get that. And I understand that a Boy Scout team group met here. I get that. But overall, this church is not a church that will open its property, its land, or this church itself for civic. And I respect that. I mean, they can do what they want to do. But I don't know that we should include it in our civic use numbers if it's not opened up to the public. Now,

[02:08:37] Ms. Letourneau has said that there's work to be done. And so I'll leave that there. And I'll leave that there, and I trust my colleague to work on that issue. But we may want to look at the civic use numbers. My other question, and again, this may be something Ms. Letourneau is working on, is that, listen, I want to see in places in Loudoun County more vertical housing.

[02:09:03] Vertical housing, though, normally belongs in areas that is kind of urban in nature. Is this an area that is urban in nature that you want to have vertical housing? This is not an urban area, no matter what. It's not an urban area. But you all want to see more vertical homes?

[02:09:21] The place type, well, integrated uses, residential over first floor retail, those types of vertical integrations. Okay, so mixed use, different place types. So I understand what you're saying. You're not saying what we will eventually see on the metro corridor. That's what we're talking about.

[02:09:38] Yes, ma'am. Yes, ma'am, it is? I'm sorry, what did we say now? Oh, no, no. No, ma'am, it's not. No, ma'am, I apologize. No, it's not. Okay. No, ma'am. Okay, okay, that's good. All right, thank you. Thank you very much. Good evening, how are you?

[02:09:55] You all have 10 minutes, and you can stand up or have a seat there, or whichever you want to do, and you're ready when you are. Great, thank you very much, Chair Randall, members of the board. For the record, my name is Michael Romeo, Land Use Planner with Walsh Colucci. The affidavit for mailing and posting has been submitted.

[02:10:12] With me this evening at the table here is Mr. Graham Brock from JLB Realty. He is the applicant, Mr. Ian Moore, who is a representative for Optima, who is the developer of the commercial on the site. Just to get to the basic core of the place type and why we're doing what we're doing on this site, I've included quotes on the screen which you can't read at this level, but effectively these are direct quotes from the comprehensive plan that this application meets.

[02:10:36] And to the point of vertical integration for uses, this is something that the board, as part of the five-year review, that language has changed a bit in the suburban mixed use place type. It did account for

the expectation that more horizontal mix of uses would occur on sites just like this, where it's not necessarily appropriate or feasible to do a vertical mixed use.

[02:10:57] In fact, the approval on the site today includes vertical mixed use. It's about double the density of our proposed application, and it has been unable to be built for the past 15 years for various reasons that do not allow for that in this location. The core uses that we're proposing, multifamily residential, institutional uses, and commercial retail are all core within this place type.

[02:11:20] The suburban mixed use area in this location is bounded by the red line there. Within that red line, it's all single-story retail at this point in time. What we're proposing is to add residential to really create that mix of uses that doesn't exist yet. So as Marchant showed on his image earlier, we have residential on the west, which is going to abut a proposed residential project that is abutting the western boundary of this property.

[02:11:44] It will transition through the middle of the site to commercial on the east, which abuts eastern commercial existing land bays on the east. And in the middle is the church. And we have designed this project specifically to accommodate the church for their wishes. And they have been willing to negotiate with JLB to provide the land for the internal spine road and the park at a cost of JLB, which they're then improving.

[02:12:09] So the church really is the focus of our design here. We've purposely segmented this property to remove any sort of proper requirements of them, which they are subject to in the current application. So we're trying to do our best to protect the church, respect their wishes, and still provide as much connectivity to them as possible.

[02:12:28] For the residential, there's a number of different profit commitments we have for them. There's a number of different environmental requirements that they're going to be adhering to. They'll be subject to National Green Building Standard Bronze Level Certification. There'll be 2% universal design units. We'll have a bike room within the building.

[02:12:45] We'll also have EV charging spaces on the site. And we're also going to be installing a bus stop. There currently is a bus stop on the site today, however, there is no shelter for that. So the design of the buildings is quite attractive and impressive. It's a contemporary craftsman style of design.

[02:13:01] Within the 362 units, there are 37 units that are going to be at 50% AMI or below, 30 to 50% AMI. And that is, as the county staff has identified, is the gap between supply and demand that is most needed in the county for that number of units.

[02:13:17] In addition to that, we have 700 square foot units. There'll be a minimum of 61 of those. I'm sorry, there'll be 56 of those. 161 units that'll be 800 square feet or less. What that means is 70% of the total units are either income restricted or size restricted.

[02:13:35] There are no school enrollment issues for capacity over the six-year horizon, and there's ample parking on the site to accommodate the residential uses. We have a number of amenities within the courtyard which address the active recreation and passive recreation needs, including a swimming pool, a fitness lawn, and a social terrace, which includes a bashi ball court, grills, and benches.

[02:13:55] Within the community park, which we've worked with for parks and staff from the beginning and Supervisor Le Turner's office more recently, we've added and replaced a number of different items,

including two pickleball courts. We've added a pavilion to add additional civic space. We've enlarged the playground. We've kept the main central lawn.

[02:14:12] We're also preserving five specimen trees on this site. So we're trying to provide a mix of passive and active space throughout the site. Along Eastgate View Drive, along the southern border there, that road used to be a four-lane road. It has undergone a road diet. It is now a two-lane road with shared-use paths for bike paths on either side of the road and parking on either side.

[02:14:32] In addition to the parking along Eastgate View Drive, we have parking on our internal spine road on the northern boundary of the property, the park, to provide ample parking for residents and residents of Eastgate 1 across the street. We have two crosswalks that are proffered to allow for that. So what you get in this experience is if you live in the residences on the western side of the property, you can walk along the internal spying road along this beautiful park and along the church's property to get to the commercial space where we hope to have a regular grocery there.

[02:15:01] The church, again, we are leaving effectively the same. We're allowing for an expansion if they can have one. But as you can see in the foreground, there is an existing shared use path along Route 50, and they have access along Route 50, which we do not want to touch. They believe that is absolutely critical to their survival, and we want to respect that. If, in fact, that entrance does close in the future, we have a proffer that does allow for a connection from the internal spine road.

[02:15:22] And that's something we've talked about extensively with the church. We would love to provide that for them, but they just have chosen to stay on their own side. For the commercial space, this is something that we don't know who's going to go in there yet. It's a bit of a chicken and egg situation. We're trying to show them that we have the approval and we have access.

[02:15:39] However, we can't do that and get the tenants on board until we do have an approval from the county. What we have done, though, is agreed to certain restrictions within the design guidelines, which acquire four-sided architecture and restrict any sort of rear elevations facing Route 50. With those restrictions and with the additional detail we've added in the seven different proffered layouts, which are on the screen that I'm going to scroll through quickly here, we've given staff the level of detail that they've requested.

[02:16:04] Working out some of those minor issues on the uses and so forth is something I think we will be able to do over the next few weeks. Again, this is the circulation map on the site. We have ample north-south and east-west circulation. We're building the entire sidewalk on East Gateview Drive to provide connections for the residents on our property and on the adjacent property.

[02:16:22] And we're going to be connecting every land bay to the Route 50 trail as well as East Gateview Drive and the internal spine road. So there's ample connectivity, even though we are leaving the church in its current position. For the existing versus proposed uses, There's over 500,000 square feet more approved on the site today.

[02:16:40] However, most of that is in employment uses. We are quadrupling the residential square footage on this site to allow for more residences, and we're keeping the commercial square footage very similar. This results in a reduction of 67% average daily trips on the site, which, again, provides for uses that we want to see on the site and reduces the trips at the same time.

[02:16:59] We have letters of support from the South Ryan proprietary, the Wawa on site, and the Silver Diner. We fully expect that through their good support that their businesses both prosper and the South Writing Proprietary had a great experience with JLB on the Defender Drive application and they are saying their support as a result of that.

[02:17:16] We believe this is a really great project for this area. It really implements the suburb mixed-use policies. We're doing our best to accommodate the church's needs and we really think this is the right use for this location at this time. So we'd be happy to work on these issues further. We look forward to working with Supervisor Turner and the rest of the board members as we move forward on this application.

[02:17:34] I'd be happy to answer any questions you might have. You're giving me back two minutes and 29 seconds. Thank you, Mr. Romeo. Appreciate that. All right, questions. Mr. Letourneau. I think since we've been speaking and we're going to continue speaking, I don't necessarily need to ask a lot of questions right now in public.

[02:17:50] Okay. But we're going to continue to work with us. I think you've indicated willingness to work with us on the access issues. I would like to take a look at the contributions on potential transportation improvements in the immediate corridor, dive a little deeper into the traffic studies.

[02:18:07] I understand the challenges with the church property. I think we need to just have a circulation plan that really will work for the long term in this area when the 50 access eventually goes away. And then, of course, as always, should Trader Joe's choose to enter this property, then you can have whatever you want.

[02:18:27] So just kidding. That's how I feel about that. That's how I feel about that. Ms. Bricksman. Thank you. Yeah, I might say that, too, if I could get a Trader Joe's over here. I had a great meeting with the applicant earlier this week.

[02:18:47] I don't have any questions right now. I'll just wait while the district supervisor works further on the application with the applicant. Thank you. Mr. Crony. All right. Thank you, Chair Randall. The ADUs, you said you're giving 10%. Is that the required amount, the 10%?

[02:19:05] It is now. It used to be 6.25% until the 2023 adoption of the ordinance. Then it got increased to 10%. Did you guys consider doing like a LIHTC building? Because I know it's multifamily. So I'm just curious if you considered looking into one of those being a LIHTC.

[02:19:22] It was not under consideration as part of this application. But the good news is the 37 units is pretty much comparable to a LIHTC building. It's about half of what you're seeing in most projects today. And we're not requesting any sort of funding from the county. And the other thing is sometimes, depending on the type of funding, that can be an averaged amount for 80% of AMI down to 0% of AMI.

[02:19:42] All of our units are 30% to 50% of AMI. So there is an advantage to know that all of our 37 units will be at that level. Well, and I like your smaller units. I like that they're size restricted, that you have 56 below 700 square feet, and then 161 between 700 and 800 square feet.

[02:20:02] Is that correct? That's correct. Okay. The park, is there any parking at the park, or is there parking only along East Gate View Drive? We have parking along the northern side of the park, and it didn't quite show up in that image, but there is ample parking along that side and along Eastgate View Drive.

[02:20:22] The thing of it is, we don't even think we need that level of parking because it's going to be a park that's walkable with the pedestrian crosswalks we're adding across Eastgate View Drive, which is actually quite a pleasant road now with the road diet. We think that's going to be an excellent amount of money for Eastgate 1 residents to come across to go into that park and use it.

[02:20:41] So some people might park there. We think there's ample parking for anybody that does want to do that. Why do you need the Route 50 access? Why do you think you need that for that commercial? Because we're trying to make Route 50 a limited access highway. Yeah. So the Route 50 access is critical in terms of getting the best organic grocery we possibly can.

[02:21:00] That's one of Optima's goals in this whole project. And, again, it's the chicken and egg. We can't really sign somebody up until they know what their access is going to be. And if we need to talk about the access, whether it's right in or right in versus right out, we certainly have a discussion after this meeting with board members.

[02:21:17] Okay. And, you know, Dulles Landing only has a write-in. You can't take a write-out, just so you know. Right. Because I live down there, so Supervisor Will Turner is correct. All right. Thank you very much. Thank you. I appreciate that. Did you say this is going to be like 30% AMI?

[02:21:33] What did you just say? No. The 10% of ADUs, which totals 37 units, is 30% to 50% of AMI. Listen, I'm ready to suspend the rules right now and just approve this or that AMI level. Jeez. We can do that. Listen, I know, but 30%, 50% AMI, that's deep affordability, and let's keep that train going.

[02:21:56] And I ask this question all the time, and I guess I don't, I have to go look at a cricket field. Is there any way that any of this could be, you could do a cricket field? A full cricket field? No. No. The idea on the park within that open space is sort of having an open lawn where you could set up wickets.

[02:22:13] You could do croquet. You could do baseball. You can do a lot of different things in open space, as long as it's not programmed. So if cricket becomes very popular and people want to play cricket. Oh, cricket's very popular. Understood. But they can also play other things there, and that's the idea on the open lawn. Okay.

[02:22:30] I'm counting five stories. Does five stories require a metal build or a steel build? Can you do wood with five stories? Five stories is the max you can go with wood frame. You can still do a wood frame with five stories.

[02:22:46] That's the max you can do. There's a lot of different ways, but you need the max of just wood frame itself as five stores. With the write-in, do you think that the spine row will be used for a cut-through? Are you worried about that at all? Not particularly, to be honest.

[02:23:03] But I understand people's concerns on it, but not particularly. Okay. All right. Well, listen, please keep me informed. Mr. Turner, inform. Please keep me informed. I always think we need homes, and I do love the AMI you're headed for, even if it's 10%.

[02:23:22] And if you want to do more, we can definitely have this conversation about doing more ADUs. Even if it's five more, let's have that conversation. But I'll let him work on it, and you all keep me informed. He'll keep me informed, and I'll go to him for a motion. Thank you, Madam Chair.

[02:23:40] I move the Board of Supervisors forward, Leji 2025-0008, Foxgate mixed use, ZMAP 2025-0009 to the January 20th, 2027 Board of Supervisors business meeting fraction. Second. Who wants to speak?

Wait, you have a speaker? Oh, I'm sorry.

[02:23:56] I don't have her down. You didn't sign up. You didn't? Oh, you did? You did? On this item? Yeah. Okay. I apologize. I don't, I didn't see that. She wasn't on the paper and I didn't see that. I apologize.

[02:24:11] Come on. Yes, absolutely you can. Thank you. Appreciate it, y'all. Again, my name is Emily Johnson with the Piedmont Environmental Council. What is being proposed before you is a PUD in name only. A planned unit development is a special category of zoning. It receives greater flexibility from the county in return for innovative mixed-use blends.

[02:24:29] It is understood in land use planning as being an applicant's best effort to provide forward-thinking layouts, walkability, and cohesive design, and typically requires that the applicant submit greater detail to that effect. That is not what the applicant has done here. This proposal separates land uses in very traditional land bays and surrounds the housing with parking so that walkability is not encouraged.

[02:24:52] It also will still not commit to a particular design for the retail area, which is kind of shocking for a PUD. Additionally, it lacks strong external connections with the surrounding area. This parcel is strategically located near existing communities and proposals like South Riding Intergenerational and Artina Dulles, so it provides great potential for enhanced living experience with appropriate transitions, vibrant new housing, and walkable commerce for nearby residents.

[02:25:15] Its existing green space also deserves more consideration. If more of the proposed uses were blended in a vertical mix, such as staff suggests, there might be more space to retain habitat for wildlife like the tricolored bat and wood turtle on site. Eastern London is a very developed area, and PEC would love to see more places left with open space conditions for the variety of benefits that brings to our ecological health, climate resiliency, and resident well-being.

[02:25:37] So we hope that any development that occurs here recognizes the existing value of the property to the people and other inhabitants of Loudoun, and we hope that the county will be firm about what its PUD standards are. Loudoun really needs to get walkable right. Thank you. Okay, thank you.

[02:25:54] Thank you, Ms. Johnson. Okay, would you like to go to a motion now? Yes, I move to the Board of Supervisors forward, LEGIE 2025-0008, Foxgate mixed-use ZMAP 2025-0009, For the January 20th, 2027 Board of Supervisors Business Meeting for Action.

[02:26:10] Second. Okay. So we will, as discussed, continue to work. This is an unusual application because of the layout, because there's an existing longstanding user in the middle. Just presents some challenges and some uniqueness. And it also, frankly, I think, prevents some of the vision that we have for the PUD community.

[02:26:31] So there's a balance in getting that right, making sure the circulation's right, making sure long-term it's correct, making sure we're not disadvantaging current residents who have to deal with additional traffic, but also quite frankly not letting the the perfect be the enemy of the good, because if we if we simply relied on exactly what we are envisioning in the PUD communities, we wouldn't have any probably, and the reality of the world is different. So we have to work within those things to get to a product and get get to something that is beneficial for everybody. And I think we can do that here. I think there's

[02:27:10] just some outstanding issues we have to work through. Okay. Wonderful. Ms. Bricksman. Happy to support. No other comments. Thank you. Okay. Anybody else? All right. Mr. Letourneau made

the motion. I second the motion to send this to the meeting on January 20th. All in favor, say aye. Aye. Any opposed? Aye. That motion will pass 801. Thank you very much. All right.

[02:27:34] We're going to do two more items before we break. We're not going to break until we do the next two items, and they're going to be the Western Loud and Rec Center and then Arcola, and then we will take a break after we do those two items. But we're not going to break until we do the Western Loud and Rec Center and then Arcola.

[02:27:55] Yeah, and then we'll take a break. And I moved that a little bit because I see there's a lot of people here, I think, wanting to speak on the Western Loud and Rec Center, so I want to try to get you out of the room. So we'll do Western Loud and Rec, then we'll do Arcola, and then we'll take our break.

[02:28:12] Yes, sir.

[02:28:38] Good evening. Good evening. Just like this has been a long time. We've been doing this for a long time. We've been doing this for a long time, but we're getting to the meetup, so that's good. We're ready when you are. Thank you. Good evening. My name is Christian Maldonado with the Department of Planning and Zoning here to present the application for the Western Loudoun Recreation Complex. The subject property is located west of the town of Percival, south of Route 7, and northeast of Franklin Park in the Catoctin Election District.

[02:29:10] The application proposes commission permits for a public park and library, special exceptions to permit a regional park in the AR1 and JLMA3 zoning districts, and to increase the maximum permitted color temperature rating of proposed field lighting from 3,000 Kelvin to 5,700 Kelvin.

[02:29:28] The proposal includes a 100,000 square foot recreation center, a future library, and various recreational amenities and support infrastructure throughout the subject site. The application includes building elevations of the proposed recreation center.

[02:29:54] The application further proposes to increase the maximum permitted color temperature of outdoor field lighting from 3,000 Kelvin to 5,700 Kelvin for all field lights, resulting in cooler toned field lighting. Staff notes the lighting levels exceeding zero foot candles, a measure of light reaching a surface, are limited along the northern property boundary along Route 7 in yellow.

[02:30:19] Staff notes three cultural resources have been identified towards the south side of the subject property and have been further analyzed in Section B of the staff report. The Rural North and Percival JLMA place types envision a rural development pattern of low-density uses, large lots and open spaces, and a rural character distinct from the town's development pattern.

[02:30:43] The 2019 General Plan encourages the co-location of public facilities to serve communities more effectively and anticipates development in the rural policy area to integrate development to blend with the natural landscape to reduce the perceived scale, mass, and height to minimize impacts to the landscape and surrounding view sheds.

[02:31:04] Further, the 2019 General Plan's lighting policies promotes dark sky standards that preserve night sky and prevent light pollution. The 2019 Countywide Transportation Plan promotes multi-modal transportation modes and bicycle and pedestrian accommodations to connect development to existing facilities and provide regional connectivity.

[02:31:25] To mitigate impacts, staff recommends conditions with the following. For building and site design, staff recommend conditions including building size limits for the recreation center, conformance and consistency with building elevations, and sustainable building practices.

[02:31:42] Off-leash areas to be fenced without outdoor lighting, and field lighting to be limited in height and to be powered off when lighted recreational amenities are not in use. For environmental mitigation, recommended conditions include stormwater management, conservation of trees, treatment of invasive species, and protection of wildlife.

[02:32:03] For transportation mitigation, recommended conditions include road improvements along West Main Street, accommodation of two bus stops on the property, access prohibition from neighboring residential development, internal bicycle and pedestrian accommodations in the vicinity of on-site amenities, parking areas, and trails to provide connectivity, as well as the installation of electric vehicle charging stations on-site.

[02:32:28] For cultural resources, staff recommended condition require the installation of an interpretive sign describing the history of the property on site and items to administer during the development process. Staff supports board ratification of the commission permits and approval of the special exceptions subject to the conditions as the proposal is generally consistent with county policies.

[02:32:51] Staff is happy to answer any questions. Before I go to Mr. Kirchner, because this is his district, if you haven't seen this presentation yet, people will not know what the cultural and heritage resources are, and since they are actually on the site, could you just expand on that a little bit more, what the cultural and heritage resources are, and could you introduce the table, or could somebody introduce the table, please?

[02:33:16] Everyone sitting at the table. I'll start with the introductions. Okay. Just to get that clear. Christian Maldonado, Department of Planning and Zoning with Planning and Zoning Director, Daniel Galindo. We have PRCS, Steve Torpy, Megan McCarthy, the Design Program Manager, John Arriaga, the Project Manager with the Design Team, and Marissa King, who is also a Design Manager with the Design Team.

[02:33:39] Thank you. As for the cultural resources, we have two architectural resources. The first one is towards the southern portion of the property. Well, they all are. Excuse me. Let me just pull up the map. Let's see there. The first one is, let's see here, in yellow.

[02:34:02] Right here in the bottom left corner of this inset map, these three yellow shapes include an abandoned and dilapidated two-story dwelling, a two-and-a-half-story stone building, and a collapsed barn, likely from the 19th century. The proposal looks to demolish these in relation to, or keep the stone building and frame foundations.

[02:34:24] No public access is proposed. These sites have an advanced state of deterioration and lack of documented associations with historically significant individuals. The second architectural resource is the shape in light blue.

[02:34:40] That is the former W&OD rail bed. There are no rail bed facilities on there now. It is flat. And the application includes a trail, a natural service trail that will go on top of that. And lastly, the archaeological resource, which is the shape in green, which does encompass a portion of the two-story dilapidated building, includes artifacts approximately 33,000 square feet in that region, in that area rather.

[02:35:10] And again, poor site integrity, lack of documented associations, and historic significant individuals associated with the site. Thank you. Thank you very much. You said historically insignificant individual. Is that what you just said? I never want to be called that.

[02:35:28] Historically insignificant individual. Born in the library office, that's what happens. Jeez, exactly. Mr. Kirshner. Thank you very much, staff, for all your hard work on this. I just have a couple statements and questions.

[02:35:44] First of all, the library is not in this application. That's just the proposed future site, correct? The commission permit component of the library is in this. Then that's it. Okay, I just want to make sure that's clear to anybody who's watching. Thank you for clarifying that. I spoke with Mayor-elect Erin Rayner earlier today about any concerns she had.

[02:36:00] We pretty much kind of came along the lines of the same exact thing and wanted to make sure that, and I'm going to ask these public even though I've had a private meeting with the applicant themselves. I think the impacts this will have, both the traffic and the adjacent neighborhoods, are probably the most important.

[02:36:16] So those are the questions I'm going to ask kind of go forward, and I'll probably ask both sides. So obviously, we're going to have some fields here. We're going to have pickleball, horses, and some triangular fields, which, by the way, this is very exciting. We've needed something like this for a long time, but we've just got to make sure we mitigate the impacts.

[02:36:32] Obviously, if you look over at Country Club Hills and Catoctin Meadows, some of the pickleball and lighting that you see there is a little closer. First of all, what's the closest home there? And talk to me a little bit about the lights. Are we getting the absolute best lights we can get for this area to make sure that we negate the impact of lights bleeding over?

[02:36:58] And two, talk to me about what steps we're taking in buffering and can we do any more buffering and tree plantings than we have already planned between the new facility and those neighborhoods specifically. Just a moment. I have a slide for the field lighting and their heights.

[02:37:15] Okay. Just indulge me for a moment. And while you're doing that, I will also, my follow-up question in case I run out of time will be traffic impacts. Can you talk through the, ultimately, the traffic impacts? How are we going to prevent traffic coming through those neighboring neighborhoods when there are events and that sort of thing and counts, et cetera?

[02:37:34] So let's start with number one. Absolutely. So the closest field lining to the residents to the east here is number 32 and 33. And we're looking, I believe my figure, I'm not able to locate it. So quickly, it's around 300 feet approximate from the nearest residential.

[02:37:51] So about a football field. Correct. That's correct. And there is a potential drain field in that square to the east here of 32 and 33. Okay. Is there any buffering there or in the neighborhood behind it? There is some existing vegetation that the proposal includes a tree conservation area for, so they will be preserved.

[02:38:09] However, the minimum buffer requirement is what we call a type C buffer, which is a minimum 20 feet with 60 plant units per 100 linear feet. So whatever's missing in that calculation, once the TCA goes under consideration for it, they'll need to include those plantings in that area.

[02:38:25] So we'll have at least a minimum, but is there a proposal to include any more? I just don't know how it's going to look, so obviously that's what I'm concerned about. At this time, it is just a standard buffer. There is a 10-foot berm towards, it's kind of further away, closer to this shape in blue down here, but it's not really affecting that.

[02:38:44] In terms of the field lighting and encroachment, there is a required photometric plan that the applicant is supposed to demonstrate that it's not encroaching onto adjacent properties. It is not here, and that's been demonstrated. Okay. I know I'm out of time, but can you talk to me about the traffic studies that have been done and how we're going to prevent anything cut through traffic if we have concerns about that?

[02:39:06] So I will defer to, we have DTCI here as well on the transportation planning side, but a traffic study was conducted back in 2024 that did look at various improvements, including the Route 7690 interchange. It did assume inherent growth from approved development that was currently under review or under construction at that time as well. There is a table in the staff report that does show those specific impacts. I do have a table here as well showing that. There's a lot going on here. Just a moment. Here it is. So if you just look here at the current development

[02:39:42] program portion of the table, you'll see the amount of proposed trips that these sports fields and the recreation center themselves will produce for a.m., p.m., and weekday and the weekend trips. All right. I'm out of time. Thank you. Thank you. Thank you. Ms. Brixman?

[02:39:59] Thank you. I don't really have any questions. I had a great briefing with staff earlier this week. Thank you. Mr. Crony. Thank you, Chair Randall. I'm going to build on the traffic issues. So I saw that come potential traffic issues that by 2035, there could be 5,598 trips on a typical weekday and 3,378 trips on a typical Saturday.

[02:40:28] I noticed that the applicant is adding a left or a right turn lane on West Main Street. Is that the only, like, major improvement that they're making regarding traffic? I was kind of curious why a left turn lane wouldn't be added as well.

[02:40:47] Bless you. Sitting by Laura. I hope I'm not getting people sick. So I will be referring to the trip generation comparison table on table one of, what is this, page 22 of the staff report.

[02:41:08] The maximum proposed trips that we're looking at here is 3,339 weekday. So the traffic analysis itself included a warrant analysis for the turn lanes into and out of the site and only determined that that time, based on the inherent growth and all these other assumptions, that a right-turn lane was required headed westbound on Main Street and, of course, a dedicated left-turn lane from eastbound West Main Street into the property.

[02:41:36] Oh, so there will be a left-turn lane. That's correct. Oh, okay, good, good. Can you confirm that the lighting is all dark sky compliant with the dark sky? I noticed the color is being looked at, but there are other requirements for dark sky for that.

[02:41:54] It is the highest level of lighting that you can possibly do. So I just want to make sure that it is dark sky compliant. So the dark sky compliance, to your point, Supervisor DeCrony, is rigorous. In the context of the field lighting, the policies that they have permit a maximum of 5,700 Kelvin for player safety.

[02:42:15] So that would be consistent in that context with the general plan as well that we look for. Do you have a picture of how close properties are to residential properties to this? Do you have a slide that you can show us of that?

[02:42:32] Because I noticed you said one was 300 feet. I have too many slides. I believe the applicant team does have a much nicer design. Okay, you do have a slide. You'll show that. Okay, so I'll wait for you guys. Thank you. Mr. Sainz.

[02:42:49] Thank you. I was reading a few emails when our emails were working. and they're asking about water. So I don't know if the staff or applicants want to talk about either one. How are we doing water, and do we feel there's any water issues with the Western Recreation Site?

[02:43:12] Staff will defer to the applicant and the county attorney. Okay. Anybody want to answer? No? Okay. All right. We're going to defer that. We're going to defer that. Okay. All right.

[02:43:27] Anything else? Mr. Zanes? Okay. So same question I asked before. There's a lot of field space here. There's no cricket field here. Is there any way that a cricket field can be incorporated into this at all? There are two cricket fields. There are two cricket fields.

[02:43:42] Yes, they can be, these rectangle fields can be converted into two. They can be converted, and so the fields themselves right now are rectangular fields, but if we want to, we can convert these four fields into two cricket fields. That's correct. Go over that.

[02:43:58] Okay, yeah, that's great. I've got to go look at a full-size cricket field. I can't put it in my head how big it is, but I'm told that they're absolutely enormous. I'm going to say this just right from the bat, no matter what else happens. If we're going to do this and anything else, make this stuff ADA compliant as we're building it.

[02:44:17] Don't try to retrofit it afterwards. Make it ADA compliant going in. Was there a referendum? This may be a question for you, Mr. Kirsten. Was there a referendum on this? Did this go to the voters, the debt service?

[02:44:36] Did any of this go to the voters? Ms. Demstreet? It's part of your CIP. I need to check the question and see if it was on, if it's been on yet. Okay. Check on that, please, if you don't mind. Thank you. And then I would just associate myself with all the questions that Ms. Crony asked about dark skies.

[02:44:57] She's asked them, you've answered them. I don't need to answer. I do not need to ask them again. And I would associate myself with Ms. Crony's questions about the traffic patterns. Again, she's asked them, and they were answered. And we're not at a final vote tonight by no means.

[02:45:14] And so I don't need to ask the questions that have been asked already. I appreciate that they have been asked, and I associate myself with those questions. Okay, we're going to go to speakers on this item. It is my habit and my practice when we have an elected official in the room on any particular one item.

[02:45:32] I go to the elected official first. We do have elected officials speak on this item. Mayor Christopher Bruteau from Percival is in the room. He will speak. Yes. Chair Randall. Oh, I'm sorry. Yeah.

[02:45:48] I did think that, actually. I'm sorry. Mr. Bruteau, I'll get to you in just a second. My apologies. That was my apologies. I am sorry. I got ahead of myself. I'm trying to get everybody to their dinner break, but your turn. I promise to be expedient.

[02:46:04] Okay. You don't have to. Again, my name is Megan McCarthy. I'm the design program manager for the Department of Transportation and Capital Infrastructure. Tonight, we will be reviewing the applicant portion of our presentation. Are we having trouble with the question? Let's see one more.

[02:46:21] Fantastic. So again, this project, as you've heard before, is being delivered using the construction management at risk project delivery. We have already engaged and had the benefit of a general contractor working with us since we left schematic design.

[02:46:41] In addition to that, we've been able to partner with some key designers outside of the Normal Design team, including Musco, who has participated in the lighting design for our project. Christian, I touched on a lot of this information, but I just wanted to highlight that this is a 142-acre regional park.

[02:47:01] Our project timeline, we've been working on this project for approximately two years. What I'd like to highlight here for you is our community engagement. So in May of 2024 was the first time we met with the community. We took forward really a blank drawing and said, tell us what you would like to see in the master plan and the site amenities.

[02:47:23] We then circled back with the community, presenting the feedback we received in a plan in June, and then took forward an idea, three concepts, with regards to the recreation center itself. Most recently, we also engaged with the community in October, where we really met with them to provide a project update and to answer their questions. We set up four stations and were able to have individuals ask questions of the designers so they would be satisfied with the answer hopefully they received.

[02:47:53] In addition, we've maintained a project page which has over 200 subscribers. We've put forward alerts via blogs or project updates for the duration of this project. Again, we are located immediately adjacent to the town of Percival and to the east of Roundtill. The site is a total of 142 acres, which is on a county-owned parcel. It is largely undeveloped in this moment, and it includes hedgerows and a farm pond and wetlands. This specific site permits the co-location of the

[02:48:32] athletic fields and associated amenities identified in the former Fields Farm Park with the western lawn recreation complex touching on questions we heard earlier so we do have four rectangle fields in between two of the fields are cricket pitches we also will have the county's first cricket batting cage which steve is extremely excited about we also have four diamond fields two large two small two tennis courts a basketball court and 12 pickleball courts additionally the

[02:49:07] park includes passive areas, numerous playgrounds, picnic pavilions, trails, and I would like to highlight on this drawing there is no connectivity to the park from West Country Club Drive, so no vehicular traffic is permitted into the park from the adjacent neighborhood. The recreation itself includes numerous amenities including a gym, fitness center, competition pool, lifestyle pool with play amenities and a spa. We also have an indoor and outdoor water slide and a rock wall

[02:49:45] that participants will be able to climb up and then jump off into that lifestyle pool. Additionally, this facility has been programmed and designed to incorporate a teen center, multi-purpose rooms, and a kitchen. During our process with the planning commission, we serve to address key questions and topics, including public engagement, the groundwater analysis, a traffic analysis, and our approach to athletic field lighting. As previously mentioned, we held four public meetings and we engaged our subject matter experts in presentations to the community to receive their

[02:50:23] feedback and to answer their questions. Our groundwater analysis has been completed using a comprehensive step-by-step approach to identify a reliable and sustainable water supply for the site. The process included establishing the water demand for the facility, investigating on-site water availability, and assessing potential impacts. Additionally, opportunities for conservation were evaluated and incorporated into the design. Demand was established using multiple methods, including comparable facilities, visitor projections, and prior engineering

[02:51:01] studies. I want to highlight that our biggest water conservation method will be the filling of the pools. Regular and routine draining and refilling of the pool will not be done using the on-site wells. They will be trucked from water that is trucked into the site. The recreation center's average daily demand is calculated to be 9,000 gallons per day, with the park requiring another 6,000 gallons per day for a total demand of 15,000 gallons per day. Complex's water demand

[02:51:35] is equivalent to a residential development if it were to occupy the same parcel. We also reviewed a municipal water connection with the town of Percival and a study determined that it was not feasible to utilize that water source or that sanitary source for this project. Touching on the roadway network. So a total of 24 intersections were studied and evaluated during weekday and Saturday peak periods across four future scenarios. Trips generated by this facility do not have a significant impact on the roadway network. The impacts do not result in any significant

[02:52:14] degradation due to the overall fair share impact being relatively low. Athletic field lighting will consist of Musco lighting technology. This is the exact same athletic field lighting that is currently installed at Hall and Bernie Hanson Regional Park and is the same lighting that was also proposed in the county's application for Light Ridge Park. The photometric study confirmed light levels at the property line will remain well below zoning ordinance requirements.

[02:52:44] An athletic field color temperature is subject to one of our special exceptions and that 5700 Kelvin refers to the color temperature or the appearance of the light, not its brightness. The temperature enhances player visibility and contrast, is supported by Dark Sky International Guidelines for Outdoor Sports Lighting, and is the lighting standard utilized in more than 200 athletic field facilities within Loudoun County for both PRCS and LCPS fields.

[02:53:15] All planned athletic field lighting is more than 300 feet from adjacent properties. As Christian mentioned, our design does incorporate berms and buffers to further mitigate concerns associated with the light. Finally, we just wanted to highlight the commitments that the applicant has made in negotiations through the Planning Commission and along with the Department of Planning and Zoning staff.

[02:53:39] The athletic field lighting, again, will be that low glare of Musco lighting. The project includes water savings measures, stormwater capture in two ponds will be utilized for irrigation and firefighting, and we're incorporating water-efficient fixtures.

[02:53:57] Tree conservation areas, which were expanded per the coordination with the Planning Commission, are included, as well as the archaeological and historic resource coordination. That concludes our presentation, and we're happy to answer your questions. Thank you so much. I appreciate it. And again, we'll go to Mr. Kirchner first.

[02:54:16] Madam Chair? Yes. Just to answer your question on referendum. So the project has been a referendum in two separate years. In 2022, $66,593,000 were approved. And then in 2024, another

$42,307,000 were approved by the voters for this project.

[02:54:40] All right. Thank you. And if I'm not mistaken, I think the approval for that second was that 63% of the vote is what I remember. So, yeah. All right. Thank you, Mr. Hemstreet. Mr. Kirshner. Thank you, Madam Chair. And thank you for all your hard work. Really good job.

[02:54:58] I think that was the nice thing about being the last one in the county. You get a rec center is you get the best, it looks like. So, hopefully. Last but not least. So, really excited about this. As Chair Randall pointed out, I think the voters and the community as a whole, obviously we want to mitigate as much of the impacts that we have.

[02:55:17] I think you guys have addressed that in large part. Obviously, the two communities next door to this, the Catoctin community and the Country Club Hills, have we had any I know we've had a number of community meetings, but have we had any individual community meetings with them specifically to address any of this, or have they just been invited to the large public ones?

[02:55:38] The latter. So, our public affairs and communication team specifically reaches out to adjacent neighborhoods, and known HOAs when we were scheduling and working through these meetings. Okay. I don't know if that would be appropriate at some point if they invite you in, but if they do, I think it might be not a bad idea to meet with them before we bring this to December if they indeed want to.

[02:56:02] You had mentioned that hookup to Purseville was not feasible. That would be available in the future if it became more feasible. This will be designed in such a way that that could happen, correct? Correct. The recreation center is specifically being designed to include those points of connection outside of the building footprint. So they'll be below grade.

[02:56:20] They'll be ready for tie-in. But it is not feasible to run the lines further because we don't know what we're running to yet. Right. And that totally makes sense. I think it may make sense in the future, but obviously that's going to have to be in coordination and cooperation with Burstville as well.

[02:56:36] The lights seem great. Sounds like we're getting as about as good a field lighting as we possibly can. I am familiar with the Bernie Hanson lights and they're tremendous. Um, I do have, uh, questions. You mentioned, I think you mentioned the traffic concern, that there wasn't any, um, what was the word, language you used?

[02:56:56] Noticeable impact? I forget what you said in your app. They script me like a monkey, so I have to look my words up sometimes. You don't have to give me the exact, but you just kind of give me in general layman's terms. Yeah. Um, it sounds like you obviously have done the studies. I've got the study here in front of me in terms of the traffic counts.

[02:57:12] Um, there, is there, is it just over the next couple of years that what we're believing the averages will be or are we so it is the traffic study and we do have growth slate here if you'd like a more detailed answer that they could speak to so the impacts do not have results in any significant degradation okay due to the overall fair share impact being relatively low and it was studied for several years after opening yeah just being familiar with the area i think i mean i i go to franklin quite often to bring my kids to games i always go up to the brown hill exit and come down because i'm coming from the east and from that direction so i i imagine a lot of the traffic will go that way. And then finally, can you just speak to the berms? Is there

[02:57:51] opportunity to increase the berms and the buffers between the neighborhoods, or have we maximized those out? So Christian can help me with, if we could go back to slide 23, sir. So the buffer is optimal being the type B buffer because of the proximity of the existing drain field. So this covers two things. So you can see the closest lights, those dimensional ones, refer to the distance that the athletic pole is from the adjacent parcel. Under those numerical

[02:58:28] values is where our drain field is located. So I would be resonant to agree to increasing that buffer until that drain field was final designed. So there's no conflict with those two locations. The berm itself is what you see, kind of the white oval, just south and a little to the east of where we're discussing.

[02:58:51] And that's also augmented by the type B buffer in that location. Thank you. Ms. Bricksman. Madam Chair, Supervisor Bricksman advised the clerk that she had to leave the meeting. Oh, she's dropped off?

[02:59:06] Okay, thank you. Mr. Crony. Thank you, Chair Randall. So it's 15,000 gallons of water per day, correct is your estimate. So groundwater is a concern. How close is this location to the Valley Commerce Center?

[02:59:24] Do you guys have that picture? We do not have that in this presentation. That was an item that was brought up by the Planning Commission. Right. And I'm going to say it was 1.7 miles. Okay. So it's at least a few miles.

[02:59:41] Okay, that's fine. I noticed that at a work session, you submitted a letter regarding the feasibility of committing to provide well monitoring and mitigation. I saw that that may not be feasible.

[02:59:59] I don't know what the response was regarding that for the neighboring properties. So we did consult with the county attorney, and I don't know if Mr. Rogers would be available to assist us with that answer. And monitoring and mitigation for neighboring properties?

[03:00:14] For well mitigation, it's a lot easier. We would rely on the people to let us know if they're having a problem with their well, rather than us actually proactively looking to see if there's a problem. Once a problem has been determined, we could then identify whether or not it's in the same aquifer and is being caused by the county use.

[03:00:36] Okay. So it would be much better to have that being reported rather than monitored. Okay. And we did meet with the Department of General Services staff earlier today, actually, regarding on-site well monitoring. We identified three wells that were not production wells we planned to utilize for our gallons per day, and we're coordinating with them to incorporate in that, if I remember the name correctly, their Western Loudoun Aquifer Monitoring Program, so DGS will be supporting us with that ongoing monitoring in concert with Loudoun Water and a vendor whose name

[03:01:12] I do not recall. Okay, excellent. Just two quick things. I know you're getting LEED certified, which is fabulous. Would you consider solar on the rooftop? I noticed it seemed pretty flat. I would love to see solar on county buildings so we can lead by example.

[03:01:30] Yes. So in this instance, as you may remember with Ashburn Recreation Center, it was made solar ready when the contractor left the site. And that is because the Department of General Services Energy Team leverages a contract where Madison Energy comes in and actually installs and maintains those photovoltaics on county facilities. Due to the size of this roof, it makes it ideal for that contract to be

leveraged. Smaller facilities are not ideal, similar to Aldi Fire and Rescue. Those were installed by the contractor because it was too small to be of interest or to be suitable for the Madison Energy contract. So that is

[03:02:10] our current plan. Okay, and quickly, noise from pickleball. Just consider that. I've seen that as a concern, so. Because I see you have 12 courts. And we've intentionally located that to the interior of the 142-acre parcel just to help combat that. So noted. Okay, thank you. Of course.

[03:02:27] So just to pick up on the answer for the, first of all, in very many ways, I would like Western Loudoun County to have this recreation complex, but I do want to ask just a little bit more about the water and how the monitoring happens. Because if a resident is monitoring their own well and they see an issue and we go out and then we determine what aquifer is coming out, as all those things are being done, that could take a long time. And if wells are being negatively impacted and if we find that it's pulling off the same aquifer, I would be concerned about how long

[03:03:03] that could take, and if there could be any negative benefits, I mean, could a well go goody in that amount of time? What would happen if we did find that it was pulling the aquifer we were pulling from? What would be our, for lack of a better word, I don't know if I want to use a legal word, liability, or let's use a different word, what would be our responsibility if we found something like that was happening?

[03:03:28] Again, I'd like for Western Loudoun County to have this recreation center. But I think water is such a main issue and groundwater is such a main issue. And maybe if we have three more winters like we had last year, we're getting kind of back in a better place.

[03:03:46] We are technically out of the drought in Western Loudoun County right now. But groundwater is a real issue. And it's very, very expensive to sink a new well. And so what would be our responsibility if we did find that something we were doing was causing some issues with the well?

[03:04:05] So instead of being able to address the responsibility issue, which I would have to defer to others on that, what I can tell you is what this project team did to study and determine the available supply. So we began, if I remember correctly, in about December 2024 with our groundwater consultant.

[03:04:24] We went out, we drilled test wells, we took measurements. But most recently, we requested permission to monitor adjacent property owner wells when we were doing what is called a well drawdown test. So we're running and pumping water out of the county's wells on site to mirror that gallon per day consumption rate while we monitored those who agreed to participate.

[03:04:50] And we have probably over a 200-page report where the top sheet says the impact to the adjacent property owners was insignificant. Okay, that's very good news. That's very good news. That would be my largest concern. I think that the traffic issues can be mitigated, but the water, and very much, I mean, if you go to Mickey Gordon Park, there would be that type of lighting.

[03:05:13] So I know the lighting can be mitigated because we've seen it before. And the traffic can be mitigated, but water is, you know. Well, my colleague reminded me we doubled the rate. So instead of looking at the 16.5, we were doing the 33. And still did not have negative impacts on the wells, on the adjacent wells that agreed to participate.

[03:05:33] Correct. Okay. And then the other element of that was we were doing it during the height of the drought. Oh, okay. All right. Those are great answers. Thank you so much. Of course. All right. Now we will have speakers on this issue. Mr. Mayor Brateau will be our first speaker.

[03:05:49] He will be followed by David Iggy, followed by Christian Williamson. Good evening, Mayor. Nice to see you. Good evening. Good evening, Chair Randall and members of the Board of Supervisors.

[03:06:06] I'm Chris Brateau, and I'm here to express concerns about the proposed recreation complex and its impact on the neighboring communities of Country Club Hills, Catoctin Meadows, and those surrounding residential areas. The residents want recreational opportunities in Western Loudoun.

[03:06:21] However, supporting recreation does not mean accepting a project whose current design and scale are incompatible with the surrounding community. I also find that the proposed development is, in fact, inconsistent with the county's general plan and its vision for this area in its use of extensive parking and multiple illuminated outdoor facilities.

[03:06:42] And I would challenge county staff to explain how this development conforms with its own planning objectives and why a smaller scale less intrusive alternative is not being pursued. Noise is also a concern. The complex will generate noise adjacent to nearby homes.

[03:06:58] Landscaping alone will not solve this problem. I strongly encourage moving at least some pickleball fields indoors, relocating some parking and walking trails farther from the residence. And next we have neighborhood safety. The residents of this area have already experienced the consequences of cut-through traffic before, particularly in 2017 when residential streets became shortcuts for drivers attempting to avoid congestion.

[03:07:24] The proposed complex may bring back this very problem. Visitors might use the new interchange and cut-through via Ashley and Country Club Drive to reach the facility, and absent a full-length berm, pedestrians and bicyclists may enter the area via the walking trails.

[03:07:41] This will create conflicts on the neighborhood streets. I urge the board to consider meaningful design modifications, more effective noise and visual buffers, and protect the neighborhood boundaries. Recreation should enhance our community, not compromise the safety, privacy, and quality of life of local residents.

[03:08:01] Thank you. Thank you, Mayor. I appreciate your being here. David Iggy, followed by Christian Williamson, followed by Daniel Carbill. Good evening, sir. Good evening. Thank you. As the county moves toward finalizing plans for the Western Loudoun Recreation Center, I urge you to reconsider the size, intensity, and location of several proposed amenities.

[03:08:32] We all recognize the growing need for recreational facilities in Western Loudoun, but meeting that need should not come at the expense of the rural character and quality of life that makes this community special. The county's 2019 general plan calls for the regional parks to be compatible with the scale, use, and intensity of the rural environment.

[03:08:57] This proposal simply does not meet that standard. Traffic is already a serious problem in Percival. Main street congestion, dangerous left turns onto main, and neighborhood cut-through traffic are current concerns.

[03:09:12] adding 3 000 plus vehicles a day to our small town roadways is irresponsible and avoidable lighting and noise are equally concerning western loudon residents have repeatedly voiced opposition to lighted athletic fields we are asking the county to make the following meaningful meaningful changes to the current design downsize the complex and distribute fields across multiple locations to meet demand, prioritizing unlit dawn-to-dusk recreation. At the very least,

[03:09:52] place the same time restriction on lights as you have at Franklin Park. Increase setbacks and provide enhanced buffers along the entire Percival Town border. Move the park, excuse me, move the park road and lighted parking farther from neighboring homes and place non-lighted passive uses behind these homes.

[03:10:17] Sir, I'm sorry, your time is up. However, if you'd like to give your comments to the clerk or if you'd like to, well, email them at some point when our outlook's back up, we'd love to see the rest of your comments. Thank you. Thank you, sir. Christian Williamson followed by Daniel Carville.

[03:10:35] Good evening, sir. Hi, good evening. My name is Christian Williamson. I live in Percival, and my property backs up right behind where this complex is going to be. I had this really awesome speech, I thought, ready to present tonight until Outlook ate it.

[03:10:51] But what I would say is the three things I wanted to talk about in that speech has already been hit on. Traffic is one, environmental is two, and three is responsibility. As Dave just spoke about, traffic is a problem in our town. I can especially say during the peak hours of 3 to 5 p.m.

[03:11:10] when school's getting out, everybody's hitting their grocery stores, everyone's going for the recreational, whether it be Franklin Park, out towards Leesburg, out towards Round Hill to the Aquatic Center. It is traffic jam central out there. A short trip to Harris Teeter or Giant in town can take at least 15 minutes to get back to my home here in Contocton Meadows.

[03:11:32] That's not unusual, but that's what it is. So I would hope that we would focus on that a little bit more as well. Environmental, the 690 and 7 Interchange that's being currently built is pushing wildlife into my backyard quite a bit. And I see that the recreation center is going to focus on some kind of wildlife habitat and for pollinators and some other items there as well.

[03:11:57] But we have to take into consideration that we're also going to be destroying their ecosystem that's back there right now. And that's something that is a concern, you know, as a Western Loudoun resident and a rural resident as well. The last thing I want to touch on is responsibility. I think, Chairman Randall, you brought that up as well. Sometimes I've got to think that just because we have the ability to build something, something that we want, that we need, maybe we can maybe downsize that a little bit and have it a more responsible space for everyone involved.

[03:12:24] Thanks for your time. Thank you, sir. And if we ever get Outlook back, we'll take a look at it. Thank you. Our next speaker is Daniel Carville, followed by Walter Kruklis, I think that is. Daniel Carville.

[03:12:41] Daniel, are you here? Thank you, Madam Chairman. There we go. Okay. Yes, sir. I just want to say this is a fabulous facility. This is the Taj Mahal of facilities. It's going to be a great thing for the town of Percival. I've got an 8-year-old and a 10-year-old.

[03:12:56] I think this will be head over heels for something like this. Now, my only real concern here is definitely the traffic in Percival, especially with the interchange. I mean, the interchange is something that

was desperately needed in this community for a number of years, long overdue, to solve a particular problem.

[03:13:16] However, now we are adding several different facilities in here. And this current traffic study, from what I understand, didn't include the Valley Commerce Center traffic that was anticipated in this area. I went to one of the public meetings. Also, I found out they got about 11,000 additional homes that are being planned in West Virginia in Jefferson County.

[03:13:38] That's going to basically build up this interchange really quick. But I love the idea. I just am really fearful for the traffic and safety of the residents of Percival. Thank you very much for your time, and thank you for everything you do. Thank you, sir. Thank you. Walter Kruklis, I think. Is it Kruklis?

[03:13:55] Thank you, sir. And then the last speaker on this item, unless we have more down there that I don't know about, is Elizabeth Miller. good evening sir i live at the closest house in town to the park is going to wrap around me yesterday i sent a six-page document to the board and the planning commission and the town unfortunately i haven't gotten any of you people yet and i'd love you to get a copy of it off of one of the board members please and maybe we could take a copy of that and drop it off you

[03:14:35] if you could even have my marked up on here and drop it off with a clerk. But anyhow, real quickly, a lot of the points were already discussed, but I am right there in that corner, up 1010, West Country Club Drive. The road end is right in front of my house. See that berm back there?

[03:14:50] That doesn't protect my home and one of my neighbor's homes really at all. I'd love to see that thing extended. I need the help there. Walking trail, don't need it in my side yard, don't need it in my backyard. Love to have that moved.

[03:15:08] The entrance road, it would be really nice if the parking area and the entrance road weren't exactly where they were because that parking lot and all the lights and everything are right there. That's going to be some light pollution. Go through it really quickly. Access into the park from West Country Club Drive.

[03:15:28] Yeah, I know, no vehicles. There's going to be a drain field out there. No pedestrians, no bicycles, no parachutists, you know, no skiers or whatever. I'll never be able to get out of my house. People will park all up and down that road.

[03:15:44] I'm the only driveway on that stub. And I already have problems with traffic, you know, coming down and blocking things up. If we allow access there, everybody's going to drop their kids off to run back into that property. I'm not going to be able to deal with that.

[03:16:00] It's not going to be good. already talked about extending the berm a berm might be a good idea at the end of west country club drive too uh wide enough without interfering with a drain field i want them at zero aren't i you are there but but before you walk away so you're you're down here uh see the white corner up there you see that berm yes and take a look at the corner there that right angle corner up To the top, right there?

[03:16:30] That's my house. Right there? Yep. Right there. Okay. Right. Okay. All right. Thank you. To finish it up, everything I wanted to talk about is in the documents I sent you. Thank you. And if we could make sure the powers of being in a copy. Thank you, sir.

[03:16:46] And then our last speaker is Elizabeth Miller. Good evening, ma'am. Good evening. My name is Elizabeth Miller.

[03:17:01] I live on West Main Street at the intersection of West Main and North 33rd Street. I am going to receive 3,000 more trips of traffic than I already do.

[03:17:18] I currently already hear traffic in my house. I'm a senior. I stay at home. I don't go to work, so I hear the noise in my bedroom, in my living room, with the windows closed. I cannot sit on my side porch at all during the summer because the traffic noise is so loud.

[03:17:40] If we get more through traffic on 33rd Street, it's going to have to exit or enter past my house because I'm on the intersection of 33rd and West 7th. There are three things that the county has done to make the Catoctin Meadows neighborhood more appealing for them to cut through the traffic, through the housing.

[03:18:10] And that is the interchange that's going in on Hillsboro Road. It's the Woodgrove High School direct route to the high school. The high school kids come off of West 7, head through the neighborhood, connect to Hearst, and then they don't go around.

[03:18:28] And then the other thing is this Western Loudoun. So there are three major things that affect me personally because of the actions of Loudoun County. I would like the speed limit to be reduced to 25 miles an hour. I'm still in the corporate limits, but for some reason it's 35 miles an hour.

[03:18:47] I listen to that noise every day, all day long. And now I'm going to have to worry about more cut-through traffic. I'm one of those seniors who's on your welfare tax program, and thank you for that. But I don't have a second home.

[03:19:06] I don't take vacations. My sanctuary is my home. Thank you. Thank you. Thank you, ma'am, for speaking with us. Thank you. Supervisors, let's go to Mr. Kirsten for a vote. thank you madam chair i move the board of supervisors for the legy 2025 0001 western land recreation complex cmpt-2025-0001 and cmpt-2025-0003 and specs 2025-0012 and specs 2025-0013

[03:19:46] and specs 2026-0033 to the December 15th, 2026 Board of Supervisors' Business Meeting for action. Motion was made seconded by Supervisor Sainz. Discussion on the motion. Mr. Kirshner.

[03:20:02] So yes, thank you, Madam Chair. And first of all, thank you for both the staff as well as the staff who worked on this application. This has been a long time coming. I remember when we decided to buy this piece of property back on our last term there was a lot of discussion about available locations and the board after a lot of discussion landed on this and obviously it's been many years in the works. I want to thank everyone who came out. I know you could have been as supervisor saying's office and said you could have been someplace else but you chose to be with us because you care deeply about your community and about the impacts of projects such as this.

[03:20:37] And so I hear you and I appreciate it very much. There are some things, what I think will in all likelihood move this forward, I would say I have received a ton of really positive feedback and some negative feedback about this project. And it's always one of those things that you have to kind of balance and do the best you can to mitigate what's going on.

[03:20:58] I will say the things that concern me the most, and I think were mentioned by a number folks here who came and spoke are the cut-through traffics through the neighborhoods. I think that is

something that does concern me significantly. And so I'm pledging to work not only with our staff but the town of Percival and even the police. There are some things that are very obvious to me that could help ameliorate or even eliminate that and that would be obviously law enforcement signs no cut-through and other traffic enforcement measures that could hopefully prevent that.

[03:21:30] So we're going to hopefully look at that. I also appreciate, and I know I mentioned it in my comments, and some of the residents of Percival talked about it as well, and that is the buffering and the burring. I would like to have another meeting with staff to see if we can improve that, to see what additional measures we may or may not be able to take on.

[03:21:48] Because there are a few homes, a couple of them who are here tonight, who are real close. Maybe there are some fencing or something along those lines that could be put in to also avoid spillover and, you know, people trespassing and that sort of thing because those are natural concerns which I completely get and I would be concerned about, too, if I lived there.

[03:22:09] And then, obviously, I think there should be a continuing discussion on, and I'm not sure, I think we have flexibility from an administrative level on how long the lights may or may not be on if, for some reason, I know I think this application approves them until 11, But I think I'm correct that if that created a problem, an ongoing problem, that we could reduce that or certain times of years and whatnot.

[03:22:34] So that's additional discussion I'd like to have with staff. But overall, really a tremendous project. It's desperately needed in this part of the county. I mean, I think a lot of those 3,000 trips, those people are actually traveling to the east right now and going to those facilities there.

[03:22:52] So those folks are already traveling. They just travel here. And I do anticipate that a lot of these trips will come off 7 from Round Hill. So I am a little concerned about that intersection, and I'd like to have more conversation about that. Thank you, Madam Chair. Thank you. Thank you very much. Anybody else?

[03:23:09] I will associate myself with my colleagues' comments, and we will take this matter up on the 15th. And it feels like the emails kind of have just started really coming in.

[03:23:26] I see a lot of Facebook activity on this. But it feels like the emails have just really started coming in. So this was really helpful. And I will go do a search and make sure I'm capturing all the voices on this issue. All right. Mr. Kirshner made the motion, seconded by Supervisor Sainz.

[03:23:41] I'll be able to say aye. Aye. Any opposed? That motion will pass 7-0-2 with Ms. Bricksman and Mr. Turner being off the dais. Thank you. Supervisors, I know we're tired and we want a break, but I do want to get through one more because the second half of this meeting is going to take a long time.

[03:23:57] So let's go on and do the Arcola item. It is in the Dallas district, and when everyone clears up, we're going to have everyone for the Arcola item to come to the table. Good evening.

[03:24:35] Good evening. My name is Matt Kessler with the Department of Planning and Zoning, here to present this application for old Arcola residential. The subject property is located within the Dallas Election District, north of Route 50, south of Arcola Mills Drive, on either side of Stone Springs Boulevard.

[03:24:52] The site is approximately 32 acres in size, is located within the suburban employment place type, and is zoned single-family residential and townhouse multifamily residential. The property contains the old Arcola Elementary School building on the east side of Stone Springs Boulevard.

[03:25:09] Old Arcola Residential was approved for this site in October 2023, resulting in the rezoning of 32 acres from the rural commercial and general business districts to the single-family and multifamily residential districts that I mentioned for the construction of 228 dwelling units.

[03:25:29] Included in this approval was 73 affordable housing units on the county-owned parcel containing the elementary school. The applicant proposes several amendments to the proffer statements approved in 2023. The first is to reduce the capital facility and regional road contributions for the market rate units.

[03:25:48] A revision to the timing of transportation improvements associated with the county-owned parcel is also proposed, as well as adjustments to the permitted risker encroachments. Finally, revisions to affordable housing commitments to provide flexibility in administration and consistency with Virginia Housing Development Authority policies are proposed.

[03:26:09] The general plan supports the increase in diversity of housing types in the county while also encouraging flexibility to address housing needs. Further, the plan emphasizes the key role that capital intensity factors play in translating the anticipated impacts to capital facilities.

[03:26:26] Staff has identified an outstanding issue related to fiscal management for this application. The general plan identifies CIF rates as a method of translating capital facility impacts from new dwelling units into a per unit rate. This is used as a guide during rezoning applications.

[03:26:42] This application proposes to reduce the regional road and capital facility contributions for the 155 approved market rate units to the 2025 CIF rates adopted by the board on September 1st of this year. Staff does not recommend reducing capital facilities or regional roads contributions from a previously approved proffer agreement. The proffers approved by the board represent the impact of the rezoning as a whole, and there is no policy or basis for staff to analyze this impact otherwise. The applicant has not presented justification that the rezoned

[03:27:19] residential units no longer have the impact on capital facilities as was calculated at time of original approval. It is also staff's interpretation of the September 1st board action that the 2025 rates are only applicable to proposed units for development that have not yet been before the planning commission for decision. The units affected by this proposed amendment were approved in 2023 and therefore not evaluated utilizing the 2025 CIF. It is staff's recommendation that amendment be removed from the application. The planning commission forwarded the application to the board of supervisors with a recommendation of approval subject to revisions of the application

[03:27:58] CIF and regional road contribution language as well as revisions to ensure proffer administration. Staff cannot support board approval at this time and it should be noted that should the CIF and regional road contribution amendment be removed from the application, staff is prepared to support the proposal with a recommendation of approval. Thank you. Thank you very much.

[03:28:20] Questions, Mr. Letourneau. Thank you. So let's start with the non-CIF related items. So it's allowing for consistency with VDHA funding policies, eliminating the requirement to permanently designate some specific rental units as attainable, revise the timing associated with proper transportation commitments, and permit additional encroachments into the risker areas.

[03:28:47] Staff has no issues with any of those things. That's correct. Okay. Would you characterize those as major changes to the application? Staff would not characterize those as major. Those are minor

changes. Minor changes, correct. So if every applicant that wanted to make those type of changes were to also seek a change in capital facilities, or if the board were to grant it in this case, would that not incentivize every other applicant who has an approved application to come in and try to do the same thing with very minor changes to the application?

[03:29:22] that's probably more rhetorical. Okay. More questions for me. Okay. Question on the risker. Okay. So what are the risker changes, permit additional risker encroachments? I noticed that staff recommends additional technical revisions to assure consistency and aid in interpretation.

[03:29:46] what does that mean? So for the risker revisions, this is something that we've seen with a couple of different applications. The risker in the zoning ordinance has, since this application was originally approved, has been updated and has become more lenient. So the technical revisions to the risker language is to bring the proffers in alignment with the current zoning ordinance.

[03:30:14] As currently adopted, the proffers are more restrictive. Okay. And then I noticed something about permanent supportive housing. What does that change? Eliminate permanent supportive housing units?

[03:30:30] Correct. So the nature of permanent supportive housing units is that the need often shifts and they become available when needed, right? So with the currently adopted proffer language, there is a requirement that the permanent supportive housing units be identified.

[03:30:50] However, that's just not feasible with the way that they are administered with the state. So this would allow the needed flexibility, and staff is supportive of this flexibility to allow them to be moved to different units as needed. Okay, but they would still potentially provide permanent supportive housing.

[03:31:08] Correct. They are still providing the same number of units. Okay. Thank you. Okay, thank you. So my question is, understanding everything Mr. Turner just said and respecting everything he just said, my question is, if we have said that the surrounding schools that this development might serve has capacity in the schools, I'm not talking about road contributions, because road contributions are road contributions, you need those no matter what, But if it's school contributions, and we know that the schools have capacity in them,

[03:31:47] usually we, and unfortunately when we speak to LCPS, enrollment's going down. Why would we, for this applicant or any applicant, and I don't think there's probably too many applicants who are in this situation where they came in at one time and now have applications.

[03:32:04] I agree that these are not major changes. I agree with that completely. But why would we still charge the profits for the school contributions if the schools don't have plenty of capacity in them?

[03:32:21] So staff did reach out to LCPS staff regarding this issue. When originally approved in 2023, the schools that would be serving this site ranged in their capacity from 71% to 85%.

[03:32:37] We reached out to LCPS to get some updated rates on those same schools, and they ranged from 80 to 91. So it's a slight increase. A slight increase. Okay. All right. That's a good answer. Thank you so much. To the applicant, I think to the applicant, we're ready.

[03:32:56] We all have 10 minutes. You can sit there, or you can stand at the podium. So to steal a line from earlier, I'm scripted like a monkey because you all have a heavy agenda tonight, But you all know I

can't stay on agenda and just want to say we have eight PHS units, eight below 30, 15 below 50, a cricket field.

[03:33:19] And Ben has an email from Trader Joe's that they'll come in on the weekends and set up in the gym. And if you want to stop and suspend the rules and vote, we're ready to go. Good evening to you, Randall, members of the board. My name's Michael Capretti, and I'm here tonight along with Ben Miller of Wellington Development and our Land Use Council, Michelle Rizzotti.

[03:33:41] Ben and I are the applicants and the property owners, along with the county, of this property subject to this zoning concept plan application. The need to start this ZCPA process came to light when Ben discovered that Virginia Housing would not provide financing unless the standard foreclosure proffer was included.

[03:34:03] While we had several conversations with the Virginia Housing about including the foreclosure language in the financing documents, instead of a proffer, they insisted they needed it in the proffers. We know you all have seen several applications that had to come back and insert this foreclosure language.

[03:34:24] There have also been two very significant adjustments that have occurred in the capital intensity factor, and this application reflects both adjustments. And while Matthew's correct, we have not provided any information justifying what we're doing. Other people that are way smarter than us have already done it.

[03:34:42] So beginning in late 2021, Fiscal Impact Committee began a deep dive into the analysis on the amount of regional transportation proffers. Up to that point in time, the regional road proffer standard was an arbitrary amount that was measured by the previous legislative application.

[03:35:01] It was simply a bid up over time. After a significant amount of analysis, it was determined that based on empirical data, the regional transportation portion of the CIF was significantly more than the actual data supported.

[03:35:17] In April 2024, this board, albeit very reluctantly, agreed to reduce the CIF amount of the regional transportation proffer to align with the amount supported by the analysis.

[03:35:32] Then in October 2025, Loudoun County public school staff recommended to the school board that because of declining school enrollment, staff believes there is enough capacity within the existing and under construction facilities to serve future students.

[03:35:51] And there is no need to open any more schools to accommodate growth before 2036 per the school board's adopted fiscal year 27 to 32 capital improvements program.

[03:36:07] As important, with the 2027-2032 LCPS-CIP, 11 schools, consisting of six elementaries, three middles, and two high schools, at a proposed cost of $1. 546 billion, with a B, have been delayed opening to 2038 to 2056.

[03:36:33] Basically 12 years until the next school is needed and the final school needed 28 years from now. I'm going to contradict Matthew's numbers a little bit, but based from the CIP, our school cluster, Elaine Thompson Elementary, Stonehill Middle, and Rockridge High have projected a utilization rate, have not projected a utilization rate over 85% through 2032.

[03:37:04] And that's 82 for Elaine Thompson, 85 for Stonehill, 81 for Rockridge. All of this is based on current development projections, which include the units in this project. In September 2026, this board

approved the new 2025 capital intensity factor, taking the school portion of those CIF numbers to zero.

[03:37:30] Again, based on actual data provided by LCPS nearly a year earlier. This ZCPA is a legislative application, and our proffers mitigate our impacts based on the county's own data as provided by the Fiscal Impact Committee, LCPS, and ultimately supported with board-adopted policy.

[03:37:55] Other than the CIF proffer changes, this application has no outstanding issues. We would appreciate your support by approving this application so Ben can secure his financing and move forward with the much-needed preservation of the old Arcola School and the construction of these affordable housing units.

[03:38:14] We are happy to answer any questions. Thank you, Mr. Capretti. Questions? I will go to Mr. Letourneau first, of course. So when this was approved in 2023, is it fair to say that it wasn't without some controversy? there was opposition from nearby residents i mean i don't think so i think our vote was i'm not talking about the board vote i'm talking about the residents we had a long the resident if you recall the residents wanted data center oh exactly right well don't worry i was going there i was going there and if you want us to come back with the

[03:38:50] data center out but we could submit that tomorrow but the point is at that time this was a negotiation between myself between the board and between you and we looked at all the different pieces but part of that negotiation was the proper agreement the the cluster that you just mentioned at at rockridge is part of the dullest north planning area cluster which is not quite so rosy as the rockridge one is so we still have one more high school that's being built in this cluster in this planning area because of capacity at the other Bramilton schools.

[03:39:26] And then the school board's planning to essentially even out the rest by redistributing within this cluster. So their projections for students includes this development and was part of the process that led to the development of a school which was not approved until June of 2026 by the school board.

[03:39:49] So I'm not entirely following the logic that this should be treated as an entirely new application as if we didn't know these units were already being planned for because they were already accounted for and money was already spent assuming both this application and the profit contribution that would come from it. Okay, well, I'm not sure which high school you're talking about because based on the- HS14, which will be built. I think it's been named now,

[03:40:17] isn't it? So HS14 isn't in the last two school board capital projects. But I'll also remind you that from a CIF perspective, anything in a six-year CIP is not included. That's a rule in fit. Any facility in the six-year doesn't count. Nevertheless, we know we still have an issue with the management of student capacity in this particular. This isn't like Sterling, where we

[03:40:55] have huge capacity. We have Brambleton, we have all those areas. It's just hard for me to consider that because of a minor technical change, we're supposed to pretend that the previous approval didn't happen. Okay. So what I'm going to say to you is all the years I served on FIC, what's troubling me is nobody wants to admit the numbers in 2023 could be wrong. Everybody's going, oh, the numbers are the numbers. We shouldn't change them. Take the transportation. It's not a matter of changing them. I'm out of time. It's a matter of retroactively changing them.

[03:41:27] All right. Thank you. Anybody else? I have a question. Go ahead, Mr. Crony. So the Arcola School, you know, I was involved with putting it on the National Register, and I know it is in really bad

shape. Will you be able to renovate it, you know, the way I think We had talked about with doing it per the, where you can get the tax credits for the historic.

[03:41:58] Okay, so there's no tax, well, the tax credits aren't involved in historic renovation, but we have substantial proffers that deal with what you're talking about, the renovation of the building, that we're not changing. They say, as a matter of fact, to Ben's credit, he's been shoring up the building before he gets it because every winter it's getting worse and worse and he's spent a fair amount of money to shore up the building so that because our worst nightmare is we get approved and a month later the building falls down and then you guys go what did you guys

[03:42:36] do right the the roof needed so so there has been some some heating and shoring done in the building Okay. And I think the gym is still going to be publicly accessed? It stayed as a gym, correct.

[03:42:52] But it could have public access, right, from outside the community? Yeah, it's a true community, not just a resident community. It's a community at large. Yeah, I can't wait for that to be done. Okay, so you're asking for a change in the CIF. You were approved in 23, correct?

[03:43:11] Correct. This was before I came on the board, but, and your reasoning is that you feel that you won't have an impact with the schools, correct? I think we believe that based on current analysis, our proffers mitigate our impact based on the 2024 rates or 2025 rates.

[03:43:31] Okay. My only concern would be precedent setting. This does set a precedent. I mean, with all due respect, I turn to Dan and say how many other applicants have come in to ask for lower profits. More will come. Thank you. I think you say that, but I think realistically from an industry perspective, because we've had conversations with admin about this, if you've pulled a permit, you're not going to put your project on hold for a year to lower your profits. You're going to keep going because you've already done. And from an industry perspective and from conversations with admin, I think we believe the window is very narrow of

[03:44:10] people that are coming. And to go to your comment earlier, which I really appreciate a lot, which is the words are the words. Planning Commission had a big debate about the words are the words. And the words say, if your application hasn't been to the Planning Commission, you are entitled to the new numbers. And everybody wants to opine now, well, but if it's already approved, well, that's not the words say. The words say, if you were not to the, if you were, had not been to the Planning Commission by September 1st, you got the new numbers. That's what the words say. Thank you.

[03:44:46] Okay. Exactly what they say. So I will wait for Mr. Letourneau to make a motion. And Ms. Letourneau, if I have said something different, then you will have my public apology. This is my feelings. The worst reason to do something is because that's how we've always done it. That is the worst reason to do something. When situations change, it's okay to change with the situation.

[03:45:14] And if the proffers are meant, and by the way, still all voluntary, proffers are meant to mitigate the impacts of a development. If the proffers that are here right now mitigate the impact of the development, I do not know why we would charge any developer more. And if it's precedent setting, let it be precedent setting, that Loudoun County doesn't need to charge a developer more to mitigate a development than the profits that are on the table.

[03:45:44] Let that be the precedent that we set, because the worst precedent I can possibly imagine is, it's always been this way, let it always be this way. That's just, it's really illogical to me. And that's just

general. That's just general. The profits are for a reason, and if the reason doesn't exist, why charge the profits, which is why I'm only talking about schools and not talking about roads, because the roads will still be, that's still in play, the road contribution number.

[03:46:11] But if the schools are not going to need the capacity, then why would we have any developer continue to pay that number? I'd rather them take that excess money and put it in the housing fund or do something else with it. But to just say keep paying the number because that's what we agreed on before the situation changed, it just doesn't make much sense to me.

[03:46:32] Now, if I talk about, and that's just in general, if I talk about this specifically, we are getting deep affordability. We are getting a piece of property that is historic and was in, not only was it in disrepair, if you went into that piece of property, it was being used by law enforcement for practice.

[03:46:55] It was like, what do they call it, not real bullets, dummy bullets, blank bullets, all over the place. The place was a mess, and the fact that we have an applicant who has saved an historic building that was basically, you know, about five years of that much from being torn down to make it a place where we can put attainable housing at deep affordability numbers and still have the market rate housing, we are getting what we need.

[03:47:24] If we are getting what we need, and we are, plus more, I just do not see the logic of, but you signed this on this date. And so I honestly, and the staff said that there's no vehicle to do that.

[03:47:42] There's never a vehicle to do something until you do it. That's just, there just never is. And so I would say for the school capacity numbers, I would take that amount out because we don't need the capacity in the school.

[03:48:01] We don't need it anymore. So it just doesn't make it. Situation has changed. Why not change with it? Anyway, Mr. Turner, do you want to make a motion? Yes, please. I move the Board of Supervisors forward, Lege 2026-0008, Old Arcola Residential, ZCPA 2026-0005 to the December 15th, 2026 Board of Supervisors business meeting for action.

[03:48:21] Second. Mr. Crony. Thank you. Well, so something else I've also said is I'm not an attorney. Mr. Rogers, do you agree with the interpretation that the board should reassess the, or must reassess the capital intensity factors because this is now a new application?

[03:48:44] When put that way, the answer is no. What I would say is that the board has the discretion to do so, and that the board should look at what was done then and what changes have occurred from the time it was approved. In fact, the board's under no obligation to change this application at all.

[03:49:03] You have an economically viable application that was submitted and approved in 2023, which, if I recall correctly, was part of a land deal as well for the county's building. And at that time, the board established what the proffer should be.

[03:49:19] Now, if the applicant didn't demonstrate that the schools no longer have that need for capacity, and I think there's some disagreement here as to what capacity exists in the schools. Are the schools at a greater capacity than they were in 23?

[03:49:36] It is within the board's sound legislative discretion. Yeah, we could do it. I need to cut you off because you're using up on my time. Okay, I'm sorry. Yes, it's within the board's sound. I didn't ask if we could do it. I asked if we had to do it. I think the answer is no. So I understand what the chair is saying, but

I'm going to go back to my comment, which is in the Dulles-North planning cluster, you have to look at the big picture.

[03:49:56] And the big picture that drove the school board's decision to build a $202 million new school, this was part of, part of a larger plan, if you talk to the school board members at that time, especially, knowing what was there, knowing what was coming in, knowing what the whole situation was at that time.

[03:50:18] And so, yes, things have changed. This particular part of the county, though, is still the one that has capacity issues. But the bigger issue to me was, this is part of a negotiation that I feel like has now changed a little bit. When we did change the CIF, obviously that was something you were also, the applicant was also involved in, and we had discussions about it.

[03:50:38] I didn't realize I was then gonna be getting an application to immediately try to lower the number. So I may have made a different decision, frankly, at that point. The board decided to do that, to try to be as fair as possible, but we didn't have to at that time either. So at the end of the day, if there's a proposal on the table, as the chair suggested, to take the difference in proffers here and put them in the housing fund, then I'm all open to business.

[03:51:03] But that's not what I heard. I heard just a proposal to reduce it. So I'll put that on the table for a potential thing to discuss between now and December 15th. If the overall profit amount could be better allocated to something, then I guess we can have that discussion.

[03:51:19] But I put some significant equity into this application. I got some significant blowback for it, ironically now. And I view this as reneging on an agreement that we had. Those are strong words.

[03:51:40] Those are strong words. If we were to go for it. Well, okay, yeah, those are strong words. Listen, what we know from LCPS, because we've asked them ourselves, is the capacity in schools is going down all around the county, and they do not see it going up.

[03:51:57] I was surprised when they gave me that answer. And the capacity may be higher in this area, but it's still nowhere near 100%. It's just not, and it's not due to be near 100%. 85% is a lot of capacity in the school, And this development is not going to get anywhere near that capacity, not anywhere near it.

[03:52:19] If I have one way that I know to go to work and I drive in that way every day and it's what I know and the road is bumpy and it has some potholes and all that things in it, but that's the way I know. So I go that way every single day and then somebody builds a new pristine road.

[03:52:36] It would be illogical for me to say, I'm going to stay in the bumpy road because that's the road I know. I'm going to ruin my hubcaps and my suspension system, but I'm going to drive down the bumpy road because that's what I know. When situations change, it is okay to change with the situation.

[03:52:53] This situation has changed. And again, to Mr. Crony's point about creating a precedent, I am fine with creating a precedent for doing things to meet the moment. That's not a precedent that I have any issues with creating at all. So just because, and I respect Mr. Letourneau so much, but just because a deal was made doesn't mean that a deal cannot be adjusted when situations are adjusted.

[03:53:20] It just doesn't, I mean, we can be that flexible. We can't be so unflexible that we go, no matter what else changes, we're going this way, because that's what we said in the beginning. I have no qualms with the fact that the deal was made.

[03:53:36] hear you. I believe you. I was right in there with you. I went to, I was, I was right in there. But at this point, we don't need the capacity in the schools. So why would we make the developer pay for it? Any developer. It just doesn't make any sense to me. So, but that, but anyway, that's where I am. Mr. Letourneau, would you like a closing, sir? I'll just simply say, I think the The total delta here is about $2 million, $2.2 million.

[03:54:05] So if meeting the moment means reallocating that money to the housing fund, then maybe we have that discussion. But I don't think, well, I don't think that on behalf of the public and the taxpayer, which is who we ultimately work for, I don't think that we should make decisions to adversely affect the financial impact of the county and the revenue, even if it's only $2 million, when we already have made a decision on something.

[03:54:34] So that's my closing. All right. All right. Can you read the motion one more time, please? Move the meeting. Move it to December 15th. Okay. Okay. Thank you. That's what I thought. All right. The motion to be made to eternal and just to move the meeting. You cannot speak anymore, Mr. Capretti.

[03:54:49] I'm sorry. Nope. Robert Roosevelt is right. I run the meeting. I run the meeting. So we've already spoke already. So we're just going to another meeting. The answer is no. And Mr. Capretti, the answer is still no.

[03:55:06] He's going to try to slip it in there. Mr. Crony, you seconded this, right? All in favor to moving this to the... Madam Chair, you need... Oh, my God, what is wrong with me? I'm sorry, you actually said it. I didn't open this up. Are there any speakers on this issue? Any speakers online?

[03:55:22] No, Madam Chair. All in favor, please say aye. Aye. Any opposed? That motion will pass 7-0-2. We need a break. All right, let's take a dinner break. Let's take 15 minutes.

[03:55:42] Let's come back so we can finish up.

[04:26:05] I think we're missing Mr. Letourneau, but there are five of us here, so we can go on and start. Good evening, staff. How are you? Good evening. Doing well. Okay, we're going to start with 3A, and then we're going to go to Mr. Sainz to see how he wants to handle the rest of the items.

[04:26:21] We probably will end up doing them all separately, but I'm not sure. But we will do three A's separately, so we're ready when you are. Oh, my God.

[04:26:45] It's not even that late. It's not even that late. We're already, like, coming undone here. It's right in front of you, man. Jeez, that's funny. Ready when you are. All righty.

[04:27:00] Good evening. Welcome back. My name is Matt Kessler with the Department of Planning and Zoning here to present this appeal of commission permit for Dulles North Technology Park. The subject property is located within the Sterling Election District, north of South Sterling Boulevard, south of Lindsay Carr's Court, east of Route 28, and west of Shaw Road.

[04:27:19] The site is just under 25 acres in size and located within the suburban policy area. Notably, the property is split zone planned development industrial park, or PDIP, and commercial, or C1, under the 1972 zoning ordinance.

[04:27:36] The subject property is also located on the periphery of the suburban mixed-use place type in close proximity to the suburban employment place type to the west and south. For your consideration this

evening is the appeal of the Planning Commission's denial of Commission Permit 2025-9, which requested a permit to a substation use on-site.

[04:27:57] Staff notes that the applicant is also requesting ZMAP and specs applications as part of the LEGIE application, but that these are not within the scope of the appeal and will be considered separately. This annotated plat depicts the development area for substation use in orange.

[04:28:13] Surrounding this area is the proposed open space and buffering around the perimeter of the site. As requested with all substation and data center applications, staff is including an electrical infrastructure map detailing the location of existing and approved substations and major power lines in the vicinity. At the Planning Commission public hearing, the commission made a motion to deny the commission permit application. Discussed was the proposed building height, transmission lines, the need for the substation, as well as numerous site design and buffering elements to address compatibility with the surrounding area and uses.

[04:28:51] At the time, staff could not support a commission approval for this application. After the September public hearing, the applicants submitted revisions to their legy application that reduced the premises size, committed to a gas-insulated substation and revised buffering for the smaller premises.

[04:29:08] Staff notes that since these revisions were made after the commission took action on the commission permit. These are not reflected in the appeal before you this evening. The approval criteria for a commission permit are whether the general or approximate location, character, and extent are substantially in accord with the 2019 general plan.

[04:29:27] Per zoning ordinance requirements, appeals must be decided within 60 days after the appeal has been filed. This gives the board until December 1st to affirm, reverse, or modify the commission's denial of this application. Staff is available for any questions. Thank you. Okay. Mr. Sains.

[04:29:45] Why didn't the applicant make the changes that they did after the Planning Commission during that process, if you know? Are you asking why they resubmitted for the smaller premises after the public hearing?

[04:30:05] I would have to defer to the applicant on the rationale. However, I will note that this reduced premises was something that was included in the applicant presentation at the public hearing, but staff did not have time to adequately review or provide feedback.

[04:30:22] Because, again, it wasn't, correct me if it was wrong, it wasn't part of the original application, correct? That's correct. Good, thank you. Anybody else? Okay. Hello. How are you all doing? Good evening. Good evening. Ready when you are.

[04:30:40] You have ten minutes. I'll just wait for the presentation. Good evening, members of the board. My name is Ben Wales. I'm a news planner with the law firm Cure Arts Partners. I'm here tonight on behalf of the applicant, and with members of the applicant team and looking behind me.

[04:30:59] There's a significant number of them, so I don't normally get nervous for these, but spare me. I'm also here with John College and Brian Downey to my left with the applicant ownership. As staff just outlined, this was originally a larger site.

[04:31:27] We processed this site, and during the processing, we knew that there was a transmission line that was being planned by Dominion. would come across this site east west to east we were showing

flexibility of alternative sites because we didn't particularly know where that transmission line was going to go we don't we now do know it's going to come across the bottom end of our revised application area and so i've got some slides from the dominion website and we have information from other recent community meetings but we now know where that transmission line is going to go.

[04:32:09] So the commission permit review, the rules of how these are reviewed is set out in the state code. The Loudoun County Zoning Ordinance provides even more specific direction. And that bottom quote, the commission permits will be approved if the general location or approximate location carried to an extent are substantially in accord with the comprehensive plan or part thereof.

[04:32:33] So when we consider this commission permit evaluation, again, we're looking at the general or approximate location, character and extent. As set out in the staff report, there's no outstanding issues related to character and extent.

[04:32:49] So we've focused on the general or approximate location. So where do we turn next? We turn to the comprehensive plan. This site is in the suburban mixed-use place type. As you'll see by the yellow star, it's on the edge of the suburban mixed-use place type.

[04:33:07] Next to the suburban employment place type, we look at the comprehensive plan. Comprehensive plan does not prohibit substations in the suburban mixed-use place type. It doesn't suggest that a substation in the suburban mixed-use place type cannot be supported. It does support appropriate sizing, location, and design of electrical infrastructure.

[04:33:28] So what should we be considering when we think about the comprehensive plan? Well, compatibility with surrounding land uses. There are no sensitive land uses surrounding this site. As you can see here, this is a section of the Route 28 corridor, which is developed with industrial uses and commercial uses.

[04:33:50] We could look at the comprehensive plan guidance about compatibility, sorry, going on to the surrounding context and character of the land uses surrounding us and the planned and existing land uses. When I layer on this slide, these purple dots show data centers, substations, or power sources for data centers.

[04:34:15] Clearly, this is an area of the Route 28 tax district that a substation would have a location that's consistent with the surrounding character. This is information from the Dominion's website. I'll just note on the right-hand side, there's a map showing two options.

[04:34:34] As we know, Dominion provides alternative options for its transmission lines. Both of these options go through this site. And just to confirm, this is a regional transmission line. This is not generated by our application. On the left is information related to the timing of the Dominion project.

[04:34:54] They have had community meetings. They intend to file with the Virginia SCC next month, in 2028, and this line goes live in 2029. Again, from Dominion's website, these are the two lines that will cross our site.

[04:35:15] The base map is old, it doesn't show the three existing, or two of the three existing substations to our west, but it will come from that global plaza substation, west to east, again, across our site. The yellow dots represent the monopole locations that will be on our site and will be considerably higher than any substation.

[04:35:38] When we look at this site, and I can talk more about this during the legy, but we obviously have an irregular-shaped site, a site that's not been developed previously, even though it's been in the property owner's control for, I believe, over 40 years.

[04:35:55] We have a major gas line and easement running through this site, and we're going to have a major electricity transmission line going through this site. If this isn't to be a substation, we're not really sure what it could be. I'm not going to talk about character and extent.

[04:36:14] This will come more in our LEGI application. But we heard the Board of Supervisors, we heard the Planning Commission in recent deliberations of substation applications. And we really believe we're setting the standard with how we've buffered and screened this site and hidden the substation behind.

[04:36:32] So when we look at commission permit applications, we like to look at the established practice. How has the county reviewed these before? That's an important factor here.

[04:36:47] So again, substations are not prohibited in the suburban mixed-use place type. Substations can be appropriate in the suburban mixed-use place type. How do we know that? Again, we have examples. The Dulles Town Centre substation site within the suburban mixed-use place type, near hotel, data center, office, no additional setbacks of Birmingham the zoning ordinance AIS substation staff support PC approval board ratification this is that

[04:37:22] substation also world substation again same place type suburban mixed use near a car dealership as we are and no setbacks or berming beyond zoning ordinance requirement not GIS staff support PC approval board ratification golden I know you all have discussed this at length and I don't want to to bring it up too much in your memories, but focusing on the commission permit itself,

[04:37:57] again, suburban mixed-use place type, near car dealerships as we are, near data centres as we are, near office, no additional setbacks in Birmingham, staff support, PC approval, board ratification. I have one more, and this one is a barrister substation.

[04:38:17] It's not suburban mixed-use. This is urban transit centre, which is even more focused on mixed-use. clearly it's near the metro station. And we have that same pattern, no additional setback screening, staff support, PC approval, board ratification. And we look at it, we look at that yellow area of the site, and it makes sense. We can't just focus on the site itself. We have to look at the area in its context. We have to look at the connectivity to electrical infrastructure.

[04:38:49] And that's really what we believe should have happened on our commission permit application. So again, just to conclude, substations are appropriate, clearly in the suburban mixed-use place type. We have to look at the site context. We have to look at appropriate siting and where the electrical infrastructure is and will be.

[04:39:10] And for those reasons, we believe the Planning Commission exceeded its narrow focus. You have a minute and 30 seconds left. Are you good? Yes. Can I just... I've been reminded of an important piece. Okay. I saw you getting reminded.

[04:39:28] That's why I said you anything else. So as I mentioned, this was the original proposal. We had flexibility in it. We weren't sure where the transmission line was going to come. We knew it was coming. We revised our proposal, as staff explained. We're asking the board this evening to overrule the Planning Commission's denial just as it applies to this section, not as it applies to the wider property area.

[04:39:56] Okay, thank you. Do we have questions for the applicant? Mr. Saenz. Thank you. Has the applicant ever done substations before? We've never developed any substations, sir.

[04:40:18] Okay. And did the applicant ever think about doing, I think if you go to your website, your bread and butter, I guess you could say, is hotel, office, flex industrial. Did you consider doing those things here? We've studied many things on the site, sir.

[04:40:36] Okay. But we know we have a use for any flex industrial in the county. We feel this is the appropriate use for the property. Say it again. We feel this is the appropriate use for the property at this time. Would you agree that the county does need flex industrial? I'd have to say we've studied it all.

[04:40:55] Right now, flex industrial on our property doesn't make sense. No, I have a whole economic development team that would say otherwise. That location is pretty good for flex industrial. I would say that site's actually good for housing. Sir, I'd say it's a matter of perspective.

[04:41:11] Yeah, those are good uses for that site. Looking at the investment that has to go into it. Thank you, sir, thank you. Another point, you know, that you didn't make is there is housing close by to this site where the other sites that you wanted to point out and say they're similar, those other sites had no housing next to them at all whatsoever.

[04:41:31] Will the Dominion Global Plaza transmission line that you mentioned, will that connect to your site? That global plaza transmission line is going to go from the global plaza substation existing over to the existing transmission line at W&OD Trail via one of those two roads.

[04:41:55] Okay, so I'll ask you, will that connect to your site? Perhaps to answer your question, this substation is not part of that reliability project. So it will not connect to the site, to the global transmission line that Dominion's proposing? Oh, the proposal, if there is to be a substation area, it would connect eventually to that transmission line.

[04:42:13] We're certain of that. What you just illustrated and what Dominion's told in their open house is otherwise. It's not connecting to your site. Yes or no, is it connecting to your site? Their project to extend the transmission line does not include the substation site. Okay, so it does not connect to your site. But it doesn't include any substation site.

[04:42:30] Again, it does not connect to your site. Correct. Thank you. You done? Ms. Umstead. Thank you, Madam Chair. So, I mean, to me, this looks like a logical place for a substation.

[04:42:56] There are other areas of the county where data centers and substations would be considered by the residents to be less appropriate.

[04:43:12] Does the applicant have any suggestions for any way to forego a data center in another part of the county like Ashburn and go forward with this site?

[04:43:42] Yes, we are receptive to withdrawing our request for a data center in Ashburn. And I believe that's a by-right data center? It's a by-right data center that we have a site plan going through the process with staff.

[04:43:58] And we are receptive with withdrawing that application if we receive approval of these applications that we're discussing tonight. All right. Thank you. I should have asked this before to the staff, but what were the reasons the Planning Commission gave for denial?

[04:44:19] So there were a number of reasons based on the discussion that was had. At the time, the larger premises was showing a large development footprint without specifics. So there was not a commitment to GIS on site.

[04:44:39] There was also what was labeled as potential substation footprints, but no commitment to a specific layout. So I would say a lot of it was related to the unknowns associated with the application at the time that have since been updated with the legy. And what was the vote?

[04:44:56] I would have to go back. I can pull that up. Um, it would be, it would be illogical for me to argue that this couldn't be a reasonable place for a substation. That's, that wouldn't be a logical argument. Given all that is around it, it would be illogical to say this, this, this just should not be a substation. But the argument I made for the last application also plays in this application. Just because something was done before, that doesn't mean we should keep doing it. I've said many times, if we as a county could

[04:45:35] roll back the clock 15 years, 20 years, 25 years, and do some things different, we probably would, including putting daisons and substations that close to the road into what is one of our interests into Loudoun County. So I will not argue that it couldn't be done. And I will not argue that it's not, that the site doesn't allow for it, although it absolutely would also be

[04:46:09] appropriate for Flex Industrial. I would say that, as I said, that argument goes both ways. Just because you've done something, then you should keep doing it, especially if when you keep doing it, it is, it gives you a negative consequence. And there are some negative consequences that we're receiving right now, including power demands, including the position of our constituents, including other needs that could be there, especially the lack of

[04:46:46] flex industrial. So I completely respect what you all are doing. I respect what you're asking for, and in no way, you know, do I think you're being illogical, and I don't want you to, I hope I'm not, and I don't want you to feel disrespected, but I don't know that just because it was done before means it should be done again. Yes, mister, yes.

[04:47:12] Could I respond to that, please? Yeah, of course. I guess my response to that would be, and it's unfortunate the way that we have to do these agenda items, because DeLegge has all the detail and shows specifically how well this site's been designed.

[04:47:30] You talked about seeing this and this being a main route in the county. You won't see this substation. The legy and the information we have in that presentation will demonstrate that. I've seen it. And so part of what I would respond with is this isn't the same as you've done before.

[04:47:48] This is significantly different in terms of design beyond what any substation has done before in the county. And so that's part of our argument. And I guess the other part is that specifically the Planning Commission focused on this site and not its context, not its surrounding character, and not the existing and planned electrical infrastructure.

[04:48:18] Okay. Thank you. I think we have one speaker on this item, Ms. Johnson. if you are still here male or only speaker on this item. Okay.

[04:48:36] Good evening, Supervisors. My name is Emily Johnson with the Piedmont Environmental Council. This substation permit was denied by the Planning Commission with good reason. You will speak about the special exception and zoning map amendment requests later, where you'll have more discretion

to talk about the displacement of existing flex uses, the continued industrialization of this area, the lack of transitional uses, and crucially that this substation is non-contiguous to its proposed data centers, which have themselves been recommended for denial.

[04:49:01] But on the commission permit itself, the discussion is even more straightforward. The applicant may now be providing a GIS substation, but the proposal continues to be fundamentally out of alignment with its place type and our collective guiding document. Our comprehensive plan designates its area suburban mixed use, a compact pedestrian-oriented vision that calls for commercial or entertainment uses in compatibility with residential.

[04:49:22] Our comprehensive plan does not envision data center industrial infrastructure in this location. And we know that because this substation does not deliver on the core tenets of its place type. It does not offer neighborhood services nor on-site employment. It does not provide economic diversity nor improve community identity.

[04:49:40] It does not reduce resident travel distances nor create a transit hub. It does not create pedestrian-oriented streets. It does not implement design amenities nor advance green space networks. It does not internally integrate nor transition land uses. It does not add residential units nor show compatibility to existing housing.

[04:49:57] And crucially, it does not improve on this area's burden. This should be a clear land use decision based on incompatibility with our comprehensive plan. We ask that you reaffirm what the Planning Commission has found. Thank you. Thank you. Mr. Sains, would you like to make a motion?

[04:50:14] Sure, Madam Chair. Thank you. I move that the Board of Supervisors suspend the rules. Second. Oh, I'm sorry. Would you like to have a discussion on that? No.

[04:50:29] Okay. All in favor, please say hi. Hi. Oh, yes. I'm sorry. Can I ask a question? I should have just asked a question earlier, but it's just occurred. This is outside of the motion? Well, yes and no, if we're suspending the rules. Okay, yeah, okay. Can this item be deferred to consideration with the other items legally?

[04:50:50] I guess that's a question from Mr. Rogers. No, the board has 60 days to either affirm or overturn or else the other. And we're at what in terms of days? December 1st would be at 60 days. That's a great question.

[04:51:09] All right. Motion to suspend. All the people say aye. Aye. Opposed? Aye. That motion will pass -- what was that? Five? Five-two. Five -- that's -- no. Five-two-two.

[04:51:24] No, yeah. Five -- yeah, five-two-two. Thank you. Look at you, Laura. Look at you. Look at you. Okay. I'm tired. Okay. With Mr. Kirshner and Ms. Umstead abstaining. So that will pass.

[04:51:41] Mr. Sains, would you like to make another motion? Sure. I move that the Board of Supervisors affirm the Planning Commission's denial of LEGIE-2025-0053 Dulles North Technology Park, CMPT-2025-999. I will second that discussion on that motion.

[04:52:01] Not needed. Discussion on that motion. So I don't know that it is helpful to be combative with the applicant.

[04:52:17] I don't know that it is helpful to not say that this is not a completely illogical place for a substation. I don't know that any of those things are helpful. At the same time, I don't know, and with

respect to Ms. Johnson, almost nothing that you said was factually correct.

[04:52:42] At the same time, it's also not helpful for the applicant to say, I mean, when you say, like, this area doesn't preclude a substation, that's true. But it also doesn't mean that's what's supposed to be there. If any of you have any question where this area is, where we had our installation this past time at that hotel, that's exactly the area we're talking about.

[04:53:06] If you all know that area, that's exactly what area you're talking about. I understand what you're saying. You say you can't envision other things being done there. I can envision other things being done there. And I would prefer other things did get done there, to be quite honest.

[04:53:24] To the point Mr. Sains was making, if you talk to our ED department, we are vastly in need of Flex Industrial. And I think that would be an amazing place for Flex Industrial. I think there's possibly some recreation that can go there.

[04:53:43] There's other things we could do there. And so, like I said, I don't feel the need to be combative, and I don't feel the need to say things that just are illogical, but I also don't believe that this is the highest and best use of this piece of land if you are a supervisor.

[04:54:00] So thank you, though. Okay, Mr. Sains, make the motion. I second the motion. All in favor, please say aye. Aye. Any opposed? That motion will pass with Ms. Umstead voting against the motion and Mr. Turner and Ms. Bricksman bearing off the days.

[04:54:20] All right. The next item is number what, Mr.? 3K. 3K. You guys ready? Staff? All right. Ready for you.

[04:54:40] Madam Chair, just to confirm, the next item is 3K, not 3L, so Dulles Technology Park, not Dulles North Technology Park.

[04:55:03] No, it's 3L. Mr. Sainz is helping me again. Thank you so much. Thank you so much. Now it's 3L. And we're ready when you are.

[04:55:22] Ready when you are. All righty. I'll go ahead and spare you all in, try to highlight the differences between the LEGIE and the appeal application. So bear with me while I speed through this. So as previously stated by the applicant, this vicinity map is showing the reduced acreage acreage that we discussed under the current legy application, the site is just under 11 acres in size. You will note that this vicinity includes an existing commercial building on the southern portion of the site. I just want to note that demolition of existing structures under this

[04:56:00] revised proposal is no longer proposed. Both of these structures are to remain. This structure is only included in this vicinity because there is access for the substation across the parking lot for this site. So just wanted to point that out. Under the ledger application, the applicant is proposing to rezone 1.69 acres of the northwest portion of the site from C1 under the 1972 zoning ordinance to the industrial park or IP zoning district under the current zoning ordinance.

[04:56:33] It also proposes two special exception requests to allow for a major utility use in both of these districts. Since the Planning Commission public hearing the applicant provided several notable updates. As I said the application area was reduced from 25 to 11 acres in size and is no longer proposing demolition. The application application has also committed to constructing a gas insulated substation and

has revised its buffer locations to perimeter this reduced area. Shown here side by side is a comparison of the previously and currently proposed plats. The current 11 acre

[04:57:10] premises is shown on the right. The Sanitated Concept Development Plan is showing, depicts the development area for the substation use in orange. Surrounding this area is the proposed open space and buffering around the perimeter of the site, which I'll go into more detail on the next slide.

[04:57:27] Covering the northern portion of the property, a tree conservation area is proposed. The applicant is also proposing a five-foot-wide sidewalk and 10-foot-wide shared-use path along Shaw Road in Lindsay Carr's court. This cross-section shows the buffering proposed to screen the substation use. A 50-foot landscape buffer with a 10-foot tall berm is proposed. An additional 25-foot buffer is reserved for additional open space in pollinator areas. Finally, a 15-foot tall screen wall is proposed as well within that 75-foot buffer. We've already seen this, so I'll move along.

[04:58:05] So the suburban mixed-use place type anticipates a compact pedestrian-oriented environment consisting of a vertical mix of residential, commercial, and recreational uses, and it includes core uses such as office, service, commercial, and hotel uses. However, the general plan also supports the construction of necessary electrical transmission infrastructure.

[04:58:27] SEF has identified an issue for consideration related to land use. As previously discussed, the place type envisions a mix of uses and character that does not anticipate either the IP zoning district or the substation use proposed by the application. Staff recommends that the board consider the proposed design and buffering from surrounding public rights-of-way. Staff has also identified an issue for consideration related to compatibility.

[04:58:52] Development on the periphery of place type should be designed with appropriate transition techniques to mitigate visual impacts to surrounding roadways and uses. Staff recommends that the proposal be updated to provide additional information regarding the height of the GIS building so that a full review for compatibility can be completed.

[04:59:09] Staff is recommending a number of conditions, including the commitment to the sidewalk and shared use path, as I discussed, along the right-of-way, as well as landscaping, buffering, and screenwall commitments, as discussed in the previous slide. At the September planning commission public hearing, the commission denied the commission permit and forwarded the ZMAP inspects applications to the board of supervisors with a recommendation of denial. For the reasons previously mentioned, staff could support board approval, as the application may be consistent with the expected development pattern. Staff is available for any questions. Thank you.

[04:59:42] Just to answer the question I asked before, the commission denied it 4-3-1-1-1, correct. Okay. That was a question I had before. Thank you. Any questions for staff? Yep. Yes, Mr. Sains.

[04:59:58] Can you go back to slide? I think it's 9 or 10 for me real quickly.

[05:00:12] Okay. Right here it says, supports the construction of necessary electrical transmission infrastructure. So, you know, it's not a reliability substation, correct?

[05:00:31] Not that staff knows of, correct. Okay. If staff, correct me wrong, we believe what's being proposed by the applicant of this substation is to power a data center, correct? That's staff's understanding.

Okay. So I think this is not necessary. It's not reliability. It's to possibly power a data center if that's approved. So just wanted to highlight that, that this substation is not a necessary

[05:01:03] electrical transmission infrastructure. Thank you. So on that same page, the suburban mixed use place type specifies pervert mixed use of 60% residential and 35% non-residential. Okay.

[05:01:19] I know that the board can do whatever we want to do as far as this, but would it be, if you look at this piece of land with everything that is surrounding it right now, would residential be a logical place right now for this piece of land? No. Okay. All right.

[05:01:37] So the point I'm making is I understand what the general plan says, and I understand. But anyone who was here at that time, Ms. Umstead, Mr. Sainz, myself, Mr. Letourneau, knows that we were flying through that general plan after, what, 15 years in, what, 90 days or something?

[05:01:59] In days. In days. I mean, we were up all night and bleary-eyed. And, I mean, I was talking to Matt every single night when we were doing the general plan. We were up at 2 in the morning texting. There are places that it might be allowable, but it's not logical. Homes in this place are allowable with the general plan, but it is not logical.

[05:02:19] And it makes no sense for anyone to say this is a good place for homes. At the same time, it doesn't have to be a substation of days. It could be another use that the county needs that should not be homes. Even I would not put homes in this location.

[05:02:37] Even I. I put homes almost anywhere. But at the same time, it didn't have to be a data center. So I think the talking about this stuff in the most extreme, illogical ways is not very helpful. And I'd like us to have a more substantive, helpful conversation, to be quite honest.

[05:02:58] So I don't think there's anyone speaking on this. This is three, yeah, there's no speakers on this that I see. Would anyone like to speak on this? Seeing none, it's the same as we'd like to make a motion. Oh, wait, no, I'm sorry.

[05:03:15] Yep, yep, I'm sorry. second time doing it. Ready where you are. I apologize. Thank you. I want you to know Ms. Gillis is behind you like. It's not just me. I think there's other people too. Thank you.

[05:03:35] Again, good evening. Ben Wales with Curator Partners here on behalf of the applicant with members of the applicant team. And one thing I just wanted to note from the start, I know staff was talking about their recommendations at the end of their slides and mentioned recommended conditions. Those conditions refer to commitments that are in our application already and have been in our application. Those aren't additional commitments that staff is looking for. Staff has outlined that there's four applications in this leji, special exceptions, rezoning for a

[05:04:10] small piece, and the commission permit was part of it. I'm not going to dwell on that slide. You've seen this slide before. As staff explained, we have a regularly shaped parcel. Just to confirm, the parcel to the south that includes the building is not in this proposal.

[05:04:30] That parcel itself is, just because there's that small area of access that gets us out into Shore Road. But I touched on this earlier. We focused on the board and the planning commission's review of substation applications recently. We know there's been significant discussion and suggestions of what commitments could work, what additional standards may be appropriate, and we've looked to include them in this application.

[05:05:00] We have a GIS substation. We have an increased setback from the edges of the property trying to bring that substation into the center of the site where we can screen it to the maximum. We have not only improved or increased the landscaping buffers, we've doubled the landscape plantings.

[05:05:20] Those landscape plantings will be in a double width of buffers, so those plantings can thrive and survive. The type C buffer that's required for a substation calls for a six-foot-tall berm, fence, or wall.

[05:05:37] We're doing two of those elements. We've got a minimum 10-foot berm with the landscaping on top of it. We've got a minimum 15-foot wall, which won't be seen. Tree conservation area, pollinator plantings, and the on-street pedestrian connections that will fill the missing links today.

[05:05:58] I touched on these slides briefly earlier. I'm going to walk through them in more detail. But again, this is a really impressive proposal. This substation will be hidden. It will be completely screened, particularly from Route 28.

[05:06:14] staff has shown you this section which explains how we do it we've got that minimum 10 foot tall berm with the landscaping on top of it you can see the wall behind but that is that is not visible from shore road or route 28. we touched on the global plaza extension in the previous presentation that's coming through the southern edge of this site and we have these monopoles shown with the yellow dots again, these monopoles will be up to 126, 136 feet in height. These will be way taller,

[05:06:54] significantly taller than the substation that we're proposing. And again, there were comments about this could be other uses. When we condense this site because of that transmission line and its easement from the south, this site is condensed from the north by the gas transmission line and easement and it's a narrow irregular shape it it is incredibly difficult to develop a site like this and how do we know because the property owners had it for over 40 years and this isn't vacant through want of trying they have been marketing this site and trying to develop it and find a

[05:07:31] user on it land use compatibility chair randall i echo your your thoughts i i have to believe that if the county was looking at the comprehensive plan again today, this area would not be in the suburban mixed-use place type. Staff has identified land-use compatibility for your discussion. As set out in the staff report, staff finds the proposed location scale to be compatible with the surrounding area. Why? Again, because we're surrounded by data centers,

[05:08:09] substations, power sources. Supervisor Sayings didn't know earlier, there are residential units there on the other side of that building to the top right-hand corner of this site which is a vantage site. That's the purple dot. The second purple dot next to it are its gas turbines. That area of our site is tree conservation area where the gas line is and so we're separated from any residential homes by the vantage building itself. Staff has suggested the board consider buffering

[05:08:46] and screening. And again, I'm going to walk through these slides. This is the view from Route 28. Again, it's very difficult to see the substation behind this screening. And it's easy to look at this and say, well, where is it? How did you do that? Same from Shore Road. And so what we did is we asked the designers to take off the commitments that we've added. This is the site without all our commitments. And this is similar to other substations we might see around the

[05:09:19] county. When we have the minimum 10-foot berm, most of it goes away, including the building that staff has noted. Frankly, we haven't put a size on it. It's a Dominion-sized building. We didn't want to

tie them down, but as we're showing, this building is not visible. This is day one plantings as we're proposing them. This is 10-year plantings which the zoning ordinance would require, but we're

[05:09:51] doubling them again from shore road you can see a substation there we add the 10 foot berm is hidden we add what the landscaping would be per the zoning ordinance but we're doubling it so this is day one we go to 10 year what the zoning ordinance would require again we're doubling it and so we really feel that we're setting the standard with this application for substations you notice the vote of the planning commission we heard very positive comments from planning

[05:10:31] commissioners about this project and the hope that other substation designs could be like this and again with this site and its surroundings the surrounding data centers the surrounding substations the transmission line the gas line the irregular sites we really believe that this is an appropriate use of this parcel land i mean that's one more time just in case does anyone

[05:11:06] like to speak on this application i'll go to a motion i mean you'll go to a motion Thank you Madam Chair. Move that the Board of Supervisors Ford-Ledgy-2025-0053 Dulles North Technology Park ZMAP-2024-0017 Special Exception-2025-0101 and Special Exception-2025-0102 to the second meeting in March 2027 Board of Supervisors Business Meeting for Action.

[05:11:41] Motion is made. Second by Ms. Glass. Discussion on the motion. Thank you. No discussion. No discussion? Ms. Umstead? Thank you, Madam Chair. I have some real difficulty with the extension of this vote all the way to March.

[05:12:07] That's about an additional four months. And it might appear to some that the board is trying to outrun or run out the clock on when this property might fall out of the Route 28 tax district.

[05:12:27] I also have some concerns about the marketability of this property, and I would like to ask the applicant, have you tried to market this property for other uses for the time you have owned it?

[05:12:49] We've owned it for well over 40 years. We've had site plans approved on it. We've marketed it extensively out to the marketplace. And we have not been able to attract a user to this specific site. The configuration is very difficult, and the layout is compromised.

[05:13:09] And this, in our opinion, is the appropriate use for the property. If I may add to that, if you recall from the aerial, that actually there were two buildings in the middle of the block, so to speak, and then below that there was some vacant land. One of those has a site plan that was approved. It was submitted around the time of COVID, and we know that COVID changed the market dramatically. That piece of property, which is a much better property than the one we proposed for the substation, we haven't been able to develop that.

[05:13:49] A little bit further south, back in 2007, we received approval for a second hotel. But the market changed on us for that, so we chose not to do that. So the two better parcels to the south are just as challenged as the one in the north, which is not as good.

[05:14:12] And actually, when the transmission line comes through, as it will, that'll make that property to the north, the one where we propose a substation even less viable. So, again, it's not been for lack of trying. It's just that it's not a good site compared to anything else in that vicinity.

[05:14:30] Thank you. Thank you. Mr. Kirshner? Thank you, Madam Chair. I'm going to support this motion. I think, in part, I agree with what Supervisor Umstead has said that there may be some

appearance to run out of the clock.

[05:14:45] I think we could put this at an earlier date and legitimately vote it up or down. I'm not sure why the long delay, but this is not my district. It does appear if it's going to pass with or without my vote anyway, but I will go along with the supervisor whose district it is.

[05:15:01] He must have some things he wants to accomplish between now and March on this matter and give it its total due. So that's where I will be coming down. Thank you. Thank you. So going off of Ms. Umstead's question and your answer, And appreciating that you have tried to market it for other things, have you all ever considered flex industrial on this piece of property?

[05:15:30] The adjoining properties are flex. But for this piece, you have... Yeah, we had layouts. We had site plans for flex. And it just didn't work? We were not able to attract a business that made economic sense. And how long ago was that?

[05:15:46] We've had it for 40 years, and we've been marketing it since. When was the last time you tried to market it for Flex Industrial? And I know you may not have these dates. Yeah, I would have to say that particular site probably it ran out a number of years ago, and we pursued other properties that Brian just explained were better suited with better layouts, and we have not been able to secure a deal on those either.

[05:16:15] So you're not sure, and I understand that, but it's probably been several years of what you're saying? On that particular site, it has been a number of years. Number of years? Yeah, the site plan expired, and we did not renew it. Pursue anything else?

[05:16:31] It's just generally the economics, the cost to build these and the rents that is required in order to make a return on investment. And we're not able to see that pencil out at this point in time. Unless you did this. This is the appropriate use for this property, especially with the transmission line coming through it.

[05:16:49] I think, okay, okay. And, you know, it's a 10-acre site, and the net usable for this GIS facility is about three and a half to four acres. So a good substantial portion of it, 60 percent of it, is being used for tree save and buffers and berms and beautification.

[05:17:09] And as Ben had explained, we listened very closely to all your deliberations over these substations, and we took the best of the best, and we incorporated it into this plan. And I hear that, and I appreciate that, but besides the fact that I would like to see a different use on this land, we are also elected officials, and part of our job is also to listen to our constituents and what we're hearing them say.

[05:17:40] And so that's not the reason. The reason is I think there could be a better use than something else that we need. But I cannot ignore and should not ignore the voices of our constituents either. I respect that.

[05:17:55] Thank you. I respect what you all are doing too. So thank you. Mr. Sanders, would you like a closing? Sure. Thank you, Madam Chair. I don't know if the staff can work with me, put up a live image and go to a different site. But just down the street on Shepard Drive, if you're familiar with the area, there's an Auto Bell car wash.

[05:18:17] And right next to that was vacant land that's way smaller in acreage than your site here altogether. The larger piece or the smaller piece that you're presenting now, that site was sold. And they're

under construction right now building Flex Industrial.

[05:18:38] So we hear what you're saying that you said you can't market that site for Flex Industrial. But just down the street in Shepherd Drive, in a smaller, way smaller piece of land, it was sold in their building Flex Industrial right now.

[05:18:56] So if that can happen there, why not at your site? I'm not privy to their motivations or their economics. So, yeah. Everyone's motivated for different reasons. You guys do a great job building beautiful hotels.

[05:19:12] We know we need hotels in Loudoun County. We'll get to that conversation next. But, yeah. Thank you. All right. Motion was made by Supervisor Sane, seconded by Supervisor Glass. All in favor, please say aye. Aye. Opposed? Nay.

[05:19:30] That motion will pass by Ms. Umstead voting against it, Ms. Bricksman and Mr. Turner being off the dais. Next item is, is that 3K? Do we have to do the, we're ready when you are. Thank you so much.

[05:20:08] All right. This is Dulles Technology Park, Leji 2024-56. The subject property is located in the Sterling Election District, east of Route 28 and west of Shaw Road. The site consists of approximately 37 acres of developed land, zoned Planned Development Industrial Park, or PDIP, under the 1972 zoning ordinance. The property contains a varied mix of existing uses, including three hotels, two office professional parks, and a conference center. This existing development on-site was permitted through a number of special exception requests through the late 90s and early

[05:20:45] 2000s. Also notably there is a road abandonment application that is being processed concurrently with this application which will be heard after this item. The application proposes a zoning map amendment to request a zoning conversion within the Route 28 tax district. The conversion would rezone the property from the PDIP zone under the 1972 ordinance to the industrial park or IP zoning district under the current zoning ordinance. The application also notably shows the footprint of three data center buildings. The annotated concept development plan here shows the conversion

[05:21:20] with the location of three data center buildings shown here in orange. Shown here are the proposed elevations for the buildings which utilize a mix of glass, metal paneling, and painted walls to provide articulation and visual relief. The applicant has proffered to a maximum building height of 70 feet reduced from the 100 foot maximum of the zone district. The applicant has also proffered to the use of tier four generators for data center uses on the property and will provide screening on all sides of mechanical yards and rooftop equipment. The 2019 general plan identified the root 28 tax district as a key area for industry and encourages the conversion of

[05:21:59] properties within this area to the current zoning ordinance. The proposal is consistent with the suburban employment place types vision for a broad array of employment uses and is consistent with the existing development pattern in the area. Data centers are a conditional use in the place type and may be appropriate on a case by case basis.

[05:22:19] At the planning commission public hearing, the commission forwarded the application to the board with a recommendation of denial. Staff can support board approval of this application subject to the proffer statement and based on the findings for approval. Staff is available for any questions. Thank you very much.

[05:22:35] Mr. Sainz, do you have any questions? Anybody else have any questions? Nope, I have none. We are ready when you are, sir. Good evening for the record.

[05:22:52] Ben Wales, land use planner with Law Firm Courage Partners here this evening on behalf of the applicant and with members of the applicant team. So this is the zoning conversion application. I'm going to flick through some of these slides.

[05:23:09] I wanted to start with some information about the applicant property owner. As some will know who we've met with recently, BF Soul has a very long history of operating in Loudoun County. At one point, it was Loudoun County's largest landowner.

[05:23:26] It's been a very active developer, developed master plan communities, including Ashburn Village and Cascades, and has developed, owned, maintained, managed many of the commercial centers or village centers that are at the hearts of our communities.

[05:23:43] In addition, as we've heard, they've developed and operated industrial and office buildings and numerous hotels. In addition, BF Saul has been a leader in the county on various boards and committees.

[05:24:02] And why do I mention all this? BF Saul has a history of doing the right thing at the right time, and we believe that that carries through to this proposal. The staff has identified this site is to the east of Route 28, west of Shore Road.

[05:24:24] Clearly, there's existing buildings, and staff has noted the age of many of them. To be clear, these are aging buildings. These do not work for today's market. We have the three flex office buildings to the east.

[05:24:46] All but one was built, as my kids would say, in the 1900s, and they're all 25-plus years old. Again, those buildings do not meet today's current market. And we know that because it's become harder and harder to find tenants for those buildings and retain tenants and prevent them from leaving.

[05:25:09] Similarly, with the hotels on the west side, one of which was built in the early 1970s, one in the 1980s, these buildings don't meet today's market.

[05:25:25] They don't meet the needs for the current flags that we have in them. And Sol is working harder and harder year on year to keep those flags. And so we have a situation here where we have properties that are giving smaller and smaller returns, but are requiring more and more investment.

[05:25:47] And that's why we're here tonight. So this is a zoning conversion application, as staff has noted. We know them as ZRTDs, and you have all seen many of them over the years. This application is grandfathered, and it is within the Route 28 tax district.

[05:26:07] Our estimation is that these properties have contributed between $5 million and $6 million towards that tax district. Staff can support approval of this application. So, in terms of our proposal, it may be a zoning conversion, ZRTD, but there's a significant level of detail with this application.

[05:26:33] starting with reduced maximum building height as staff noted we worked with a planning commission to determine what the right height would be here we looked at the surrounding buildings to our right which are two-story data centers and we looked at some of the hotels that are surrounding us and a two-story data center was appropriate for this site again similar to the substation site we've committed to with our layout we've committed to increase setbacks we focused those buildings towards the centre of the site, away from Shore Road, away from Route 28.

[05:27:12] We've also increased buffer plantings to have additional screening for those uses, and tree conservation areas being retained on Route 28 to provide additional screening from Route 28. Some of the other environmental commitments include Tier 4 generators, restoration of risk out buffer and then as i'll get to in in coming slides we have a specific building design for this site that has been undertaken by gensler to create a high quality

[05:27:49] context specific design for these three data centers so this is the concept development plan that we've submitted again it is specific it's not it's not a blank slate we're being intentional and providing significant levels of information with which to review this application and we have been very specific here. This is a view of one of our primary facades this will be facing

[05:28:24] Route 28 or Shore Road. Again Gensler's been intentional here in looking at the surrounding built and natural environment taking cues from them and you'll notice the colors of green and another natural tones that are specific to these buildings we've tried to stay away from some of the other colored blue has been prominent with other data centers in this vicinity looking the other way on that same facade and turning the corner again those natural tones significant

[05:29:03] levels of glass we really believe these are attractive buildings and and consistent with a suburban office building as we move around to the rear of the rear of the buildings which you won't see they're internal these buildings we will be back to back we show again significant levels of glass and four-sided architecture those elevations are committed to in the cdp and the proffers and again in terms of context we talked again about we talked earlier about context this

[05:29:42] is a location the route 28 tax district that's developed with data center uses that we see in green to our south the purple are currently processing applications for data centers and the blue is industrial and commercial land there are no residential units there are no sensitive sites close to our property we strongly believe that this site is appropriate for data centers

[05:30:28] thank you very much uh questions for the applicant um but we still do questions for the applicant first because it's for the applicant oh thank you thank you thank you uh has the applicant ever done data center before we have not developed a data center but has the applicant done hotel well flex industrial commercial centers we're working with a specialist on data centers for the site layout but has the applicant done hotels commercial centers we've built all kinds of Commercial real estate.

[05:31:06] Very good. And would you say that's your bread and butter? Commercial real estate. And hotel? Is our business. And hotel is your business as well? We have a division that operates hotels. Yes. And would you say you do those pretty well?

[05:31:23] I think we're the best. All right. Here, we're the best. So why can't the best take, which I think we all can agree is older properties that need a little refresh and do something pretty unique for Loudoun County.

[05:31:43] I think it's arguable to say that Loudoun County, if these hotels were going to go away, we'd lose a lot of hotel rooms. Would you agree with that? I would suggest there's always hotel rooms coming into a market. We look at markets all the time.

[05:32:00] We see the head count on hotels go up and down all the time. Supervisor Sainz, may I answer the question? Okay. Yes, you're one of the team. Go ahead. Thank you. Todd Pearson, the president of BFS All Company & Affiliates.

[05:32:18] One thing I want to point out on the site, you are correct, we do develop hotels. We have hotels. The hotel that is on the right is a Holiday Inn that was developed in the 70s. I forget the exact year. It is a two-level Holiday Inn. Mr. Pearson, you're taking too much time.

[05:32:35] Yes, let me just rephrase the question. You can get right to it. Why not do hotels on this site? Because there's not demand for hotels on the site. We have developed two new hotels, which we are retaining both. Those are the two new hotels that are replacing these hotels.

[05:32:51] It's the Hampton & Suites and the Marriott. The site does not... Thank you. Before you take up my time, would you agree, though, in the hotel business, especially in Loudoun County, would you agree that Loudoun needs to have a hotel that has a bigger ballroom for conventions or events of that magnitude that has a bigger ballroom?

[05:33:11] Loudon may need a hotel that has a ballroom, but this is not the appropriate site for that. It would be one of the mixed use sites. But Loudon does need it, and this is a huge site where you guys could redevelop it and give us that type of hotel site. Thank you. Ms. Umstead?

[05:33:28] Thank you, Madam Chair. One of the things that several of us had the opportunity to learn down at the VACO conference on the briefing by Dominion was that Dominion has a queue and does not hook up a new user unless they know they have enough power for that user.

[05:33:56] Is that your understanding and would that be your understanding for this application? That is my understanding, yes, ma'am. All right. Was there anything else that you wanted to say that earlier that you were cut off from saying?

[05:34:13] If so, I have two minutes and 16 seconds. I appreciate it, Supervisor. I'm sad. I just wanted to say that the Holiday Inn Hotel is, the flag is coming up, and that hotel will not be renewed on the flag by Holiday Inn. It does not meet their requirements.

[05:34:30] The hotel next to that used to be a Hampton Inn and Suites. It is an exterior corridor entry hotel. Hampton Inn or Hilton would not issue a new license. That is why we built our new Hampton Inn and Suites. That hotel is now a Best Western on a one-year license because Best Western doesn't want an exterior corridor entrance.

[05:34:51] The hotel next to that is a town place suite generation one. They are now on generation three and four. They are not doing any generation one hotels anymore. When we look back at the flex buildings, we have three flex buildings there. The one on the far right is a skiff building.

[05:35:08] It's a secure building. It no longer meets the requirements of a SCIF building. That tenant is leaving. The one in the middle is actually currently a data center. That data center is leaving to a Colo relocation. So that building is going to be vacant.

[05:35:24] The one on the left is a flex building. It currently has a Customs and Border Patrol facility in it. We actually came to you all. They do not want to be in a multi-tenant building. We are building them a new building on that north parcel. It's something that was brought to the board and approved maybe six or seven months ago.

[05:35:44] And then the only other tenant there is a contract manufacturing facility. They outgrew the space, and they have relocated into Loudoun Tech Park, one of our other buildings, and they've expanded from 20,000 square feet to 40,000 square feet. So all those buildings will be vacant. Thank you very much.

[05:36:00] Thank you. Thank you. Mr. Letourneau. Thank you. Just going back to the supervisor for this question. So do you have a signed power agreement with Dominion for this site? There is an engineering letter of agreement that has been signed.

[05:36:19] That's not quite the same thing, though. It's a step in the process. It's a step, but there's a lot of... That is correct. I'm not going to ask you too many more public questions about that, respecting that process. They're working... But you did offer that there's power coming to the site. Yes.

[05:36:35] Okay, we can discuss. Okay. So how many keys are the Holiday Inn and the Best Western currently? I mean, it sounds like they're going to potentially go out of service regardless. I'm going to take a guess. I don't have the exact number in my head, but the Holiday Inn is probably about 280, and the Best Western is probably in the 110th.

[05:36:56] Yeah, okay. So, I mean, I don't think anybody is disputing that these are old hotels that could lose their flags, but it's not unheard of that hotels see significant renovations and remodels and get updated to current brand standards.

[05:37:13] So the question is, you've obviously made a decision not to do that here. Why? I guess it's really the question. Is it because data centers out there is a much bigger and more profitable direction? Or is it truly because these wouldn't be viable if they were renovated?

[05:37:33] The demand inside the market for hotels in our area is not enough to support a hotel. Part of that is complicated by the per diem rates issued by the government in Loudoun County. or not the government allowed it, but by the Fed. I know, I know. We've played that for years. They are not viable for hotels at this point.

[05:37:50] The sites aren't viable. The sites are not viable. Even if it was a brand-new, spanking-new, gleaming hotel? Even if it was a brand-new... I don't know. I have a hard time believing that. Okay. Okay. But, no, I respect... Obviously, it's your business. It's your business. I'm not trying to... But the question is more, is it putting the level of investment in to get it to that point?

[05:38:09] Is it going to pay dividends? And I understand that that's an argument. It's still painful for the county to see some longstanding hotels close. And it does, you know, continue to kind of shrink that side of things. And we have been fighting that per diem fight.

[05:38:25] You must not be unaware of what the sentiment is on data centers. I'm not. So your timing on this presents a lot of challenges for us. So I guess the conversation to have between now and whenever Mr. Stanton sends us to is whether there's truly no other options on the site.

[05:38:43] Because the board's in a very difficult position on these. And I think your company is, too. Because if the board says no here, you've got options. But we've had a longstanding relationship in this county that I'd like to see continue. Supervisor Turner, could I make one comment on the hotels?

[05:39:01] I'm out of time. Okay. We built two new hotels in anticipation of the age of these hotels. So those were essentially a replacement. I have now too many hotel rooms. I can't build more is the issue.

[05:39:19] Chair Randall, there's something. Mr. Crony. Yeah, did you ever contemplate putting the substation on the site of the data centers? We looked at a substation on the site of the data centers, but because we have transmission lines running across the other site, I didn't want to create any more overhead power lines.

[05:39:42] and the distribution lines will be below grade from the substation to the data center. So it will be underground. Okay, yeah, because we're working on phase two, and one thing I'm going to be pushing for is substations on the site of data center campuses, especially if they're direct connect, if they're not reliability substations.

[05:40:06] You're aware that we have 245 built or under construction data centers in Loudoun County and that we are the largest county, or have the largest concentration in the U.S. of data centers.

[05:40:23] I was born and raised in Loudoun County. My family's been here since the 1700s. Okay. Most of my family, really with the exception of me, still lives here. I'm well aware. Okay. Yeah, and that some electric service agreements are going out into 2040, you know, years away.

[05:40:43] that is the reality that we're in. I do encourage, I liked what Supervisor Sainz says, you know, we don't have a hotel with a ballroom. Since your specialty is hotels, our hotels, it would be great if you could take a look at that and see if that is a viable, you know, something you could look into constructing, since there is a need for that in Loudoun County. All right, thank you.

[05:41:13] With respect, Mr. Quinney, he literally just said he can't rent the rooms he has. I mean, like, literally, that was the words out of his mouth. He can't rent the rooms he has because of the per diem. I don't know if there's a need for more hotel rooms at this per diem. I think there's a need for the federal government to give us our GSA per diem like every other metro county in the area.

[05:41:37] But the man just said he can't rent the hotel rooms that he has. I mean, listen, these are really tough conversations right now for all the obvious reasons that my colleague, Mr. Letourneau, just stated. And, you know, we can kind of dance around that or play around that, but we all know that that is to some degree where we're just sitting right now.

[05:41:58] I do think I would absolutely like to see another use on this site. I have said Flex Industrial about 20, 200 times, and so I know you all know that's where I'm at. Although I understand what you just said, too, but as elected officials, we have a responsibility to listen to our constituents.

[05:42:19] And I think that we're trying to be careful and we're trying to dance around it and all those types of things. But I also think that I don't feel in any way the need to be combative or rude to you just because this is where we're at right now.

[05:42:36] But this is where we're at right now, and I do think that there has to be, I mean, there's just no way around it. We have 233 data centers in Loudoun County. We don't need another one. We don't.

[05:42:51] We do need lots of other businesses. One of the things I've been saying since I've been on this board, since the day I walked on this board, was I was very concerned with being over-dependent on data center revenue. And now that our data center revenue is almost at 45% of our overall revenue, we are very dependent on data center revenue.

[05:43:10] I won't say we're over-dependent, but we're very dependent, and I don't want to be more dependent on data center revenue because as business people, you know that being that dependent on one source of revenue is probably not a good idea. You need to always have, like, a much more diversified economy.

[05:43:27] And so we're all kind of in this place right now where we understand what is maybe the highest and best and most profitable use for you. But that's just not the use that our constituents are asking for or

that we need if we just want to diversify our economy.

[05:43:44] And we really do. Gosh knows, I really do. I think all of us do. So can it be another use? What use can that be? We listen to our constituents. We're trying to diversify our economy. we think we have enough data centers, we realize I did hear you say that you can't rent the hotel room that you have right now. All those things kind of wrapped up at one time is why I will vote with Mr. Sainz's motion when it comes up. Thank you. Until then, we do have a speaker.

[05:44:19] So if Ms. Johnson would please come up. Good evening again. Hi, all. This is the last one. My name is Emily Johnson with the Piedmont Environmental Council. Dulles Technology Park is a very Loudon problem.

[05:44:37] The applicant has decided that existing business uses are not profitable enough for them, and rather than renovating those businesses or introducing new diversity, has decided to replace them with data centers. To be very clear, the applicant has proposed demolishing two offices, a conference center, and three hotels, including the one with O'Malley's Pub, for 973,305 square feet of data centers.

[05:45:00] That would be a loss of about 8% of the county's hotel space plus dwindling office and conference use. We don't need these three data centers, but Elevate Loudoun, our 2026-2028 strategic tourism plan, unveiled in January, states that we do need the existing uses or some version of them.

[05:45:17] The plan reads that relatively smaller supply of hotel and standalone meeting space in Loudoun places it at a disadvantage to surrounding areas. It says there has been stakeholder consensus that underscores the urgency of these gaps and the plan makes building more, not less, of hospitality and conference use as a core priority.

[05:45:35] In fact, the Route 28 district is particularly designed, as staff writes, to ensure the long-term viability of the Washington Dulles International Airport. The zoning ordinance says a key goal of our Route 28 corridor plan is to provide premier locations for regional, national, and international businesses that offer employees vibrant centers of activity.

[05:45:55] That plan was developed with business input, interviews, questionnaires, and research that found stakeholders believe that more opportunities should be provided for a variety of office settings with a focus on a mix of uses and broad employment opportunities. So the applicant's traffic report, which boasts 90% less trips on a key travel and employment corridor, actually reads as a warning.

[05:46:16] We think that if you seriously consider this loss, you'll come to the same decision the Planning Commission did, that this is a bad deal for Loudoun. Thank you. All right. Mrs. Ainsley, would you like to go to a motion? Thank you, Madam Chair. Ms. Emily kind of summed it up pretty well with that information from that report to highlight exactly what I was highlighting or saying very passionately.

[05:46:39] You know, Mr. Pearson and me have known each other for a very long time. I respect you. I know you respect me. We can definitely have hard conversations with each other, which we have over the years. And, Ben, you do a great job with your work as well. So thank you. But, yeah, we're just going to defer on this one and disagree a little bit.

[05:46:57] I think we do need a refresh on the hotels that has a true ballroom space, convention space. It's in a good corridor down the street from the Dulles Airport. We know even Marriott's updating their Dulles Marriott.

[05:47:16] Oh, wait a minute. Have you made a motion? Oh, okay. Sorry. I'll make a motion. Sorry. I move that the Board of Supervisors Ford-Legy-2024-0056 Dulles Technology Park ZMAP-2024-0018 to the second meeting in March 2027, Board of Supervisors Business Meeting for Action.

[05:47:33] Second. Thank you. Continue. Sorry about that. Please run this clock. Please run this clock. So, yeah, I won't beat a dead horse, but I think we've touched on a lot of things, And so I'd love to continue to talk with you.

[05:47:52] I know the county is looking for a space for a site for transitional housing. We know we need an Eastern Loudoun homeless shelter space. A lot of things, a lot of uses. So I'd love for us to partner, see if we can get that done.

[05:48:08] I know Mr. Saul wants to do great things. The county wants to do great things. So let's partner and do great things. Thank you. Ms. Umstead. Thank you, Madam Chair. If that had been the staff motion, it would have been sent to the December 15th meeting for a vote.

[05:48:32] It's now under this motion being sent to March. Again, I have to think that it's a way of running out the clock. And I don't really like to engage in that approach.

[05:48:49] to an application, so I will be voting against the motion as it was stated, thank you. - Thank you. Mr. Sayings, the idea that we would think about putting attainable housing in a place that's completely surrounded by industrial is not appropriate, and, okay, I'll go check.

[05:49:11] What'd you say? - I said, you turn on a homeless shelter and-- - I thought you said, okay, maybe I miss, I wouldn't even put a homeless shelter in places, but I wouldn't put people, I wouldn't put homes, I wouldn't put housing, I wouldn't put attainable housing, I wouldn't put a homeless shelter, I wouldn't put any of the things that are already surrounded by data centers.

[05:49:32] One of the complaints we get is that there are homes surrounded by data centers. So why would we ever make this homes? This is not the right place for homes. And this is not the right place for homes. No one can logically make the case that this is the right place for homes. It's not a logical argument, guys.

[05:49:50] And we also don't want a data center there. I mean, both of those things can be true. We cannot want homes because it's not right, and we cannot want a data center because it's not the right place for those either. Both of those things can be true. I mean, the hotel that's there now is not doing well.

[05:50:07] We know that. It's just not doing well. And usually people who want to be in a hotel want to be around another amenity or something. That's why the hotel's there. I don't want to stay in a hotel and then have to drive gosh knows where for why they are staying at the hotel in the beginning.

[05:50:26] This is not a great place for a new flag hotel. It's just also we don't want a data center. Lots of things can be true at one time. This is a great place for Flex Industrial. It's a fantastic place for Flex Industrial if that could work.

[05:50:44] And I would, you know, if you haven't had a discussion with Mr. Reiser, let's have a discussion with Mr. Reiser to see. Because you said it has been a lot of years since that was looked at last. We do know what the report says.

[05:50:59] It actually says we are losing businesses in Loudoun County because there's not enough warehouse space and flex industrial space. And people do not. We're losing businesses here. And so have

that discussion with ED because I do think that maybe whenever you did look at that the last time, things have changed.

[05:51:17] So if we're going to be honest about what will work here, we don't want data centers. Housing is not a good place for housing. This is not a good place for like a luxury flag hotel either. It is just not. It's a great place for flex industrial and maybe a good place for small manufacturing if we ever found out.

[05:51:36] I mean like what we could do there for small manufacturing, there are good uses for this piece of land, but a data center is not a use that I want, that our constituents want, or that we should have right now for this piece of land. So, would you like to do a closing?

[05:51:56] Alright, motion is made by Supervisor Staines, I second the motion. All in favor, please say aye. Opposed? That motion will pass with Ms. Umstead voting against the motion and Mr. Turner and Ms. Brickson. for not being here for the motion.

[05:52:13] All right. There's one more, and that's the abatement of the road. Do you have anything on that? I don't think we have anything on that. It's a building development application. Yeah. You all have been here all night for this?

[05:52:30] I was wondering, really? I'm so sorry. I am so sorry. Come on. No, if you've been here this long, you guys are coming to the table. So come on to the table. Good evening.

[05:52:53] Good evening. Madam Chair. We're about 20 minutes from good morning. I really do apologize that you've been here all this time. Okay. Do you have a presentation? Yes. I'm Von Bino with Building and Development Planning. The item I'm presenting to you is a proposed road abandonment for a holiday drive and the conveyance of the resulting parcel created from the abandonment to the

[05:53:30] applicant of 1000 Sully Road LLC, a subsidiary of BF Saul Company. This item is the applicant is petitioning to abandon Holiday Drive pursuant to state code section 33.2-909 and to convey the resultant parcel created from this abandonment if approved pursuant to state code 33.2-913.

[05:53:57] The item is related to the preceding item, LEGY 2024-0056, Dulles Technology Park, and it's for the zoning conversion to the IP Industrial Park Zoning District for the use of data centers being located where the existing Holiday Drive is now.

[05:54:20] Holiday Drive is located east of Sully Road, Route 28, and southwest of Shaw Road. Holiday Drive provides frontage for three parcels. One of the three parcels, PIN 03445-5968, the Holiday End Parcel. Holiday Drive is the only public road frontage for that parcel.

[05:54:41] However, the applicant is proposing to provide frontage for that Holiday End Parcel on Shaw Road through a boundary line adjustment with their parcel that will result from abandonment of Holiday Drive. State code 33.2909 enables the local governing body upon petition of an interested landowner to deem the highway no longer necessary for use in the secondary state highway system.

[05:55:09] Pursuant to state code 33.2909, there are four conditions that must be met to determine if there is no longer a need for the road in the secondary state highway system. The highway must be located within a residential district. The residential district must have a density of population exceeding 1,000 people per square mile.

[05:55:30] The third condition is continued operation of the section of highway constitutes a threat to the public safety and welfare. And the fourth condition is there's alternate route for use after abandonment of

the highway readily available. This application does not meet those four requirements.

[05:55:48] The Board of Supervisors must then determine if there is a need to remove the road from the secondary highway system due to the proposed development of the preceding LEGY 2024-0056. The approval of abandonment would result in the creation of a parcel where the existing Holiday Drive was located that will be then owned by Loudoun County.

[05:56:11] The county would then convey the parcel to the applicant per the request of their petition. The applicant submits a boundary line adjustment and application to adjust it into their parcel that they own adjacent to it. So the order operation for the approval of a road abandonment is the application is approved by the board of supervisors.

[05:56:32] Then there is a 30-day appeal period where the application is held for any appeals. The land that was a holiday drive is consolidated next into the applicant's property through a boundary line adjustment. So this application is a little different. It deviates from the normal process due to the fact that the preceding LEGIE 2024-0056 is addressing a couple of issues that came up during the review.

[05:56:59] So Profer 1A requires the applicant to record the boundary line adjustment, that is to consolidate the land that was how they drive into their property no sooner than after the appeal period and no later than 120 days from the approval of the abandonment. The applicant requested Loudoun County to join LEGY 2024-056 as the property owner of the land that is beneath Holiday Drive.

[05:57:26] The applicant went to ensure that the land that is Holiday Drive is also rezoned the same industrial park IP at the same time the surrounding lots are rezoned. Typically the land that comes from an abandonment of the road is zoned the zoning district that it was when it was dedicated. In this case, it was dedicated under the PDIP, Plant Development Industrial Park, under the 1972 zoning ordinance. So a couple of these key issues are the PDIP zoning district, which falls under the 1972 zoning ordinance, does not allow the use of private roads for access.

[05:58:05] Proposed LEGY 2024-0056 changes the zoning to allow the use of private roads in the proposed industrial park zoning district under the Loudoun County zoning ordinance. The proposed layout proposes a different road circulation that creates a private road. So the application proposes data centers where the actual Holiday Drive is currently located. The applicant is requesting to abandon Holiday Drive regardless of the approval of LEGIE 2024-0056. The abandonment cannot be approved without the preceding zoning conversion of LEGIE 2024-0056 from the PDIP

[05:58:42] Zoning District in the 1972 Zoning Ordinance. The applicant CDP for Leji 2024-0056 proposes that development in the location of Holiday Drive and the applicant also requests to still continue the current uses on the subject property until such time the applicant is ready to develop the data center uses.

[05:59:05] Recommendation from Building and Development does not recommend approval without the approval of Leji 2024-0056 because in the absence of the rezoning, there is, the applicant has not demonstrated that there's a need for removal of the holiday drive from the secondary road system.

[05:59:23] Depending on any questions. Thank you. Thank you. Questions for staffs, supervisors? Nope. Do you have a presentation on this? Yes. You do? Okay. Vaughn, if you could go back to page three. I'm going to maybe jump ahead and assume that since staff has tied this application to the LEGIE 2024 0056 that it will be continued as well. But I do want to add a couple of things.

[05:59:58] I think that we would maybe perhaps need to work this out with staff, but I think that we do think that this is, while this is 1972 zoning ordinance property, we do think that what we're proposing to do with the consolidation of this abandoned holiday drive into holiday in parcel, we think that it satisfies the zoning ordinance requirement for the 1972 zoning ordinance for access, because it would give that holiday and site direct access to Shaw Road.

[06:00:31] But what I wanted to add is that currently, if you look up at the illustration, you'll see this is a private development, and it's served by two roads, one which is Holiday Park Drive, the second Holiday Drive. Holiday Park Drive is a private road.

[06:00:47] It's in an access easement that provides access to the adjoining property owners and to the public service vehicles. Our petition for abandonment would include, upon abandonment consolidation, an easement that would put what would be the abandoned Holiday Drive in an easement that would provide the same access for adjoining properties and for public service vehicles.

[06:01:10] In other words, Abandoned Holiday Drive would work exactly as it does today. It would, however, be a private road and work exactly as Holiday Park Drive works today. Holiday Drive actually is a bit of an anomaly. It grew out of a special exception associated with the Holiday Inn Hotel.

[06:01:30] I'm not sure it had to be created, dedicated, but it was without getting into the details. It was a function of a certain condition. And we think that it's appropriate to abandon it, turn it into a private road, because it's simply a one-block-long dead end going into a private development.

[06:01:53] And indeed, there's a sign posted at the intersection that says, No Outlet. So we think it's an appropriate thing to do to abandon it and let it go back to the private property. It is, however, at this point, associated with the LEGI application, so we understand that it will continue to be reviewed in that context and free to answer any questions you may have.

[06:02:17] Thank you. Mr. St. James, any questions? Mr. LeTernum? You're not going to probably want to answer this question, but it makes sense in the context of there being a data center campus here. But if for whatever reason, for whatever reason, there wasn't a data center campus here, would you still want it to become a private road?

[06:02:37] Yes. Okay. We filed the application, this application, probably about, I'm going to say, approximately seven or eight months before the other applications while we were still sorting things out. So even if there was some other completely different type of user back here, you would want it to be a private road?

[06:02:58] Yes. Yes. That's definitely the case. Yes. Okay. There's no need for it to be a public road, in our estimation. Okay. Well, it costs more for you to have to maintain it, but... Well, that's... We understand that going in. Thank you.

[06:03:14] That was a great question. Thank you. Any other questions? No. That was a... Tell me why that was your answer to Mr. LeTerno's question. Why would you want to be a... Tell me... You may have said that and I may have missed it. Well, why would you want to be a private road even if it's not...

[06:03:31] Even if a data center doesn't happen? Tell me one more time, please. As a developer, just as a general principle, I would say as a developer, our... our preference is to control the land. It's not

uncommon for us to prefer to have private roads where that's possible. We understand that there's an expense associated with it.

[06:03:54] The roads are still built to public road standards. In fact, that's one of the conditions of the easement that it be built to maintain to public road standards. So it's not... Go on. I'll get to Mr. Pearson in just a second. So that's just... I would say that is just generally for us that's our approach okay interesting that's i just i find that interesting but interesting yes sir i don't know how to turn the mic on it's on okay um just irregardless of the other development that you just saw if we redevelop the site with that being a public road

[06:04:29] it provides it's a lot of inflexibility in what can be done that was a public road because there used to be ingress egress on 28 which was closed down and so now it's just a stub so we think the appropriate thing is to incorporate it into the site so whatever redevelopment there is we have flexibility to do a redevelopment okay all right that makes sense that makes sense to me thank you thank you anyone is anyone who would like to speak on this item mr sainz would you like to make a motion sure i move that the board of supervisors forward redab dash 2024 dash triple

[06:05:08] one, proposed abandonment of holiday drive and convenes of abandonment right of way to the second meeting in March 2027 Board of Supervisors Business meeting for action. Motion is made and seconded by Supervisor from last. Mr. Sains?

[06:05:28] Mr. Sains, given their explanation, which I think made perfect sense, let's just talk before we get to the March date. Well, I'll just point out let's get at it before 12 o'clock.

[06:05:45] We will talk before we get to the March date about this item. Yeah, we will. We'll keep it together for now, but we'll have conversations. Okay, sounds good. All right. Mr. Sands, make the motion. Supervisor Glass seconded the motion.

[06:06:01] On fit, please say aye. Aye. Any opposed? That motion will pass. 702. Thank you very much. And I think with that, we are adjourned. Oh, everyone, don't forget about Saturday. Don't forget about Saturday.

[06:06:19] All right. Union School? No, thank you. All right. We're adjourned. No.

