

MEMORANDUM
COUNTY OF LOUDOUN

DATE: July 15, 2016
TO: Department and Agency Heads
FROM: Tim Hemstreet, County Administrator
SUBJECT: Action Report of the July 13, 2016, Board of Supervisors Public Hearing

Listed below is a summary report of the Board's action taken at its July 13, 2016, Board of Supervisors Public Hearing. Please work with your staff to follow through on the Board's action as noted.

1. Proposed Conveyance of County Easements Permanent Utility Easement – Waxpool Road

Vice Chairman Buona moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Volpe. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Vice Chairman Buona moved that the Board of Supervisors approve the conveyance of permanent utility easements within the master County Utility Easement for Waxpool Road as shown on the plates included as Attachments 1 and 2 of the July 13, 2016 Board of Supervisors Public Hearing Staff Report.

Vice Chairman Buona further moved that the Chairman, the Vice Chairman, the County Administrator, or his duly authorized designee be authorized to execute a Deed of Easement or other form of easement acceptable in form to the County Attorney. (Seconded by Supervisor Umstattd. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Election District: Ashburn

Staff Contacts: Kent Marrs & Joe Kroboth, Transportation and Capital Infrastructure;
Lauri Sigler & Leo Rogers, County Attorney's Office

2. Grant Of Temporary Easements to Dominion Transmission, Inc. (Natural Gas), Over and Across County Property (Stone Ridge Proffered County Linear Park and Stone Ridge Park and Ride Lot)

Supervisor Letourneau moved that the Board suspend the rules. (Seconded by Vice Chairman Buona. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Supervisor Letourneau moved that the Board of Supervisors approve the requested grant of easement to Dominion Transmission, Inc., as shown on the plat entitled 'Proposed Temporary Construction Easement Loudoun County Board of Supervisors', provided as Attachment 1 to the July 13, 2016, Board of Supervisors Public Hearing Staff Report.

Supervisor Letourneau further moved that the Chairman, the Vice Chairman, the County Administrator, or his duly authorized designee be authorized to execute the necessary Deed of Easement or other form of easement(s) acceptable in form to the County Attorney. (Seconded by Supervisor Volpe. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Election District: Dulles

Staff Contacts: Dawn Klassen & Joe Kroboth, Transportation and Capital Infrastructure;
Jason Hobbie & Leo Rogers, County Attorney's Office

3. Proposed Resolution Authorizing Use of Eminent Domain Property of Sugarland Run Homeowners Association, Inc., and Sugarland Run Townhouse Owners Association, Inc.

Supervisor Volpe moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Meyer. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Supervisor Volpe moved that the Board of Supervisors adopt the Resolution Authorizing the Use of Eminent Domains for Acquisition of Real Property from the Sugarland Homeowners Association and the Sugarland Run Townhouse Owners Association for Construction of Sugarland Run Drive curb ramps and crosswalks as set forth in Attachment 2 to the July 13, 2016, Board of Supervisors Public Hearing Staff Report. (Seconded by Vice Chairman Buona. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Election District: Algonkian

Staff Contacts: Joe Kroboth, Transportation and Capital Infrastructure; John Powell,
County Attorney's Office

4. Proposed Resolution Authorizing Use of Eminent Domain Property of Second Newberry Condominium Unit Owners Association, Inc., Newberry Condominium Unit Owners Association, Inc., Bowl America Incorporated, Chatham Green Condominium, John A. Kinas and Debra Devyak Kinas, Muirfield Woods, Llc, and Sugarland Oaks Homeowners Association, Inc.

Supervisor Saines moved that the Board of Supervisors' suspend the rules. (Seconded by Supervisor Meyer.)

Supervisor Saines WITHDREW his motion for suspension.

Supervisor Saines moved that the Board of Supervisors forward Proposed Resolution Authorizing Use of Eminent Domain Property of Second Newberry Condominium Unit Owners Association, Inc., Newberry Condominium Unit Owners Association, Inc., Bowl America Incorporated, Chatham Green Condominium, John A. Kinas and Debra Devyak Kinas, Muirfield Woods, LLC, and Sugarland Oaks Homeowners Association, Inc. to the July 21, 2016 Board of Supervisors Business Meeting for action. (Seconded by Supervisor Letourneau. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Election District: Sterling

Staff Contacts: Joe Kroboth, Transportation and Capital Infrastructure; John Powell,
County Attorney's Office

5. Intention to Approve and Adopt a Boundary Line Adjustment Agreement to Change the Boundary Line Between Loudoun County, Virginia, and the Town of Middleburg, Virginia

This item was deferred.

Election District: Blue Ridge

Staff Contacts: Lauri Sigler & Leo Rogers, County Attorney's Office

6. Proposed Amendment to Chapter 654.02 of the Codified Ordinances of Loudoun County, Unreasonable Noise

Chairman Randall moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Meyer. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Supervisor Volpe moved that the Board of Supervisors adopt the amendments to Chapter 654.02 of the Codified Ordinances of Loudoun County as shown in Attachment 1 of the July 13, 2016 Public Hearing Staff Report. (Seconded by Chairman Randall. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Board Member Request:

Chairman Randall requested to work with Staff to determine if restrictions could be placed on the hours in which residents could lawfully discharge a firearm.

Election District: Countywide

Staff Contacts: Greg Brown & Michael Chapman, Sheriff's Office

7. SPEX-2014-0009, SPEX-2014-0033 & SPEX-2015-0048 / Adams Center at Beaumeade

Supervisor Meyer moved that the Board of Supervisors forward SPEX-2014-0009, SPEX-2014-0033, SPEX-2015-0048, ADAMS Center at Beaumeade, to the September 15, 2016 Board of Supervisors' Transportation Land Use Committee meeting for further discussion. (Seconded by Supervisor Volpe. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Board Member Request:

Supervisor Volpe asked that Staff clarify the number of classes that the applicant is proposing at the location.

Supervisor Volpe asked that Staff provide the Board with a list of similar applications and what Conditions for Approval that were applied to those applications; specifically to parking conditions.

Election District: Broad Run

Staff Contacts: Steve Barney & Ricky Barker, Planning and Zoning

8. SPEX-2015-0050, SPEX-2015-0051, SPEX-2015-0052, ZMOD-2015-0022 & SIDP-2015-0011 / Evergreen Commerce Center Lots 9, 10 & 11

Supervisor Letourneau moved that the Board of Supervisors forward SPEX 2015-0050, SPEX 2015-0051, SPEX 2015-0052, ZMOD 2015-0022, and SIDP 2015-0011, Evergreen Commerce Center Lots 9, 10, and 11, to the July 21, 2016 Board of Supervisors Business Meeting for action. (Seconded by Supervisor Meyer. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Board Member Request:

Supervisor Letourneau asked that Staff work with the Applicant and VDOT to identify possible traffic mitigations at the intersection of Route 606 and Yardly Ridge Drive.

Election District: Blue Ridge

Staff Contacts: Marchant Schneider & Ricky Barker, Planning and Zoning

9. ZMAP-2015-0008, SPEX-2016-0007, SPEX-2016-0008, SPEX-2016-0009, SPEX-2016-0018 & ZMOD-2016-0006 / Century Corner at Goose Creek Village

Vice Chairman Buona moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Meyer. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Vice Chairman Buona moved that the Board of Supervisors approve ZMAP-2015-0008, SPEX-2016-0007, SPEX-2016-0008, SPEX-2016-0009, SPEX-2016-0018, and ZMOD-2016-0006, Century Corner at Goose Creek Village, subject to the Proffer Statement dated July 13, 2016, and the Conditions of Approval dated July 13, 2016, and based on the Findings for Approval in the Board of Supervisor's July 13, 2016 Public Hearing Supplemental Memo. (Seconded by Supervisor Meyer. The motion passed 7-1-1, Supervisor Umstadd opposed and Supervisor Buffington absent for the vote.)

Election District: Ashburn

Staff Contacts: Judi Birkitt & Ricky Barker, Planning and Zoning

10. ZMAP-2015-0001, SPEX-2015-0004, SPEX-2015-0005, SPEX-2015-0006, SPEX-2015-0007 & SPEX-2015-0049 / Lexington 7

Supervisor Volpe moved that the Board of Supervisors forward ZMAP 2015-0001, SPEX 2015-0004, SPEX 2015-0005, SPEX 2015-0006, SPEX 2015-0007, SPEX 2015-0049, Lexington 7, to the July 15, 2016 Transportation and Land Use Committee for further discussion. (Seconded by Supervisor Meyer. The motion FAILED 3-5-1, Supervisor Buona, Letourneau, Randall, Saines and Umstadd opposed and Supervisor Buffington absent for the vote.)

Supervisor Volpe moved that the Board of Supervisors forward ZMAP 2015-0001, SPEX 2015-0004, SPEX 2015-0005, SPEX 2015-0006, SPEX 2015-0007, SPEX 2015-0049, Lexington 7, to the September 15, 2016 Transportation and Land Use Committee for further discussion. (Seconded by Vice Chairman Buona. The motion passed 7-1-1, Supervisor Meyer opposed and Supervisor Buffington absent for the vote.)

Election District: Algonkian

Staff Contacts: Marchant Schneider & Ricky Barker, Planning and Zoning

11. CPAM-2016-0001 / Strategic Land Use Plan for Telecommunications Facilities; ZOAM-2016-0003 / Telecommunications Uses and/or Structures

Supervisor Higgins moved the Board of Supervisors suspend the rules. (Seconded by Supervisor Volpe. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Supervisor Higgins moved that the Board of Supervisors approve CPAM 2016-0001, Telecommunication Facilities, as provided in Attachment 2 of the July 13, 2016 Board of Supervisors Public Hearing Staff Report.

Supervisor Higgins further moved that the Board of Supervisors approve ZOAM 2016-0003, Telecommunication Facilities, as provided in Attachment 3 of the July 13, 2016 Board of Supervisors Public Hearing Staff Report. (Seconded by Supervisor Meyer. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Election District: Countywide

Staff Contacts: Pat Giglio, Mark Stultz & Ricky Barker, Planning and Zoning

12. ZOAM-2016-0006 / Telecommunication Facilities in Rural Hamlets and Planned Development-Rural Village Zoning Districts

Supervisor Higgins moved the Board of Supervisors suspend the rules. (Seconded by Supervisor Meyer. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Supervisor Higgins moved that the Board of Supervisors approve ZOAM 2016-0006, Telecommunication Facilities in Rural Hamlets and Planned Development-Rural Village Zoning Districts, as provided in Attachment 2 of the July 13, 2016 Board of Supervisors Public Hearing Staff Report. (Seconded by Chairman Randall. The motion passed 8-0-1, Supervisor Buffington absent for the vote.)

Election District: Blue Ridge & Catoctin

Staff Contacts: Pat Giglio, Mark Stultz & Ricky Barker, Planning and Zoning

13. ZOAM-2014-0006 / New, or Revise, Clarify, and/or Delete Existing, Regulations and Definitions in Regard to the Noise Standards

Supervisor Volpe moved that the Board of Supervisors enter into a COMMITTEE OF THE WHOLE discussion regarding the proposed Zoning Amendments. (Seconded by

Supervisor Meyer. The motion FAILED 2-6-1, Supervisors Buona, Higgins, Letourneau, Randall, Saines and Umstatted opposed and Supervisor Buffington absent for the vote.)

Chairman Randall moved that the Board of Supervisors forward ZOAM 2014-0006, Noise Standards, to the September 22, 2016 Board of Supervisors Business Meeting for action. (Seconded by Supervisor Umstatted. The motion passed 7-1-1, Supervisor Meyer opposed and Supervisor Buffington absent for the vote.)

Board Member Request:

Chairman Randall asked that the following questions be addressed by Staff prior to the September 22, 2016 Business Meeting:

1. Explain why the Farm Wineries and Farm Breweries do not have the same standards as Commercial Wineries. She specifically cited the restricted hours on music imposed on Commercial Wineries.
2. Explain why Tonal Noise can or cannot be measured.
3. More information on the Datacenter's Emergency Testing Situations.
4. Explain what the permitted use is for the Evergreen Sports Complex and what the current uses are at the location.

Supervisor Umstatted asked to work with the County Attorney's Office and Staff to gain guidance for a proposal to reduce the decibel level from 55 to 45 in the rural areas of Loudoun County.

Election District: Countywide

Staff Contacts: Theresa Stein, Chris Mohn, Mark Stultz & Ricky Barker, Planning and Zoning