

BOARD OF SUPERVISORS

TRANSPORTATION and LAND USE COMMITTEE

MEETING SUMMARY

October 19, 2011

Committee Members Present:

Kelly Burk, Chair
Eugene Delgaudio
Sally Kurtz
Andrea McGimsey

Absent:

Scott York

1. Fee Waiver Request/The Kyra Macy Foundation

Election District: Former & New: Catoclin

Staff Contacts: John Merrithew & Julie Pastor, Planning Department

The Kyra Macy Foundation proposes to use property it recently purchased on Cochran Mill Road in Leesburg, located behind the Goose Creek Golf Club, to serve as a safe haven for rescued dogs in preparation for adoption. In addition to the adoption of dogs, the Foundation would like to offer services that will fund the Foundation. The Foundation is a small organization that has limited funds and is struggling to get started. The applicant is requesting a waiver of the fee associated with the special exception application, stating that the Foundation is a small non-profit organization that has limited funds and is struggling to get started. The Kyra Macy Foundation is designated as a 501 (c)(3) organization and qualifies for consideration of a fee waiver under the County's Fee Waiver Policy.

Committee Action: On October 19, the Committee voted 3-0-1, on consent, (York and McGimsey absent) to waive the \$15,750 fee for the Kyra-Macy Foundation Special Exception request. No further Board action is required.

2. Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) Enhancement Projects

Election District: Countywide

Staff Contacts: Martina Williams and Mark Adams, Management & Financial Services

The Waterford Foundation has submitted a proposal to receive FY 2013 funding of the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) Program administered by the Virginia Department of Transportation (VDOT). In 2009, VDOT awarded Waterford Foundation funding for the design phase of restoring “The Old Mill, The Heart of Waterford” project. This year, the Waterford Foundation is requesting \$856,400 in federal funding for the construction phase of the proposed restoration project. At the October 19 Committee meeting, staff addressed VDOT's change in the relationship between the project sponsor and project owner with Committee members. As the project sponsor, the County would assume fiduciary responsibility for completing construction and ensuring future operations and maintenance of the enhancement if the applicant fails to complete construction or maintain the facility, which could commit local tax funding to compete with other projects

Committee Action: The Committee voted 2-1-2 (Delgaudio-no; York and McGimsey absent for the vote) to forward this item to the Board of Supervisors with a recommendation that this item be placed on the Board of Supervisors November 9, 2011 public hearing agenda. The Committee requested that staff provide information concerning the County's legal and financial obligations as the project sponsor for future projects and the status of prior projects. The Committee further requested that staff prepare a draft

letter to the County's State delegation addressing the shift of responsibilities to local government for these projects. Forwarded to the Board of Supervisors November 2, 2011 business meeting.

3. Transportation Improvements/Persons with Disabilities

Election District: Countywide

Staff Contacts: Julie Grandfield & Candy deButts, County Administration

On February 26, 2011, the Transportation and Land Use Committee (TLUC) directed staff to develop a scope for an assessment of transit needs of the disabled population in the County. A workgroup of non-profit agencies and members of the Disability Services Board and Virginia Regional Transit was formed to study this issue and make a recommendation. On April 25, 2011, staff briefed the TLUC on the policies and regulations regarding pedestrian access and discussed the Transportation Survey for Non-Profit Organizations which would be conducted countywide to target non-profit organizations and transportation services that the organizations provide. The group surveyed County residents on their transportation needs and also reviewed the 2010 Countywide Transportation Plan, Six Year Transit Development Plan, 2010 Community Needs Assessment and several other special needs reports and studies. At the July 20 Committee meeting, staff provided an update on the countywide survey conducted April through June 2011 to help identify unmet transportation needs. At the October 19, 2011 TLUC meeting, staff presented a full report to the Committee (*Transportation Needs of the Disabled Population* attached to the staff report) and stated that the workgroup believes there is strong support for additional curb-to-curb service expanded evening and weekend service and personal transportation for those with special needs.

Committee Action The Committee voted 3-1-1 (Delgaudio-no; York absent) to forward this item to the Board of Supervisors with a recommendation that the Board appropriate \$60,000 from the FY2012 unallocated budgetary authority to procure a firm with expertise in accessibility and transportation issues for the purposes outlined in the draft scope of services contained in the report, *Transportation Needs of the Disabled Population*. The Committee further moved that staff work on a feasibility analysis of the regulation, licensing and accessibility of local taxicabs, providing a report to the Board of Supervisors at a future time; and further, that formal communication to VDOT regarding Board endorsement of periodic review of key intersections and continued safety study and accessibility of pedestrian walkways be developed and transmitted to VDOT. Forwarded to the Board of Supervisors November 2, 2011 business meeting.

4. Transit Development Plan

Election District: Countywide

Staff Contacts: Nancy Gourley & Andy Beacher Office of Transportation Services

In 2008, the Virginia Department of Rail and Public Transportation (DRPT) began the process of developing a series of plans that are to provide the blueprint for future DRPT programs, projects and initiatives. One such initiative is the Statewide Transit Six-Year Plan. The Statewide Transit Six-Year Plan can be viewed as an analog to the Virginia Department of Transportation's (VDOT) Six-Year Plan. In order to develop this plan, DRPT has been working with each transit agency/operator, including Loudoun County, to develop a local Transit Development Plan, or TDP, which is then compiled into the Statewide Transit Plan. Each TDP is funded by DRPT, and accomplished with the assistance of DRPT and its on-call consulting firm, Connectics Transportation Group. The TDP is intended to be a six-year short-term action document with minor adjustments made every year. DRPT requires that TDPs be completely updated every three years. The TDP is designed to help transit operators improve their efficiency and effectiveness by identifying the need and required resources for modifying and enhancing services provided to the general public. These plans also provide a solid foundation for funding requests and feed directly into the programming process. The draft TDP for Loudoun County was completed earlier this year and presented to the Transportation and Land Use Committee (TLUC) for review and

information at its June 15, 2011 meeting. The TDP was brought back to the Committee at its October 19, 2011 meeting as an action item in order to seek Board of Supervisors endorsement by December 1, 2011 as required by the Commonwealth.

Committee Action: The Committee voted 4-0-1 (York absent) to forward this item to the Board of Supervisors with a recommendation that the Board endorse the Loudoun County Transit Development Plan and direct staff to forward the Plan to the Virginia Department of Rail and Public Transportation for inclusion in the Statewide Transit Six-Year Plan. Forwarded to the November 2, 2011 Board of Supervisors business meeting.

5. Use of Cash Proffers to Design a Section of Tall Cedars Parkway from Pinebrook Road to Gum Springs Road

Election District: Former & New: Dulles

Staff Contacts: Terrie Laycock & Andy Beacher, Office of Transportation Services

At its September 7, 2011 business meeting, the Board of Supervisors passed a motion denying the developer of Kirkpatrick Farms' request to be reimbursed cash proffer funds for construction of a section of Route 659, Gum Springs Road. The Board item included a discussion of using the available cash proffers toward the design and construction of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road. The Office of Transportation Services was asked to look into the matter and report back to the Transportation and Land Use Committee. This item presents staff's findings as a result of the Board direction, and based on those findings, recommends actions necessary to initiate design of the project.

Committee Action: At its meeting on October 19, 2011, the Transportation and Land Use Committee voted 4-0-1 (York absent) to forward this item to the Board of Supervisors with a recommendation that the Board authorize the use of \$622,561, currently available in the cash proffer account for ZMAP 2003-0004/Masira Proffer III.C.1 and any future interest earned on said account, to be used toward the design and construction of the segment of Tall Cedars Parkway between Pinebrook Road and Gum Springs Road. The Committee further moved to recommend that the Board approve the associated budget adjustment, BA-121093. Forwarded to the November 2, 2011 Board of Supervisors business meeting.

6. Request for Permanent Pump and Haul/ Crosstrail Industrial Land Condominiums

Election District: Former & New: Catoclin

Staff Contacts: Joe Lock & Dr. David Goodfriend, Health Department

Fricols, LC (Blake Landscapes Inc.) purchased a vacant 32-acre lot in 2006 with the intention of constructing a business office/mechanical shop/storage facility from which the business (Blake Landscapes, Inc.) would operate. The property consists of multiple condominium lots, currently zoned PD-GI (Planned Development-General Industry, which allows the proposed use by right. The applicant has requested a permit for permanent pump and haul for the property, which also lies within the Leesburg Joint Land Management Area (JLMA). In accordance with Loudoun County's Revised General Plan, the Town of Leesburg ("Town") is to be the provider of public sewer within its JLMA unless a different provider is agreed upon by the County and Town. Public sewer is currently not available within this portion of the Leesburg Joint Land Management Area. The Loudoun County Health Department confirmed the findings of a soils consultant that there are no suitable soils on the lot that would be acceptable for any type of on site sewage disposal system. As discussed in the October 19 staff report, the Board of Supervisors approved a Permanent Pump and Haul request for Blake's Landscaping in 2007 upon approval of the applicant's SBEX. The parcel was converted to condominium ownership and filed in the Clerk's office on March 21, 2011 and amended and re-filed on July 22, 2011. According to the applicant, the Pump and Haul permit is to convey to Unit 5. Attachments 4a and 4b contain the applicant's justification for this pump and haul request. If the sewer line runs along Cochran Mill Road, the property line of Fricols, LC will be over 700 feet distant from the sewer line, and the current building is an additional 800 feet from the property line. Staff recommends denial of the application for a permanent pump and haul. The proposal does not meet the Health Department's practice or the current

Comprehensive Plan Policy ((Leesburg Joint Land Management Area (JLMA)) regarding permanent pump and haul.

Committee Action: Following deliberation of the applicant's request, the Committee agreed to continue discussion at the Committee's November 16 meeting.

7. Request for Permanent Pump and Haul/KOTD Holdings

Election District: Former & New: Broad Run

Staff Contacts: Joe Lock & Dr. David Goodfriend, Health Department

KOTD Holdings is proposing to construct a new office facility for approximately 14 employees for contracting supplies and light storage. The property is located at 20102 Belmont Ridge Road near Ashburn, Virginia. The Loudoun County Health Department evaluated the property to determine if an on-site system could be located on the property to support the proposed use.; However, an on-site sewage disposal system could not be approved due to insufficient area of suitable soil and the permit request was denied by the Loudoun County Health Department on January 19, 2011. The existing unoccupied structure, once served by an outhouse, is proposed to be removed. Currently sewer is 437 feet away from the property as confirmed by Loudoun Water. Staff recommends the Board of Supervisors not enter into a contractual agreement with the Virginia Department of Health and KOTD Holdings to provide permanent pump and haul services at the property. The proposal does not meet the Health Department's practice or the current Comprehensive Plan Policy regarding permanent pump and haul in the Suburban Policy Area.

Committee Action: On October 19, 2011, the Transportation and Land Use Committee voted 4-0-1 (York absent) to forward the application to the Board of Supervisors with a recommendation that the County enter into a contractual agreement with KOTD Holdings and the Virginia Department of Health to allow permanent pump and haul services to serve the proposed office facility to be located at 20102 Belmont Ridge near Ashburn Virginia and that all costs associated with the pump and haul operation be borne by KOTD Holdings. KOTD Holdings shall also be responsible for insuring that the pump and haul provider submits all required reports, records, and receipts from the proposed office facility through the Health Department's on-line tracking system. The Committee further moved that the Transportation and Land Use Committee recommend to the Board of Supervisors that as a condition of the approval of this permanent pump and haul application, the owner be required to connect to public sewer when it becomes available and is within 300 feet of the property. Forwarded to the November 2, 2011 Board of Supervisors business meeting.

8. Overview of Telecommunications Policies

Election District: Countywide

Staff Contact: Pat Giglio, Planner III, Department of Planning

Julie Pastor, AICP, Director, Department of Planning

On July 19, 2011, the Board of Supervisors voted 9-0 to direct staff to prepare an information item for the Transportation and Land Use Committee to consider updating the Telecommunications' Policies. At the Board's direction, staff presented a brief overview and discussion of the policies of the Strategic Land Use Plan for Telecommunication Facilities (Telecommunication Plan) at the TLUC meeting on October 19. A copy of the Telecommunication Plan is available on the County's website. The policies of the Telecommunication Plan provide guidance on the location, siting, design and mitigation of negative impacts of telecommunication facilities throughout the County. The Plan provides a framework for evaluating telecommunication proposals through the County's legislative review process. The Board and the Planning Commission have expressed interest in a review of the policies, specifically the appropriateness of telecommunication facilities in proximity to residential communities and within residential zoning districts. Costs and resources have not been identified in consideration of possible

policy and/or zoning ordinance changes or contracting for technical assistance. Committee members raised the issue of potential health issues associated with telecommunication facilities and requested that staff include information in a future discussion regarding the types of monitoring and frequency of testing conducted by the Federal Communications Commission. This item was presented as information. No further action is required at this time.

The Committee accepted the following items as information only.

A. Route 7 Westbound Truck Climbing Lane Project Update

Election District: Former & New: Catoctin

Staff Contacts: Terrie Laycock, & Andy Beacher Office of Transportation Services

The Route 7 Westbound Truck Climbing Lane project provides an additional westbound through lane along Route 7 from the Town of Leesburg to Route 9. This project was developed by County and VDOT staff in order to address chronic congestion, particularly in the PM peak periods, due to slow moving vehicles attempting to ascend the grade that exists at this location. The County has pledged several years of Regional Surface Transportation Program (RSTP) funds to this project, most recently endorsing continued funding of the project as part of the FY13 – FY18 RSTP and CMAQ Funding Plan. VDOT and County staff have met with stakeholders on several occasions to discuss areas of concern raised during project development, particularly relating to the project's need to limit and/or reconfigure access points in order to maintain safety once the new climbing lane is in place. As a result, VDOT has developed design alternatives that attempt to address these concerns and would allow certain median breaks and at-grade intersections to remain, while maintaining safety. A public meeting was held on September 21, 2011 in order to present the alternatives to stakeholders. This item provides an update on the status of the project as well as a summary of the feedback received from the public at the September 21, 2011 meeting.

B. Update/Route 7 Safety Improvements/Sterling Area

Election District: (Former: Sterling/Sugarland Run/Potomac; New: Algonkian/Sterling

Staff Contacts: Jim Rauch & Lewis Rauch, Dept. of Construction & Waste Management

This Item provides an update on the status of the Eastern Route 7 Traffic Flow Improvements project. As discussed at the July 20, 2011 Transportation and Land Use Committee Meeting, monthly updates will be given to the Committee. The scope of the project involves improvements at 3 intersections along Route 7: Potomac View Road, Sterling Boulevard, and Augusta Drive. In accordance with the project schedule, design documents were submitted in mid August to VDOT and the County for review, and comments were received in mid September. County staff and the design consultant have met with VDOT to clarify review comments and agree on next steps going forward. After the comments are incorporated, final plans will be submitted to the Department of Building and Development and VDOT for approval. Design completion is planned for November 2011 with bids issued in early December. These plans are being reviewed concurrent with the work to identify the scope of utility relocations and the work to acquire easements and right of way. Construction is planned to begin in the spring/summer of 2012 and the work is planned for completion in the spring/summer of 2013.