BOARD OF SUPERVISORS
PUBLIC HEARING
STAFF REPORT

SUBJECT: 
ZMAP-2017-0003, ZMOD-2017-0011, & SPMI-2017-0020,
True North Data

ELECTION DISTRICT: 
Catoctin

CRITICAL ACTION DATE: 
May 4, 2018

STAFF CONTACTS: 
Steve Barney, Project Manager, Planning and Zoning
Ricky Barker, AICP, Director, Planning and Zoning

APPLICANT: 
Chris Curtis, H&H Capital Acquisitions, LLC

PURPOSE: A request for approval of:

1. A Zoning Map Amendment (ZMAP) to rezone approximately 106 acres from the TR-10
   (Transitional Residential – 10) zoning district to the PD-OP (Planned Development –
   Office Park) zoning district in order to develop up to 750,000 square feet of data center
   uses and a dedicated and/or distribution utility substation. The applicant also requests to
   modify perimeter landscape buffer requirements as part of the ZMAP request.

2. A Zoning Modification (ZMOD) to modify the basis for how tree canopy requirements are
   determined onsite; and

3. Minor Special Exceptions (SPMI) to modify sidewalk requirements along Sycolin Road
   and to substitute fencing for a required berm.

RECOMMENDATIONS:

Planning Commission: The Planning Commission (Commission) held a public hearing on the
applications on September 26, 2017. The Commission forwarded (6-3: Scheel, Barnes, and Lloyd
opposed) the applications to a work session for further discussion.

The Commission conducted a work session on the applications on October 12, 2017. The
Commission forwarded (6-3: Scheel, Barnes and Lloyd opposed) the applications to the Board of
Supervisors (Board) with a recommendation of approval.

Staff: Staff cannot support the Board’s approval of the applications in light of the Transition Area
policies applicable to the property. The proposed PD-OP zoning district and data center land use
are inconsistent with the Revised General Plan (Plan) policies for the Transition Policy Area. The Plan identifies the Suburban Policy Area as the appropriate location for uses of the scale and intensity proposed with these applications. Staff recommends that the Board forward the applications to a Board Business Meeting or to a Transportation and Land Use Committee (TLUC) meeting for additional discussion.

Recent revisions to the applications partially address issues identified during the Commission public hearing, including open space, tree conservation, building design, and screening. The Proffer Statement (Proffers) (Attachment 1) now includes a height limit consistent with Plan policy, and the applicant has also proffered dedication of area along the property’s Goose Creek frontage for a future linear park. While several issues remain outstanding, the revised applications have improved notably since the Commission public hearing. The County Attorney’s Office has not approved the Proffers to form. Staff has provided the Conditions of Approval (Conditions) (Attachment 2) to the applicant. The applications are not ready for action.

<table>
<thead>
<tr>
<th>APPLICATION INFORMATION:</th>
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<tbody>
<tr>
<td>APPLICANT: H&amp;H Capital Acquisitions, LLC</td>
<td>REPRESENTATIVE: Cooley LLP</td>
</tr>
<tr>
<td>Chris Curtis</td>
<td>Colleen Gillis</td>
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<tr>
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<td>11951 Freedom Drive, Suite 1400</td>
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<td>Reston, VA 20190</td>
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<td>(214) 452-0354</td>
<td>703-456-8114</td>
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<tr>
<td><a href="mailto:ccurtis@compassdatacenters.com">ccurtis@compassdatacenters.com</a></td>
<td><a href="mailto:cgillis@cooley.com">cgillis@cooley.com</a></td>
</tr>
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<tr>
<th>PARCELS/ACREAGE:</th>
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<tbody>
<tr>
<td>Tax Map Number</td>
<td>PIN</td>
</tr>
<tr>
<td>/61/////////16/</td>
<td>194-19-9296</td>
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| ACCEPTANCE DATE: | May 4, 2017 |
| LOCATION: Between Sycolin Road (Route 625) and the Dulles Greenway (Route 267) and on the west side of Goose Creek. |

| ZONING ORDINANCE: | Revised 1993 |
| EXISTING ZONING: | TR-10 (Transitional Residential – 10), AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour, FOD (Floodplain Overlay District), and QN (Quarry Notification) Overlay District – Luck Note Area |

| POLICY AREA: Transition Policy Area (Lower Sycolin Subarea) | PLANNED LAND USE: Residential uses at a density of up to 1 dwelling unit per 10 acres |
CONTEXT:

**Location/Site Access** – The subject property is located between Sycolin Road and the Dulles Greenway and is situated on the west side of Goose Creek (Figure 1) immediately northwest of Murray’s Ford Bridge. The site is accessed from Sycolin Road, approximately 0.75 miles west of its intersection with the Dulles Greenway.

**Existing Conditions** – The subject property is undeveloped with the exception of two agricultural buildings, a gravel parking area, and a network of gravel roads. The property is partially forested. The property is adjacent to Goose Creek on the east and includes major floodplain associated with the creek. There are very steep slopes and moderately steep slopes located adjacent to the floodplain.

**Surrounding Properties** -

**East** – The Goose Creek forms the eastern boundary of the subject property as well as the eastern boundary of the Transition Policy Area. The Suburban Policy Area lies east of the Goose Creek. The property east of the Creek with frontage along Sycolin Road is zoned R-1 (Single Family Residential – 1) and occupied by the Goose Creek Gardens and Pavilion bed and breakfast and event facility. Loudoun County owns an 18.5-acre parcel located along the Creek; this parcel, which is within an open space easement granted by Goose Creek Village South, is zoned PD-H4 (Planned Development Housing – 4).

**North** – The property is bounded to the north by the Dulles Greenway, which defines the boundary between the planned employment uses of the North Lower Sycolin Subarea and the low density residential uses planned for the remainder of the Lower Sycolin Subarea. (See the Background section of this report for discussion of the recently adopted North Lower Sycolin Comprehensive Plan Amendment (CPAM-2013-0001)).

North of the Greenway, directly across from the subject property, is the Loudoun Water Treatment Plant. Across the Dulles Greenway to the northwest is the Stonewall Secure Business Park (ZMAP-2008-0017), which the County approved for up to 3.9 million square feet of data center and office uses, a water storage tank, a water treatment plant, an indoor firearms range, and a utility substation (transmission) with a maximum Floor Area Ratio (FAR) of up to 0.60.

**South** – The majority of the adjacent property on the south side of Sycolin Road is rural, heavily treed, and undeveloped. There is one single-family detached residence located on the east side of Turner Farm Lane. The property is zoned TR-10.

**West** – The properties located to the west (on both sides of Sycolin Road) are rural and undeveloped. The County has no record of development plans for the 28 acres located on the north side of Sycolin Road. The property on the southwest side of Sycolin Road is the site of Academies of Loudoun (a public school use).

**Directions** – From Leesburg, take Route 7 East to Plaza Street and turn right. Plaza Street becomes Sycolin Road. After crossing over the Dulles Greenway, the subject property will be on the left.
PROPOSAL:

**Zoning Map Amendment** – The applicant proposes to rezone the approximately 105.64-acre subject property to allow the development of up to 750,000 square feet of data center uses and a dedicated and/or distribution electrical substation (Figure 2).

**Zoning Modification** – The applicant proposes to modify the tree canopy requirements of the Revised 1993 Zoning Ordinance (Zoning Ordinance) to permit the required tree canopy to be located throughout the entire rezoning area rather than the area subject to an individual land development application.

**Minor Special Exception** – The applicant proposes to modify the sidewalk requirements of the Zoning Ordinance to not provide a sidewalk along a short section of the property’s Sycolin Road frontage due to floodplain associated with Goose Creek. Additionally, the applicant proposes to
allow a six-foot tall opaque fence to substitute for the earthen berm required for the Type 4 Side Buffer Yard located along the subject property’s western boundary.

As part of the ZMAP request, the applicant also requests to modify requirements for the Type 3 buffer along Sycolin Road to replace the required canopy trees with evergreen trees.

**Figure 2: Concept Development Plan**

**BACKGROUND:** Related legislative applications include the following:

- **ZMAP-2013-0004, Wildwood Farms** – A rezoning application for 177 single-family detached units was withdrawn by the applicant (Pulte Group) on April 1, 2015.
• STMP-2017-0009, True North Data Phase I – This fast-track site plan includes 251,017 square feet of the data center uses proposed in the current legislative applications for the property. The second submission of this application is currently in review.

• CPAM-2013-0001, North Lower Sycolin – In this Comprehensive Plan Amendment (CPAM), the Board amended the Planned Land Use Map and Plan policies to better reflect the emerging industrial character of the northern portion of the Lower Sycolin Subarea of the Transition Policy Area (Figure 3). The area is emerging as an industrial area with the legislative approval of several rezonings between 2008 and 2011 that permit the development of a natural gas fueled electric power plant (ZMAP-2009-0005, Stonewall Hybrid Energy Park), data centers (ZMAP-2008-0017, Stonewall Secure Business Park), a quarry expansion (ZMAP-2009-0003, Luck Stone Quarry), and a Loudoun Water treatment plant (ZMAP-2009-0004, Loudoun Water). The approved rezonings converted approximately 700 acres of land that was previously zoned TR-10 to various industrial zoning districts.

**Figure 3: Site and Boundaries of North Lower Sycolin CPAM Area**

In the Findings for Approval for the above rezoning applications, the Board identified the unique circumstances that apply to the particular area north of the Greenway: the
coexistence of a major underground natural gas transmission line and a high-voltage overhead electric transmission line corridor that both offer exceptional opportunities for industrial uses, concentrations of diabase rock in proximity to existing quarrying operations, and long-range Loudoun Water plans to make the County more self-sufficient by developing a reliable water supply system and treatment plant.

Planning Commission: The Commission held a public hearing on this applications on September 26, 2017. During the public hearing, one person spoke in favor of the applications, citing the economic development benefits of the proposal and noting that existing tall trees would contribute to screening. Seven persons spoke in opposition. Issues noted by speakers in opposition included consistency with the Comprehensive Plan, the timing of the applications with respect to the Envision Loudoun process, traffic impacts on Sycolin Road, potential chemical spills, impact to drinking water quality, visibility of the development from Sycolin Road and Goose Creek, wildlife impacts, and adequacy of stormwater treatment.

During the Commission Public Hearing, the Commission asked questions regarding the condition of the Mafic Barren natural community on the site, the property’s location relative to the Quarry Notification Overlay District, proposed building height, the height of buildings shown in the applicant’s illustrative exhibits, proffered Sycolin Road improvements, mitigation of visual impact, and a proffer regarding the planned Goose Creek trail. The Commission forwarded (6-3: Scheel, Barnes, and Lloyd opposed) the applications to a work session for further discussion.

Per the Virginia Department of Conservation and Recreation, Division of Natural Heritage (DCR), the site contains a Northern Piedmont Mafic Barren community, i.e. a biological community composed of what DCR describes as “a mosaic of lichen, moss mats, and herbs with scattered, stunted trees”. DCR identifies the Piedmont Mafic Barren as one of the rarest natural community types in eastern North America. The community located on the subject property is very small (about 0.3 acre) and is also the northernmost known occurrence. For additional information regarding the Mafic Barren Community, see Section C. Environmental and Heritage Resources within the Policy Analysis starting on page 17 of this staff report.

Following the Commission Public Hearing, the applicant submitted revised Proffers. Changes included the addition of a maximum building height (35 feet), a minimum open space amount (61.5 acres or 58 percent of the site), enhanced evergreen landscaping along Sycolin Road, and a commitment to design and construct the trail adjacent to Goose Creek. The applicant also revised the Concept Development Plan (CDP) (Attachment 4) to show an additional tree conservation area along a portion of the Dulles Greenway and submitted illustrative cross sections showing projected views of the proposed development.

At the Commission Work Session on October 12, 2017, the Commission discussed the issues that were identified during the Commission Public Hearing. The status of these issues, along with the Commission position on each, is detailed below in the Outstanding Issues section of this staff report. At the conclusion of their discussion, the Commission forwarded (6-3: Scheel, Barnes, and
Lloyd opposed) the applications to the Board with a recommendation of approval, with the following changes:

- Addition of a modification to replace the required canopy trees in the front Buffer Yard bordering Sycolin Road with evergreen trees; and

- Revision to Proffer VIII to include dedication of land adjacent to Goose Creek to Loudoun County for use as a linear park.

The applicant has not held any community meetings, but has met with the Goose Creek Scenic Advisory Committee. Staff has received two emails from members of the public in opposition to the applications. Staff received one phone call from an adjacent owner property owner; the caller did not identify any issues with the applications. There are three public comments regarding the subject applications on the Loudoun Online Land Application System (LOLA) noting concerns such as impact on the Goose Creek watershed, excessive building height and lot coverage, and consistency with Plan policy. The Commission member for the Catoctin District provided written comments regarding the applications. These public comments and other documents associated with this application can be viewed online on LOLA at www.loudoun.gov/lola; search “ZMAP-2017-0003.”

OUTSTANDING ISSUES: The primary outstanding issue identified by staff is that the proposed PD-OP zoning district and the proposed data center land use are inconsistent with the Comprehensive Plan policies for the Transition Policy Area, which call for low-density residential uses or small scale non-residential uses in this area.

The inconsistency of the proposal with the Transition Policy Area policies notwithstanding, during the Commission public hearing, the Commission and staff identified several issues for further discussion at the Work Session. The status of these issues is outlined below in Table 1 and is further described in the Policy Analysis section of this staff report. The Board may wish to further consider items #2, 3, 5, 6 and 7 below, which reflect outstanding issues identified by staff.

<table>
<thead>
<tr>
<th>Table 1: Issues Discussed During October 12, 2017, Commission Work Session</th>
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<tbody>
<tr>
<td><strong>Issue</strong></td>
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<tr>
<td>1. Building Height</td>
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<td>2. Open Space</td>
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<p>| 3. Building Design | The Commission requested that the applicant submit revised illustrative graphics accurately depicting proposed building height. Additionally, staff has expressed concern that the design of the proposed buildings is not consistent with Plan policy for the Transition Policy Area with respect to scale and massing. | The applicant submitted illustrative cross section graphics showing projected views from adjacent roads and Goose Creek. The cross sections show the building height as 35 feet, consistent with the proffered maximum height. | Commission: Addressed. The majority of the Commission felt that the buildings would be adequately screened due to topography, existing vegetation, proposed landscaping, and distance from roads. Staff: Partially addressed. Based on topography and proposed tree preservation areas, some but not all views of the buildings would be screened upon maturity of required plantings. Staff recommends additional design treatment at the Sycolin Road entrance, where the buildings would |</p>
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<th>Issue</th>
<th>Details</th>
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<tr>
<td>4. Goose Creek Park / Trail</td>
<td>The Commission asked the applicant to consider committing to building the segment of the planned Goose Creek trail on the subject property. At the work session, the applicant offered to dedicate to the County land adjacent to Goose Creek for linear park purposes.</td>
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<td>5. Tree Conservation Area</td>
<td>The Commission asked the applicant to consider designating additional tree conservation area. Staff also recommended increasing tree conservation in light of the Plan’s Green Infrastructure policies. The revised CDP shows additional tree conservation area along the western portion of the Dulles Greenway frontage.</td>
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<td>6. Screening along Sycolin Road</td>
<td>Within the context of the Transition Policy Area, Staff recommended that the applicant provide enhanced screening along Sycolin Road in the form of a berm and/or additional plantings to break up New Proffer XI states that that applicant will provide supplemental evergreen trees along Sycolin Road (5 trees per 100 linear feet). The illustrative cross section for Sycolin Road also shows a significant elevation</td>
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Table 1: Issues Discussed During October 12, 2017, Commission Work Session

Commission: Addressed. The majority of the Commission felt that the tree conservation areas shown on the plat were sufficient.

Staff: Partially addressed. Significant tree canopy exists on the property. Plan policies recommend preservation of these resources. Staff recommends that the applicant continue to consider layout options that would allow for additional tree preservation adjacent to the Dulles Greenway and the western property line.

Commission: Addressed. The majority of the Commission found that existing and proposed topography, proposed landscaping, and tree conservation would adequately screen the use.
Table 1: Issues Discussed During October 12, 2017, Commission Work Session

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<thead>
<tr>
<th>Issue</th>
<th>Discussion</th>
<th>Analysis</th>
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<tr>
<td>the scale and massing of the proposed data center use.</td>
<td>change between the road surface and proposed buildings situated at a lower elevation.</td>
<td>Staff: Partially addressed. Staff recommends a proffered commitment to the installation of a berm/slope along the western portion of Sycolin Road to match the concurrent site plan.</td>
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<td>7. Heritage Resources</td>
<td>No changes to layout.</td>
<td>Commission: Addressed. The consensus of the Commission was that the natural feature is not of sufficient significance to warrant changes to the proposed development.</td>
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<td>Per the August 4, 2017 Virginia Department of Conservation and Recreation (DCR) report and County’s Green Infrastructure policies, staff recommended preservation of the globally rare Northern Piedmont Mafic Barren natural community located on the northeastern portion of the property.</td>
<td></td>
<td>Staff: Not addressed. Staff recommends that the applicant continue to consider layout options that would allow for preservation of this resource per County policy.</td>
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POLICY ANALYSIS:

Zoning Map Amendment Petition (ZMAP) Criteria for Approval - Zoning Ordinance Section 6-1210(E) of the Revised 1993 Zoning Ordinance states that if an application is for a reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give reasonable consideration to six (6) factors or criteria for approval. These criteria for approval are organized below by category, followed by Staff’s analysis.

Special Exception (SPEX) Criteria for Approval - Zoning Ordinance Section 6-1309 of the Revised 1993 Zoning Ordinance states that in considering a minor special exception or special exception application, six (6) factors shall be given reasonable consideration. These criteria for approval are organized below by category, followed by Staff’s analysis.

A. Land Use:
ZO §6-1210(E)(1) Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality. ZO §6-1309(1) Whether the proposed minor special exception or special exception is consistent with the
Comprehensive Plan. (5) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.

Analysis – The proposed rezoning to the PD-OP zoning district and the intended data center uses are inconsistent with the County’s vision for the Transition Policy Area as outlined in Plan policies. The density and scale permitted within the PD-OP zoning district are more appropriate for the Suburban Policy Area and are not consistent with the small scale, non-residential uses that the Plan envisions for the Transition Policy Area. The approval of the proposed application would extend suburban-style development within the Transition Policy Area south of the Dulles Greenway, thereby making it difficult to distinguish one policy area from another. Additionally, the applicant’s commitment to open space only partially fulfills Plan policy in the Transition Area.

1. Proposed Change to Adopted Land Use – The Plan establishes residential densities and the scale of non-residential uses in the Transition Policy Area in order to provide a visual and spatial transition between the Suburban and Rural Policy Areas and to conserve the extensive Green Infrastructure resources on properties throughout the Transition Policy Area. The subject property is planned for residential densities of one dwelling unit per 10 acres within a clustered development pattern, with 70 percent of the site retained as open space. Developments to the west of the property (such as Academies of Loudoun) have developed consistent with the Plan. The Plan also envisions small-scale, non-residential uses that provide a transition from suburban to rural land uses. Such uses include golf courses, active recreation uses, kennels, nurseries and similar commercial uses, and compatible institutional uses. TR-10 zoning uses do not include office parks or data centers, which are intense, suburban uses.

It should also be noted that Loudoun County has conducted a series of outreach workshops to gather citizen input on the Envision Loudoun process. The Transition Policy Area has been one of the key topics discussed during these workshops.

2. Open Space – The Transition Area policies of the Plan state that natural open spaces should be a predominant visual element of developments and should enhance the area’s river and stream corridors. For the Lower Sycocin Subarea, the Plan identifies a goal of maintaining a minimum of 70 percent open space in order to create a contiguous network of green spaces. This open space target is also a result of the Plan’s intent to limit density in the Transition Policy Area in order to protect drinking water resources, i.e., the Goose Creek and Beaverdam reservoirs. If the subject property were to be developed under the current TR-10 zoning entitlements, the applicant would be required to maintain 70 percent of the parcel as open space.

Initial submissions of the applications did not include a commitment to open space. Following the September 26, 2017, Commission Public Hearing, the applicant submitted revised Proffers with a proffer to provide 58 percent of the site as open space. The applicant has submitted an illustrative open space exhibit (Attachment 6). Some of the open space shown on the exhibit is within isolated pockets, such as narrow strips of land located
between parking lots and building; these areas do not constitute a contiguous network of green spaces as the Plan envisions.

The proffered 58 percent open space is a significant improvement over the previous submissions. However, staff continues to recommend that the applicant explore layout options that would allow the development to fully satisfy the 70 percent open space threshold that the Plan envisions for the Transition Policy Area.

As noted above, a rezoning application was previously submitted for this site (ZMAP-2013-0004, Wildwood Farms); the application was withdrawn by the applicant prior to Board action. The 2013 ZMAP application committed to preservation of 70 percent of the site as open space.

**B. Compatibility:**

ZO §6-1210(E)(2) The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values. ZO §6-1309(2) Whether the level and impact of any noise, light, glare, odor or other emissions generated by the proposed use will negatively impact surrounding uses. (3) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and on adjacent parcels.

**Analysis** – Outstanding issues include the following: 1) Building design and scale are not appropriate where the development will be visible from a roadway; 2) Proposed screening adjacent to Sycolin Road and the Dulles Greenway is not sufficient.

1. **Building Design and Scale** – The Zoning Ordinance provides design criteria for the principal building façades of data centers, which must include at least two elements from a list of design standards. The applicant has proffered to increase this requirement by providing at least three elements from the list. However, it should be noted that these standards are intended for data centers located within the Suburban Policy Area and do not address the intent of the Transition Policy Area.

During the September 26, 2017, Commission Public Hearing, the Commission and staff expressed concerns regarding the appropriateness for the Transition Policy Area of the applicant’s illustrative designs, as well as visibility from adjoining roads and Goose Creek.

Following the Commission Public Hearing, the applicant submitted illustrative cross section graphics (Attachment 7, Figure 4) showing projected views of the development from Sycolin Road, the Dulles Greenway and Goose Creek. The cross sections identify the building height as 35 feet, consistent with the proffered maximum height. In addition, the applicant submitted revised, illustrative typical building elevations (Attachment 8, Figure 5). The Proffers do not commit the applicant to the designs shown in the applicant’s illustrative materials.
Figure 4: Illustrative Cross Section at Dulles Greenway

The cross sections appear to be correct depictions of the western portions of the Dulles Greenway and Sycolin Road, but may not depict with full accuracy the eastern portions of these roads due to differences in topography on Sycolin Road and proposed removal of some of the existing tree cover along the Dulles Greenway.

Staff continues to have concerns about the proposed scale of the buildings, which the illustratives show as having relatively long (approximately 400-800 feet), flat walls with limited fenestration to break up the mass of these buildings (Figure 5). The Plan, which does not anticipate industrial uses in the Transition Policy Area, calls for individual buildings within this policy area to be no greater than 150 feet in length.

Based on the materials submitted by the applicant, it appears that topography and existing trees could screen significant portions of the buildings adjacent to Sycolin Road and the Dulles Greenway, and may fully screen buildings from Goose Creek. Required landscaping (when mature) will also contribute to screening. If buildings will be effectively screened from adjacent roads and Goose Creek, the issue of building design becomes less significant.

The likely area of greatest visibility will be along on Sycolin Road at the site entrance and along the property’s eastern road frontage. During the Commission Work Session, the applicant displayed a graphic showing portions of two buildings that would be visible from the entrance. Due to relatively flat topography along the eastern frontage, buildings would be visible from the Sycolin Road for several years until proposed landscaping along this road reaches its mature height. Staff recommends that the applicant provide design enhancements along Sycolin Road to lessen visual impact of the proposed data center use in a Transition Area context.
2. **Buffering and Screening** – The requirements for buffering and screening are as follows:

   a. **Western Side** – A Type 4 side Buffer Yard is required and must be installed on an earthen berm of a minimum 6 feet in height. The applicant has requested a modification to allow a six-foot tall opaque fence to substitute for the required berm along a portion of the western property line.

      Because the property is situated lower than adjacent property located to the west, it is likely that the combination of existing topography and the proposed landscaping would screen most views of the proposed data center uses (depending on building height) from this adjacent western parcel. Screening would be limited by a proposed modification to replace a required berm with a six-foot opaque fence. The applicant is not proposing tree conservation along the western property line; however, the adjacent parcel is almost entirely forested.

   b. **Eastern Side** – A Type 4 side Buffer Yard is required and must be installed on an earthen berm of a minimum 6 feet in height. The first submission of the Phase I site plan for the proposed development indicates that the applicant intends to substitute existing vegetation to satisfy landscaping requirements.

      Assuming a 35-foot building height, views from Goose Creek and from the adjacent parcel located to the east (occupied by the Goose Creek Gardens and Pavilion facility) would likely be screened as a result of existing vegetation within the Goose Creek floodplain area. It should be noted that many of the existing trees on the subject property adjacent to Goose Creek are deciduous and would provide limited screening during the winter.
c. **Dulles Greenway Frontage** – A Type 3 front Buffer Yard is required adjacent to the Dulles Greenway. Because the property is situated lower than the Dulles Greenway, it is likely that the combination of existing topography and existing vegetation on the north side of the property (where preserved) would screen most views of the proposed data center uses from the road. However, the tree conservation area shown on the CDP does not include the eastern portion of the Dulles Greenway frontage; staff recommends that this area be included in the tree conservation area.

d. **Sycolin Road Frontage** – A Type 3 front Buffer Yard is required adjacent to Sycolin Road. The applicant has also committed to providing supplemental evergreen plantings along the Sycolin Road frontage.

As noted above, the eastern portion of the property’s Sycolin Road frontage is the likely area of greatest visibility for the proposed development. The applicant submitted an illustrative cross section (Figure 6) showing development at the Sycolin Road frontage.

![Illustrative Cross Section at Sycolin Road](image)

The cross section appears to be consistent with the grading plan in the first submission of the Phase I site plan, which shows that the grade level of one of the proposed buildings adjacent to Sycolin Road is approximately 18 feet lower than the roadway. The elevation change and the proposed additional evergreen trees would significantly contribute to screening along the western portion of the road.

There is, however, not a significant elevation change for the eastern portion of Sycolin Road. As such, the buildings fronting the eastern portion of this road will be more visible. For this reason, staff also recommended a modification to front Buffer Yard requirements to replace the required canopy trees with evergreen trees.
The Commission included this modification in the motion to recommend the applications to the Board.

Staff further recommends an additional proffer committing to the installation of a berm/slope along the western portion of Sycolin Road, as shown on the Phase I site plan currently in review. Staff had previously also recommended a berm along the eastern portion of this roadway; however, the applicant has stated that a berm in this location would not be feasible due to engineering constraints.

e. **Equipment** – The supplemental Zoning Ordinance standards for data centers require the screening of ground level and rooftop mechanical equipment in order to minimize visibility from adjacent roads and adjacent properties. Screening may be provided by a principal building, a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen constructed of compatible materials. The applicant would be required to address this requirement at the site plan stage.

3. **Noise** – Noise created by the proposed data center uses may not exceed 55 decibels on the receiving property line located closest to the source of the subject sound per Section 5-1507 of the Zoning Ordinance. However, noise from generators or accessory equipment during testing or emergencies is exempt from this requirement.

4. **Light and Glare** – All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties, per Zoning Ordinance Section 5-664. All sources of glare from any source must not cause illumination in excess of 0.25 foot candles abutting any residential use or at the lot line with any residential district.

5. **Proximity to Existing Residential Uses** – The residential use located nearest to the property is the Goose Creek Gardens and Pavilion bed and breakfast and event facility, which is located in a single-family detached residence approximately 400 feet from the eastern property line of the subject property, across Goose Creek. The closest residential development is Goose Creek Village North, a single-family attached residential subdivision of which the nearest dwelling unit is located approximately 1,750 feet from the subject property, across Goose Creek and the Dulles Greenway.

C. **Environmental and Heritage Resources:**

**ZO §6-1210(E)(5)** Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts. **ZO §6-1309(4)** Whether the proposed special exception or minor special exception adequately protects and mitigates impacts on the environmental or natural features including, but not limited to, wildlife habitat, vegetation, wetlands, water quality (including groundwater), air quality, topographic, scenic, archaeological or historic features, and agricultural and forestal lands.
Analysis – Outstanding issues identified by staff include the following: 1) the tree conservation area should be expanded to include the western property line and the eastern portion of the property’s Dulles Greenway frontage; and 2) the CDP does not show the preservation of the globally rare Northern Piedmont Mafic Barren rock community on the property.

1. Tree Conservation – Staff recommends that the tree conservation area on the plat be expanded to include the following areas (Figure 7) in order to improve screening as well as to implement the Green Infrastructure policies of the Plan.

a. Dulles Greenway – Following the Commission Public Hearing, the applicant updated the CDP to show additional tree conservation area along the western part of Greenway. Regarding the forested area not proposed for preservation along the site’s eastern frontage along the Greenway, the applicant has informed staff that site grading will cut into the area between the Greenway and an adjacent building site. Based on the currently proposed site layout, it may not be feasible to preserve trees in this area.

b. Western property line – The applicant does not propose any tree conservation in this area. The applicant has informed staff that grading needs based on the currently proposed layout would preclude tree conservation in this area.

Figure 7: Tree Conservation

Staff recommends that the applicant continue to consider layout options that would allow for additional tree preservation adjacent to the Dulles Greenway and the western property line.
2. **Plant and Wildlife Habitats** – Per the DCR, the site contains a Northern Piedmont Mafic Barren community, i.e. a biological community composed of what DCR describes as “a mosaic of lichen, moss mats, and herbs with scattered, stunted trees” (Figure 8). Per DCR, several rare plants may occur at this location if suitable habitat is present. Only ten occurrences of this community type have been documented worldwide, and all are located in the Virginia Piedmont region, with the combined acreage of all known occurrences totaling less than 25 acres. DCR identifies the Piedmont Mafic Barren as one of the rarest natural community types in eastern North America. The community located on the subject property is very small (about 0.3 acre) and is also the northernmost known occurrence.

![Figure 8: Mafic Barren Community](image)

DCR ecologists conducted a recent site visit of the property with Wetland Studies and Solutions staff, as documented in a report dated August 4, 2017 (Attachment 9). DCR found that the rare community is threatened by shading from nearby trees and the presence of numerous invasive exotic weeds, but also noted that many components (approximately 29 species) of the native barrens herbaceous vegetation are still present. Per DCR, management to control the encroaching trees and invasive species could help to restore the quality of the community. The agency has recommended that the community (in addition to eight acres of forested buffer) be preserved and placed under a conservation easement as part of the development. In the absence of any restoration activities, DCR predicts that the diagnostic species will eventually die off due to shading or weeds and the community would no longer be viable within 25 years. However, DCR finds that prospects for recovery and long-term viability would be excellent if the recommendations in its report were to be implemented.

Per the Green Infrastructure policies of the Plan and given the unusually rare status of this type of ecological community, Loudoun County staff recommends that the proposed building and parking areas and stormwater management facility in this area be relocated. Staff further recommends a commitment to a conservation easement for the DCR-proposed
eight-acre preservation area and development and implementation of a management plan to ensure preservation of this globally rare community.

**Water Resources** – The property includes a number of river and stream corridor resources such as Goose Creek, an unnamed tributary to Goose Creek, adjoining floodplains, and adjacent steep slopes (Figure 9). In response to referral comments, the applicant has added a 50-foot River and Stream Corridor Resources (RSCR) buffer to the CDP. Within the buffer, only passive recreational uses would be permitted, with the exception of necessary encroachments for clearing, grading, or utility installation or maintenance. The 300-foot Reservoir Protection Buffer and 200-foot Scenic Creek Valley Buffer are also shown on the CDP.

Existing forested wetlands and a perennial stream are located along the western property boundary, and the proposed development would impact these features. As requested by staff, the applicant has added the standard Stream and Wetland Mitigation proffer.

**Stormwater Management** – The applicant has proffered to provide at least one Low-Impact Development (LID) Best Management Practice to treat stormwater from the property.

![Figure 9: Floodplain](image)

**Archaeological or Historic Features** – An April 2013 Thunderbird Archeology Phase I Archaeological Survey (74 acres) recommended a Phase II Evaluation for early 19th century domestic site at the north end of the property, which was conducted in August 2013 and did not result in a recommendation of further work. A 2011 Phase I Survey of the remainder of the property (31 acres) recommended no further Phase II work, and staff concurs with this recommendation.
D. Transportation:
ZO §6-1210(E)(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district [emphasis added]. ZO §6-1309(6) Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities [emphasis added].

Analysis – Staff has identified no significant outstanding transportation issues. During the review process, the applicant addressed staff comments regarding right-of-way dedication, right- and left-turn lanes, a sidewalk easement, and a proposed linear park along Goose Creek. The Department of Transportation and Capital Infrastructure (DTCI) found that the proposed data center uses would not generate a need for improvements to the local roadway network.

Sidewalks and Trails – The applicant has committed to building a six-foot wide sidewalk within a 10-foot wide public access easement along the Sycolin Road frontage, with the exception of a section of the frontage located within the floodplain. While the sidewalk and easement are shown on the CDP, staff recommends that the Proffers be amended to incorporate the proposed sidewalk.

The applicant has discussed with PRCS a potential linear park and trail along the property’s Goose Creek frontage. PRCS has determined that at this time, land dedication would be preferable over a commitment by the applicant to construct a trail. The applicant has revised the Proffers to dedicate to the County a 100-foot wide corridor within the 200-foot Scenic Creek Valley Buffer (approximately 5.5 acres) along Goose Creek for linear park purposes.

Access – The applicant proposes to access the site from Sycolin Road from one full-movement access point. The 2010 Revised Countywide Transportation Plan (2010 CTP) identifies the ultimate condition of Sycolin Road as a Major Collector roadway to be constructed as a 90-foot-wide, four-lane, median-divided road.

Turn Lanes – The applicant has committed to constructing left- and right-turn lanes along Sycolin Road at the future site entrance, in accordance with the 2010 CTP. Turn lanes are shown on the CDP and detailed in the Proffers.

Trip Generation – DTCI found that, while the proposed development is anticipated to result in increased trip generation as compared to the by-right development of the property, the applicant’s Traffic Impact Study (TIS) indicates that the surrounding roadway network will be able to accommodate the increased traffic volume without additional mitigation.

Right-of-Way Dedication – The applicant has proffered to dedicate any portion of the property’s Sycolin Road frontage that does not already provide 45 feet of right-of-way from the centerline.

E. Fiscal Impacts:
ZO §6-1210(E)(4) The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.
Analysis – As with most commercial projects, it is anticipated that revenues generated by non-residential development will exceed the cost of the limited public services necessary to support it.

F. Public Utilities/Public Safety:
ZO §6-1210(E)(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.
(6) The protection of life and property from impounding structure failures [emphasis added]. §6-1309(6) Whether the proposed special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services and, in rural areas, by adequate on-site utilities [emphasis added].

Analysis – Staff has identified no outstanding issues related to utilities or public safety. The main topic discussed during the referral process was the applicant’s commitments to Loudoun Water.

Water and Sewer – Public sewer and water service is available to the property. The applicant has committed to not utilizing groundwater, surface water withdrawals or surface water discharges for cooling purposes associated with data center uses. The applicant has also agreed with Loudoun Water to provide the following:

- Dedication of a one-acre easement to Loudoun Water, as shown on the CDP;
- Installation of a looped water main system; and
- Installation of a 16-inch waterline along the western side of the project, with the additional cost for upsizing the waterline from 12 inches to 16 inches and crossing the Dulles Greenway to be reimbursed by Loudoun Water.

Fire & Rescue Service – The Ashburn, Station 6 Fire and Rescue Station would serve the subject property with an approximate response time of seven minutes.

Fire & Rescue Contribution – The proffer statement includes a one-time Fire and Rescue contribution of $0.20 per gross square foot to be distributed equally to the first response fire and rescue facilities. This contribution meets the Board’s Fire and Rescue policy.

Electricity – The applicant proposes to bring electric power over the Dulles Greenway. A new power pole of approximately 25 feet in height will be necessary on each side of the road; this connection would provide approximately 60 megawatts of power to the site. The applicant has not indicated an intent to connect to the existing 230 kV line on the west side of the property. The ZMAP application includes a request to construct a dedicated and/or distribution substation in a location shown on the CDP; however, the applicant had not identified any immediate need to build a substation.

ZONING ANALYSIS – The subject property is currently zoned TR-10. The property is also located partially within the Airport Impact Overlay District (AI), Ldn 60 1-mile buffer as well as the Quarry Notification (QN) Overlay District, Luck Note Area, and the Floodplain Overlay District (FOD),
Major Floodplain. Moderate and very steep slopes are located on the property. The property is also located in the Reservoir Protection Overlay.

Per Section 4-302 of the Zoning Ordinance, the PD-OP zoning district shall be located: 1) In areas that are compatible with other commercial development, and 2) As envisioned in the Comprehensive Plan. There is no existing commercial development pattern along Sycolin Road; as such, the proposed data center use would not be compatible with other commercial development. As noted above, the Comprehensive Plan does not envision PD-OP uses in this area.

The PD-OP district permits development of up to 0.6 FAR or up to 2.76 million square feet; the applicant proposes to limit the development area of the property to 750,000 square feet, which equates to approximately 0.16 FAR. Use of the property would be limited to data center uses, including a distribution and/or dedicated substation, as well as a sewer pumping station (for Loudoun Water purposes). Should the rezoning application be approved, a non-dedicated substation could be constructed on the property in the location identified on the CDP without the requirement for Commission Permit approval, per Section 6-1101(C) of the Zoning Ordinance.

ZONING MODIFICATIONS:

Criteria for Approval - Zoning Ordinance 6-1500 of the Revised 1993 Zoning Ordinance states that no modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site.

The applicant is requesting the following modification(s) of the Revised 1993 Zoning Ordinance:

<table>
<thead>
<tr>
<th>Zoning Ordinance Section</th>
<th>Requested Modification and Justification</th>
<th>Staff Analysis/Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZO §5-1303(A)(1)</td>
<td>Permit the minimum required percentage of tree canopy to be provided based on the entire combined rezoning area rather than the area subject to an individual land development application. The effect of this modification would be to allow tree canopy to be calculated on an area-wide basis instead of on the basis of individual subdivision or site plan applications.</td>
<td>While staff has no objection to this request, the proposed modification is a subcomponent of the overall ZMAP request, which staff is unable to support. As such, staff <strong>cannot support</strong> the requested modification.</td>
</tr>
</tbody>
</table>
The SOJ notes that the overall site will exceed the 10 percent tree canopy requirement of the PD-OP district and that “the applicant is proffering to preserve existing mature canopy coverage over almost 30% of the site.” (Staff notes that, while a tree conservation area is shown on the CDP, no specific percentage of canopy area is identified. As such, the above statement cannot be verified.)

<table>
<thead>
<tr>
<th>ZO § 5-664(D)(1) Provision of Sidewalks and/or Trails</th>
</tr>
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<tbody>
<tr>
<td>Permit the required sidewalk and/or trail to not extend along the full extent of the subject property’s frontage along Sycolin Road.</td>
</tr>
<tr>
<td>A section of the property’s Sycolin Road frontage is located in the floodplain. No sidewalk is proposed in this area; however, the applicant proposes to dedicate a sidewalk easement along the full frontage.</td>
</tr>
<tr>
<td>While staff has no objection to this request, the proposed modification is a subcomponent of the overall ZMAP request, which staff is unable to support. As such, staff <strong>cannot support</strong> the requested modification.</td>
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<tr>
<th>ZO § 5-664(E) Buffer Yard Requirements</th>
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</thead>
<tbody>
<tr>
<td>Allow a six-foot tall opaque fence to substitute for the earthen berm required for the Type 4 Side Buffer Yard located along the subject property’s western boundary.</td>
</tr>
<tr>
<td>Per the SOJ, the applicant’s intent is to limit land disturbance.</td>
</tr>
<tr>
<td>Staff <strong>cannot support</strong> the requested modification. The applicant has not justified why it is necessary for the modification to be applied to approximately 1,200 linear feet of the property line. Absent this justification, the extent of the request is excessive.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 5-1414(B) of ZO §5-1414, Buffering and Screening, Buffer Yard and Screening Matrix, Buffer Yard.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Replace all canopy trees required for the Type 3 Front Buffer Yard located along the subject property’s southern boundary with evergreen trees.</td>
</tr>
<tr>
<td>Staff and the Planning Commission recommended this modification in order to enhance screening along the Sycolin Road frontage.</td>
</tr>
<tr>
<td>While staff has no objection to this request, the proposed modification is a subcomponent of the overall ZMAP request, which staff is unable to support. However, should the Board consider approval of the ZMAP request, staff <strong>supports</strong> inclusion of this modification in order to enhance screening along Sycolin Road.</td>
</tr>
</tbody>
</table>
DRAFT MOTIONS:

1. I move that the Board of Supervisors forward ZMAP-2017-0003, ZMOD-2017-0011, SPMI-2017-0020, True North Data, to the December 5, 2017, Board of Supervisors Business Meeting for further discussion.

OR


OR

3a. I move that the Board of Supervisors suspend the rules.

AND

3b. I move that the Board of Supervisors deny ZMAP-2017-0003, ZMOD-2017-0011, & SPMI-2017-0020, True North Data, based on the Findings for Denial as provided in Attachment 3 to the November 15, 2017, Board of Supervisors Public Hearing Staff Report.

OR

4. I move an alternate motion.

ATTACHMENTS:

1. Proffer Statement (November 2, 2017)
2. Conditions of Approval (October 31, 2017)
3. Findings for Denial
4. Concept Development Plan (October 30, 2017)
5. Statement of Justification
6. Open Space Exhibit
7. Cross Section Graphics
8. Building Elevation Graphics
9. Review Agency Comments
10. Response to Referral Comments
PREAMBLE

Five Fields, LLC f/k/a Wildwood Farms LLC, the owner (the “Owner”) of property described as Loudoun County Tax Map 61, Parcel 16 (PIN 194-19-9296) (the “Property”), on behalf of itself and its successors in interest, hereby voluntarily proffer, pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Loudoun County Zoning Ordinance (the “Zoning Ordinance”), as may be amended from time to time, that in the event the Property is rezoned by the Board of Supervisors of Loudoun County, Virginia (hereinafter referred to as the “County”), to the Planned Development-Office Park (“PD-OP”) zoning district, such area being shown on the rezoning plan set entitled “True North Data”, (the “Plans”), prepared by christopher consultants, ltd., dated April 4, 2017 and revised through October 30, 2017, including approval of the Concept Development Plan, defined below and incorporated herein by reference as Exhibit A, and, pursuant to Section 6-1217 of the Zoning Ordinance, approval of the Zoning Ordinance Modifications as described in Exhibit B attached hereto and incorporated herein by reference (“Zoning Ordinance Modifications”), the development of the Property subject to ZMAP-2017-0003 and ZMOD-2017-0011 shall be in substantial conformance with the proffers (“Proffers”) as set forth below. The term “Owner” as used in this Proffer Statement shall include the above-named Owner’s successors, assigns or agents.

All references in these Proffers to subdivision, subdivision plat, or record plat shall be deemed to include condominium or condominium plat or any other document or mechanism that legally divides the Property into separately transferable units of ownership. Any obligation imposed herein that must be performed prior to, in conjunction with, or concurrently with first or other subdivision or record plat approval shall be deemed to be required to be performed prior to the recordation of any such
condominium declaration or plat or other similar document that would have the legal effect of dividing the Property into separately transferable units of ownership.

I. CONCEPT DEVELOPMENT PLAN

The Property shall be developed in substantial conformance with the Concept Development Plan (the “CDP”), defined as Sheet 4 of 4 of the Plans. Minor adjustments to the locations of the proposed roads and improvements shown on the CDP shall be permitted as reasonably necessary, in accordance with Zoning Ordinance Section 6-1209, to address grading, drainage, environmental, cultural and natural features, development ordinance requirements, and other final engineering considerations, and to accommodate the recommendations of archaeological studies.

II. PROPOSED LAND USES

The Property may be developed with up to a maximum 750,000 square feet of development. Development shall be limited to data center uses and may also include a passive park and utility substation, distribution, and/or a utility substation, dedicated, and/or a sewer pumping station (the “Additional Uses”), provided that only buildings (as defined in the Zoning Ordinance) constructed as part of any data center use or Additional Use shall count against such 750,000 square foot limit. Such Additional Uses are not necessarily included as part of or accessory to the data center, all in accordance with the Zoning Ordinance.

Excluded Uses: Except for the uses identified in the preceding paragraph, all other Permitted and Special Exception Uses listed in the PD-OP zoning district regulations of the Zoning Ordinance shall be prohibited on the Property. All land development applications, including zoning permit applications, for development of all or any portion of the Property shall identify said application or permits as being subject to Proffers of this ZMAP-2017-0003, and shall conspicuously state that data center, park, utility substation, distribution, utility substation, dedicated, and sewer pumping station are the only uses permitted on the Property, and that all of the other Permitted and Special Exception Uses in the PD-OP zoning district (“Excluded Uses”) are, by virtue of this Proffer II, not permitted on the Property. Owner on behalf of itself and its successors in interest acknowledges and agrees that any Permit issued by County staff for any such Excluded Use where the foregoing statement was not submitted as part of the application for the Permit, shall be void and of no force and effect.

III. BUILDING HEIGHTS
The maximum height of any building on the Property shall not exceed thirty-five feet (35’).

IV. TRANSPORTATION

A. Sycolin Road (Route 625) Turn Lanes

The Owner shall construct right and left turn lanes on Sycolin Road (Route 625), including dedication of right-of-way to the County, at no public cost, at the Proposed Vehicular Access onto the Property as shown on the CDP. Such turn lanes shall be bonded or constructed prior to approval of the first subdivision plat or site plan on the Property, whichever occurs first, and shall be open and available for use prior to issuance of the occupancy permit for the first building on the Property. Said occupancy permit shall not be issued until the Owner has provided (i) written documentation from County Building and Development or Zoning Administration staff that the said turn lanes have been constructed and opened for use, or (ii) written documentation from Zoning Administration staff that the said turn lanes are no longer a prerequisite for issuance of such occupancy permit.

B. Sycolin Road (Route 625) ROW Dedication

Should any portion of the Property adjacent to Sycolin Road (Route 625) not provide forty-five feet (45’) of dedicated right-of-way from the existing centerline of Sycolin Road (Route 625), to the boundary of the Property, the Owner shall dedicate to Loudoun County, at no public cost, all additional right-of-way necessary to provide 45 feet of dedicated right-of-way from the existing centerline of Sycolin Road (Route 625) along the entire frontage of the Property prior to the approval of the first site plan for the Property.

C. Sycolin Road (Route 625) Sidewalk and Easement

1. Construction of Sidewalk. As shown on the CDP, the Owner shall construct, at no public cost, a six (6)-foot sidewalk within a ten (10)-foot wide sidewalk easement, along the Property’s Sycolin Road (Route 625) frontage outside of the Reservoir Protection Zone. Such sidewalk shall be bonded or constructed prior to approval of the first subdivision plat or site plan on the Property, whichever occurs first, and shall be open and available for use prior to issuance of the occupancy permit for the first building on the Property. The Owner shall provide written documentation from County Building and Development or Zoning Administration staff that the said sidewalk has been constructed and opened for use.
2. **Sidewalk Easement within the Reservoir Protection Area.** As shown on the CDP, the Owner shall dedicate a ten (10)-foot wide sidewalk easement to the County, at no public cost, along the Property’s Sycolin Road (Route 625) frontage within the Reservoir Protection Zone. The sidewalk easement shall be in place and recorded prior to the issuance of the occupancy permit for the first building on the Property. The Owner shall provide recordation documentation to County Building and Development or Zoning Administration staff that the said sidewalk easement has been recorded among Loudoun County Land Records.

V. **PROPERTY OWNERS ASSOCIATION**

A. **POA General Responsibilities**

All property owners within the Property shall be a member of a property owners association (the “POA”) established to regulate use and provide standards for the construction, maintenance, landscaping and use of privately owned land and structures within the Property. The POA shall have the responsibility to provide landscaping and lawn maintenance for all common areas and open space, snow removal on all private streets, and trash removal and recycling services. The POA shall also be responsible for the maintenance of all common buildings, all storm drainage easements and stormwater management facilities not maintained by the County, all private streets and street lights, and all sidewalks and multi-use trails, if located outside of public road right-of-way and not otherwise maintained by Loudoun County or the Virginia Department of Transportation (VDOT). The POA shall retain responsibility for compliance with the provisions of this Proffer V.A unless and until it contractually assigns or delegates its responsibilities to a sub-association or sub-associations approved by the County.

B. **Establishment of the POA**

In conjunction with the submission of the first record plat or site plan application, whichever is first in time, for any portion of the Property, draft documents for the establishment of the POA and the imposition of the covenants required by these Proffers (the “POA Covenants”) shall be submitted to the County for review and approval. In addition to any other requirements set forth in these Proffers, the POA Covenants may provide for the Owner or successor developer/declarant to have the unilateral right without approval or consent of any other land owner to record amendments to the POA Covenants as necessary provided that such amendments are approved by the Zoning Administrator as being consistent with these Proffers. The POA shall be established and the POA
Covenants as approved by the County shall be recorded in the land books of the County prior to the approval of the first record plat or site plan for the Property, whichever is first in time. Sub-associations may be established as needed. If established, the Owner shall provide draft documents for the establishment of any and all sub-associations and the imposition of any additional covenants to the County for review and approval, which documents shall be recorded in the land records prior to approval of the first record plat or site plan for any portion of the Property to be subject to such sub-association.

VI. DESIGN
Principal building facades shall include at least three of the following design elements: change in building height, building step-backs or recesses, fenestration, change in building material, pattern, texture, color or use of accent materials.

The Owner shall submit building elevations/exterior design of the proposed building(s) for review by the Department of Planning and Zoning (“DPZ”) to confirm compliance with this Proffer VI. The Owner shall be permitted to obtain conditional approval of a site plan for built development on the Property prior to DPZ confirmation of compliance with this Proffer VI, but shall not be permitted to receive final approval of a site plan prior to DPZ confirmation of compliance with the above-referenced design elements requirements in each building subject to the site plan.

VII. ENVIRONMENTAL

A. Low-Impact Development (LID)
The Owner shall provide a minimum of one (1) Low-Impact Development (“LID”) Best Management Practice to treat stormwater from the Property. Such LID practice may include, but shall not be limited to, water quality swales, bioretention facilities/rain gardens, sheet flow to vegetated buffers, permeable pavement for parking spaces, or any alternative LID practice proposed by the Owner and deemed by the Department of Building and Development to be acceptable. The location of the LID practice shall be shown on the first Site Plan or Construction Plans and Profiles, whichever is first in time, for built development on the Property. For purposes of these Proffers, site plan or construction plans and profiles for “built development” means a plan that includes construction of any facility other than public road(s).

B. Tree Conservation Areas
1. Within the areas identified on the CDP as “Tree Conservation” (“Tree Conservation Areas”), the Owner shall preserve healthy trees provided, however, that trees may be removed to the extent necessary for the construction of trails, passive recreational amenities, and stormwater management facilities that are required pursuant to the Proffers and/or shown on approved construction plans and profiles as lying within such Tree Conservation Areas and for the construction of utilities necessary for the development of the Property. Notwithstanding the previous sentence, a minimum of 80% of the canopy within the cumulative Tree Conservation Areas depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the 80% canopy threshold cannot be achieved within the designated Tree Conservation Areas, such canopy deficit will be recaptured elsewhere on-site in locations to be designated at the discretion of the Owner in consultation with the County Urban Forester or Zoning Administrator. Boundaries of all Tree Conservation Areas shall be clearly marked in the field prior to land disturbing activities and delineated on the site plan or record plat recorded for each section of the development. The Owner shall provide a Tree Conservation Area (TCA) tabulation demonstrating the initial amount of TCA and the remaining amount after development on the site to be submitted with each site plan submission.

2. If, during construction on the Property, it is determined by the Owner’s certified arborist and/or the County Urban Forester or Zoning Administrator that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this Proffer has been damaged during construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to such Tree Conservation Area, the Owner shall remove such tree and replace each such tree with two (2) 3-inch caliper native, non-invasive deciduous trees. The species and location of such replacement trees shall be determined by the Owner’s certified arborist or landscape architect, in consultation with the County Urban Forester or Zoning Administrator. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County.

3. The POA Covenants shall include a provision that prohibits removal of trees in Tree Conservation Areas, as shown on any record plat or site plan, after construction has been completed by the Owner without specific permission of the County Zoning Administrator except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that protect or enhance the viability of the canopy. Such
Management Techniques may include such actions as pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The POA Covenants shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the POA without written approval from the County Zoning Administrator. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the POA Covenants.

C. Data Center Cooling

The Owner shall not utilize groundwater, surface water withdrawals or surface water discharges for cooling purposes associated with data center uses. For purposes of this Proffer “surface water” includes, but is not limited to, any stream, creek, river, lake, or wetland.

D. Stream and Wetland Mitigation

Any impacts to streams and wetlands shall be subject to permits obtained from the U.S. Army Corps of Engineers (USACE), Virginia Department of Environmental Quality (DEQ) and the Virginia Marine Resources Commission (VMRC), as applicable. In the event that stream or wetland mitigation is required in conjunction with the issuance of the aforesaid permits, the Owner, although not legally obligated by this Proffer or otherwise to utilize or consider available Loudoun County mitigation sites, has nevertheless indicated, subject to the approval of USACE, DEQ, and VMRC, its willingness to give some consideration to utilizing available Loudoun County mitigation sites with equal or less costs than that of other available mitigation sites within the Potomac River Watershed. The Owner, if requested by the Zoning Administrator, has agreed to advise the Zoning Administrator as to the general results of its evaluation of mitigation sites and what it has learned with respect to the costs of mitigating in Loudoun County as compared to the costs of mitigating at the site selected by the Owner if located outside of Loudoun County.

E. River and Stream Corridor Resources (RSCR) Management Buffer

Within the areas identified on the CDP as “RSCR Management Buffer” only passive recreational uses shall be permitted; however, the Owner may encroach into the RSCR Management Buffer with necessary construction activities, such as, but not limited to, clearing, grading, or utility installation
and maintenance. Such encroachments shall be limited to thirty-five percent (35%) of the total RSCR Management Buffer area, such that a minimum of sixty-five percent (65%) of the cumulative RSCR Management Buffer shall be preserved. In the event that the RSCR Management Buffer is encroached, within the allowable tolerance of 35%, the Owner will replant open areas within or adjacent to the Major and Minor Floodplain, in an amount equal to the area of the proposed development that encroaches into the RSCR Management Buffer, in locations and with species to be designated at the discretion of the Owner in consultation with the County Urban Forester or Zoning Administrator. Boundaries of all RSCR Management Buffers shall be clearly marked in the field prior to land disturbing activities and delineated on all applicable site plans and construction plans and profiles. The Owner shall provide a RSCR Management Buffer tabulation demonstrating the initial amount of RSCR Management Buffer and the remaining amount after development of the site to be submitted with each site plan and construction plans and profiles submission.

In the event of an encroachment into the RSCR Management Buffer and required replanting, in accordance with the paragraph above, the Owner shall submit for review and approval by the County Urban Forester or Zoning Administrator, a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape Architect, to provide for such replanting areas at the time of submission of each site plan or construction plans and profiles proposing the development of any area that encroaches into the RSCR Management Buffer. The Owner shall be required to provide such replanting areas only in an amount equal to the amount of such encroachments as shown on the site plan or construction plans and profiles. Each such reforestation plan shall provide for 3 gallon, containerized, native, deciduous trees to be planted at a density of 300 trees (180 canopy trees and 120 understory trees) per acre on a 12-foot by 12-foot staggered grid. Each approved reforestation plan shall be implemented concurrently with the development of the areas subject to such site plans or construction plans and profiles prior to occupancy. A targeted stocking of 75 percent survival with uniform distribution shall be achieved within one (1) year of planting as determined by the County Urban Forester or Zoning Administrator. In the event that the targeted stocking is not achieved, the Owner shall, in consultation with the County Urban Forester or Zoning Administrator, provide a one-time supplemental planting within one (1) year to achieve the full, initial stocking. No occupancy permit shall be issued for any portion of the Property unless and until the Owner has provided (i) written documentation from County Building and Development or Zoning Administration staff that the said required reforestation plan has been implemented in accordance with this Proffer, or (ii) written documentation from Zoning Administration staff that implementation
of a reforestation plan is not a prerequisite for issuance of such occupancy permit. Notwithstanding the foregoing, the Zoning Administrator may grant an extension to a date certain, secured by adequate bond, of the timing to fully implement the reforestation plan in the event the Zoning Administrator determines that weather or other circumstances beyond the control of the Owner temporarily prevents the fulfillment of the obligations under this Proffer.

VIII. GOOSE CREEK TRAIL

A. Dedication of Passive Park Land

The Owner shall create by subdivision and dedicate and convey to the County, at no public cost, a 100-foot wide corridor along and within the “200’ Creek Valley Buffer” containing approximately 5.5+/- acres, immediately adjacent to the Goose Creek as shown on the CDP. This area to be dedicated is more particularly shown and designated as “County Passive Park Dedication Area” on the CDP. This land shall be dedicated to be used for open space/conservation/passive recreation purposes only, and shall not be programmed by the County for uses such as, but not limited to, picnic tables, ball fields, multipurpose sport courts or fields, etc., that would typically attract large numbers of persons or otherwise facilitate the gathering of groups of people. The proposed plat and deed of subdivision and dedication will be prepared and submitted by the Owner to the County for review and approval and shall be recorded prior to approval of the first zoning permit on the Property. This dedication area, after the dedication is recorded, shall continue to be credited toward any open space, tree canopy, Best Management Practices (the “BMP”), or other similar requirements of the Zoning Ordinance or these Proffers during the development plan approval process for the Property.

IX. EMERGENCY SERVICES

A. Fire and Rescue Contribution

Prior to the approval of each zoning permit on the Property, the Owner shall make a one-time contribution for the benefit of the servicing fire and rescue companies in the amount of $0.20 per gross square foot of floor area which shall be payable to the County for distribution by the County to the volunteer fire and rescue companies providing service to the Property. The amount of said contribution shall be adjusted on a yearly basis from the base year of 1988 and change effective each January 1 thereafter, in accordance with changes in the Consumer Price Index, for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted) as published by the Bureau of Labor
Statistics, U.S. Department of Labor, for the Washington-Baltimore, DC-MD-VA-WV Consolidated Metropolitan Statistical Area (the “CPI”). Contributions pursuant to this paragraph shall be divided equally between the servicing fire and rescue companies providing service to the Property. Notwithstanding the foregoing, if at the time of the application for any such zoning permit, the primary servicing fire and rescue companies do not utilize, to any significant extent, either volunteer staff or apparatus owned by a volunteer organization, then the Owner may elect to make no contribution. The intent of this Proffer is to support volunteer fire and rescue staffing and operations so long as any significant element of the primary provider of fire and rescue services to the Property is volunteer-owned or operated. If only one of these services has ceased to utilize volunteer staff and apparatus as described above in this Proffer, then the contribution may be halved and shall be provided to the remaining company.

X. OPEN SPACE

The Owner shall provide a minimum of 61.5 acres on the Property permanently restricted to open space uses in accordance with the Zoning Ordinance definition of Open Space. The Owner shall depict the open space on the first site plan for the Property and on each subsequent site plan and shall provide an open space tabulation with each site plan submission demonstrating the initial amount of open space and the amount remaining to be established after development on the submitted site plan.

XI. ENHANCED LANDSCAPING

In addition to the Type 3 Front Buffer Yard landscaping required by the Zoning Ordinance, as modified by the Zoning Ordinance Modifications attached hereto as Exhibit B, the Owner will plant a mix of evergreen trees that may consist of, but not limited to, species such as eastern red cedar, Arborvitae, and Nelly R. Stevens Holly at a rate of five (5) trees per 100 linear feet along the Property’s frontage on Sycolin Road. Location may be adjusted where utility easements preclude planting of trees. All of such Buffer Yard landscaping and enhanced landscaping shall be planted prior to issuance of the first occupancy permit on the Property. The said occupancy permit shall not be issued until the Owner has provided (i) written documentation from County Building and Development or Zoning Administration staff that the said Buffer Yard landscaping and enhanced landscaping have been installed, or (ii) written documentation from Zoning Administration staff that said Buffer Yard landscaping and enhanced landscaping are no longer a prerequisite for issuance of such occupancy permit. Notwithstanding the foregoing, the Zoning Administrator may grant an
extension to a date certain, secured by adequate bond, of the timing to install the said Buffer Yard landscaping and enhanced landscaping in the event the Zoning Administrator determines that weather or other circumstances beyond the control of the Owner temporarily prevents the fulfillment of the obligations under this Proffer.

XII. MISCELLANEOUS PROFFERS

A. Severability

Any portion of the Property may be the subject of a Zoning Concept Plan Amendment/Proffer Amendment, Rezoning, Special Exception, Commission Permit, Zoning Modification, Variance or other zoning application without the joinder and/or consent of the owners of other land areas within the Property, provided (1) that such application is compatible with these Proffers, (2) that the approval of such application would have no material, adverse impact upon any other land within the Property or the performance of any of these Proffers by the owners of the other land within the Property, (3) that such application complies with the relevant Zoning Ordinance and Virginia Code provisions, (4) that such application includes a proffer audit outlining the status of each commitment in these Proffers, and (5) that such application shall not be approved by the Board of Supervisors unless the application has been presented and considered at such public meetings or hearings as required by law. Previously approved proffered conditions or development conditions applicable to a particular portion of the Property which are not the subject of such an application shall remain in full force and effect.

B. Annual Adjustment

Unless otherwise specified in these Proffers, all cash contributions required by this Proffer Statement, other than the fire and rescue contributions of Proffer IX.A which are subject to a separate adjustment provision, shall be subject to an annual adjustment in accordance with the CPI with a base year of 2017. The first such adjustment shall occur on January 1, 2018 and shall be applied each January 1 thereafter.

--- Signature Page Follows ---
The undersigned hereby warrants that all owners with any legal interest in the Property have signed this Proffer Statement, that no signature from any additional party is necessary for these Proffers to be binding and enforceable in accordance with their terms, that the undersigned, together with any others signing this document, has full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

FIVE FIELDS, LLC F/K/A WILDWOOD FARMS LLC
a Virginia limited liability company

By: _________________________
Name: _______________________
Title: _______________________

STATE OF ________________________ )
COUNTY/CITY OF ________________ )

The foregoing Proffer Statement was acknowledged before me this ______ day of __________, 2017, by ________________________, as ____________________ of ____________________

______________________________
Notary Public

My Commission Expires: _________________
EXHIBIT A

CONCEPT DEVELOPMENT PLAN
# ZONING ORDINANCE MODIFICATIONS

<table>
<thead>
<tr>
<th>Zoning Ordinance Section</th>
<th>Proposed Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>§5-1303(A)(1), Tree Planting and Replacement, Canopy Requirements, Site Planning.</td>
<td>Permit the minimum required percentage of tree canopy to be provided based on the entire combined application area rather than the area subject to an individual land development application.</td>
</tr>
<tr>
<td>Table 5-1414(B) of §5-1414, Buffering and Screening, Buffer Yard and Screening Matrix, Buffer Yard.</td>
<td>Replace all canopy trees required for the Type 3 Front Buffer Yard located along Sycolin Road with evergreen trees.</td>
</tr>
</tbody>
</table>
SPMI-2017-0020 True North Data

Conditions of Approval

October 31, 2017

1. **Buffer Modifications.** Pursuant to Sections 5-600 and 5-1403(C) of the Revised 1993 Zoning Ordinance (the “Zoning Ordinance”), Minor Special Exception (SPMI)-2017-0020 grants approval of the following modifications to Sections 5-664 and Table 5-1414(B) of the Zoning Ordinance regarding the Data Center use (the “Uses”) proposed for the parcel identified as Tax Map Number /61////////16/ (PIN: 194-19-9296) (the “Property”), which Property is shown on Sheet 2 of the plan set entitled “True North Data”, dated April 4, 2017, and revised through October 30, 2017, as prepared by christopher consultants (the “Plans”).

<table>
<thead>
<tr>
<th>Zoning Ordinance Section</th>
<th>Modification Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>§ 5-664(D)(1) Provision of Sidewalks and/or Trails</td>
<td>Permit the required sidewalk and/or trail to extend along less than the full extent of the subject property’s frontage along Sycolin Road, as shown on the SPMI Plat, defined below, in order to avoid land disturbance in the 300’ Reservoir Protection Zone.</td>
</tr>
<tr>
<td>§ 5-664(E) Buffer Yard Requirements</td>
<td>Permit a six (6)-foot tall opaque fence to substitute for the earthen berm required for the Type 4 Side Buffer Yard located along the subject property’s western boundary adjacent to PIN: 194-29-3793.</td>
</tr>
</tbody>
</table>

2. **Conditions.** The approval of SPMI-2017-0020 shall be subject to the following conditions:

   a. **Substantial Conformance.** The development of the Property including the buffering and screening described in these Conditions, shall be in substantial conformance with these Conditions and Modifications and with Sheet 4 of 4 (the “SPMI Plat”) of the Plans. Approval of this application for the Property shall not relieve the applicant or the owners of the Property, their successors, or parties developing, establishing or operating the proposed Uses from the obligation to comply with and conform to any other applicable Zoning Ordinance, Codified Ordinance or regulatory requirement.

   b. **Buffering and Screening.** Existing vegetation may be used to satisfy the required plantings per 100 lineal feet of property line for Buffer Yards, subject to approval of the Zoning Administrator. All buffering and screening, to include any existing vegetation approved by the Zoning Administrator for use as required plantings, shall be depicted on each site plan application submitted for the Uses, and any new plantings shall be bonded for installation prior to the approval of the first site plan application for said Uses. All buffering and screening shall be installed in phases prior to the issuance of the first occupancy permit(s) for such uses located adjacent to such modified buffering referenced above. Said occupancy permit shall not be issued until the Applicant has provided (i) written documentation from County Building and Development or Zoning Administration staff that the buffering and screening has been installed, or (ii) written documentation from Zoning Administration staff that the said buffering and screening is no longer a prerequisite for issuance of such occupancy permit.

Attachment 2
Notwithstanding the foregoing, the Zoning Administrator may grant an extension to a date certain, secured by adequate bond, of the timing to fully install the buffering and screening in the event the Zoning Administrator determines that weather or other circumstance beyond the control of the Applicant temporarily prevents the full installation of the buffering and screening. All buffering and screening shall be maintained in good condition and health, and any dead or diseased materials shall be replaced with reasonable promptness, taking into account seasonal weather limitations.
ZMOD-2017-0011 True North Data
Conditions of Approval
October 31, 2017

1. **Zoning Modification.** Zoning Ordinance Modification (ZMOD-2017-0011) grants approval of a modification of Section 5-1303(A)(1), Tree Planting and Replacement, Canopy Requirements, Site Planning, to permit the minimum required ten (10) percent tree canopy to be provided based on the entire combined application area rather than the area subject to an individual land development application. This modification is applicable to the parcel identified as Tax Map Number /61////////16/ (PIN: 194-19-9296) (the “Property”), which Property is shown on Sheet 2 of the plan set entitled “True North Data”, dated April 4, 2017, and revised through October 30, 2017, as prepared by christopher consultants (the “Plans”).

2. **Conditions.** The approval of ZMOD-2017-0011 shall be subject to the following conditions:
   
a. **Substantial Conformance.** The development of the Property shall be in substantial conformance with Sheet 4 of 4 (the “ZMOD Plat”) of the Plans. Approval of this application for the Zoning Modification for the Property shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other applicable Zoning Ordinance, Codified Ordinance or regulatory requirement.
Findings for Denial

October 31, 2017

1. The proposed PD-OP Planned Development-Office Park zoning district and data center land use are inconsistent with the following Transition Policy Area policies of the Revised General Plan (Plan):
   a. The Transition Policy Area is envisioned as a unique and innovative blend of rural and suburban development features that fully integrate the elements of the Green Infrastructure, and establish natural open spaces as a predominant visual element and enhancement to the area’s river and stream corridors.
   b. Non-residential development in the Transition Policy Area will consist of uses that provide a transition from suburban to rural land uses, such as golf courses, active recreation uses, kennels, nurseries and similar commercial uses, public and private schools and other compatible institutional uses.
   c. The Lower Sycolin and Middle Goose Subareas are intended to have a more rural character and as such have been designated with the lowest densities and highest open space requirements of the Transition Policy Area. Open Space is intended to be the dominant visual feature of the landscape.

2. The application does not include commitments to building designs appropriate to a development in the Transition Policy Area.

3. Data centers are not a use envisioned within areas planned for Transition uses. The density and scale permitted within the PD-OP zoning district are not consistent with the small scale, non-residential uses envisioned within the Transition Policy Area.

4. The application does not include the preservation of the globally rare natural community identified by the Virginia Department of Conservation and Recreation and is therefore inconsistent with the Green Infrastructure policies of the Plan.
TRUE NORTH DATA

ZONING MAP AMENDMENT APPLICATION
ZMAP 2017-0003
ZMOD 2017-0011
SPMI 2017-0020

CATOCTIN DISTRICT
LOUDOUN COUNTY, VIRGINIA

APPLICANT
N & H CAPITAL ACQUISITIONS
1400 N DALLAS PKWY, SUITE 600
DALLAS, TX 75248

OWNER
WILDWOOD FARMS LLC
3201 STARGAZER WAY
ASHBURN, VA 20147
Maintained Area

Early Successional Old-Field

Tree-line Fence Row

Tree Stand Evaluation field work was conducted on April 9, 10, and 12, 2023 (see "Tree Stand Evaluation-Holden Farm" report, dated April 2023).

Ten major forest stand types are present within the study area. These stand types are as follows:

A. Forest Stand A - Old-Growth Forest

This forest stand type is characterized by a dense canopy of large, mature trees, primarily deciduous species, with a well-developed understory of shrubs and grasses. The understory vegetation includes species such as ferns, grasses, and wildflowers, which provide habitat for a variety of wildlife. This stand type is typically found in areas with a history of minimal disturbance and is often associated with old-growth forests.

B. Forest Stand B - Old-Growth Forest

This forest stand type is similar to Stand A but with a higher proportion of coniferous species. The canopy is composed of large, mature trees, primarily coniferous, with an understory of shrubs and small trees. This stand type is often found in areas with a history of minimal disturbance and is associated with old-growth forests.

C. Forest Stand C - Early Successional Old-Field

This forest stand type is characterized by a dense canopy of small, young trees, primarily deciduous, with a well-developed understory of shrubs and weeds. The understory vegetation includes species such as wildflowers, grasses, and forbs. This stand type is typically found in areas with recent disturbances, such as clearings or agricultural fields.

D. Forest Stand D - Old-Field

This forest stand type is similar to Stand C but with a higher proportion of coniferous species. The canopy is composed of small, young trees, primarily coniferous, with an understory of shrubs and small trees. This stand type is often found in areas with recent disturbances, such as clearings or agricultural fields.

E. Forest Stand E - Young Old-Field

This forest stand type is characterized by a sparse canopy of small, young trees, primarily deciduous, with a well-developed understory of weeds and wildflowers. The understory vegetation includes species such as forbs, grasses, and forbs. This stand type is typically found in areas with recent disturbances, such as clearings or agricultural fields.

F. Forest Stand F - Young Old-Field

This forest stand type is similar to Stand E but with a higher proportion of coniferous species. The canopy is composed of small, young trees, primarily coniferous, with an understory of weeds and wildflowers. This stand type is often found in areas with recent disturbances, such as clearings or agricultural fields.

G. Forest Stand G - Young Old-Field

This forest stand type is characterized by a sparse canopy of small, young trees, primarily deciduous, with a well-developed understory of weeds and wildflowers. The understory vegetation includes species such as forbs, grasses, and forbs. This stand type is typically found in areas with recent disturbances, such as clearings or agricultural fields.

H. Forest Stand H - Young Old-Field

This forest stand type is similar to Stand G but with a higher proportion of coniferous species. The canopy is composed of small, young trees, primarily coniferous, with an understory of weeds and wildflowers. This stand type is often found in areas with recent disturbances, such as clearings or agricultural fields.

I. Forest Stand I - Young Old-Field

This forest stand type is characterized by a sparse canopy of small, young trees, primarily deciduous, with a well-developed understory of weeds and wildflowers. The understory vegetation includes species such as forbs, grasses, and forbs. This stand type is typically found in areas with recent disturbances, such as clearings or agricultural fields.

J. Forest Stand J - Young Old-Field

This forest stand type is similar to Stand I but with a higher proportion of coniferous species. The canopy is composed of small, young trees, primarily coniferous, with an understory of weeds and wildflowers. This stand type is often found in areas with recent disturbances, such as clearings or agricultural fields.
Introduction

H&H Capital Acquisitions LLC (the “Applicant”) is seeking to develop approximately 105 acres of vacant land located at 20632 Sycolin Road (the “Property”) with non-residential commercial development. The Property, further identified as PIN 194-19-9296, was previously the subject of a legislative application that proposed 177 single family detached units, a residential density greater than the current planned land use, which was withdrawn. The Applicant’s request would rezone the Property to the Planned Development – Office Park (the “PD-OP”), prohibiting any and all residential development.

Description of the Site

The entire 105-acre site is undeveloped. It is bound by Sycolin Road to the south and west, Goose Creek to the east and the Dulles Greenway to the north. The Goose Creek floodplain encumbers the eastern edge of the Property and extends into and across the parcel. The entire parcel is currently zoned Transitional Residential – 10 (the “TR-10”), allowing one home per 10 acres. The Property is within the Transition Policy Area which allows a blending of the suburban policy to the east and the rural policy to the west. The Property borders the suburban policy area and is specifically located within the Catoctin Election District. The surrounding land uses are incredibly varied, with a mixture of residential, institutional, extraction and industrial uses. This mixture of uses are located within 7,500 LF of the Property.

Requested Applications

The specific components of the application are discussed below.

A. Rezoning

The Applicant is requesting a zoning map amendment to change the existing zoning from TR-10 to PD-OP to permit the construction of data centers uses, which may include a distribution and/or dedicated substation in accordance with the PD-OP zoning regulations on the Property. The PD-OP district allows up to a 0.6 FAR on the Property, which equates to 2.7 million square feet of development. Notwithstanding, the Applicant has agreed to cap development at 750,000 square feet of data center uses.

B. Minor Special Exceptions

The Applicant respectfully requests approval of the following minor special exception as part of this application:
Section 5-5564(D)(1) Provision of Sidewalks and/or Trails. Sidewalks and/or trails for pedestrian and/or bicycle access shall be provided, at a minimum, along any side of a public road that abuts the property upon which the data center is located.

The Applicant proposes to construct the required sidewalk and/or trail along the subject property’s Sycolin Road frontage, as shown on the CDP, up until the 300’ Reservoir Protection Zone. This minor special exception allows the Applicant to dedicate a 10-foot wide sidewalk easement within the 300’-foot Reservoir Protection Zone rather than actually construct the sidewalk there.

Section 5-664(E) Buffer Yard Requirements. In lieu of buffer yard requirements in Table 5-1414(A) of Section 5-1414, any side/rear yard abutting property that is not developed for commercial or industrial uses located in any one of the following zoning districts: CR, JLMA, TR, R, PD-H, PD-CV, PD-RV, and PD-AAAR shall include Type 4 buffer yard required plantings installed on an earthen berm that has a minimum height of six (6) feet and a slope not steeper than 2:1. The Type 4 buffer yard width and required plantings shall be as set forth in Table 5-1414(B) of Section 5-1414 and installed in accordance with the requirements of Section 5-1400, Buffering and Screening. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements when found by the County Urban Forester to provide screening at the density, depth, and height equivalent to the Type 4 buffer yard with earthen berm.

To limit land disturbance, the Applicant seeks to permit a six (6)-foot tall opaque fence rather than the six (6)-foot tall earthen berm that would be required for the Type 4 Side Buffer Yard located along the subject property’s western boundary adjacent to PIN 194-29-3793.

Existing Planning and Zoning

The Property is located specifically within the Lower Sycolin portion of the Transition Policy Area, separated only by the Dulles Greenway from what is considered the northern portion of the Lower Sycolin planning area. The “northern portion” of Lower Sycolin is northeast of Sycolin Road, east of the Leesburg JLMA and west of Goose Creek, all of which this Property is, but is also located northeast of the Dulles Greenway. The Dulles Greenway aligns the Property’s northern border. Per CPAM 2013-0001, the northern portion of the Lower Sycolin subarea was designated to develop with general industrial uses and as such the zoning on those parcels is a mixture of industrial districts including PD-IP, PD-GI and MR-HI.

The Property is also immediately adjacent to the Suburban Policy Area home to the Ashburn community with a wide variety of housing and residential-supporting uses. The Goose Creek is the only element separating the Property from the Suburban Policy Area.

This varied mix of planning and zoning designations surrounding the Property uniquely situate it for favored consideration by the County to allow the requested development of data center uses. The proposed data center uses are wholly consistent with the designation to develop the northern portion of the Lower Sycolin area with industrial uses, but presents a more suburban project to be respective and reflective of the office and residential zoning designations to the east.

The County’s Economic Development policies, as enumerated in Chapter 4 of the Revised General Plan, note that the Dulles Greenway is planned for up to 12 million square feet of higher-density office development and is emerging as a “business corridor”. This Property, aligning the southern side of the Dulles Greenway, can be an important component of that business corridor,
but with a project that will not generate significant traffic nor negatively impact the existing developments.

**Project Description**

The proposed data center is located in an area that is served by a major collector road, Sycolin Road, and is in the Loudoun Water service area. Located within the Transition Policy Area as specified in the Loudoun County’s Revised General Plan, the Transition Policy Area serves as a visual and spatial transition between the Suburban and Rural Policy Areas and envisioned that it will provide some unique development opportunities.

To that end, the proposed use will provide a non-residential component to the Transition Policy Area which will be comprised of a compatible use with limited impacts that represents an appropriate transition from suburban to rural land uses. Of note, this Property is located between Goose Creek Village and the Stonewall Business Park, which is currently under construction for approximately 2.9 million square feet of data center use as well as another 1 million square feet of non-data center uses including; office space, warehousing, health and fitness centers, a carry-out restaurant and a firearm range, among other uses. Furthermore, the proposed location is appropriate adjacent to an adequate source of electricity for the operation of the data center uses. Data center uses are also appropriate at this location with the existing fiber optic network that connects to the Metropolitan Area Ethernet East (“MAE East”). MAE East is the eastern branch of the MCI/Worldcom Internet Exchange Point for connecting internet service providers and it spreads across the east coast of the United States, with locations in Vienna, Reston and Ashburn; New York and Miami.

**Issues of Consideration for the Rezoning to the PD-OP Zoning Districts (Section 6-1210 (E))**

1. Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality.

The Property is located within the Transition Policy Area and the Lower Sycolin Creek Subarea as specified in the Loudoun County Revised General Plan. The Transition Policy Area serves as a visual and spatial transition between the Suburban and Rural Policy Areas and envisioned to provide some unique development opportunities. This entire non-residential project will be comprised of compatible uses that represent an appropriate transition from suburban to rural land uses. True North Data will provide a non-residential transition between the Suburban Policy Area located to the east of the Property which is home to the Ashburn community with a wide variety of housing and residential-supporting uses stepping down to the rural uses to the west.

The Transitional Policy Area is envisioned to provide a visual and spatial transition from the suburban policy area to the east to the rural policy area to the west by providing innovation blends of rural and suburban development features, which this Proposed Developed will do. The Applicant is unlike any other data center developer in Loudoun County today. By blending elements of the rural and suburban development features’ the Applicant has brought forward a proposal that proposes to strike that unique balance between the built and natural environments that is envisioned within the Transitional Policy Area. Specifically, the proposal achieves this balance by providing low-density
development at a .16 FAR, 58% open space of which exists today as healthy mature vegetation that will remain largely undisturbed, and low-rise single story buildings that are designed to blend into the existing natural topography. Additionally, this project will provide for greater protections of the Goose Creek than allowing the Property to be developed by-right. For example, the Proposed Development will provide large undisturbed buffers, preservation of the view sheds, water quality protection and improvements, and importantly after extensive surveying of the site it has been determined that the existing wildlife will not be impacted.

Furthermore, the Applicant utilizes technology unlike any other data center to cool their facilities. The Applicant’s data centers utilize less than one-percent of the water a data center comparable in size utilizes annually. This one-percent is not an assumption rather a supported fact based on existing facilities across the County that have been built, analyzed, and replicated. Striking the balance between the build and natural environment is a delicate balance but this proposal achieve the balance envisioned in the Transitional Policy Area.

2. The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values.

The Property borders the suburban policy area and is surrounded by incredibly varied land uses within a 7,500 LF mile radius; specifically, residential and institutional uses to the south of Sycolin Road, extraction and industrial uses to the north of the Dulles Greenway. This proposal looks to provide a non-residential component within the Transition Policy in a site immediately adjacent to the Suburban Policy Area. It provides the visual and spatial transition between the Suburban Policy Area and the Rural Policy area as envisioned in by the Comprehensive Plan, with very little impact to surrounding uses.

The Proposed Development will provide for a 300-foot reservoir protection zone as required by the FSM. This alone will enable to County to continue to protect and preserve the Goose Creek.

3. Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district.

The property is located within the Loudoun Water Service Area.

It is important to note that the technology utilized by the Applicant to cool the data center uses requires less than one-percent of what a traditional data center in Loudoun County uses annually. Therefore, the Applicant has committed to refrain from utilization of groundwater, surface water or surface water discharges.

The proposed location is appropriate adjacent to an adequate source of electricity for the operation of the data center uses. Data center uses are also appropriate at this location with the existing fiber optic network that connects to the Metropolitan Area Ethernet East ("MAE East"). MAE East is the eastern branch of the MCI/Worldcom Internet Exchange Point for connecting internet service providers and it spreads across the east coast of the United States, with locations in Vienna, Reston and Ashburn; New York City and Miami.
Transportation improvements will be made to the site’s access to serve the employees of True North Data. Since the proposed development does not contain residential uses, there will be no impact on public schools. The Applicant will ensure the appropriate connections to public infrastructure.

4. The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services.

The proposed development will not generate an impact on the airports, housing, school, park, playground, recreational areas and other public services. However, it will provide the County of Loudoun with a tremendous economic opportunity. The Property is currently zoned TR-10 which permits 10 single-family homes which are not economically viable, compatible or desired uses due to the proximity of the high voltage transmission lines. If developed by-right, the Property would have greater impact on the roads, County services and public schools. True North Data will provide the County with significant tax revenues and also attract additional business to the County with very little cost.

5. Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestall lands and any proposed mitigation of those impacts.

Located within the Property is a 300-foot reservoir protection zone and a floodplain area. The wetland area disturbances will be minimized and will be in compliance with the procedures of the Army Corps of Engineers during the development of the site. Trees and vegetation will be preserved within the designated tree preservation areas. The Applicant’s proposal is respecting the Goose Creek – a tremendous asset of Loudoun County.

6. The protection of life and property from impounding structure failures.

It is noted that the topography down stream of this dam is very steep. No proposed improvements are planned close to the downstream area of this impoundment structure. This structure is existing. It is in an easement and maintained by the Toll Road Company.

Requested Zoning Ordinance Modifications

Zoning Modification #1:

The Applicant is requesting a modification of the Zoning Ordinance Section 5-1303(A)(1) so as to allow the required canopy coverage to be met on a project wide basis rather than on an individual site basis.

The Zoning Ordinance requires a 10% canopy coverage in this district after 20 years of growth. The applicant is proffering to preserve existing mature canopy coverage over almost 30% of the site. This canopy coverage will be maintained throughout the active life of the development. From a vegetative health standpoint it is better to have the trees in clusters rather than spread out throughout the project based on where parcel lines happen to fall. Even if this modification is granted, each parcel will still have significant canopy coverage since canopy trees will have to be included in areas like parking lot landscaping and perimeter buffer yards. If the modification is not
granted it could result in an inability to subdivide causing economic hardship to both the applicant and the County, in terms of lost tax revenue. At the very least it might require the gerrymandering of parcel lines to gain enough canopy coverage for each future parcel.

The applicant believes the granting of this modification serves the public good in a much more environmentally sensitive way than the ordinance requirement.

Zoning Modification #2:

The Applicant is requesting a modification of Zoning Ordinance Section 5-1414(B) along Sycolin Road to allow evergreen trees instead of the required canopy trees as part of the Type 3 Buffer Yard.

The Zoning Ordinance requires three (3) canopy trees per 100 lineal feet of property line for the Type 3 Front Yard Buffer.

The Applicant, at the request of the Planning Commission, has agreed to substitute the canopy trees with evergreen trees to provide year-round screening along Sycolin Road.

Special Exception Application Matters for Consideration (Revised 1993 Zoning Ordinance Section 6-1309).

1. Whether the proposed minor special exception is consistent with the Comprehensive Plan.

   The Applicant seeks two minor special exceptions: one to permit the required sidewalk and/or trail to extend along less than the full extend of the subject property’s frontage along Sycolin Road, as shown on the CDP, in order to avoid disturbance in the 300’ Reservoir Protection Zone and the second to permit a six (6)-foot tall opaque fence to substitute for the earthen berm required for the Type 4 Side Buffer Yard located along the Property’s western boundary adjacent 194-29-3793.

   The minor special exceptions are consistent with the intent of the Comprehensive Plan by providing the sidewalk and/or trail and the buffer yard as envisioned.

2. Whether the level and impact of any noise, light, glare, odor or other emissions generated by the property use will negatively impact surrounding uses.

   The proposed development will not generate an impact on the noise, light, glare, odor or other emissions. However, it will provide the County of Loudoun with a tremendous economic opportunity. The Property is currently zoned TR-10 which permits 10 single-family homes which are not economically viable, compatible or desired uses given the proximity of the high voltage transmission lines. If developed by-right, the Property would have greater impact on County services and public schools. True North Data will provide the County with significant tax revenues while preserving the Goose Creek.

3. Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and or adjacent parcels.

   The Property is located within the Transition Policy Area and the Lower Sycolin Creek Subarea as specified in the Loudoun County Revised General Plan. The Transition Policy Area serves as a visual and spatial transition between the Suburban and Rural Policy
Areas and is envisioned to provide some unique development opportunities. This entire non-residential project will be comprised of compatible uses that represent an appropriate transition from suburban to rural land uses. True North Data will provide a low traffic-generating non-residential transition between the Suburban Policy Area located to the east of the Property which is home to the Ashburn community with a wide variety of housing and residential-supporting uses stepping down to the rural uses to the west.

The Applicant is unlike any other data center developer in Loudoun County today. By blending elements of the rural and suburban development features, the Applicant has brought forward a proposal that proposes to strike that unique balance between the built and natural environments that is envisioned within the Transition Policy Area. Specifically, the proposal achieves this balance by providing low-density development at a 0.16 FAR, 58% open space to preserve the existing healthy mature vegetation that will remain largely undisturbed, and low-rise single story buildings that are designed to blend in to the existing natural topography. Additionally, this project will provide for greater protections of the Goose Creek than allowing the Property to be developed by-right. For example, the Proposed Development will provide large undisturbed buffers, preservation of the view sheds, water quality protection and improvements, and importantly, after extensive surveying of the site, it has been determined that the existing wildlife will not be impacted.

Furthermore, the Applicant utilizes technology unlike any other data center to cool their facilities. The Applicant’s data centers utilize less than one-percent of the water a data center comparable in size utilizes annually. This one-percent is not an assumption rather a supported fact based on existing facilities across the country that have been built, analyzed, and replicated. Striking the balance between the built and natural environment is a delicate balance but this proposal achieves the balance envisioned in the Transition Policy Area.

4. Whether the proposed minor special exception adequately protects and mitigates impacts on the environmental adequately protects and mitigates impacts on the environmental or natural feature including, but not limited to, wildlife habitat, vegetation, wetlands, water quality including groundwater), air quality, topographic, scenic, archaeological or historic features, and agricultural and forestal lands.

Located within the Property is a 300-foot Reservoir Protection Zone, floodplain, and wetlands. The wetland area disturbances will be minimized and will be in compliance with the procedures of the Army Corps of Engineers during the development of the site. Trees and vegetation will be preserved within the designated tree preservation areas. The Applicant’s proposal is respecting the Goose Creek – a tremendous asset of Loudoun County.

5. Whether the proposed minor special exception at the specified location will contribute to or promote the welfare or convenience of the public.

The proposed development will not generate an impact on the airports, housing, school, park, playground, recreational areas and other public services. However, it will provide the County of Loudoun with a tremendous economic opportunity. The Property is currently zoned TR-10 which permits 10 single-family homes which are not economically viable, compatible or desired uses given the proximity of the high voltage transmission lines. Rather than taxing County services and public schools, True North Data will provide the
County with significant tax revenues and also attract additional business to the County with very little cost

6. Whether the proposed minor special exception can be served adequately by public utilities and services, roads, pedestrian connections and other transportation services, and in rural areas, by adequate on-site utilities.

The property is located within the Loudoun Water Service Area.

It is important to note that the technology utilized by the Applicant to cool the data center uses requires less than one-percent of what a traditional data center in Loudoun County uses annually. Therefore, the Applicant has committed to refrain from utilization of groundwater, surface water or surface water discharges.

The proposed location is appropriate adjacent to an adequate source of electricity for the operation of the data center uses. Data center uses are also appropriate at this location with the existing fiber optic network that connects to the Metropolitan Area Ethernet East ("MAE East"). MAE East is the eastern branch of the MCI/Worldcom Internet Exchange Point for connecting internet service providers and it spreads across the east coast of the United States, with locations in Vienna, Reston and Ashburn; New York City and Miami.

Transportation improvements will be made to the site’s access to serve the employees of True North Data. Since the proposed development does not contain residential uses, there will be no impact on public schools. The Applicant will ensure the appropriate connections to public infrastructure.

**Summary**

The Applicant respectfully requests the County’s support of this non-residential development that promises to help bridge the uses within the suburban and rural policy areas.
Cross Section Through Campus

Overall Site Cross Section

Dulles Greenway Blowup Section

Dulles Greenway

~28 feet

~35 feet

Site Keyplan

Attachment 7
Cross Section Through Campus

Overall Site Cross Section

Sycolin Road Side Blowup Section

~35 feet

Dulles Greenway

Site Keyplan

~18 feet

Sycolin Rd.
Cross Section Through Campus

Overall Site Cross Section

Creek Valley Buffer & Reservoir Protection Zone

Goose Creek Side Blowup Section

~35 feet

~50 feet

~50 feet

~300 feet
DATE: August 16, 2017

TO: Steve Barney, Project Manager
    Land Use Review

FROM: Marie Genovese, AICP
      Planner III, Community Planning

SUBJECT: ZMAP 2017-0003 & ZMOD 2017-0011, True North Data, Second Referral

EXECUTIVE SUMMARY
The applicant has responded to Community Planning’s first referral comments dated June 27, 2017. While additional information has been provided, all issues outlined in the first referral remain, specifically the overall land use issue of providing data centers within the Transition Policy Area. Community Planning Staff cannot support the rezoning application as the proposed PD-OP zoning district as well as the establishment of data center uses is the type of development envisioned within the Suburban Policy Area and not in the Transition Policy Area outside the designated industrial areas in the North Lower Sycolin subarea. Community Planning Staff maintains that changing adopted planned land uses should go through the CPAM process so that the broader geographic and policy impacts that are beyond the scope of a rezoning can be evaluated and addressed. The County has conducted two outreach workshops to gather citizen input on the Envision Loudoun process. The Transition Policy Area has been one of the key topics discussed during these workshops. Community Planning Staff continues to maintain the CPAM process is the appropriate method for changing planned land use designations. Without a CPAM, this request for rezoning is premature.

CPAM 2013-0001, North Lower Sycolin Comprehensive Plan Amendment, recognizing the area north of Dulles Greenway and east of Sycolin Road as an emerging industrial area due to legislative approval of several rezonings between 2008 and 2011 (ZMAP 2009-0005, Stonewall Hybrid Energy Park; ZMAP 2008-0017, Stonewall Secure Business Park; ZMAP 2009-0003, Luck Stone Quarry; and ZMAP 2009-0004, Luck Stone and Loudoun Water) designated this area for Industrial uses. The CPAM was clear that the Dulles Greenway would create the southern boundary of the area designated for Industrial uses (see Planned Land Use Map). The approval of the proposed application would allow suburban type development into the Transition Policy Area making it difficult to distinguish one policy area from another. Further, this type of development is not in keeping with the intent of the Transition Policy Area vision.
Residential densities and the scale of non-residential uses in the Transition Policy Area were established to provide a visual and spatial transition between the suburban and rural policy areas and to conserve the extensive Green Infrastructure resources present on the subject site and throughout the Transition Policy Area. This portion of the Transition Policy Area is planned for residential densities of 1 dwelling unit per 10 acres within a clustered development pattern with 70 percent of the site retained as open space. Small scale non-residential uses such as golf courses, active recreation uses, kennels, nurseries and similar commercial uses, public and private schools and other compatible institutional uses are also envisioned. The densities and development patterns established for the Lower Sycolin subarea not only facilitate a visual transition between the Rural Policy Area and the Suburban Policy Area, but also aid in protecting the significant environmental resources within this area, including drinking water reservoirs.

OUTSTANDING ISSUES
The Transition Policy Area is envisioned as a unique and innovative blend of rural and suburban development features that fully integrate the elements of the Green Infrastructure, and establish natural open spaces as a predominant visual element and enhancement to the area’s river and stream corridors (RGP, Chapter 8, Land Use Pattern General Policies, Policy 2).
The Plan provides that non-residential development in the Transition Policy Area will consist of uses that provide a transition from suburban to rural land uses, such as golf courses, active recreation uses, kennels, nurseries and similar commercial uses, public and private schools and other compatible institutional uses (RGP, Chapter 8, Land Use Pattern, Text). The TR-10 zoning district implements the Plan policies permitting the type of uses at a scale that provides the transition between the Suburban and Rural policy areas. Data centers are not a use envisioned within areas planned for Transition uses. The density and scale permitted within the PD-OP zoning district is not consistent with the small scale, non-residential uses envisioned within the Transition Policy Area. The Planned Land Use and Zoning Maps below show the zoning surrounding the subject property is consistent with the planned land use designation.

The applicant provides the proposal achieves the transition between the Rural Policy Area and the Suburban Policy Area by offering low-density development at a 0.16 FAR. Community Planning Staff notes, the 750,000 square feet of data center uses is proposed to develop within nine one-story buildings surrounded by parking, which is a suburban type development.

The approval of this application, allowing PD-OP zoned land south of the Dulles Greenway may set a precedent for introducing land uses that are not compatible with the Transition Policy Area and zoning changes on additional properties, and thus influencing change in the intended character of the area. This type of development is more suited in the Suburban Policy Area, surrounded by compatible uses.

The rezoning proposes 750,000 square feet of suburban data center uses within the Transition Policy Area where clustered residential and small-scale home based businesses and non-residential uses such as golf courses, kennels, and nurseries
are envisioned. The existing TR-10 zoning district permits the types of non-residential uses envisioned within the Transition Policy Area. The Dulles Greenway and Goose Creek provide natural and man-made boundaries between the suburban style zoning districts permitted within the northern portion of the Lower Sycolin subarea and the Suburban Policy Area. The approval of this application would essentially extend suburban non-residential land uses south of the Dulles Greenway and west of the Goose Creek creating pressure on the surrounding properties to develop with suburban densities.

Given the overall land use issues with the Revised General Plan, further review of the rezoning and zoning modification requests are not necessary. However, staff offers discussion of subordinate issues to the overall land use issue below in spite of the fundamental land use conflicts between the application proposal, existing zoning, and planned land use.

SITE DESIGN
The Lower Sycolin and Middle Goose Subareas are intended to have a more rural character and as such have been designated with the lowest densities and highest open space requirements of the Transition Policy Area. Open Space is intended to be the dominant visual feature of the landscape (RGP, Chapter 8, Lower Sycolin and Middle Goose Subareas, Text). As currently proposed, approximately 28 percent of the site is being maintained as contiguous open space, the remainder of the site is occupied with building and parking areas, stormwater management facilities and vehicular circulation. Several areas of the site are unusable open space in buffer areas. The 70 percent open space requirement for development in the Lower Sycolin Subarea is not being met.

The proposed layout does not retain 70 percent of the site as open space as called for in the Plan.

The response to comments provides a one-acre easement will be dedicated to Loudoun Water and will be shown on the first site plan. Community Planning Staff was not able to determine where this one acre easement will be located as the only areas of contiguous open space are environmentally sensitive areas.

Community Planning Staff requests information pertaining to the Loudoun Water one-acre easement.

The applicant has provided illustrative examples of the architectural design for the proposed buildings. The illustratives show buildings with relatively long, flat walls with limited fenestration to break up the mass of these buildings. The Plan calls for individual buildings within the Transition Policy Area to be no greater than 40 feet in height and 150 feet in length (RGP, Chapter 11, Transition Policy Area Design Guidelines). The applicant provides they will meet the data center standards as specified in the Zoning Ordinance and therefore, do not need to proffer to specific design commitments. Community
Planning Staff notes these standards are intended for data centers located within the Suburban Policy Area and do not include Transition Policy Area design criteria.

*The proffers should include specific design commitments detailing how architectural elements will be used to break up the building mass and provide a transition from the Suburban Policy Area to the east and the Rural Policy Area to the west. Without any design commitments beyond the Zoning Ordinance standards for data center uses, the proposed buildings will not look any different than those in the Suburban Policy Area.*

Proffer IV provides the property will be subject to one or more Owners Association(s). The proffers should ensure that if more than one Property Owners Association is formed that the design commitments, as recommended above are consistently applied to ensure a uniform development pattern.

The Plan calls for parking to locate behind buildings to ensure buildings are the prominent feature when viewed from roads (*RGP, Chapter 11, Design Guidelines, Light Industrial and Regional Office*). As currently proposed, parking is shown adjacent to Sycolin Road and Dulles Greenway.

**Parking adjacent to Sycolin Road and the Dulles Greenway is not consistent with Plan policies.**

**EXISTING CONDITIONS**

The Revised General Plan defines the County’s Green Infrastructure as a “collection of natural, cultural, heritage, environmental, protected, passive, and active resources that will be integrated in a related system” (*RGP, Chapter 5, Green Infrastructure Policy 1*). Examples of green infrastructure components includes stream and river corridors, wetlands, forested areas, tree stands, steep slopes, greenways, trails, historic and archeological sites and other open spaces. Green infrastructure is the framework and unifying element that determines where and how development will occur within Loudoun County (*RGP, Chapter 5, text*). A central objective of the Transition Policy Area is to recognize, preserve, and enhance green infrastructure elements. The subject property includes river and stream corridor resources, natural heritage resources, steep slopes, wetlands and forest cover.

The property is located within the Goose Creek watershed and drains to the Goose Creek Reservoir. Goose Creek has been designated as impaired for aquatic life (aquatic insects and other small organisms that live on the stream bottom) by the Virginia Department of Environmental Quality from the dam impoundment to the Potomac River. In addition, the 2009 Countywide Stream Assessment Project identified a data point on Goose Creek adjacent to the property that is “suboptimal” for habitat. Community Planning Staff recommends environmental commitments as discussed below to help minimize degradation of water resources, including additional impacts to impaired stream segments.
River and Stream Corridor Resources
The Goose Creek defines the eastern boundary of the subject property. Goose Creek, unnamed tributaries to Goose Creek, adjoining floodplains, adjacent steep slopes (25% slopes or greater, starting within 50 feet of streams and floodplains, extending no farther than 100 feet beyond the originating stream or floodplain), along with the 50-foot management buffer surrounding the floodplain and adjacent steep slopes, as called for in the Revised General Plan together constitute the river and stream corridor resources (RGP, Chapter 5, River and Stream Corridor Resource Policies, Policy 2). The Plan’s intent is for the 50-foot management buffer to serve as protection for the river and stream corridor elements from upland disturbances and adjacent development (RGP, Chapter 5, River and Stream Corridor Resource Policies, Policy 4). However, the 50-foot management buffer can be reduced if it can be shown that a reduction does not adversely impact the stream corridor elements, and that performance standards and criteria are met and maintained (RGP, Chapter 5, River and Stream Corridor Resource Policies, Policy 5). The Plan also calls for the protection of Scenic Rivers, such as Goose Creek by defining a 300-foot no-build buffer or the river and stream corridor resource, whichever is greater (RGP, Chapter 5, Scenic River and Potomac River Policies, Policy 1). Open space within the Lower Sycolin Subarea will further be accomplished by establishing a 1000-foot voluntary open space area along the Goose Creek (RGP, Chapter 8, Community Design Policies, Policy 13b).

The 300-foot no-build buffer is shown on the CDP (Sheet 4); however, the river and stream corridor 50-foot management buffer surrounding the floodplain and adjacent steep slopes along the unnamed tributaries to Goose Creek have not been delineated on the CDP. While the limits of clearing and grading have not been provided, it appears the 50-foot management buffer will be impacted by the proposed development.

Community Planning Staff recommends revising the CDP to show all the elements of the river and stream corridor resource, including the floodplain, adjacent steep slopes, and the 50-foot management buffer surrounding the floodplain and adjacent steep slopes as called for in the Plan. Community Planning Staff recommends committing to locating development outside of the river and stream corridor resource in those areas where it affords greater protection than the 300-foot no-build buffer.

Plant and Wildlife Habitats
Plan policies state that development applications with the likelihood of impacting one or more natural heritage resources will conduct a species assessment and develop a plan for impact avoidance if the presence of a natural heritage resource is identified (RGP, Chapter 5, Plant and Wildlife Habitats Policies, Policy 8). The Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage (DNH) defines natural heritage resources to include rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and significant geologic
The property contains the Murray’s Ford Conservation Site, which is designated by the DCR as having a very high significance rating due to the presence of a Northern Piedmont Mafic Barren rock community that supports vegetation such as lichens, mosses, and herbs (see photograph). Only 10 of these community types have been documented in the world with a total acreage of all known occurrences less than 25 acres in sized. The DCR conducted a site visit on August 4, 2017 with the applicant to update the documentation of the rare community. The site visit determined that two occurrences of this rare community occur on site both threatened by shading from trees and the presence of invasive species. Even though the sites are threatened by shade trees and invasive species, DCR recommends the occurrences along with eight acres of forested buffer be preserved to protect this globally rare community. DCR also recommends the preservation area be placed under a conservation easement and management of the forested buffer to control encroaching trees and invasive species, which could be carried out by a third party.

Community Planning Staff recommends preservation of the Piedmont Mafic Barren community by removing the proposed building from the northeastern portion of the subject property. Community Planning Staff recommends delineating the two significant natural heritage resource communities as well as the eight acre forested preservation area on the CDP in conjunction with a commitment to protection and management of this area.

Forests, Trees, and Vegetation
The Plan calls for the preservation, protection, and management of forests and natural vegetation for the various economic and environmental benefits that they provide, and for the submittal and approval of a tree conservation or forest management plan prior to any land development that “demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area” (RGP, Chapter 5, Forests, Trees and Vegetation Policies, Policies 1 & 3).

A Note on the CDP states existing trees within the 100-year floodplain and the 300-foot
Reservoir Protection Zone will be preserved in accordance with the Tree Preservation Proffer (Proffer VB). As stated above, Community Planning Staff recommends delineating the 50-foot management buffer associated with floodplains and adjacent steep slopes along the unnamed tributaries to Goose Creek. Tree Conservation Areas (TCAs) should be expanded to incorporate all the river and stream corridor elements. Community Planning Staff notes, the proffers do not include provisions for protection and maintenance of the TCAs after construction has been completed.

Community Planning Staff recommends delineating specific TCAs on the CDP to provide clarity for those areas intended for preservation. Community Planning Staff further recommends the TCAs be expanded to encompass all the river and stream corridor resource elements, including adjacent steep slopes and the 50-foot management buffer. Community Planning Staff further recommends revising the proffers to include protection and maintenance of the TCAs once construction is completed.

Steep Slopes
Improper use and disturbance of steep slope areas could cause erosion, building and/or road failures, downstream flooding, and other hazards (RGP, Chapter 5, Steep Slopes and Moderately Steep Slope Text). Steep slopes, areas with slopes of greater than 25 percent and moderately steep slopes, areas with a 15 to 25 percent grade are located on the subject site. Plan policies prohibit land disturbances on slopes with a grade of more than 25 percent and call for the protection of slopes with grades from 15 to 25 percent (RGP, Chapter 5, Steep and Moderately Steep Slope Policy 1). The Plan identifies strategies to achieve protection of moderately steep slopes to include “best management practices, reduced locational clearances for clearing and grading, and retention of natural drainageways” (RGP, Chapter 5, Steep Slopes and Moderately Steep Slope Policy 3, p. 5-26). It appears that moderately steep slopes will be impacted by the proposed development; however, information has not been provided regarding strategies to help protect these areas.

Community Planning Staff requests information regarding strategies to help reduce impacts on moderately steep slope areas.

RECOMMENDATION
Community Planning Staff does not support the requested rezoning as it is not consistent with the land use policies of the Revised General Plan, which calls for residential development in a clustered pattern at a density of 1 dwelling unit per 10 acres or small scale non-residential uses within this portion of the Transition Policy Area. Those use permitted by-right or by Special Exception within the TR-10 zoning district implement the policies of the Revised General Plan. The type of development proposed is suburban in nature and is more appropriately located within the Suburban Policy Area within the area these uses are intended to serve. The Dulles Greenway and Goose Creek serve as boundaries between the subject property and the Industrial planned uses to the north and the Suburban Policy Area to the east. Approval of this application would set a precedent
for other proposals surrounding the subject property. If the applicant chooses to proceed with this application, Community Planning Staff is recommending exploration of a Comprehensive Plan Amendment to facilitate the desired outcomes of this application.

Staff is available to meet with the Applicant to discuss this referral and any questions.

cc: Ricky Barker, AICP, Planning and Zoning Director (via e-mail)
    Chris Garcia, AICP, Community Planning Program Manager (via e-mail)
DATE:       June 27, 2017

TO:         Steve Barney, Project Manager
            Land Use Review

FROM:       Marie Genovese, AICP
            Planner III, Community Planning

SUBJECT:    ZMAP 2017-0003 & ZMOD 2017-0011, True North Data

EXECUTIVE SUMMARY
H&H Capital Acquisitions LLC is requesting a zoning map amendment for approximately
105.6 acres from the TR-10 (Transitional Residential – 10) zoning district to the PD-OP
(Planned Development – Office Park) zoning district in order to develop up to 750,000
square feet of data center uses. The applicant is also requesting a Zoning Ordinance
Modification (ZMOD) to permit the canopy coverage to be met on a project wide basis
rather than an individual site basis.

The subject site is located within the Transition Policy Area south of the Dulles Greenway,
north of Sycolin Road (Route 625), and west of Goose Creek. Developments surrounding
the subject property consist of Loudoun Water's water treatment facility, Luck Stone
Quarry, and Stonewall Business Park to the north of the subject property north of the
Dulles Greenway; the Goose Creek South and Goose Creek North developments to the
east, east of Goose Creek within the Suburban Policy Area; and large lot residential
development and vacant land to the south and west (see Site Map). The approval of the
proposed application would allow suburban type development into the Transition Policy
Area making it difficult to distinguish one policy area from another. Further, this type of
development is not in keeping with the intent of the Transition Policy Area vision.
Community Planning Staff cannot support the rezoning application as the proposed PD-OP zoning district as well as the establishment of data center uses is the type of development envisioned within the Suburban Policy Area and not in the Transition Policy Area. The overarching, fundamental land use and policy issues raised by this referral should be addressed through a Comprehensive Plan Amendment (CPAM) process rather than an individual land development application. Changing adopted planned land uses requires a CPAM so that impacts can be evaluated and to ensure the policies, text, and/or planned land use map of the Revised General Plan reflect the County’s land use vision. Without such a consideration, this request for rezoning is premature.

**BACKGROUND**

The subject site is located within the Lower Sycolin subarea of the Transition Policy Area, south of the Dulles Greenway, east of Sycolin Road (Route 625), and west of Goose Creek. Goose Creek to the east is the defining line between the Suburban Policy Area and the Transition Policy Area. CPAM 2013-0001, North Lower Sycolin Comprehensive Plan Amendment, recognizing the area north of Dulles Greenway and east of Sycolin Road as an emerging industrial area due to legislative approval of several rezonings between 2008 and 2011 (ZMAP 2009-0005, Stonewall Hybrid Energy Park; ZMAP 2008-0017, Stonewall Secure Business Park; ZMAP 2009-0003, Luck Stone Quarry; and ZMAP 2009-0004, Luck Stone and Loudoun Water) designated this area for Industrial
uses. The CPAM was clear that the Dulles Greenway would create the southern boundary of the area designated for Industrial uses (see Planned Land Use Map).

The proposed application seeks to rezone 105.6 acres from the TR-10 (Transitional Residential – 10) zoning district to the PD-OP (Planned Development – Office Park) zoning district in order to develop up to 750,000 square feet of data center uses.

The subject site is located in the Lower Sycolin subarea of the Transition Policy Area. Residential densities and the scale of non-residential uses in the Transition Policy Area were established to provide a visual and spatial transition between the suburban and rural policy areas and to conserve the extensive Green Infrastructure resources present on the subject site and throughout the Transition Policy Area. This portion of the Transition Policy Area is planned for residential densities of 1 dwelling unit per 10 acres within a clustered development pattern with 70 percent of the site retained as open space. Small scale non-residential uses such as golf courses, active recreation uses, kennels, nurseries and similar commercial uses, public and private schools and other compatible institutional uses are also envisioned. The densities and development patterns established for the Lower Sycolin subarea not only facilitate a visual transition between the Rural Policy Area
and the Suburban Policy Area, but also aid in protecting the significant environmental resources within this area, including drinking water reservoirs.

A review of County’s GIS records and submission materials indicates river and stream corridor resources, natural heritage resources, steep slopes, wetlands, and tree cover are located on the subject site. The property is also located within the Reservoir Protection Area and a portion of the property is within the Luck Stone Quarry Notification Area.

**COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The property is located in the Lower Sycolin subarea of the Transition Policy Area and is specifically governed by the Revised General Plan (RGP) and 2010 Countywide Transportation Plan (CTP). The policies of the Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) also apply.

The proposal has been reviewed under the Revised General Plan Green Infrastructure policies of Chapter 5, Transition policies of Chapter 8, and the Design Guidelines of Chapter 11.

**LAND USE ANALYSIS**

The Transition Policy Area is envisioned as a unique and innovative blend of rural and suburban development features that fully integrate the elements of the Green Infrastructure, and establish natural open spaces as a predominant visual element and enhancement to the area’s river and stream corridors (RGP, Chapter 8, Land Use Pattern General Policies, Policy 2).

The Plan provides that non-residential development in the Transition Policy Area will consist of uses that provide a transition from suburban to rural land uses, such as golf courses, active recreation uses, kennels, nurseries and similar commercial uses, public and private schools and other compatible institutional uses (RGP, Chapter 8, Land Use Pattern, Text). The Plan identifies small-scale commercial uses permitted through the home occupation and small business provisions of the Zoning Ordinance as appropriate in the Transition Policy Area (RGP, Community Design Policies, Policy 17). The proposed PD-OP zoning district to allow the development of up to 750,000 square feet of data center uses is not consistent with the vision for the Transition Policy Area. The PD-OP zoning district is intended for areas designated for Office development within the Suburban Policy Area. The density and scale permitted within the PD-OP zoning district is not consistent with the small scale non-residential uses envisioned within the Transition Policy Area. The TR-10 zoning district implements the Plan policies permitting the type of uses at a scale that provides the transition between the Suburban and Rural policy areas. The Planned Land Use and Zoning Maps below show the zoning surrounding the subject property is consistent with the planned land use designation.
The approval of this application, allowing PD-OP zoned land south of the Dulles Greenway may set a precedent for introducing land uses that are not compatible with the Transition Policy Area and zoning changes on additional properties, and thus influencing change in the intended character of the area. This type of development is more suited in the Suburban Policy Area, surrounded by compatible uses.

The rezoning proposes 750,000 square feet of suburban data center uses within the Transition Policy Area where clustered residential and small-scale home based businesses and non-residential uses such as golf courses, kennels, and nurseries are envisioned. The Dulles Greenway and Goose Creek provide natural and man-made boundaries between the suburban style zoning districts permitted within the northern portion of the Lower Sycolin subarea and the Suburban Policy Area. The approval of this application would essentially extend suburban non-residential land uses south of the Dulles Greenway and west of the Goose Creek creating pressure on the surrounding properties to develop with suburban densities.

Given the overall land use issues with the Revised General Plan, further review of the rezoning and zoning modification requests are not necessary. However, staff offers discussion of subordinate issues to the overall land use issue below in spite of the fundamental land use conflicts between the application proposal, existing zoning, and planned land use.

**SITE DESIGN**

The Concept Development Plan (CDP) shows areas of approximate building and parking areas, approximate location of stormwater management facilities, and approximate locations of vehicular circulation. The only areas not covered by building areas, parking areas, stormwater management facilities, and vehicular circulation is that of the floodplain. The 70 percent open space requirement for development in the Lower Sycolin
Subarea is not being met. Additionally, the Plan calls for parking to locate behind buildings to ensure buildings are the prominent feature when viewed from roads (RGP, Chapter 11, Design Guidelines, Light Industrial and Regional Office). As currently proposed, parking is shown adjacent to Sycolin Road and Dulles Greenway.

**The proposed layout does not retain 70 percent of the site as open space as called for in the Plan. Parking adjacent to Sycolin Road and the Dulles Greenway is also not consistent with Plan policies.**

No information has been provided regarding the architectural design of the proposed buildings. Community Planning Staff recommends the proffer statement include design commitments.

**EXISTING CONDITIONS**

The Revised General Plan defines the County’s Green Infrastructure as a “collection of natural, cultural, heritage, environmental, protected, passive, and active resources that will be integrated in a related system” (RGP, Chapter 5, Green Infrastructure Policy 1). Examples of green infrastructure components includes stream and river corridors, wetlands, forested areas, tree stands, steep slopes, greenways, trails, historic and archeological sites and other open spaces. Green infrastructure is the framework and unifying element that determines where and how development will occur within Loudoun County (RGP, Chapter 5, text). A central objective of the Transition Policy Area is to recognize, preserve, and enhance green infrastructure elements. The subject property includes river and stream corridor resources, natural heritage resources, steep slopes, wetlands and forest cover.

The property is located within the Goose Creek watershed and drains to the Goose Creek Reservoir. Goose Creek has been designated as impaired for aquatic life (aquatic insects and other small organisms that live on the stream bottom) by the Virginia Department of Environmental Quality from the dam impoundment to the Potomac River. In addition, the 2009 Countywide Stream Assessment Project identified a data point on Goose Creek adjacent to the property that is “suboptimal” for habitat. Community Planning Staff recommends environmental commitments as discussed below to help minimize degradation of water resources, including additional impacts to impaired streams.

In an effort to adequately assess impacts on the subject property, Community Planning Staff recommends showing the river and stream corridor resource, 300-foot no-build buffer, wetlands, natural heritage resources, steep slopes, tree cover, and the existing stormwater management pond on the CDP (Sheet 4).

**River and Stream Corridor Resources**

The Goose Creek defines the eastern boundary of the subject property. Goose Creek, the unnamed tributary to Goose Creek, adjoining floodplains, adjacent steep slopes (25% slopes or greater, starting within 50 feet of streams and floodplains, extending no farther than 100 feet beyond the originating stream or floodplain), along with the 50-foot management buffer surrounding the floodplain and adjacent steep slopes, as called for in
the Revised General Plan together constitute the river and stream corridor resources
(RGP, Chapter 5, River and Stream Corridor Resource Policies, Policy 2). The Plan's
intent is for the 50-foot management buffer to serve as protection for the river and stream
corridor elements from upland disturbances and adjacent development (RGP, Chapter 5,
River and Stream Corridor Resource Policies, Policy 4). However, the 50-foot
management buffer can be reduced if it can be shown that a reduction does not adversely
impact the stream corridor elements, and that performance standards and criteria are met
and maintained (RGP, Chapter 5, River and Stream Corridor Resources Policies, Policy
5). The Plan also calls for the protection of Scenic Rivers, such as Goose Creek by
defining a 300-foot no-build buffer or the river and stream corridor resource, whichever is
greater (RGP, Chapter 5, Scenic River and Potomac River Policies, Policy 1). Open
space within the Lower Sycocin Subarea will further be accomplished by establishing a
1000-foot voluntary open space area along the Goose Creek (RGP, Chapter 8,
Community Design Policies, Policy 13b).

The 300-foot no-build buffer is shown on the CDP (Sheet 4); however, the river and stream corridor 50-foot management buffer is not shown on the submitted plat.

Community Planning Staff recommends revising the CDP to show all the elements
of the river and stream corridor resource, including the floodplain, adjacent steep
slopes, and the 50-foot management buffer surrounding the floodplain and adjacent steep slopes as called for in the Plan. Community Planning Staff recommends committing to locating development outside of the river and stream corridor resource in those areas where it affords greater protection than the 300-
foot no-build buffer (See Proffer Template, Attachment 1). Community Planning Staff recommends the applicant consider designating open space outside of the 300-foot no-build buffer to assist in creating the 1000-foot voluntary open space area along the Goose Creek.

Wetlands
The County supports the federal goal of no net loss to wetlands (RGP, Chapter 5, River and Stream Corridor Resources Policies, Policy 23). Wetlands perform several functions: they trap sediment, reduce nutrient loads, provide wildlife habitat, replenish groundwater, and attenuate flood waters. Plan policies call for the County to work with the US Army Corps of Engineers regional office to regulate wetlands outside of river and stream corridors (RGP, Chapter 5, River and Stream Corridor Resources Policies, Policy 13). In the event of an impact, compensatory mitigation (restoration, creation, enhancement, and preservation) could replace the loss of wetland functions in the watershed to meet the County’s goal of no net loss to the existing acreage and functions of wetlands.

The applicant has provided a Waters of the U.S. (Including Wetlands) Delineation dated April 19, 2013. Goose Creek, which generally flows northward along the eastern site boundary; unnamed tributaries to Goose Creek; wetlands along Goose Creek and the unnamed tributaries to Goose Creek; isolated wetlands, and ponds are all located on the subject property. It appears wetlands and streams will be impacted by the proposed development.
Community Planning Staff requests information pertaining to the status of the Jurisdictional Determination. Community Planning Staff recommends the applicant utilize the specific proffer language pertaining to Wetlands attached to this referral (Attachment 2).

Stormwater
Increases in impervious land cover due to development can concentrate and increase the rate and volume of stormwater runoff from development. Developments typically convey stormwater runoff via gutters, sewers, and channels. The conveyed run-off can carry pollutants including litter, salts, oil, grease, and metals, impeding the opportunity for water infiltration back into the ground. The hydrological impacts of increased runoff can result in detrimental impacts to groundwater replenishment, stream water quality and aquatic habitats.

The County promotes water conservation through low impact development (LID) techniques (RGP, Chapter 5, Surface Water Policies, Policy 2). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain stormwater runoff. LID locates water quality measures at the closest possible proximity to proposed impervious areas.

There is a large wet stormwater management pond on the property previously constructed to serve the Dulles Greenway. The approximate location of proposed stormwater management ponds/best management facilities as necessary are shown on the CDP. The April 14, 2017 proffers commit to a minimum of one LID to treat stormwater from the property (Proffer VA).

Plant and Wildlife Habitats
Plan policies state that development applications with the likelihood of impacting one or more natural heritage resources will conduct a species assessment and develop a plan for impact avoidance if the presence of a natural heritage resource is identified (RGP, Chapter 5, Plant and Wildlife Habitats Policies, Policy 8). The Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage (DNH) defines natural heritage resources to include rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and significant geologic formations (Revised General Plan, Chapter 5, Plant and Wildlife Habitats Policies, Policy 8).
The applicant has submitted an Endangered and Threatened Species Habitat Evaluation and Rare Species/Community Assessment dated April 2013. Prior to conducting fieldwork for the evaluation and assessment, data was collected from the Virginia Department of Game and Inland Fisheries (VDGIF), the U.S. Fish and Wildlife Service (USFWS), and the DCR. The DCR letter dated March 29, 2013 identified the Murray’s Ford Conservation Site on the property. The DCR designates the site as having a very high significance rating due to the presence of a Northern Piedmont Mafic Barren rock community that supports vegetation such as lichens, mosses, and herbs (see photograph). The DCR letter states “There are only nine known occurrences of this community rangewide, most of them less than one acre in size, and totaling less than 20 acres rangewide”. In order to preserve this “globally rare” community the DCR recommends avoidance of the Murray’s Ford Conservation Site and an associated buffer area, located in the northeastern portion of the property between the Dulles Greenway and Goose Creek. The DCR requests a site visit to update their documentation of the rare community occurrence. The endangered and threatened species report identified a second community located within the DCR avoidance buffer adjacent to Goose Creek having medium potential for Northern Piedmont Mafic Barren habitat. A building is currently proposed in the vicinity of the Northern Piedmont Mafic Barren rock community previously identified by the DCR.

Community Planning Staff recommends preservation of this significant natural heritage resource. Community Planning Staff recommends the Northern Piedmont Mafic Barren rock community and avoidance buffer identified by the DCR be delineated on the CDP in conjunction with a commitment to protection of these areas. Community Planning Staff further recommends the potential Northern Piedmont Mafic Barren rock community be identified on the CDP. Community Planning Staff notes, the DCR has been contacted for additional information and guidance pertaining to the application.
Forests, Trees, and Vegetation
The Plan calls for the preservation, protection, and management of forests and natural vegetation for the various economic and environmental benefits that they provide, and for the submittal and approval of a tree conservation or forest management plan prior to any land development that “demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area” (RGP, Chapter 5, Forests, Trees and Vegetation Policies, Policies 1 & 3).

The Vegetative Survey Map (Sheet 3) shows forest cover as identified in the Tree Stand Evaluation dated April 2013. Community Planning Staff notes the identified specimen trees have not been included on Sheet 3. A Note on the CDP states existing trees within the 100-year floodplain and the 300-foot Reservoir Protection Zone will be preserved in accordance with the Tree Preservation Proffer (Proffer VB).

Community Planning Staff recommends delineating Tree Conservation Areas (TCAs) on the CDP. Community Planning Staff further recommends the TCAs be expanded to encompass all the river and stream corridor resource elements, including adjacent steep slopes and the 50-foot management buffer. Community Planning Staff also recommends revising the proffer to be consistent with the Tree Conservation Area proffer template with regards to the removal of trees following construction (Attachment 3).

Steep Slopes
Improper use and disturbance of steep slope areas could cause erosion, building and/or road failure, downstream flooding, and other hazards (RGP, Chapter 5, Steep Slopes and Moderately Steep Slope Text). Steep slopes, areas with slopes of greater than 25 percent and moderately steep slopes, areas with a 15 to 25 percent grade are located on the subject site. Plan policies prohibit land disturbances on slopes with a grade of more than 25 percent and call for the protection of slopes with grades from 15 to 25 percent (RGP, Chapter 5, Steep and Moderately Steep Slope Policy 1). The Plan identifies strategies to achieve protection of moderately steep slopes to include “best management practices, reduced locational clearances for clearing and grading, and retention of natural drainageways” (RGP, Chapter 5, Steep Slopes and Moderately Steep Slope Policy 3, p. 5-26).

Historic Resources
The Revised General Plan states the County will require an archaeological and historic resources survey as part of all development applications (RGP, Chapter 5, Historic and Archaeological Resources Policies, Policy 11). The applicant has submitted a Phase I Archaeological Investigation dated April 2013 and a Phase II Testing of Site 44LD1632 dated August 2013. Identified sites were determined to not be eligible for listing on the National Register of Historic Places.

ZONING MODIFICATIONS
The applicant is requesting a Zoning Ordinance Modification (ZMOD) to allow the required canopy coverage to be met on a project wide basis rather than on an individual site basis.
Justification for the modification should be provided with the next submission for evaluation.

**RECOMMENDATION**

Community Planning Staff does not support the requested rezoning as it is not consistent with the land use policies of the Revised General Plan, which calls for residential development in a clustered pattern at a density of 1 dwelling unit per 10 acres or small scale non-residential uses within this portion of the Transition Policy Area. The type of development proposed is suburban in nature and is more appropriately located within the Suburban Policy Area within the area these uses are intended to serve. The Dulles Greenway and the Goose Creek serve as boundaries between the subject property and the Industrial planned uses to the north and the Suburban Policy Area to the east. Approval of this application would set a precedent for other proposals surrounding the subject property. If the applicant chooses to proceed with this application, Community Planning Staff is recommending exploration of a Comprehensive Plan Amendment to facilitate the desired outcomes of this application.

Staff is available to meet with the Applicant to discuss this referral and any questions.

**ATTACHMENTS**

Attachment 1: Sample River and Stream Corridor Resources Management Buffer Proffer
Attachment 2: Sample Stream and Wetland Mitigation Proffer Language
Attachment 3: Sample Tree Conservation Area Proffer Language

cc: Ricky Barker, AICP, Planning and Zoning Director (via e-mail)
    Chris Garcia, AICP, Community Planning Program Manager (via e-mail)
River and Stream Corridor Resources (RSCR) Management Buffer Proffer Template

With the exception of the encroachments depicted on the Concept Development Plan, only passive recreational uses shall be permitted within the RSCR management buffer depicted on the Concept Development Plan. The Applicant shall replant open areas within or adjacent to the Major and Minor Floodplain, in an amount equal to the area of the proposed development that encroaches into the RSCR management buffer, within the Replanting Areas identified on the Concept Development Plan.

The Owner shall submit, for review and approval by the County Urban Forester, a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape Architect, for such replanting areas at the time of submission of each site plan or construction plans and profiles proposing the development of any area that encroaches into the RSCR management buffer. Each such plan shall provide for 3 gallon, containerized, native, deciduous trees to be planted at a density of 300 trees (180 canopy trees and 120 understory trees) per acre on a 12-foot by 12-foot staggered grid. Each approved reforestation plan shall be implemented concurrently with the development of the areas subject to such site plans or construction plans and profiles prior to occupancy. A targeted stocking of 75 percent survival with uniform distribution shall be achieved within one (1) year of planting as determined by the County Urban Forester. In the event that the targeted stocking is not achieved, the Applicant shall, in consultation with the County Urban Forester, provide a one-time supplemental planting within one (1) year to achieve the full, initial stocking.

Option B:

The Owner shall submit a reforestation plan, prepared by a Certified Arborist, Urban Forester, or Landscape Architect, in accordance with the reforestation standards set forth in the Loudoun County Facilities Standards Manual (“FSM”) in effect as of the approval of ZMAP ________ for the reforestation area(s) identified on the Concept Development Plan. Such reforestation plan shall be submitted at the time of submission of the first site plan or construction plan and profiles proposing the development of any area that encroaches into the RSCR management buffer for review and approval by the County Urban Forester. The approved reforestation plan shall be implemented in accordance with the reforestation standards of the FSM, including the maintenance and restocking provisions, concurrently with the development of the areas subject to such site plans or construction plans and profiles prior to occupancy. In the event that the targeted stocking is not achieved, the Applicant, shall in consultation with the County Urban Forester, provide a one-time supplemental planting within one (1) year to achieve the full, initial stocking.
Stream and Wetland Mitigation Proffer Template

Any impacts to streams and wetlands shall be subject to permits obtained from the U.S. Army Corps of Engineers (USACE), Virginia Department of Environmental Quality (DEQ) and the Virginia Marine Resources Commission (VMRC), as applicable. In the event that stream or wetland mitigation is required in conjunction with the issuance of the aforesaid permits, the Owner, although not legally obligated by this Proffer/Condition or otherwise to utilize or consider available Loudoun County mitigation sites, has nevertheless indicated, subject to the approval of USACE, DEQ, and VMRC, its willingness to give some consideration to utilizing available Loudoun County mitigation sites with equal or less costs than that of other available mitigation sites within the Potomac River Watershed. The Owner, if requested by the Zoning Administrator, has agreed to advise the Zoning Administrator as to the general results of its evaluation of mitigation sites and what it has learned with respect to the costs of mitigating in Loudoun County as compared to the costs of mitigating at the site selected by the Owner if located outside of Loudoun County.

[To be provided as a Note: for Special Exception Applications.]
Tree Conservation Area Proffer Template

Tree Conservation Areas. Within the areas identified on the Concept Development Plan (CDP) as “Tree Conservation Areas,” the Owner shall preserve healthy trees provided, however, that trees may be removed to the extent necessary for the construction of trails and Stormwater Management Facilities that are required pursuant to the proffers and/or shown on the approved construction plans and profiles as lying within such Tree Conservation Areas and for the construction of utilities necessary for development of the Property. Notwithstanding the previous sentence, a minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development.

If, during construction on the Property, it is determined by the Owner’s certified arborist and/or the County that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to a tree conservation area, the Owner shall remove each such tree and replace each such tree with two (2) 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County.

The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas, as shown on the record plat, after construction has been completed by the Owner without specific permission of the County except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that protect or enhance the viability of the canopy. Such Management Techniques may include such actions as pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.

Option B: Tree Conservation Easement Text (to be substituted for last paragraph when there is no Homeowners or Property Owners Association.)

The Tree Conservation Area shall be protected by a Tree Conservation Easement granted to the County and recorded with the applicable record plats. A Deed of
Easement, running to the benefit of the County, shall be recorded prior to or concurrent with each record plat, or prior to the approval of each site plan, for the Property containing any portion of the Tree Conservation Area. Such deed shall include a provision that prohibits removal of trees in Tree Conservation Areas as shown on the record plat or site plan after construction has been completed by the Owner without specific permission of the County except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The record plat or site plan for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Deed of Easement for the Tree Conservation Area.
COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING AND ZONING
ZONING ADMINISTRATION REFERRAL

DATE: August 17, 2017

TO: Steve Barney, Project Manager, Department of Planning and Zoning

FROM: Kate A. McConnell, AICP, CZO, Senior Planner, Zoning Administration

CC: Chris Mohn, AICP, Deputy Zoning Administrator


PARCEL NUMBER (PIN): 194-19-9296             TAX MAP NUMBER: /61////////16/

2nd REFERRAL COMMENTS

Staff reviewed the referenced application materials to include the Applicant Response Letter dated July 14, 2017; the Statement of Justification (SOJ) dated April 14, 2017 and revised through July 14, 2017; the plan set entitled, “True North Data, Zoning Map Amendment Application, ZMAP-2017-0003, ZMOD-2017-0011,” dated April 4, 2017 and revised through July 12, 2017, and prepared by Christopher Consultants; and the draft proffer statement dated April 14, 2017 and revised through July 14, 2017.

The Applicant is requesting the following approvals:

1) ZMAP-2017-0003 – A Zoning Map Amendment (ZMAP) to rezone the approximately 105 acre property from TR-10 to PD-OP (Planned Development – Office Park) to permit up to 750,000 square feet (sf) of data center uses, which may include a distribution and/or dedicated substation, on the property; and

2) ZMOD-2017-0011 – A Zoning Ordinance Modification (ZMOD) to § 5-1303(A)(1) to permit the required tree canopy coverage to be calculated on a per property basis rather than for each site plan or by lot if subdivided.

Zoning Staff has the following additional comments on the above referenced application:

A. STATEMENT OF JUSTIFICATION

1. New Comment. In the second paragraph of the response to Issue of Consideration 1, please revise the reference to the “Transportation Policy Area” to the “Transition Policy Area.” Also, please make a similar revision in the third paragraph, and further edit this paragraph for additional grammatical and spelling errors.

B. CONFORMANCE WITH PD-OP REQUIREMENTS (§ 4-300)

2. § 4-302 Size and Location. The PD-OP zoning district shall be located 1) In areas compatible with other commercial development and 2) As envisioned in the Comprehensive Plan. The subject
property is currently zoned TR-10, as well as the abutting land to the west and south, which is largely undeveloped. The Academies of Loudoun, a public school use permitted in TR-10, is under construction to the southwest and on the opposite side of Sycolin Road. Single family detached residences on large lots lie to the south (TR-10 zoning district) and east (R-1 zoning district on the opposite side of Goose Creek). Dedicated open space, zoned PD-H4, is also located to the east and on the opposite side of Goose Creek. The northern property boundary is formed by the Dulles Greenway parcel, a privately-owned, six-lane divided, limited access toll road.

The uses and densities permitted in the TR-10 Zoning District are prescribed to meet the intent of this zoning district, including: § 2-104(A), Create a visual/spatial transition between the suburban area and the rural area of the County; § 2-104(B) Provide for an environment that is low density in character to facilitate a transition between the suburban area and the rural area of the County; § 2-104(C) Achieve a blend of rural and suburban development; (D) Achieve a balance between the built and natural environment; § 2-104(E) Protect drinking water resources; and (F) Implement requirements that open space be provided in conjunction with the standards of this Ordinance. They also implement the land use policies for the Transition Area as envisioned in the County’s Comprehensive Plan, which are reflected in the permitted uses and densities of the TR-10 Zoning District.

The uses permitted in the TR-10 Zoning District include agricultural, public and institutional (e.g. park and open space, public safety, religious assembly, utility), and limited commercial (e.g. banquet facilities, specific, small scale retail sales, visitor accommodations) and industrial uses (e.g. monopole). They do not include office parks or data centers, which are intense, suburban uses. Development of the subject property is also required to maintain 70% of the parcel as open space as a separate parcel or parcels, pursuant to the standards of the TR-10 Zoning District.

It is unclear how the proposed data center use as permitted in the PD-OP zoning district is “compatible with other commercial development” when a commercial development pattern does not exist along Sycolin Road. Therefore, Staff neither finds the proposed PD-OP Zoning District nor the proposed use and development pattern compatible with other commercial development as required by the Zoning Ordinance.

The Community Planning Division of the Department of Planning and Zoning (Community Planning) Staff will provide an analysis of the proposal based on the Comprehensive Plan in a separate referral.

**Applicant Response:** The proposed data center uses are wholly consistent with the designation to develop the northern portion of the Lower Sycolin area with industrial uses, but presents a more suburban project to be respective and reflective of the office and residential zoning designations to the east. The County’s Economic Development policies, as enumerated in Chapter 4 of the Revised General Plan, note that the Dulles Greenway is planned for up to 12 million square get of higher density office development and is emerging as a “business corridor”. This property aligning the southern side of the Dulles Greenway, can be an important component of that business corridor, but with a project that will not generate significant traffic nor negatively impact the existing development and is anticipated to provide the County with an estimated $24 Million dollars in tax revenue annually—not amortized over 30 years.

**Additional Comment:** As the Applicant’s response addresses the comprehensive plan, Staff defers to Community Planning for additional analysis.

3. **§ 4-305(B)(2) Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses.** Parking between a building and a residential district may not be visible from the residential district. This scenario is depicted along the western property line. In accordance with
§ 6-1215(F), please provide the location and nature of perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the Concept Development Plan (CDP).

**Applicant Response:** As noted on the CDP the requirements of Section 5-1400 and Section 5-664 will be met. It should be noted, that the Applicant fully intends to comply with all of the Zoning Ordinances, which includes Section 6-1215 with the exception of any Zoning Ordinance that a modification has been requested. The Applicant has not requested a modification of Section 6-1215.

**Additional Comment.** Comment outstanding. Section 6-1215 states “The approved Concept Development Plan shall contain the following information”…§ 6-1215(F) “the location and nature of…perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties…” At a minimum, the location and type of buffer required by § 5-1400 and/or § 5-664 should be depicted on the CDP. The buffering and screening necessary to achieve the screening of parking from residential districts may be in addition to this required buffering and screening. The adequacy of the buffers required by § 5-1400 and/or § 5-664 will be evaluated at site plan and may be determined to be insufficient. As buffering and screening parking from residential districts is a PD-OP district requirement, relief from the requirement may only be achieved through a zoning modification approved during the legislative process. Therefore, Staff recommends depicting the location and nature of buffering and screening that will achieve the requirements of § 4-305(B)(2) so that Staff may evaluate effectiveness.

4. **§ 4-307(E) Site Planning.** Landscaping, buffering and screening shall be used to screen outdoor storage, areas for collection for refuse, loading areas, and parking from streets, agricultural and residential uses. Parking is proposed between buildings and Sycolin Road and buildings and the Dulles Greenway. In accordance with § 6-1215(F), please provide the location and nature of perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the CDP.

**Applicant Response:** The CDP indicates that the requirements of Section 5-1400 and Section 5-664 of the Zoning Ordinance must be met by the Applicant, therefore, ensuring that Section 6-1215(F) will be met.

**Additional Comment:** Comment outstanding. Section 6-1215 states “The approved Concept Development Plan shall contain the following information”…§ 6-1215(F) “the location and nature of…perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties…” At a minimum, the location and type of buffer required by § 5-1400 and/or § 5-664 should be depicted on the CDP. The buffering and screening necessary to achieve the screening of parking from streets may be in addition to this required buffering and screening. The adequacy of the buffers required by § 5-1400 and/or § 5-664 will be evaluated at site plan and may be determined to be insufficient. As buffering and screening parking from streets is a PD-OP district requirement, relief from the requirement may only be achieved through a zoning modification approved during the legislative process. Therefore, Staff recommends depicting the location and nature of buffering and screening that will achieve the requirements of § 4-305(B)(2) so that Staff may evaluate effectiveness.

5. **New Comment.** § 4-303(V). Non-dedicated and dedicated distribution utility substations may be developed by-right. However, § 5-616(C) requires approval of a Commission Permit for any non-dedicated distribution utility substation located in an area not consistent
with the comprehensive plan. The subject property is not an area where non-dedicated
distribution utility substations are contemplated by the comprehensive plan; therefore, a
Commission Permit will be required should establishment of such a use be pursued.

Section 6-1101(C) states, “Any public area, facility or use which requires a permit under
[§ 6-1101 (A)] above which is identified within, but is not the entire subject of, an
application for approval of subdivision or site plan or both may be deemed to be a feature
already shown on the Comprehensive Plan if the County has defined standards governing
the construction, establishment or authorization of such public area, facility or use or has
approved it through acceptance of a proffer made pursuant to Section 6-1209. In such case,
application for a commission permit is not necessary.” Therefore, Staff recommends
depicting the location of the non-dedicated distribution utility substation on the CDP so
Staff may evaluate the proposed public facility. Upon approval of such a facility depicted
on the CDP, a separate Commission Permit application would not be required.

Moreover, considering the building, driveway, parking, and stormwater management
layout depicted on CDP coupled with the environmental constraints and required setbacks,
Staff is concerned about the possible location of a distribution utility substation whether it
is dedicated or non-dedicated, especially one that will not affect environmental resources
on the property. Therefore, Staff is requesting the location of the requested distribution
utility substation, as well as information about its use and locational requirements, be
provided on the CDP so Staff may evaluate the substation as part of the legislative
application.

C. CONFORMANCE WITH FLOODPLAIN OVERLAY DISTRICT (§ 4-1500)

6. Initial Comment. Staff defers to the Floodplain Manager, Bill Cain, for analysis of the proposal
as it relates to the subject property’s location in the major floodplain and requirements of § 4-1500
of the Zoning Ordinance.

No response provided.

Additional Comment: Staff notes a crossing of the major floodplain/FOD is proposed in
the northern part of the property. Pursuant to § 4-1505(A)(6), public roads, private roads,
and driveways are permitted in the FOD. Section 4-1505 requires an application for a
Floodplain Alteration to be submitted in accordance with § 4-1508(B) and the Facilities
Standards Manual for uses permitted in the FOD.

7. New Comment. On Sheets 2-4, two limits of the floodplain are depicted in the southeast
corner of the property. Please differentiate between the two limits or depict only the FOD
consistent with the County’s overlay district data.

D. CONFORMANCE WITH DATA CENTER ADDITIONAL REGULATIONS (§ 5-664)

8. Initial Comment. § 5-664(E) Buffer Yard Requirement. The side yards abutting the TR-10, R-1,
and PD-H4 zoning districts shall include a Type 4 buffer yard installed on an earthen berm a
minimum of 6 feet in height and a slope not steeper than 2:1. In accordance with § 6-1215(F),
please provide the location and nature of the perimeter landscape buffers and screening intended
to mitigate impacts on adjacent properties on the CDP.

Applicant Response: It is important to note, the Applicant has not requested a waiver or
modification of any Buffer Yard Requirements as required by the PD-OP zoning district and the Applicant intends to comply with all Zoning Ordinance requirements, with the exception of any modifications requested for and approved by the Board of Supervisors as part of ZMOD-2017-0011.

Additional Comment. Comment outstanding. Section 6-1215 states “The approved Concept Development Plan shall contain the following information”…§ 6-1215(F) “the location and nature of…perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties…” Staff understands § 5-664(E) permits the substitution of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, for the buffer requirements when found by the County Urban Forester to provide screening at the density, depth, and height equivalent to the Type 4 buffer yard with earthen berm. Should the buffer location or components need to be modified due to topographical issues in ways other than substituting or augmenting existing vegetation to achieve equivalency, this request must be made as a minor special exception. Nonetheless, considering this is a legislative rezoning application, Staff requests anticipated substitution or augmentation modifications to the buffers be presented as part of the rezoning application so that Staff may evaluate the effects of the modifications. Furthermore, approval of a modification at this stage of the approval process ensures the Applicant of its future applicability. Please depict the location and nature of buffering and screening required by § 5-664(E).

E. CONFORMANCE WITH BUFFERING AND SCREENING (§ 5-1400)

9. Initial Comment. § 5-1406(E)(2) Special Situations. The property is adjacent to an existing principal arterial road, the Dulles Greenway. In accordance with § 5-1406(E)(2), a Type 3 Buffer Yard will be required along this property boundary. Please provide the location and nature of the perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the CDP pursuant to § 6-1215(F).

Applicant Response: It is important to note, the Applicant has not requested a waiver or modification of Section 5-1406(E)(2) and the Applicant intends to fully comply with all Zoning Ordinance requirements, with the exception of any modifications requested for and approved by the Board of Supervisors as part of ZMOD-2017-0011.

Additional Comment. Comment outstanding. Section 6-1215 states “The approved Concept Development Plan shall contain the following information”…§ 6-1215(F) “the location and nature of…perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties…” Please depict the location and nature of buffering and screening that will achieve the requirements of § 5-1406(E)(2). Pursuant to § 5-1403(C), the Applicant should propose revisions to required buffers during the legislative process rather than request a waiver or modification, which may not be granted by the Zoning Administrator, at site plan.

F. CONFORMANCE WITH LIGHTING STANDARDS (§ 5-1504)

10. Initial Comment: § 5-1504(A) General Requirements. Please note, all sources of glare from any source must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential districts, at the lot line of any adjacent
lot. This scenario occurs along the eastern property boundary where the subject property abuts or is adjacent to the TR-10 Zoning District.

**Applicant Response:** Acknowledged.

**Additional Comment.** In accordance with § 6-1215(A) Nonresidential Uses, applicable performance standards, e.g. §5-664, lighting, noise, etc.; shall be included on the CDP. Please include a reference to the lighting performance standard on the CDP.

**G. CONFORMANCE WITH NOISE STANDARDS (§ 5-1507)**

11. **Initial Comment:** In accordance with § 5-1507(E), Table 5-1507(E), noise created at any time by the proposed data center use may not exceed 55 decibels on the receiving property line located closest to the source of the subject sound (§ 5-1507(D)(5)). The use of generators and accessory equipment during an emergency or testing is exempt in accordance with § 5-1507(F)(4).

**Applicant Response:** Acknowledged.

**Additional Comment.** In accordance with § 6-1215(A) Nonresidential Uses, applicable performance standards, e.g. §5-664, lighting, noise, etc.; shall be included on the CDP. Please include a reference to the noise performance standards on the CDP.

**H. CONFORMANCE WITH STEEP SLOPE STANDARDS (§ 5-1508)**

12. **Initial Comment:** Staff defers to the Natural Resources Team Leader/County Soil Scientist, Ryan Reed, for analysis of the proposal as it relates to the location of steep slopes on the subject property and requirements of § 5-1508 of the Zoning Ordinance.

**No response provided.**

**Additional Comment.** Staff notes Exhibit B demonstrates impacts to moderately steep slopes, as well as the potential for impacts to very steep slopes. As such, § 5-1508 of the Zoning Ordinance will apply. Staff understands the Natural Resources Team Leader/County Soil Scientist has requested additional information for evaluation of impacts to steep slopes during the legislative application process.

**I. ZONING MAP AMENDMENT MATTERS FOR CONSIDERATION (§ 6-1210(E))**

13. **Initial Comment.** § 6-1210(E)(2) The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values.

Staff defers to Community Planning regarding whether the proposal is compatible with existing and permitted uses on property in the immediate vicinity, and the conservation of land values. Also please refer to Comment 4 regarding the suitability of the proposed use, a data center, in this location.

Also, similar to Comment 2, please revise the location description to more accurately describe the location of the extraction and industrial uses on the north and opposite side of the Dulles Greenway parcel, a six lane divided, limited access, toll road.

**Applicant Response:** As requested, the Zoning Map Amendment Matters for Consideration has been updated.

**Additional Comment.** The Matters for Consideration have been updated to reference uses within a radius of 7,500 linear feet, or nearly 1.5 miles. Staff does not find that uses within
approximately 1.5 miles are within the immediate vicinity” of the subject property. Please revise the location description to more accurately describe the location of the residential, institutional, extraction and industrial uses in the immediate vicinity of the property under consideration, such as on the opposite side of the Dulles Greenway or Goose Creek.

Also, please state in the third paragraph the 300-foot reservoir protection zone is required by the FSM.

14. Initial Comment. § 6-1210(E)(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district. Zoning Staff defers to Loudoun Water regarding the adequacy of sewer and water and the DTCI regarding the adequacy of transportation infrastructure to serve the uses that would be permitted on the property if the rezoning request is approved. Nonetheless, please address the adequacy of water, particularly with regard to data center cooling needs, under this criteria.

Applicant Response: As requested, the Zoning Map Amendment Matters for Consideration has been updated.

Additional Comment. Staff notes the response to Comment 1 in the applicant response letter dated July 14, 2017, the applicant is agreeing to provide a one-acre easement for a future pumping station dedicated to Loudoun Water and that this location will be coordinated with Loudoun Water and shown on the first site plan. A sewer pumping station is permitted by-right in the PD-OP zoning district; however, a Commission Permit may be required to establish the use. The size and intensity of the sewer pumping station will likely determine whether a commission permit is necessary should a separate application for the use be made in the future.

Section 6-1101(C) states, “Any public area, facility or use which requires a permit under [§ 6-1101 (A)] above which is identified within, but is not the entire subject of, an application for approval of subdivision or site plan or both may be deemed to be a feature already shown on the Comprehensive Plan if the County has defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to Section 6-1209. In such case, application for a commission permit is not necessary.” Therefore, Staff recommends depicting the location of the sewer pumping station on the CDP so Staff may evaluate the proposed public facility. Upon approval of such a facility depicted on the CDP, a separate Commission Permit application would not be required.

Moreover, considering the building, driveway, parking, and stormwater management layout depicted on CDP coupled with the environmental constraints and required setbacks, Staff is concerned about the potential to reserve a one-acre area for Loudoun Water, especially one that will not affect environmental resources on the property. Therefore, Staff is requesting the location of the requested one-acre easement, as well as information about its use and locational requirements, be provided on the CDP so Staff may evaluate the sewer pumping station as part of the legislative application.

15. Initial Comment. §6-1210(E)(6) The protection of life and property from impounding structure failures. An impounding structure is located on the property. Please provide a commitment to
demonstrating efforts will be undertaken to protect life and property from a failure of the impounding structure.

**Applicant Response:** It is noted that the topography down stream of this dam is very steep. No proposed improvements are planned close to the downstream area of this impoundment structure. This structure is existing. It is in an easement and maintained by the Toll Road Company.

**Additional Comment.** Please provide location and instrument number for the referenced easement on the plan set.

**J. CONTENTS OF A CONCEPT DEVELOPMENT PLAN (§ 6-1215)**

16. **Initial Comment.** § 6-1215(G) Modifications. The location, text and a clear description of any approved modifications to any provisions of this Ordinance, the Land Subdivision and Development Ordinance or any other applicable County ordinance, which would otherwise be applicable to the development. Please ensure this information regarding the requested modification is included on the CDP.

**Applicant Response:** As requested, the CDP has been updated to reflect the information regarding the requested modification.

**Additional Comment:** Please clearly indicate in the modification information provided on Sheet 4 that the modification will apply to the entire property.

**K. ZONING ORDINANCE MODIFICATIONS (§ 6-1217(A))**

**Modification to §5-1303(A)(1) Canopy Requirements, Site Planning.**

**Requested Modification:** Calculate the 10 percent (10%) tree canopy requirement for PD-OP districts over the entire property rather than on a per site plan basis.

17. **Initial Comment.** According to § 6-1217(A) of the Zoning Ordinance, the Board of Supervisors may approve modifications upon meeting certain criteria, including but not limited to 1) How the requested modification achieves an innovative design, improves upon the existing regulation, or otherwise exceeds the public purpose of the existing regulation; 2) How the modification is not intended for the primary purpose of achieving the maximum density on the subject property; and 3) Materials demonstrating how the modification will be used in the design of the project.

The Applicant indicates the requested modification “will allow for easier future subdivision of the property later.” This justification does not address the criteria for a zoning ordinance modification. Please provide a complete response to each criterion in the request.

**Applicant Response:** The Applicant revised the modification justification to state, “The applicant is proffering to preserve existing mature canopy coverage over almost 30% of the site, whereas the Zoning Ordinance requires only 10% canopy coverage after 20 years in the PD-OP district. From a vegetative health standpoint it is better to have the trees in clusters rather than spread out throughout the project based on where parcel lines happen to fall. Even if this modification is granted each parcel will still have significant canopy coverage since canopy trees will have to be included in areas like parking lot landscaping and perimeter buffer yards. If the modification is not granted it could result in an inability to subdivide causing economic hardship to both the applicant and the County, in terms of lost tax revenue. At the very least it might require the gerrymandering of parcel lines to gain enough canopy coverage for each future parcel. The applicant believes the granting of this modification serves the public good in a much more environmentally sensitive way than [sic] the ordinance requirement.”

**Additional Comment:** Considering the proposed modification and associated proffer
commitment will result in the preservation of nearly 1/3 of the property’s existing tree canopy when 10% is required, Staff can support the requested modification.

L. REZONING PLAT

18. Sheet 4, PD-OP Zoning District, Lot Requirements, Yards, please complete the § 4-305(B) reference to indicate the § 5-900 setback applies if it is greater than the 35 foot parking and 50 foot building setbacks.

Applicant Response: As requested, Sheet 4 has been updated.

Additional Comment: Not addressed, Sheet 4 has not been updated to address the initial comment.

19. New Comment. Sheet 1. General Notes. Please combine notes 4 and 12, as they provide similar or duplicate information.

M. PROFFERS

20. Previous Comment. Proffer V.B. I recommend including a commitment to providing a Tree Conservation Area (TCA) tabulation demonstrating the initial amount of TCA and the remaining amount after development of the site to be submitted with each site plan submission. This tabulation will assist County Staff in monitoring the Tree Conservation Area, and likely the modified 10% Tree Canopy Zoning Ordinance requirement, if approved, as the site develops.

Applicant Response: Please note that Proffer V.B.1 has been updated, as requested.

Additional Comment: I recommend the comment be revised to more clearly indicate the methodology, e.g. restate the commitment as, “Upon submission of each site plan, the Applicant shall provide a Tree Conservation Area (TCA) tabulation demonstrating the initial amount of TCA and the remaining amount after development of each site plan.” Additionally, please provide the area of TCA proposed to be protected so that Staff will be able to determine whether the area of the TCA depicted on the CDP is consistent with the area to be protected as the site develops.

Lastly, I recommend revising the reference to “Tree Preservation Area” to “Tree Conservation Area” throughout the proffer for consistency with County’s standard language.

21. New Comment. Proffer IV. commits to establishing one or more Owners Associations on the property. Establishing one Owners Association may ensure the County of a consistent development design throughout the site which is currently proposed to be similarly developed.

Additionally, it seems there is a typographical error in the second sentence, “….of which all property owners will be members that responsible for the maintenance…”

22. New Comment. Proffers VII and VIII. Please revise the references to Proffers VII and VIII to Proffers VI and VII, respectively.
COUNTY OF LOUDOUN
DEPARTMENT OF PLANNING AND ZONING
ZONING ADMINISTRATION REFERRAL

DATE: June 14, 2017

TO: Steve Barney, Project Manager, Department of Planning and Zoning

FROM: Kate A. McConnell, AICP, CZO, Senior Planner, Zoning Administration

CC: Chris Mohn, AICP, Deputy Zoning Administrator


PARCEL NUMBER (PIN): 194-19-9296  TAX MAP NUMBER: /61////////16/

1st REFERRAL COMMENTS


The subject property is currently zoned TR-10 (Transitional Residential -10) under the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance). The property is also located partially within the Airport Impact Overlay District (AIOD), Ldn 60 1-mile buffer. The property is partially located in the Quarry Notification (QN) Overlay District, Luck Note Area and the Floodplain Overlay District (FOD), Major Floodplain. Moderate and very steep slopes are located on the property. The subject property is also located in the Reservoir Protection Overlay, Goose Creek as regulated by the Loudoun County Facilities Standards Manual (FSM).

The Applicant is requesting the following approvals:

1) ZMAP-2017-0003 – A Zoning Map Amendment (ZMAP) to rezone the approximately 105 acre property from TR-10 to PD-OP (Planned Development – Office Park) to permit up to 750,000 square feet (sf) of data center uses on the property and/or any special exception uses provided in § 4-300 on the property; and

2) ZMOD-2017-0011 – A Zoning Ordinance Modification to § 5-1303(A)(1) to permit the required tree canopy coverage to be calculated on a per property basis rather than for each site plan or by lot if subdivided.

Zoning Staff has the following comments on the above referenced application:

A. STATEMENT OF JUSTIFICATION

1. Introduction. The second sentence states the property “was previously earmarked for residential development through ZMAP-2013-0004, which was ultimately unsuccessful,
and 10 houses could be built by-right today.” This statement is misleading. The property is planned and zoned for transitional development at a residential density of up to one dwelling unit per 10 acres and limited commercial, industrial, public and institutional, and agricultural uses. The property was never reserved, designated, or “earmarked,” for residential development as proposed by ZMAP-2013-0004. Instead, this legislative application, which was withdrawn and has no effect on the current planned land use or zoning, proposed a residential density (177 single family detached units) greater than planned. Please revise the statement to remove the intimation that ZMAP-2013-0004 has or had any influence on the current planned land use and zoning district.

2. Description of Site. In the last sentence, please clarify the referenced industrial and extraction uses are located on the opposite side of the Dulles Greenway parcel, a six lane divided, limited access, toll road. Also, include open space, agriculture, and institutional uses, as well as vacant land, in the identification of surrounding uses.

3. Existing Planning and Zoning. In the first sentence of the third paragraph, the Applicant indicates the development request is for “low-density office uses.” The requested use is data center, albeit in the PD-OP zoning district. Please revise the statement to indicate data center uses, rather than office, are proposed.

B. CONFORMANCE WITH PD-OP REQUIREMENTS (§ 4-300)

4. § 4-302 Size and Location. The PD-OP zoning district shall be located 1) In areas compatible with other commercial development and 2) As envisioned in the Comprehensive Plan. The subject property is currently zoned TR-10, as well as the abutting land to the west and south, which is largely undeveloped. The Academies of Loudoun, a public school use permitted in TR-10, is under construction to the southwest and on the opposite side of Sycolin Road. Single family detached residences on large lots lie to the south (TR-10 zoning district) and east (R-1 zoning district on the opposite side of Goose Creek). Dedicated open space, zoned PD-H4, is also located to the east and on the opposite side of Goose Creek. The northern property boundary is formed by the Dulles Greenway parcel, a privately-owned, six-lane divided, limited access toll road.

The uses and densities permitted in the TR-10 Zoning District are prescribed to meet the intent of this zoning district, including: § 2-104(A), Create a visual/spatial transition between the suburban area and the rural area of the County; § 2-104(B) Provide for an environment that is low density in character to facilitate a transition between the suburban area and the rural area of the County; § 2-104(C) Achieve a blend of rural and suburban development; (D) Achieve a balance between the built and natural environment; § 2-104(E) Protect drinking water resources; and (F) Implement requirements that open space be provided in conjunction with the standards of this Ordinance. They also implement the land use policies for the Transition Area as envisioned in the County’s Comprehensive Plan, which are reflected in the permitted uses and densities of the TR-10 Zoning District.

The uses permitted in the TR-10 Zoning District include agricultural, public and institutional (e.g. park and open space, public safety, religious assembly, utility), and limited commercial (e.g. banquet facilities, specific, small scale retail sales, visitor
accommodations) and industrial uses (e.g. monopole). They do not include office parks or data centers, which are intense, suburban uses. Development of the subject property is also required to maintain 70% of the parcel as open space as a separate parcel or parcels, pursuant to the standards of the TR-10 Zoning District.

It is unclear how the proposed data center use as permitted in the PD-OP zoning district is “compatible with other commercial development” when a commercial development pattern does not exist along Sycolin Road. Therefore, Staff neither finds the proposed PD-OP Zoning District nor the proposed use and development pattern compatible with other commercial development as required by the Zoning Ordinance.

The Community Planning Division of the Department of Planning and Zoning (Community Planning) Staff will provide an analysis of the proposal based on the Comprehensive Plan in a separate referral.

The PD-OP zoning district shall be also be located in areas served by public water and sewer. Currently, this area is not served by public water and sewer. Please address in the SOJ whether the subject property is within the Loudoun Water Service Area.

5. §4-305(B)(2) Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses. Parking between a building and a residential district may not be visible from the residential district. This scenario is depicted along the western property line. In accordance with § 6-1215(F), please provide the location and nature of perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the Concept Development Plan (CDP).

6. § 4-307(C) Landscaped Open Space. Be advised, minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. This requirement is calculated on a per site plan basis; therefore, if the lot is developed in phases, or subdivided, the minimum landscaped open space must be demonstrated upon each site plan submission for the subject property.

7. § 4-307(E) Site Planning. Landscaping, buffering and screening shall be used to screen outdoor storage, areas for collection for refuse, loading areas, and parking from streets, agricultural and residential uses. Parking is proposed between buildings and Sycolin Road and buildings and the Dulles Greenway. In accordance with § 6-1215(F), please provide the location and nature of perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the CDP.

C. CONFORMANCE WITH FLOODPLAIN OVERLAY DISTRICT (§ 4-1500)

8. Staff defers to the Floodplain Manager, Bill Cain, for analysis of the proposal as it relates to the subject property’s location in the major floodplain and requirements of § 4-1500 of the Zoning Ordinance.

D. CONFORMANCE WITH DATA CENTER ADDITIONAL REGULATIONS (§ 5-664)

9. § 5-664(A) Principal Building Facades. Please note, building facades facing adjacent roads, Sycolin Road and Dulles Greenway, will be required to meet § 5-446(A).

10. § 5-664(B) Screening of Mechanical Equipment. Please note, ground level and roof top
equipment shall be screened by a solid screen constructed of materials compatible with the principal building, or by a principal building.

11. § 5-664(C) Exterior Lighting. Please note, all exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and properties.

12. § 5-664(D)(1) Provision of Sidewalks and/or Trails. A sidewalk will be required along the north side of Sycolin Road. A sidewalk is consistent with the pedestrian facility constructed east of the subject property. In accordance with § 6-1215(E), please provide the location and general design of the pedestrian facility consistent with the Countywide Transportation Plan (6-foot-wide sidewalk in a 10-foot-wide public access easement outside of the Sycolin Road right-of-way.)

13. § 5-664(E) Buffer Yard Requirement. The side yards abutting the TR-10, R-1, and PD-H4 zoning districts shall include a Type 4 buffer yard installed on an earthen berm a minimum of 6 feet in height and a slope not steeper than 2:1. In accordance with § 6-1215(F), please provide the location and nature of the perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the CDP.

E. CONFORMANCE WITH BUFFERING AND SCREENING (§ 5-1400)

14. § 5-1406(E)(2) Special Situations. The property is adjacent to an existing principal arterial road, the Dulles Greenway. In accordance with § 5-1406(E)(2), a Type 3 Buffer Yard will be required along this property boundary. Please provide the location and nature of the perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the CDP pursuant to § 6-1215(F).

F. CONFORMANCE WITH LIGHTING STANDARDS (§ 5-1504)

15. § 5-1504(A) General Requirements. Please note, all sources of glare from any source must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential districts, at the lot line of any adjacent lot. This scenario occurs along the eastern property boundary where the subject property abuts or is adjacent to the TR-10 Zoning District.

G. CONFORMANCE WITH NOISE STANDARDS (§ 5-1507)

16. In accordance with § 5-1507(E), Table 5-1507(E), noise created at any time by the proposed data center use may not exceed 55 decibels on the receiving property line located closest to the source of the subject sound (§ 5-1507(D)(5)). The use of generators and accessory equipment during an emergency or testing is exempt in accordance with § 5-1507(F)(4).

H. CONFORMANCE WITH STEEP SLOPE STANDARDS (§ 5-1508)

17. Staff defers to the Natural Resources Team Leader/County Soil Scientist, Ryan Reed, for analysis of the proposal as it relates to the location of steep slopes on the subject property and requirements of § 5-1508 of the Zoning Ordinance.
I. ZONING MAP AMENDMENT MATTERS FOR CONSIDERATION (§ 6-1210(E))

18. § 6-1210(E)(1) Appropriateness of the proposed uses based on the Comprehensive Plan, trends in growth and development, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies and the encouragement of the most appropriate use of land throughout the locality. Zoning Staff defers to Community Planning regarding consistency with the Comprehensive Plan. Also, please refer to Comment 4 regarding the appropriateness of the proposed land use and development pattern.

19. § 6-1210(E)(2) The existing character and use of the subject property and suitability for various uses, compatibility with uses permitted and existing on other property in the immediate vicinity, and conservation of land values. Staff defers to Community Planning regarding whether the proposal is compatible with existing and permitted uses on property in the immediate vicinity, and the conservation of land values. Also please refer to Comment 4 regarding the suitability of the proposed use, a data center, in this location. Also, similar to Comment 2, please revise the location description to more accurately describe the location of the extraction and industrial uses on the north and opposite side of the Dulles Greenway parcel, a six lane divided, limited access, toll road.

20. § 6-1210(E)(3) Adequacy of sewer and water, transportation, and other infrastructure to serve the uses that would be permitted on the property if it were reclassified to a different zoning district. Zoning Staff defers to Loudoun Water regarding the adequacy of sewer and water and the DTCI regarding the adequacy of transportation infrastructure to serve the uses that would be permitted on the property if the rezoning request is approved. Nonetheless, please address the adequacy of water, particularly with regard to data center cooling needs, under this criteria.

21. § 6-1210(E)(4) The requirements for airports, housing, schools, parks, playgrounds, recreational areas and other public services. Typically, this criterion is more applicable to residential rezoning proposals.

22. § 6-1210(E)(5) Potential impacts on the environment or natural features including but not limited to wildlife habitat, wetlands, vegetation, water quality (including groundwater), topographic features, air quality, scenic, archaeological, and historic features, and agricultural and forestal lands and any proposed mitigation of those impacts.

   a. For applications for rezoning or amend to a zoning map subject to the provision of Virginia Code Section 15.2-2303.4, an proposed on-site mitigation of those potential impacts. This criterion is not applicable.

   b. For applications for rezoning or amend to a zoning map not subject to the provisions of Virginia Code Section 15.2-2303.4, any proposed mitigation of those potential impacts. Zoning Staff defers to Comprehensive Planning Staff regarding mitigation of environmental impacts and recommends the Applicant work with Comprehensive Planning Staff to identify methods to address environmental impacts related to the use of the site.
Please correct the Sycolin Creek reference to Goose Creek. Also, Staff questions whether the intent was to refer to the Scenic Creek Valley Buffer and/or the Reservoir Protection Overlay, rather than the River and Stream Corridor Overlay District, which is not a district regulated by the Zoning Ordinance or the FSM.

23. §6-1210(E)(6) The protection of life and property from impounding structure failures.
An impounding structure is located on the property. Please provide a commitment to demonstrating efforts will be undertaken to protect life and property from a failure of the impounding structure.

J. CONTENTS OF A CONCEPT DEVELOPMENT PLAN (§ 6-1215)

24. § 6-1215(A) Nonresidential Uses. Please include the following on the CDP, 1) FAR, 2) applicable performance standards, e.g. §5-664, lighting, noise, etc.; and 3) restrictions regarding the location of nonresidential activities, e.g. § 5-305(b)(2) parking located between a building and residential district or a street may not be visible from the residential district or street, respectively.

25. § 6-1215(E) Transportation/Access. Please depict the approved location and general design of the Sycolin Road turn lanes referenced in Proffer IV. and the pedestrian facility required by § 5-664, both consistent with the Countywide Transportation Plan, on the CDP.

26. § 6-1215(F) Open Space Areas. Please provide the location and nature of the environmentally sensitive areas, including areas of a Northern Piedmont Mafic Barren Community identified by the Virginia Department of Conservation and Recreation, Division of Natural Heritage; perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties; and other areas that are to remain as open space on the CDP.

27. § 6-1215(G) Modifications. The location, text and a clear description of any approved modifications to any provisions of this Ordinance, the Land Subdivision and Development Ordinance or any other applicable County ordinance, which would otherwise be applicable to the development. Please ensure this information regarding the requested modification is included on the CDP.

K. ZONING ORDINANCE MODIFICATIONS (§ 6-1217(A))

Modification to §5-1303(A)(1) Canopy Requirements, Site Planning.

Requested Modification: Calculate the 10 percent (10%) tree canopy requirement for PD-OP districts over the entire property rather than on a per site plan basis.

28. According to § 6-1217(A) of the Zoning Ordinance, the Board of Supervisors may approve modifications upon meeting certain criteria, including but not limited to 1) How the requested modification achieves an innovative design, improves upon the existing regulation, or otherwise exceeds the public purpose of the existing regulation; 2) How the modification is not intended for the primary purpose of achieving the maximum density on the subject property; and 3) Materials demonstrating how the modification will be used in the design of the project.
The Applicant indicates the requested modification “will allow for easier future subdivision of the property later.” This justification does not address the criteria for a zoning ordinance modification. Please provide a complete response to each criterion in the request.

L. REZONING PLAT

29. Sheet 1, General Note 3, please indicate the property is partially located in the Airport Impact Overlay District.”

30. Sheet 2, General Note 16, please include a status of the recommended Phase II archeological investigation for 44LD1632.

31. Sheet 1, General Note 20, please indicate the extension of public water and sewer services will be made at no cost to the County.

32. Sheet 2, please include parcels and parcel ownership information for the properties identified as PIN 154-45-1883, PIN 194-49-8227, and PIN 155-22-5356.

33. Sheet 4, Legend, please remove Ex. Tree Line from the legend, as this line type is not utilized on Sheet 4.

34. Sheet 4, PD-OP Zoning District, Lot Requirements, Yards, please complete the § 4-305(B) reference to indicate the § 5-900 setback applies if it is greater than the 35 foot parking and 50 foot building setbacks.

M. PROFFERS

35. The first sentence of the preamble states a portion of the property will be subject to the proffers; however, the entire property is proposed to be rezoned as depicted on the CDP. Please revise the reference in the proffer to indicate the entire parcel is subject to the requested rezoning.

36. The last paragraph of the preamble references Land Bays designated on the CDP and “residential zoning permits,” neither of which are proposed with this application. I recommend evaluating whether these references are necessary and revising the proffers accordingly.

37. Proffer I. Please revise the Zoning Ordinance section reference to Substantial Conformance Defined, which is provided under § 6-102(E) of the Zoning Ordinance.

38. Proffers I. and II. Proffers I. and II. permit the application for and development of approved PD-OP special exception uses. Sheet 4 of the CPD states “All uses shall be proffered out of this application with the exception of data centers.” Please address this discrepancy.

39. Proffer IV. The proffer states right and left turn lanes are depicted on the CDP. The turn lanes are not depicted on the CDP. Please address this discrepancy. Also, Sycolin Road right of way dedication is depicted on Sheet 4 of the CDP. However, this dedication is not referenced in the proffer statement. I recommend including a right of way dedication commitment in the proffer statement.
40. Proffer V.B. I recommend including a commitment to providing a Tree Conservation Area (TCA) tabulation demonstrating the initial amount of TCA and the remaining amount after development of the site to be submitted with each site plan submission. This tabulation will assist County Staff in monitoring the Tree Conservation Area, and likely the modified 10% Tree Canopy Zoning Ordinance requirement, if approved, as the site develops.

41. Proffer VII.B. Please revise the reference to Proffer XI to Proffer VI, the Emergency Services proffer.
DATE: August 18, 2017

TO: Steve Barney, Project Manager
Department of Planning and Zoning

FROM: Marc Dreyfuss, Senior Transportation Planner
DTCI, Transportation Planning & Operations Division

SUBJECT: ZMAP 2017-0003 & ZMOD 2017-0011 – True North Data
Second Referral

Background
This referral updates the status of comments noted in the first Department of Transportation and Capital Infrastructure (DTCI) referral on these Zoning Map Amendment (ZMAP) and Zoning Modification (ZMOD) applications dated June 16, 2017. These applications propose to rezone approximately 105 acres from the Transitional Residential – 10 (TR-10) zoning district to the Planned Development – Office Park (PD-OP) zoning district under the Revised 1993 Zoning Ordinance to permit development of approximately 750,000 SF of non-residential (data center) uses; and (2) request modifications to canopy coverage requirements (Section 5-1303). The site is currently features one residential parcel and is proposed to be accessed via one full-movement access point from Sycolin Road.

This update is based on DTCI review of materials received from the Department of Planning and Zoning on July 26, 2017, including (1) an Information Sheet, dated July 21, 2017; (2) a Statement of Justification prepared by the Applicant, dated April 14, 2017 and revised through July 14, 2017; (3) the Applicant’s responses to DTCI first referral comments prepared by Cooley, LLC, dated July 14, 2017; (4) a draft Proffer Statement prepared by the Applicant, dated July 14, 2017; and (6) a Concept Development Plan (CDP) prepared by Christopher Consultants, dated April 4, 2017 and revised through July 12, 2017.

Executive Summary
Upon resolution of issues noted in Comments 2 and 5 below, DTCI could support approval of these applications. Staff is available to meet with the Applicant to discuss the comments noted in this referral.

DTCI continues to have the following general concerns regarding these applications. Detailed discussion of these issues is provided in the comment section below:

- Clarity is needed in regard to conformance with the 2010 CTP along Sycolin Road.
- The public access easement for a sidewalk should be extended along the entire Sycolin Road frontage.

## Status of Transportation Comments and Recommendations

Staff comments from the first DTCI referral (June 16, 2017), as well as the Applicant’s responses (quoted directly from its July 14, 2017 response letter), and comment status are provided below.

### Traffic Study

1. Initial Staff Comment (First Referral, June 16, 2017): DTCI has reviewed the Applicant’s TIS and finds it to be an acceptable evaluation of this development as proposed. It is noted that the draft proffer statement, which proposes to limit site development to 750,000 SF of data center uses, conforms to the analysis completed in the Applicant’s TIS.

   **Applicant’s Response (July 14, 2017):** Acknowledged.

   **Comment Status:** Advisory comment only.

### Public Roadway Network and Site Access

2. Initial Staff Comment (First Referral, June 16, 2017): The 2010 CTP (Appendix 1) includes Sycolin Road, planned as a 90 foot wide four-lane (U4M) roadway. The Applicant should commit to reserve 45 feet from centerline and provide dedication to the County up to 45 feet of ROW along the entire Sycolin Road property frontage at no cost to the County or to VDOT at written request of the County.

   **Applicant’s Response (July 14, 2017):** A large portion of the property’s existing frontage along Sycolin Road provides 45’ of right-of-way or more from the existing centerline. The Applicant will dedicate at no cost to the County any portions of the Property’s frontage along Sycolin that does not already provide 45’ of right-of-way from the existing centerline of the roadway.

   **Comment Status:** On August 14, 2017, the Applicant submitted a supplemental ALTA/NSPS Land Title Survey dated April 17, 2017 for the subject parcel, provided as Attachment 1. The Applicant’s CDP appears to conform to this survey. In order to ensure 45 feet of ROW is provided from centerline along the subject property’s entire Sycolin Road frontage, the Applicant should submit a revised plat showing the location of the Sycolin Road centerline with dimensioning provided to indicate that at least 45 feet of either public ROW or reservation area is provided. DTCI also notes that the Applicant’s draft proffer statement commits to reserve and dedicate up to 45 feet of ROW along the site’s Sycolin Road frontage. Comment addressed subject to receipt and review of a revised plan set.

3. Initial Staff Comment (First Referral, June 16, 2017): The 2010 CTP (Appendix 1) requires left- and right-turn lanes at all intersections along this segment of Sycolin Road. As such, the Applicant should commit to construct left- and right-turn lanes at Sycolin Road / Future Site Entrance (Intersection #1) and further commit to provide adequate ROW to accommodate a right-turn lane at such time as the road is improved to four lanes.
in the future. It is noted that left- and right-turn lanes are described in the draft proffer statement (Proffer IV.) as being shown on the CDP. However, such improvements do not appear to be shown on the CDP as described.

**Applicant’s Response (July 14, 2017):** The CDP has been updated to reflect the right and left turn lanes on Sycolin Road heading into the property as noted in the proffer statement.

**Comment Status:** Comment addressed.

4. Initial Staff Comment (First Referral, June 16, 2017): Revise the plan set and other materials to indicate Sycolin Road as VA Route 625.

**Applicant’s Response (July 14, 2017):** Please note the plan set and proffer statement have been updated, as required.

**Comment Status:** Comment addressed.

**Bicycle and Pedestrian Facilities**

5. Initial Staff Comment (First Referral, June 16, 2017): Per the 2010 CTP (Appendix 1), The CDP should include a minimum six-foot wide sidewalk within a minimum 10-foot wide public access easement along the site’s Sycolin Road frontage. The Applicant should commit to bond this sidewalk for construction prior to approval of the first site plan on this property and have this sidewalk open for pedestrian traffic prior to issuance of the first occupancy permit.

**Applicant’s Response (July 14, 2017):** Please note the CDP has been updated to reflect a six-foot wide sidewalk within a 10-foot wide public access easement along the Sycolin Road frontage, as reflected in the 2010 CTP (Appendix 1).

**Comment Status:** Comment partially addressed. DTCI notes that a sidewalk is not shown within the 300’ Reservoir Protection Zone, but that this sidewalk connection would be constructed in conjunction with a future reconstruction of the Sycolin Road Goose Creek crossing. As such, the Applicant should provide a continued public access easement to the eastern property line for a future sidewalk at such time as the road crossing is improved. DTCI notes that the Applicant indicated its commitment to provide this extended easement area at a meeting with County staff on August 14, 2017.

**ATTACHMENT**

1. ALTA/NSPS Land Title Survey (April 17, 2017)

cc: Kathleen Leidich, Assistant Director, DTCI
Lou Mosurak, Senior Coordinator, DTCI
NOTES CORRESPONDING TO SCHEDULE B-SECTION 2

1. The columnar coordinates indicate exceptions as listed in Schedule B, Section 2 of the Certificate of Title for the property described by Christopher Consultants, LLC, 10200 City Road, Suite 200, Charlotte, NC 28217.
2. The property boundaries are shown on the site plan and are subject to the conditions described by Christopher Consultants, LLC.
3. Any exceptions to the boundaries are indicated on the site plan and are subject to the conditions described by Christopher Consultants, LLC.
4. The legal description of the property is subject to the conditions described by Christopher Consultants, LLC.

FLOOD ZONE NOTE

This property is located in the floodplain of the U.S. Geological Survey and is subject to flooding during a 100-year flood event. The property owner is advised to consult with a professional engineer or surveyor to determine the potential flood risk.

SURVEYOR'S CERTIFICATION

I, the undersigned surveyor, certify that the surveys and plats shown on this page are true and correct according to the best of my knowledge and belief. The surveys and plats are in accordance with the standards and specifications required by the City of Charlotte, North Carolina.

Dated: April 2, 2017
[Signature]
[Seal]
County of Loudoun
Department of Transportation and Capital Infrastructure

MEMORANDUM

DATE: June 16, 2017

TO: Steve Barney, Project Manager
Department of Planning and Zoning

FROM: Marc Dreyfuss, Senior Transportation Planner
DTCI, Transportation Planning & Operations Division

SUBJECT: ZMAP 2017-0003 & ZMOD 2017-0011 – True North Data
First Referral

Background

These Zoning Map Amendment (ZMAP) and Zoning Modification (ZMOD) applications seek to:
(1) rezone approximately 105 acres from the Transitional Residential – 10 (TR-10) zoning district
to the Planned Development – Office Park (PD-OP) zoning district under the Revised 1993
Zoning Ordinance to permit development of approximately 750,000 SF of non-residential (data
center) uses; and (2) request modifications to canopy coverage requirements (Section 5-1303).
The subject property is located along the east side of Sycolin Road (VA Route 625), west of the
Goose Creek and south of the Dulles Greenway (VA Route 267) and is within the Transition
Policy Area (Lower Sycolin Subarea). The site is currently features one residential parcel and
is proposed to be accessed via one full-movement access point from Sycolin Road. A vicinity
map is provided as Attachment 1.

Department of Transportation and Capital Infrastructure (DTCI) review of these applications is
based on materials received from the Department of Planning and Zoning on May 4, 2017
including: (1) an Information Sheet, dated May 4, 2017; (2) a Statement of Justification prepared
by the Applicant, dated April 14, 2017; (3) a Traffic Impact Study (TIS) prepared by Gorove /
Slade and Associates, dated April 14, 2017; and (4) a Concept Development Plan (CDP)
prepared by Christopher Consultants, dated April 4, 2017.

Executive Summary

Upon resolution of Comments 2 through 5 below, DTCI could support approval of these
applications. Depending on the Applicant’s responses, DTCI may have additional comments.
Staff is available to meet with the Applicant to discuss the comments noted in this referral.

DTCI has the following general concerns regarding these applications. Detailed discussion of
these issues is provided in the comment section below:

- The proposal does not accommodate planned 2010 CTP roadways.
• The proposal does not conform to **2010 CTP** Bicycle and Pedestrian Policies.
• Turn lanes along Sycolin Road are not shown on the CDP.

**Countywide Transportation Plan Arterial and Collector Roadways**

The existing and planned transportation network is subject to the policies of the **Countywide Transportation Plan (2010 CTP)** and the **Bicycle & Pedestrian Mobility Master Plan (2003 Bike & Ped Plan)**. Arterial and collector roadways in the vicinity of the proposed development are described below:

**Sycolin Road – VA Route 625**  
*Town of Leesburg to Belmont Ridge Road*

<table>
<thead>
<tr>
<th>Functional Classification (CTP)</th>
<th>Existing Condition</th>
<th>Ultimate Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section/Lanes</td>
<td>Minor Collector</td>
<td>Major Collector</td>
</tr>
<tr>
<td>Varies / 2</td>
<td>90 feet / U4M</td>
<td></td>
</tr>
<tr>
<td>Bicycle and Pedestrian Facilities</td>
<td>None</td>
<td>10 foot wide shared-use path and 6 foot wide sidewalk</td>
</tr>
<tr>
<td>Speed Limit</td>
<td>25 - 50 MPH</td>
<td>TBD</td>
</tr>
<tr>
<td>VDOT Traffic Counts</td>
<td>10,000 AADT (2016)</td>
<td>N/A</td>
</tr>
<tr>
<td>Ultimate Improvements</td>
<td>Expansion to four-lane section; Realignment in the vicinity of Crosstrail Boulevard intersection.</td>
<td></td>
</tr>
</tbody>
</table>

**Summary of Traffic Impact Study (TIS)**

DTCI’s assessment of the Applicant’s traffic analysis and transportation impacts deriving from the proposed development is based on review the Applicant’s submission materials, existing and planned transportation facilities, and applicable County policies.

The Applicant submitted a Traffic Impact Study (TIS) dated April 14, 2017 that analyzed the impacts of the proposed development (750,000 SF of data center uses) at the following intersections:

• Sycolin Road / Future Site Entrance (Intersection #1) (future condition in TIS)
• Sycolin Road / Ashburn Farm Parkway / Belmont Ridge Road (Intersection #2)

With site-generated vehicle trips distributed as follows:

• 40% of trips to and from the north along Sycolin Road
• 25% of trips to and from the south along Belmont Ridge Road
• 20% of trips to and from the east along Ashburn Farm Parkway
• 15% of trips to and from the north along Belmont Ridge Road

Based upon a comparison of the site’s approved development potential and this proposal, the buildout of the site would impact potential site trip generation as follows:
While the proposed development is forecasted to result in increased trip generation from this site as compared to the by-right condition, the TIS indicates that the surrounding roadway network will be able to accommodate these increased traffic volumes without additional mitigation.

**Transportation Comments and Recommendations**

DTCI staff reviewed the Applicant’s submitted materials, and has the following comments:

**Traffic Study**

1. DTCI has reviewed the Applicant’s TIS and finds it to be an acceptable evaluation of this development as proposed. It is noted that the draft proffer statement, which proposes to limit site development to 750,000 SF of data center uses, conforms to the analysis completed in the Applicant’s TIS.

**Public Roadway Network and Site Access**

2. The *2010 CTP (Appendix 1)* includes Sycolin Road, planned as a 90 foot wide four-lane (U4M) roadway. The Applicant should commit to reserve 45 feet from centerline and provide dedication to the County up to 45 feet of ROW along the entire Sycolin Road property frontage at no cost to the County or to VDOT at written request of the County.

3. The *2010 CTP (Appendix 1)* requires left- and right-turn lanes at all intersections along this segment of Sycolin Road. As such, the Applicant should commit to construct left- and right-turn lanes at Sycolin Road / Future Site Entrance (Intersection #1) and further commit to provide adequate ROW to accommodate a right-turn lane at such time as the road is improved to four lanes in the future. It is noted that left- and right-turn lanes are described in the draft proffer statement (Proffer IV.) as being shown on the CDP. However, such improvements do not appear to be shown on the CDP as described.

4. Revise the plan set and other materials to indicate Sycolin Road as VA Route 625.

**Bicycle and Pedestrian Facilities**

5. Per the *2010 CTP (Appendix 1)*, the CDP should include a minimum six-foot wide sidewalk within a minimum 10-foot wide public access easement along the site’s Sycolin Road

---

**Table 1: Trip Generation Comparison for True North Data**

<table>
<thead>
<tr>
<th>Development Program</th>
<th>AM Peak Trips</th>
<th>PM Peak Trips</th>
<th>Weekday Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Approved Trips</strong></td>
<td>8</td>
<td>10</td>
<td>96</td>
</tr>
<tr>
<td><strong>Total Proposed Trips With These Applications</strong></td>
<td>68</td>
<td>68</td>
<td>743</td>
</tr>
<tr>
<td>Difference (Proposed minus Approved)</td>
<td>+60</td>
<td>+58</td>
<td>+647</td>
</tr>
</tbody>
</table>

*Sources: DTCI Staff and True North Data TIS, Gorove / Slade and Associates, 4/14/17, Page 20.

* For a complete breakdown of trip generation, please consult the Applicant’s TIS.
frontage. The Applicant should commit to bond this sidewalk for construction prior to approval of the first site plan on this property and have this sidewalk open for pedestrian traffic prior to issuance of the first occupancy permit.

ATTACHMENTS

1. Site Vicinity Map

cc: Kathleen Leidich, Assistant Director, DTCI
    Lou Mosurak, Senior Coordinator, DTCI
Site Vicinity Map

ZMAP 2017-0003 & ZMOD 2017-0011 – True North Data

ATTACHMENT 1
August 14, 2017

Steve Barney, Project Manager  
County of Loudoun  
Department of Planning and Zoning MSC 62  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, Virginia 20177-7000  

Re: True North Data  
   Loudoun County Application Number ZMAP 2017-0003, ZMOD 2017-0011  
   Second Submission  

Dear Mr. Barney:

We have reviewed the above referenced applications and we have no objection to approval of the Zoning Map Amendment and Zoning Ordinance Modification.

If you have any questions please call me at (703) 259-2492.

Sincerely,

Thomas B. Walker  
Land Use Engineer
June 15, 2017

Steve Barney, Project Manager  
County of Loudoun  
Department of Planning and Zoning MSC 62  
1 Harrison Street, S.E.  
P.O. Box 7000  
Leesburg, Virginia 20177-7000

Re: True North Data  
Loudoun County Application Number ZMAP 2017-0003, ZMOD 2017-0011

Dear Mr. Barney:

We have reviewed the above referenced application and Traffic Impact Study (TIS) and we have no objection to approval subject to the following comments.

1. It should be noted the TIS indicates that Under Future Conditions with Development (2020), the Level of Service (LOS) for the left turn movement from eastbound Sycolin Road to northbound Belmont Ridge Road in the PM Peak Hour will be LOS F, vs. LOS E for Future Conditions without Development (2020).

If you have any questions please call me at (703) 259-2492.

Sincerely,

Thomas B. Walker  
Land Use Engineer
I have reviewed the plan submission and proposed proffer statement for ZMAP-2017-0003/ZMOD-2017-0011, True North Data, and have the following recommended edits and comments related to the proposal:

1. Please consider revising the Preamble of the Proffer Statement to state:

Five Fields, LLC f/k/a Wildwood Farms LLC, the owner (the “Owner”) of property described as Loudoun County Tax Map 61, Parcel 16 (MCPI 194-19-9296) (the “Property”), on behalf of itself and its successors in interest, hereby voluntarily proffer, pursuant to Section 15.2-2303.4, Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Zoning Ordinance of Loudoun County, Virginia (the “Zoning Ordinance”), as may be amended from time to time, that in the event the Property is rezoned by the Board of Supervisors of Loudoun County, Virginia (hereinafter referred to as the “County”), to the PD-OP zoning district, such area being shown on the rezoning plan set entitled “True North Data”, (the “Plans”), including the Concept Development Plan, defined below and incorporated herein by reference as Exhibit A, prepared by christopher consultants, ltd., dated April 4, 2017, and pursuant to Section 6-1217 of the Zoning Ordinance, the Zoning Ordinance Modifications as described in Exhibit B attached hereto and incorporated herein by reference (“Zoning Ordinance Modifications”), the development of the Property subject to ZMAP-2017-0003 and ZMOD-2017-0011 shall be in substantial conformance with the proffers as set forth below.

2. Section 5-664 (D) requires a sidewalk or trail to be provided along any side of a public road that abuts the property upon which a data center is located. The proposed CDP depicts a 6 foot wide sidewalk within a 10 foot wide public access easement along Sycolin Road from the northern property boundary to the edge of the 300 foot wide Reservoir Protection
Zone. Why wasn’t the sidewalk and easement along Sycolin Road provided along the entire property frontage, to include the part of the Property within the Reservoir Protection Zone up to the limits of the Goose Creek?

3. Please revise the CDP to depict and label the limits and type of each Buffer Yard provided on the Property per Section 5-664 E and Section 5-1400 of the Revised 1993 Zoning Ordinance. If the Applicant is proposing to use existing trees on the Property to meet the buffer yard and planting requirements for the Property, then such areas where existing trees will remain need to be depicted and labeled on Sheet 4 of the CDP.

4. Please be advised, the right and left turn lanes to access the Property and the through lanes on Sycolin Road occupy the same space on Sheet 4 of the CDP. Please consider revising the CDP to depict the through lanes and turn lanes so they do not “run into each other”.

Please let me know if you have any further questions regarding my referral comments.

Thank You.
DATE: May 19, 2017

TO: Steve Barney, Project Manager, Planning and Zoning

FROM: Daniel Csizmar, Proffer Program Manager, Planning and Zoning


1st Referral Comments

I have reviewed the plan submission and proposed proffer statement for ZMAP-2017-0003/ZMOD-2017-0011, True North Data, and have the following recommended edits and comments related to the proposal:

1. Preamble – Please consider revising the proffer statement to change the reference from Section 6-1208 of the Revised 1993 Zoning Ordinance to Section 6-1209 of the Revised 1993 Zoning Ordinance in the Preamble.

2. Preamble – The Preamble of a Proffer Statement typically provides that the property will be developed in substantial conformity to the proffers and CDP. Please consider revising the proffer statement to add such a statement.

3. Preamble – The Preamble of a Proffer Statement typically provides that the proffers are contingent upon approval of the Application in question. Please consider revising the proffer statement to add such a statement.

4. Proffer I – Section 6-1209 (E) of the Revised 1993 Loudoun County Zoning Ordinance establishes considerations for changes or adjustment to a CDP that would be considered in substantial conformance to the approved rezoning plans; Section 6-1209 (F) establishes the authority of the Zoning Administrator to enforce proffers. Should both of these sections be sited in this paragraph?

5. Please be advised that Data Center Uses in the PD-OP zoning district are subject to all of the Additional Regulations for Specific Uses in Section 5-664 of the Revised 1993 Zoning Ordinance, which includes regulations for building facades, screening of mechanical equipment, exterior lighting regulations, provision of sidewalks and trails, and buffer yard requirements.

6. Proffer III – Please be advised that Data Center Uses in the PD-OP zoning district are subject to the Additional Regulations for Specific Uses in Section 5-664 of the Revised 1993 Zoning Ordinance. Section 5-664 C regulates exterior lighting for a data center use.
This proffer is not necessary as the exterior lighting requirements of Section 5-664 need to be complied with.

7. Please be advised, Section 5-664 (D) requires a sidewalk or trail to be provided along any side of a public road that abuts the property upon which a data center is located. Therefore, a trail needs to be provided along the property frontage along Sycolin Road. Please depict the required sidewalk and/or trail along the Sycolin Road property frontage on Sheet 4 of the CDP.

8. The CDP does not depict the limits of any of the required buffer yards for the Property. Please revise the CDP to depict and label the limits and type of each Buffer Yard provided on the Property per Section 5-664 E of the Revised 1993 Zoning Ordinance. If the Applicant is proposing to use existing trees on the Property to meet the buffer yard and planting requirements for the Property, then such areas where existing trees will remain need to be depicted and labeled on Sheet 4 of the CDP.

9. Proffer IV – The current draft proffer provides for a left and right turn lane accessing the property “as shown on the CDP”. There are no turn lanes depicted on the CDP. Sheet 4 of the CDP depicts a proposed vehicular access point to the Property along Sycolin Road, but no turn lanes are depicted. Please clarify whether the Owner is proffering to provide a right and left turn lane within the Property heading out onto Sycolin Road? Or, is the Owner proffering right and left turn lanes on Sycolin Road to access the Property? Or, is the Owner proffering the provision of both turn lanes on Sycolin Road heading into the Property, and within the Property heading onto Sycolin Road? Please consider revising the proffer statement to clarify the proposed proffer to provide specific turn lane improvements to access the Property.

10. Proffer V.B – This proffer provides that “Tree Preservation” areas on Sheet 4 of the CDP will be subject to Tree Conservation and Preservation requirements as provided in the proffer text. Sheet 4 does not depict or label any areas within the Property as “Tree Preservation” areas. Please revise the CDP to appropriately label and depict all proposed Tree Preservation areas on the Property.

11. Typically, proffer statements provide provisions for a Property Owner’s Association or Commercial Owner’s Association, especially if the Property is or can be developed with multiple owners. Please consider adding a proffer, especially if the Property could have more than one Owner in the future, to provide for an Owner’s Association to provide for the maintenance of common areas, trash pickup and recycling, landscaping and mowing services, snow plowing of internal private roads and parking areas, etc.

Please let me know if you have any further questions regarding my referral comments.

Thank You.
Sam,

The Department of Building and Development Environmental Review Team has provided 2nd submission comments, below.

Thanks,
Steve

**

- The River and Stream Corridor buffer has been added to the Concept Development Plan (CDP) (Sheet 4) adjacent to the Major and Minor Floodplain and adjacent Very Steep Slopes. Proffer VI.E River and Stream Corridor Resources (RSCR) Management Buffer has also been added. Staff recommendations are as follows:
  
  o Amend the buffer label on the CDP from “RSCOD 50’ Buffer” to “RSCR Management Buffer” consistent with the proffer text.
  
  o Please update the “Existing Conditions with Proposed Concept” plan to depict the RSCR Management Buffer.
  
  o Correct the typos in the first sentence of the proffer: “...shall be permitted; however, the Owner may encroach into the RSCR management buffer with necessary construction activities such as, but not limited to, clearing, grading, or utility installation and maintenance up.”
  
  o Amend the third sentence of the proffer to clarify that offset plantings will be provided proximate to the riparian corridor to mitigate water quality impacts consistent with plan policies as follows: “In the event that the RSCR management buffer is encroached, within the allowable tolerance of 35%, the Owner will replant open areas within or adjacent to the Major and Minor Floodplain, in an amount equal to the area of the proposed development that encroaches into the RSCR management buffer, in locations to be designated at the discretion of the Owner in consultation with the County. The encroachment will be recaptured elsewhere on-site in locations to be determined in the sole discretion of the Owner.”

- The applicant has amended Proffer VI.B (Tree Conservation Areas) to add provisions for management of the TCA following construction consistent with the TCA proffer template. The applicant has also delineated the Tree Conservation Area to the CDP as requested. Staff recommendations are as follows:
  
  o Amend “Tree Save Area” in the plat Legend and “Tree Preservation” in the proffer text to read “Tree Conservation Area” consistent with the third paragraph of the proffer and the proffer template.
Please update the “Existing Conditions with Proposed Concept” plan to depict the Tree Conservation Area.

TCA is provided in the 300’ Reservoir Protection Zone and has not been provided within the RSCR buffer, presumably to avoid conflicts between the TCA proffer and the RSCR proffer. Staff recommends that the TCA be expanded to encompass Very Steep Slope areas within the RSCR buffer and areas of forested open space pursuant to the Open Space Exhibit.

Amend the first sentence of the third paragraph to also refer to the site plan as follows, as a record plat may not be recorded for the property: “The POA documents shall include a provision that prohibits removal of trees in the Tree Conservation Area, as shown on the site plan or record plat, after construction . . .”

- Please add the floodplain boundary to the plat Legend or label the floodplain on the CDP.

- The typo “withdraws” has been revised to read “withdraws” in Proffer VI.C (Data Center Cooling) as requested.

- Please update the “Existing Conditions with Proposed Concept” plan to revise the location of the two Piedmont Mafic Barren natural communities and to identify the proposed 8-acre preservation area based on the August 4, 2017 summary report from the Virginia Department of Conservation and Recreation, Division of Natural Heritage. Given that only 10 occurrences and less than 25 acres of this community are known in the Virginia Piedmont from Loudoun and Fairfax Counties south to Franklin County, staff recommends that the proposed building and parking areas and stormwater management facility in this area be relocated. Staff further recommends a commitment to a conservation easement for the 8-acre preservation area and development and implementation of a management plan to ensure preservation of this globally rare community. Staff notes that trees are unlikely to encroach into these areas due to the presence of exposed bedrock and that the management plan would focus primarily on management of invasive plant species.

*********
Steve Barney
Planner
Department of Planning & Zoning
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20175
(703) 771-5219

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This e-mail is not intended to be and shall not be deemed to be an official order, requirement, decision or determination made by or on behalf of the Zoning Administrator. In keeping with the Virginia Freedom of Information Act (FOIA), emails and all attachments may be released to others upon request for inspection and copying without prior notification.
COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: August 18, 2017
TO: Steve Barney, Project Manager/Engineer
FROM: William Cain, P.E., CFM, Floodplain Administrator/Program Manager

Requirements

1. Be advised that the floodplain limits as reflected in the application are pursuant to the latest mapping provided by the Federal Emergency Management Agency (FEMA) effective February 17, 2017. As such, these boundaries are based on historic information and a Floodplain Study is necessary for review and approval prior to the approval of a subsequent Construction Plan and Profile or Site Plan documents in order to properly delineate the limits of the Floodplain Overlay District (FOD). (R93ZO 4-1508)

Please see me with any questions related to these comments. I would like to review the revised submission that addresses these comments.
DATE:       June 22, 2017
TO:         Steve Barney, Project Manager
FROM:       Zhu, CFM, Floodplain Program Manager
SUBJECT:    Floodplain Management Team Comments Re: ZMAP-2017-0003 TRUE
            NORTH DATA - 1st Submission Comments

Requirements

1. Provide the Source of Floodplain Note as outlined below and pursuant to Section
   8.101.A.20 of the FSM, and revise to reference the Effective FEMA FIRM panel
   51107C0245E, Effective Date February 17, 2017: [FSM 8.103.A.32 and 8.103.3.A,

   “There is a floodplain on the property that is the subject of this application. The current
   Flood Insurance Rate Map (FIRM) of Loudoun County Community Panel Number for the
   property that is the subject of this application is 51107C0245E, effective February 17,
   2017.” The depicted boundary of the proposed floodplain is based on the FIRM and FPAL-
   1994-0010.

Please see me with any questions related to these comments. I would like to review the revised
submission that addresses these comments.
DATE: August 11, 2017
TO: Steve Barney, Project Manager
FROM: Ryan Reed, Natural Resources Team Leader / County Soil Scientist
SUBJECT: ZMAP-2017-0003, ZMOD-2017-0011 True North Data; 2nd submission

The County is in receipt of the Zoning Map Amendment and Zoning Modification for the above stated project. The review is based on the standards set forth Section 5-1508 of the Loudoun County Zoning Ordinance (ZO) and the Facilities Standards Manual (FSM).

1) Reiterated: Clarify and label the extent of the land disturbing activities (ultimate limits of clearing and grading). ZO 5-1508(E)(1) & (D)(1)

Note – Staff recognizes that site grading is dependent on the design at the site plan stage, however, a Locational Clearance (cited in the above two sections) requires an applicant to illustrate an ultimate, or potential, limits of disturbance. This is to ensure the project can be realized in compliance with this section of the Zoning Ordinance. This illustration may be supplied on a separate sheet.
The County is in receipt of the Zoning Map Amendment and Zoning Modification for the above stated project. The review is based on the standards set forth Section 5-1508 of the Loudoun County Zoning Ordinance (ZO) and the Facilities Standards Manual (FSM).

1) Clarify and label the extent of the land disturbing activities (ultimate limits of clearing and grading). ZO 5-1508(E)(1) & (D)(1)

**Recommendation:** The vehicular circulation illustration shows an access crossing the impoundment for the pond. A geotechnical study will be required during the Site Plan phase of this project for this crossing, as well as the structures. Staff recommends conducting the study as early as possible for this crossing so that any additional work is recognized in the most timely manner.
DATE: June 19, 2017
TO: Steve Barney, Project Manager, Department of Planning and Zoning
FROM: Buddy Rizer, Executive Director, DED
Prepared By: George Hoddinott, Development Process Manager, DED
SUBJECT: True North Data – ZMAP 2017-0003, ZMOD 2017-0011

The Department of Economic Development’s (DED) analysis of the above applications are detailed below in the following sections.

Applicant Proposal

1. A Zoning Map Amendment to rezone approximately 105 acres of PIN 194-19-9296 from TR-10 under the Revised 1993 Zoning Ordinance to PD-OP under the Revised 1993 Zoning Ordinance; and

2. Zoning Modifications for proposed modifications

DED Response

The proposed project is within the Transitional Policy Area, which is envisioned as a distinct planning area that serves as a visual and spatial transition between the Suburban Policy Area to the east and the Rural Policy Area to the west. The Revised General Plan envisions this area will provide unique development opportunities within Loudoun County at intensities greater than those typically permitted in the Rural Policy Area.

The area within the vicinity of the proposed project has changed over the last few years with the emergence of the Greenway. The area is slowly moving from land that is more suitable for agricultural/residential to land that is more viable for commercial uses that achieve a balance between the built and natural environments, such as the Panda Stonewall Energy Plant, the Stonewall Data Center Park, Loudoun Water facility, and the Academies of Science.

There is a constant demand for large tracts of land by businesses looking to locate or expand in Loudoun County, as such rezoning the property to PD-OP makes this land more marketable for potential users within Loudoun County’s targeted clusters looking for large tracts of land.

Additionally, rezoning the property to PD-OP allows for additional uses not otherwise permitted under TR-10, which permits greater flexibility for developers to respond to current market demands and enhances the commercial land inventory. Rezoning to commercial increases the County’s ability to attract prospective developers and business owners in need of substantial acreage to accommodate creative or unique building footprints, which supports business attraction, growth and expansion of industries in the County’s targeted clusters.

Please contact George Hoddinott, george.hoddinott@loudoun.gov or 703-737-8274, for any follow-up questions or concerns.
Memorandum

To: Steve Barney, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: June 27, 2017
Subject: True North Data
ZMAP 2017-0003 & ZMOD 2017-0011

Thank you for the opportunity to review the above captioned application.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

<table>
<thead>
<tr>
<th>PIN</th>
<th>Ashburn, Station 6 Travel Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>194-19-9296</td>
<td>5 minutes</td>
</tr>
</tbody>
</table>

Travel times are determined using ESRI GIS network analyst along the county’s street centerline with distance and speed limit being the criteria. Travel time is reported in minutes and seconds. For the approximate response time two minutes is added for turnout time.

<table>
<thead>
<tr>
<th>Approximate Response Time for Ashburn, Station 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 minutes</td>
</tr>
</tbody>
</table>

Since the submitted plans do not provide sufficient detail, the Fire and Rescue Planning Staff respectfully requests that the Applicant demonstrates adequate access and circulation of emergency vehicles to all areas of the proposed development, including all sides of buildings and any parking structures. Staff understands that this concern may be best addressed at the time of site plan. The site plan submission should include an auto turn analysis. If you have any questions or need additional information, please contact me at 703-777-0333.

c: project file
Memorandum

DATE:       June 9, 2017
TO:         Steve Barney, Project Manager, Engineering Division
FROM:       Christopher Richardson, Inspector and John Bolland, Investigator
THRU:       Linda Hale, Chief Fire Marshal

The Loudoun County Fire Marshal’s Office has the following comments resulting from the review of the project ZMAP-2017-0003 ZMOD-2017-0011 True North Data.

The Loudoun County Fire Marshal’s Office has no objections to the rezoning and zoning modification for the ZMAP-2017-0003 ZMOD-2017-0011 True North Data project. The Loudoun County Fire Marshal’s Office reserves the right to guarantee Fire Code compliance when more detailed information is made available. For example but not limited to the FMO will be looking for more information on the following: fire apparatus access, fire lane identification, hydrant location, 300 foot hose lay, fire apparatus turn around areas, dead–end fire apparatus access roads in excess of 150 feet, fire apparatus access to within 150 feet of the exterior of buildings first floor, turning radiuses/auto turn using SU-40, and fire department connections.

   1. None.

II. Recommendations:
   1. None.

III. Questions:
   1. None.
We will work with the applicant and others, meaning LC's position on the sight being Commercial or Residential.

Ben

On Aug 15, 2017, at 16:22, Barney, Steve <Steve.Barney@loudoun.gov> wrote:

Ben,
I appreciate you taking a look at this. Just to confirm: Did you mean that the GCSRAC will not be providing additional comments at this time but intends to work with the applicant during the site plan process?

Thanks,
Steve

Steve Barney:
The GCSRAC understood that the applicant was planning a Facility next to the Goose Creek and would offer a set back from the Creek. The Facility, would be built impart by demand of there client’s. We were not aware at the meeting the applicant was requesting a rezoning. Therefore, Loudoun County’s approach to approve or disapprove or make changes to the applicant and at that point would require a second meeting with the GCSRAC to see what if any changes would effect the Creek.
Benjamin Lawrence, Chairman GCSRAC

On Aug 14, 2017, at 10:33, Barney, Steve <Steve.Barney@loudoun.gov> wrote:

Good morning Ben,

I just wanted to touch base with you to see if you were planning to written comments on this application on behalf of the Committee. The application is currently scheduled for the September 26 Planning Commission public hearing.

Thanks,
Steve
From: Barney, Steve  
Sent: Monday, July 31, 2017 9:29 AM  
To: 'benlawrence@verizon.net' <benlawrence@verizon.net>  
Subject: True North Data application - 2nd submission materials

Ben,

Per our conversation today regarding the True North Data application, attached are the most recent application materials.

If you could provide any comments by Friday, August 18, that would be most appreciated.

This application is currently scheduled to be reviewed by the Planning Commission at its public hearing on September 26, 2017.

Please let me know if you have any questions.

Sincerely,
Steve Barney

**********
Steve Barney
Planner
Department of Planning & Zoning
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20175
(703) 771-5219

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This e-mail is not intended to be and shall not be deemed to be an official order, requirement, decision or determination made by or on behalf of the Zoning Administrator. In keeping with the Virginia Freedom of Information Act (FOIA), emails and all attachments may be released to others upon request for inspection and copying without prior notification.
August 17, 2017

MEMORANDUM TO: Steve Barney  MSC # 60A
                  Project Manager
FROM:            Spencer Davis    MSC #68
                  Env. Health Specialist
                  Division Of Environmental Health
                  PIN: 194-19-9296

This Department reviewed the package prepared by Christopher Consultants, dated 7/12/2017, and staff cannot support the approval of this application for the following reasons:

1. Note #18 uses improper nomenclature to describe the septic systems on the property. Please relabel the wells with proper titles (PSSD-1993-0142, PSSD-1993-0143).
2. All wells, and springs on the property are to be properly abandoned prior to approval. Applications and permits for abandonment must be acquired. All appropriate fees will apply. Loudoun County Health Department must witness the abandonments.
3. All septic systems on the property are to be properly abandoned prior to approval. Applications and permits for abandonment must be acquired.

If further information or clarification on the above project is required, please contact Spencer Davis at 707-771-5816.
June 15, 2017

MEMORANDUM TO: Steve Barney  MSC # 60A  
Project Manager

FROM: Spencer Davis  MSC #68  
Env. Health Specialist  
Division Of Environmental Health


This Department reviewed the package prepared by Christopher Consultants, dated 4/4/2017, and staff cannot support the approval of this application for the following reasons:

1. Note #18 uses improper nomenclature to describe the wells and springs on the property. Please relabel the wells with proper titles (WWIN, WWTS, WWSP).
2. Page 2 uses improper use of nomenclature to describe the wells and springs on the property. Please relabel the wells with proper titles (WWIN, WWTS, WWSP).
3. All wells, and springs on the property are to be properly abandoned prior to approval. Applications and permits for abandonment must be acquired. All appropriate fees will apply. Loudoun County Health Department must witness the abandonments.
4. All septic systems on the property are to be properly abandoned prior to approval. Applications and permits for abandonment must be acquired.

If further information or clarification on the above project is required, please contact Spencer Davis at 707-771-5816.
August 22, 2017

Steve Barney  
Building and Development  
1 Harrison Street, S.E.  
P. O. Box 7000  
Leesburg, Virginia 20177-7000

Re: True North Data; ZMAP-2017-0003 & ZMOD-2017-0011

Dear Mr. Barney:

Loudoun Water has reviewed the referenced application and offers no objection to its approval.

Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority.

Public water and sanitary sewer service is available and is contingent upon the developer’s compliance with the Authority’s Statement of Policy; Rates, Rules and Regulations; and Engineering Design Manual.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Julie Atwell  
Engineering Administrative Specialist
May 24, 2017

Mr. Steve Barney
Department of Planning
1 Harrison Street, S.E.
P. O. Box 7000
Leesburg, Virginia 20177-7000

Re: ZMAP-2017-0003, ZMOD-2017-0011; True North Data

Dear Mr. Barney:

Loudoun Water has reviewed the referenced Zoning Map Amendment Petition. The Authority could provide public water and sanitary sewer service to this site through extension of existing facilities. The following comments are offered for your use:

1. Show approximate location of future sewage pumping station (sps) and associated easement on zmap.

2. Provide a looped water main system to the existing main on the north side of Dulles Greenway (Rte 267), near the north west corner of the subject property.

3. Dedicate a 20’ wide water line easement along right of way of Sycolin Road and western property line pursuant to plans entitled Stonewall Secure Business Park 16-inch waterline extension by Bowman Consulting.

4. At time of first submission of construction drawings provide an overall water pipe hydraulic model demonstrating that each phase in the development can meet fire flow and maximum daily water demands.

Public water and sanitary sewer service would be contingent upon the developer’s compliance with the Authority’s Statement of Policy; Rates, Rules and Regulations; and Design Standards.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Julie Atwell
Engineering Administrative Specialist
Steve,

Thank you for the opportunity to comment on TRUE NORTH DATA, located at the approximate intersection of the Dulles Greenway and State Route 643 (Sycolin Road), and the request to install data centers. Because the site is beyond Loudoun County’s Airport Noise Impact Overlay District’s 60 LDN – 1 Mile Buffer contour, the Airports Authority has no comment to offer regarding this matter.

If you have any questions, please let me know. Thank you.

Mark Rutyna, CAPM, C.M.
Airport Planner

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

1 Aviation Cir
Washington, DC 20001-6000

T: 703-572-0262
F: 703-572-0299
Mark.Rutyna@mwaa.com
mwaa.com
To: Steve Barney, Project Manager, Planning and Zoning (MSC #62)
From: Mark A. Novak, Chief Park Planner, Facilities Planning and Development (MSC #78)
CC: Steve Torpy, Director
Karen Sheets, Deputy Director
Jeremy Payne, Deputy Director
Kristen Blaylock-Reed, Chairman, PROS Board, Dulles District
Jim Bonfils, Vice Chairman, PROS Board, Broad Run District
Stephen H. Schultz, PROS Board, Catoctin District
Kenya Savage, PROS Board, Chair At-Large
Karla Etten, Open Space Member At-Large
Kelly Foltman, Open Space Member At-Large

Date: August 9, 2017

Subject: True North Data - ZMAP 2017-0003, ZMOD 2017-0011 (Second Submission)

Election District: Catoctin  Sub Planning Area: Leesburg
MCPI # 194-19-9296

APPLICATION OVERVIEW:

The subject Property is located on the north side of Sycolin Road (Route 625), south of the Dulles Greenway (Route 267), and west of the Goose Creek. The Property is within the Catoctin Election District and Leesburg sub planning consisting of 105 acres, zoned TR-10 (Transitional Residential - 10: Residential with cluster (70% open space)) under the Revised 1993 Loudoun County Zoning Ordinance. The Applicant is requesting a zoning map amendment to change the existing zoning from TR-10 to PD-OP to permit the construction of data centers on the property. The Applicant proposes to cap development at 750,000 square feet and limit it to data center.
PROJECT PROPOSAL:

The Applicant is requesting a zoning map amendment to change the existing zoning from TR-10 to PD-OP to permit the construction of data centers on the Property. The PD-OP allows a 0.6 FAR on the Property, which equates to 2.7 million square feet of...
development. The Applicant proposes to cap development at 750,000 square feet and limit it to data center.

COMMENTS:

The Department of Parks, Recreation and Community Services (PRCS) has reviewed the Applicant’s responses dated July 7, 2017 to referral comments dated June 18, 2017, revised Statement of Justification dated July 14, 2017, revised Proffer Statement dated July 14, 2017 and revised Concept Development Plan dated July 12, 2017. The following is the current issue status of the initial comments:

Comment #1: PRCS is developing a system of interconnected trails (linear parks) along the County’s Stream Valley Corridors. This is consistent with the Greenways and Trail...
Policies of the Revised General Plan policy 1 (5-39) “Greenways include areas along rivers and streams that are often ideal for trails”. Policy 4 (5-40) “The county will seek through purchase, proffer, density transfer, donation or open-space easement, the preservation of greenways and the development of trails”. Parks, Recreation and Community Services Policies Policy 3 (3-15) “The County encourages the contiguous development of regional linear parks, trail, and natural open space corridors to provide pedestrian links and preserve environmental and aesthetic resources”. Currently, PRCS has assembled through proffers dedicated land (stream valley parks) or easements on the east side of Goose Creek in the general vicinity of the proposed development. PRCS is working with Loudoun Water which owners land to the north of the proposed development for a recreational trail easement along Goose Creek on the west side. PRCS would like to discuss with the Applicant the opportunity for a linear stream valley park or trail easement as referenced above.

Applicants Response: The Applicant will reach out to the Park Authority to discuss this request further.

Issue Status: Pending. The Applicants representative from Cooley LLC, reached out to PRCS on August 2, 2017 to discuss PRCS request for a recreational trail easement along the Goose Creek. PRCS provided more detail information on the vision and purpose for the recreational trail easement. Cooley LLC representative informed PRCS that they would discuss in more detail with the Applicant and provide PRCS with direction.

RECOMMENDATIONS:

PRCS has identified above, an outstanding issues that require additional information to complete the review of this application.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me at 703-737-8992 or mark.novak@loudoun.gov.
COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM

To: Steve Barney, Project Manager, Planning and Zoning  (MSC #62)
From: Mark A. Novak, Chief Park Planner, Facilities Planning and Development  
( MSC #78)
CC: Steve Torpy, Director
Karen Sheets, Deputy Director
Jeremy Payne, Deputy Director
Kristen Blaylock-Reed, Chairman, PROS Board, Dulles District
Jim Bonfils, Vice Chairman, PROS Board, Broad Run District
Stephen H. Schultz, PROS Board, Catoctin District
Kenya Savage, PROS Board, Chair At-Large
Karla Etten, Open Space Member At-Large
Kelly Foltman, Open Space Member At-Large

Date: June 18, 2017

Subject: True North Data - ZMAP 2017-0003, ZMOD 2017-0011
Election District: Catoctin  Sub Planning Area: Leesburg
MCPI # 194-19-9296

APPLICATION OVERVIEW:

The subject Property is located on the north side of Sycolin Road (Route 625), south of the Dulles Greenway (Route 267), and west of the Goose Creek. The Property is within the Catoctin Election District and Leesburg sub planning consisting of 105 acres, zoned TR-10 (Transitional Residential - 10: Residential with cluster (70% open space)) under the Revised 1993 Loudoun County Zoning Ordinance. The Applicant is requesting a zoning map amendment to change the existing zoning from TR-10 to PD-OP to permit the construction of data centers on the property. The Applicant proposes to cap development at 750,000 square feet and limit it to data center.
PROJECT PROPOSAL:

The Applicant is requesting a zoning map amendment to change the existing zoning from TR-10 to PD-OP to permit the construction of data centers on the Property. The PD-OP allows a 0.6 FAR on the Property, which equates to 2.7 million square feet of development. The Applicant proposes to cap development at 750,000 square feet and limit it to data center.
With respect to Parks, Recreation and Community Services (PRCS) we offer the following comments and recommendations:

1. PRCS is developing a system of interconnected trails (linear parks) along the County's Stream Valley Corridors. This is consistent with the Greenways and Trail Policies of the Revised General Plan policy 1 (5-39) “Greenways include areas along rivers and streams that are often ideal for trails”. Policy 4 (5-40) “The county will seek through purchase, proffer, density transfer, donation or open-space easement, the preservation of greenways and the development of trails”. Parks, Recreation and Community Services Polices Policy 3 (3-15)
“The County encourages the contiguous development of regional liner parks, trail, and natural open space corridors to provide pedestrian links and preserve environmental and aesthetic resources”. Currently, PRCS has assembled through proffers dedicated land (stream valley parks) or easements on the east side of Goose Creek in the general vicinity of the proposed development. PRCS is working with Loudoun Water which owners land to the north of the proposed development for a recreational trial easement along Goose Creek on the west side. PRCS would like to discuss with the Applicant the opportunity for a linear stream valley park or trail easement as referenced above.

RECOMMENDATIONS:

PRCS has identified above, an outstanding issues that require additional information to complete the review of this application.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me at 703-737-8992 or mark.novak@loudoun.gov.
Steve,
As usual, you are correct. The archaeological surveys (Phase I and Phase II) were completed for the subject property under ZMAP 2013-0004 Wild Wood Active Adult. There are no outstanding issues.
Thanks, Heidi

Heidi Siebentritt
Historic Preservation Planner, Community Planning Division
Department of Planning & Zoning
1 Harrison Street S.E., 3rd Floor
Leesburg, Va 20177-7000
Office: (703) 771-5115

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July 6, 2017

County of Loudoun
Department of Planning & Zoning
Attn. Mr. Steve Barney
1 Harrison Street
MSC #62
Leesburg, VA. 20177-7000

RE: True North Data, ZMAP 2017-0003, ZMOD 2017-0011

Dear Mr. Barney:

Thank you for the opportunity to comment on the referenced applications. Within the Town of Leesburg, these applications were referred to the Town Manager’s office and Economic Development. The location of this land development proposal is outside of the Leesburg Joint Land Management Area and is not contiguous to the Town of Leesburg corporate limits. The Town of Leesburg does not anticipate negative impacts to the Town resulting from the development of this proposal.

Staff has no further comments for these applications.

Sincerely,

Susan Berry Hill, AICP
Director, Department of Planning & Zoning

Cc: Leesburg Town Council
    Leesburg Planning Commission
    Kaj Dentier, Town Manager
    Keith Markel, Deputy Town Manager
    Marantha Edwards, Economic Development Director
Steve Barney  
Loudoun County Planner  
Department of Planning and Zoning  
1 Harrison Street, SE, 3rd Floor  
Leesburg, VA 20175

Re: Responses to the Loudoun County Rezoning Commission’s Questions in Regards to the Significant Natural Community and the True North Data Center Development

Dear Mr. Barney:

The Department of Conservation and Recreation’s Division of Natural Heritage’s (DCR) mission is conserving Virginia's biodiversity through inventory, protection, and stewardship. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Please find below DCR ecologist’s responses to the rezoning commission’s questions in regards to the significant mafic barren community and the True North Data Center development.

1. **During the meeting, it was noted that the 8/4/17 DCR report states that the community “is now threatened by shading from trees that have grown much larger and the presence of numerous invasive exotic weeds” and that “the occurrence has been degraded by invasive species … associated with the construction of the Dulles Greenway and the adjacent agricultural portions of the site.” This prompted a question from the Planning Commission: Assuming that the property were to remain undeveloped and the owner were to conduct no management of invasives or other restoration activity, would the community eventually die off?**

   *DCR response: The eastern patch of barrens (the one adjacent to the Dulles Greenway) is more affected by shading since it consists of several flatrocks with shallow soiled areas in between that have been invaded by red cedars. The western patch is a single, larger open rock and has a more open canopy; however, the soils around it are moister, and invasive weeds are more of an issue. In both cases, based on changes since our visits in 1990-1991, DCR estimates that in the absence of any management, that the diagnostic barrens species would die off due to shading or weeds and the community would no longer be viable within 25 years.*

2. **If the owner were to establish the recommended management program and 8-acre buffer, what is the likelihood that the community would recover?**
DCR response: DCR believes the prospects for recovery and long-term viability would be excellent if the proposed recommendations in the August 4, 2017 summary report are followed.

3. Why would the full extent of an 8-acre buffer be necessary to preserve the community, and does VA DCR have standards for how the necessary size of a buffer area is determined?

DCR response: DCR utilizes standard buffer recommendations for natural community and rare species occurrences that are based on optimizing ecological processes that will facilitate their long-term survival. For natural communities, we generally recommend a 250-meter buffer to protect against disturbances such as clear-cutting, forest fragmentation, soil erosion, and siltation, on-site hydrological disturbances, disruption of organic matter and woody debris recruitment, and invasive species (see Attachment A). The eight-acre buffer we have recommended for the diabase barrens at True North Data Center is much smaller than this, with a maximum barrens-to-buffer-edge distance of less than 120 meters. Recognizing the constraints of land ownership and development plan at the True North Data Center, DCR believes this buffer is an acceptable compromise.

4. Could you give a sense of how much clearing of established trees within the 8 acre buffer would be needed?

DCR response: The only tree removal needed is be in the immediate vicinity of the two barrens patches, and would consist primarily of removing young, pole-sized red cedars. The hardwood forest that occupies most of the eight-acre buffer should be left intact.

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to provide this information.

Sincerely,

[Signature]

S. René Hypes
Project Review Coordinator
A conservation site is a planning boundary delineating the Virginia Natural Heritage Program's best determination of the land and water area occupied by one or more natural heritage resources (exemplary natural communities and rare species) and necessary to maintain ecological processes that will facilitate their long-term survival. The size and dimensions of a conservation site are generally determined by application of standard, repeatable buffers that are based on the habitat requirements of the natural heritage resources present and the physical features of the surrounding landscape. Natural communities require buffering from disturbances such as clear-cutting, forest fragmentation, soil erosion, and siltation, on-site hydrological disturbances, disruption of organic matter and woody debris recruitment, and invasive species. Significant wetlands also require a buffer capable of protecting normal flood retention, stream flow, and water temperature (The Nature Conservancy, 2015). While a standard buffer cannot capture groundwater recharge zones, which are not uniformly predictable and may be located hundreds of meters or even kilometers from the discharge areas, it can protect superficial water tables and concave topography in which groundwater is typically channeled in a zone immediately adjacent to significant seepage wetlands. Invasive species are of particular concern to the long-term viability of natural communities, and some of them are capable of penetrating considerable distances through intact forest vegetation. However, many studies have found positive correlations between invasive plant populations and proximity to edge disturbances or forest roads, and negative correlations between invasive dispersal and increasing distances from such disturbances (Mortensen et al. 2009, With 2002). For example, Landenberger et al. (2007) recommended a buffer of > 200 meters r around a timber harvest to prevent seeds of the invasive tree Ailanthus altissima (tree-of-heaven) from disseminating and establishing. The benefits of a ≥200-meter buffer around small forest reserves (5-225 ha) have also been demonstrated by Thorell and Gotmark (2005). Therefore, for natural communities, a buffer of 250 meters around an occurrence has been adopted by DCR-DNH as a minimum, conservative standard to adequately protect against the full range of near-site threats.

Literature Cited:


August 15, 2017

Steve Barney
County of Loudoun, Department of Planning and Zoning
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20175

Re: True North Data Center-ZMAP-2017-0003, ZMOD-2017-0011 True North Data-Follow Up

Dear Mr. Barney:

The Department of Conservation and Recreation’s Division of Natural Heritage’s (DCR) mission is conserving Virginia's biodiversity through inventory, protection, and stewardship. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

As a follow up to our July 11, 2017 comments for the True North Data Center project, DCR ecologists conducted a site visit of the property with Wetland Studies and Solutions on August 2, 2017. The globally rare Northern Piedmont Mafic Barren (G1/S1/NL/NL) was relocated during the site visit (see attached report). DCR recommends the significant community along with eight acres of forested buffer be preserved and placed under a conservation easement as part of the True North Data Center site development. Management of this easement to control the encroaching trees and invasive species could assist in restoring the quality of this globally rare community and forested buffer. For technical questions regarding the site visit summary report please contact Gary Fleming, DCR Vegetation Ecologist at Gary.Fleming@dcr.virginia.gov or 804-786-9122. For information related to the protection of the significant community please contact Rob Evans, DCR Natural Areas Protection Manager at Rob.Evans@dcr.virginia.gov or (804) 371-6205.

Thank you for the opportunity to provide follow-up comments for this project.

Sincerely,

S. Rene’ Hypes
Project Review Coordinator
On August 2, 2017, DCR Natural Heritage (DCR-DNH) ecologists Gary Fleming and Karen Patterson visited the proposed site of the True North Data Center in Loudoun County. They were accompanied by Ben Rosner and Lauren Conner of Wetlands Studies and Solutions (WSSI), environmental consultants for the project. The purpose of the visit was to update 26-year old information about Natural Heritage resources on the site prior to providing the county with comments on the proposed Development Plan (ZMAP-2017-0003/ ZMOD-2017-0011). In 1991, DCR-DNH biologists had identified an occurrence of Piedmont Mafic Barren, a globally rare (G1) natural community, in the southeast corner of the site. The occurrence was described in 1991 as follows:

"A diabase hill above Goose Creek, mostly forested with small bedrock exposures supporting rare herbaceous vegetation. A thicket of tall eastern redbud with eastern redbud, white ash, fragrant sumac, and Japanese honeysuckle surround the herbaceous vegetation..... Crustose lichens cover much of the exposed rock but low herbaceous vegetation dominated areas of shallow gravelly material over bedrock." 

During the August 2, 2017 visit, the occurrence was relocated, and determined to consist of two sub-occurrences separated by 75 meters (Fig. 1). The first, on the upper slope of the hill, is a discrete open outcrop with scattered boulders strewn across its surface; this outcrop and the surrounding soils are apparently subject to periodic ephemeral seepage over shallow bedrock and can be quite moist at times. The second sub-occurrence, located at the summit of the hill adjacent to the Dulles Greenway (Rt. 267), is larger and drier, consisting of several flat outcrops in a matrix of dry, Eastern Redcedar (Juniperus virginiana) woodland. Over the whole area where the outcrops occur, diabase bedrock lies just below the surface and the forest growth is quite scrubby.

Conditions have changed since 1991, and the rare community is now threatened by shading from trees that have grown much larger and the presence of numerous invasive exotic weeds which are abundant in the adjacent forest and, in places, on the outcrops themselves. The lower outcrop (Fig. 2), in particular, is bordered by massive colonies of Japanese stilt-grass (Microstegium vimineum) and invasive shrubs such as Chinese Privet (Ligustrum sinense), which thrive in the periodically moist soils. The upper outcrop complex (Fig. 3) has fewer invasives but has been partly shaded out by the rapid growth of the surrounding Eastern Redcedar trees. Nevertheless, many components of the native barrens herbaceous vegetation are still present (Appendix A). Among them, an uncommon plant species, Kate’s Mountain Clover (Trifolium virginicum), observed in 1991, still persists, though not thriving in the shade. Additionally, all the white ash (Fraxinus americana) trees in the surrounding forest were dead following infestation by Emerald Ash Borer. Both the environmental and floristic features of the site unquestionably represent the Piedmont Mafic Barren (G1/S1) community type as defined in the United States Vegetation Classification:
Currently, only ten occurrences of this community type have been documented in the world, all located in the Virginia Piedmont from Loudoun and Fairfax counties on the north to Franklin County on the south. Total acreage of all known occurrences is < 25 acres. The very small number of occurrences, their very low aggregate size, and their high environmental specificity make the Piedmont Mafic Barren one of the rarest natural community types in eastern North America. The occurrence at the proposed True North Data Center development is very small (about 0.3 acre) and also the northernmost known occurrence. As such, it lacks some of the diagnostic species whose ranges terminate in northern Virginia. Moreover, the occurrence has been degraded by invasive species (Appendix B) associated with the construction of the Dulles Greenway and the adjacent agricultural portions of the site. Nevertheless, because of this community’s global rarity and significance, we recommend that the occurrence, along with eight acres of forested buffer, be preserved as part of the True North Data Center site development (Fig. 4). Currently according to the site plan (True North Data – Existing Conditions with Proposed Concepts-stamped July 14, 2017 by Loudoun County Planning Department) this area is proposed for development.

Ideally, the preservation area identified on the map would be placed under a conservation easement that could provide the owner with a financial incentive. Management to control the encroaching trees and invasive species could assist in restoring the quality of the occurrence and its forested buffer, and could be carried out by a third party (e.g. land trust, consultant, etc.). DCR-DNH would be glad to assist the owner, WSSI, and Loudoun County with the long-term protection of this important globally rare natural community.
Fig. 1. Location of Piedmont Mafic Barren natural community (blue polygons) at the proposed True North Data Center site in Loudoun County.
Fig. 2. Lower diabase outcrop and Piedmont Mafic Barren natural community.

Fig. 3. Upper diabase outcrop complex and Piedmont Mafic Barren natural community, adjacent to the Dulles Greenway (Rt. 267).
Fig. 4. Proposed preservation area for Piedmont Mafic Barren (blue polygons) and forested buffer (red polygon) at the proposed True North Data Center site.
APPENDIX A. LIST OF NATIVE SPECIES RECORDED BY DCR-DNH ECOLOGISTS IN PIEDMONT MAFIC BARREN NATURAL COMMUNITY, AUGUST 2, 2017

Asplenium platyneuron (Ebony Spleenwort)
Bidens bipinnata (Spanish Needles)
Carex pensylvanica (Pennsylvania Sedge)
Celtis tenuifolia (Dwarf Hackberry)
Coleaenia aniceps ssp. aniceps (Beaked Panic Grass)
Cyperus echinatus (Globe Flatsedge)
Cyperus squarrosus (Awned Flatsedge)
Cuphea viscosissima (Blue Waxweed)
Danthonia spicata (Poverty Oatgrass)
Dichanthelium acuminatum (Woolly Panic Grass)
Diodia teres (Common Buttonweed)
Eragrostis capillaris (Lacegrass)
Fimbristylis autumnalis (Slender Fimbry)
Fraxinus americana (White Ash)
Hedeoma pulegioides (American Pennyroyal)
Hypericum gentianoides (Pineweed)
Juniperus virginiana var. virginiana (Eastern Redcedar)
Micranthes virginica (Early Saxifrage)
Oxalis dillenii (Southern Yellow Wood-sorrel)
Panicum philadelphicum (Philadelphia Panic Grass)
Paspalum setaceum (Thin Paspalum)
Phacelia dubia var. dubia (Appalachian Phacelia)
Phyllanthus caroliniensis ssp. caroliniensis (Carolina Leaf-flower)
Schizachyrium scoparium var. scoparium (Little Bluestem)
Scutellaria integrifolia (Hyssop Skullcap)
Sporobolus vaginiflorus var. vaginiflorus (Poverty Dropseed)
Trichostema dichotomum (Common Blue Curls)
Trifolium virginicum (Kate’s Mountain Clover; state watchlist (G3S3); disjunct to Piedmont from mountain shale barrens
Woodsia obtusa ssp. obtusa (Blunt-lobed Woodsia)

APPENDIX B. LIST OF PROBLEMATIC INVASIVE PLANTS RECORDED BY DCR-DNH ECOLOGISTS IN PIEDMONT MAFIC BARREN NATURAL COMMUNITY, AUGUST 2, 2017

Ailanthus altissima (Tree-of-heaven)
Alliaia petiolata (Garlic MUSTard)
Arthraxon hispidus var. hispidus (Joint-head Grass)
Barbara vulgaris (Common Winter Cress)
Commelina communis (Asiatic Dayflower)
Digitaria sanguinalis (Hairy Crabgrass)
Ligustrum sinense (Chinese Privet)
Lonicera japonica (Japanese Honeysuckle)
Microstegium vimineum (Japanese Stilt Grass)
Persicaria longiseta (Long-bristled Smartweed)
Perilla frutescens (Beefsteak Plant)
Portulaca oleracea (Common Purslane)
Rosa multiflora (Multiflora Rose)
Rubus phoenicosius (Wineberry)
July 11, 2017

Steve Barney
County of Loudoun, Department of Planning and Zoning
1 Harrison Street, SE, 3rd Floor
Leesburg, VA 20175

Re: True North Data Center

Dear Mr. Barney:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in our files, the Murray’s Ford Conservation Site is located within the project site. Conservation sites are tools for representing key areas of the landscape that warrant further review for possible conservation action because of the natural heritage resources and habitat they support. Conservation sites are polygons built around one or more rare plant, animal, or natural community designed to include the element and, where possible, its associated habitat, and buffer or other adjacent land thought necessary for the element’s conservation. Conservation sites are given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain; on a scale of 1-5, 1 being most significant. Murray’s Ford Conservation Site has been given a biodiversity significance ranking of B2, which represents a site of very high significance. The natural heritage resource of concern at this site is:

Northern Piedmont Mafic Barren G1/S1/NL/NL

The Northern Piedmont Mafic Barren is known only from scattered mafic outcrops in the northern and western Virginia Piedmont, restricted to exposed outcrops of diabase, metabasalt, amphibolite, and other mafic rocks. There are only 10 known occurrences of this community rangewide, most of them less than one acre in size, and totaling less than 20 acres rangewide. This small patch community occurs as a mosaic of lichen, moss mats, and herbs with scattered, stunted trees. The massive outcrops supporting this community type effectively limit the normal establishment and development of trees. White ash (Fraxinus americana) and Eastern red cedar (Juniperus virginiana) are the most typical woody plants. Characteristic herbaceous species include prickly-pear cactus (Opuntia humifusa), little bluestem (Schizachyrium scoparium), poverty oat grass (Danthonia spicata), Pennsylvania sedge (Carex pensylvanica), hairy lip fern (Cheilanthes lanosa), round-leaf fameflower (Phemeranthus teretifolius), slender knotweed (Polygonum tenue), and dwarf dandelion (Krigia virginica) (NatureServe, 2010).
This community has probably always been rare; some loss of acreage has occurred due to road construction, and several sites have been degraded by invasion of weedy species from nearby disturbed areas. This community is highly threatened by quarrying and road construction (NatureServe, 2010). Several rare plants, which are typically associated with prairie vegetation and inhabit semi-open diabase glades in Virginia, may occur at this location if suitable habitat is present. Diabase glades are characterized by historically fire-dominated grassland vegetation on relatively nutrient-rich soils underlain by Triassic bedrock. Diabase flatrock, a hard, dark-colored volcanic rock, is found primarily in northern Virginia counties and is located within the geologic formation known as the Triassic Basin. Where the bedrock is exposed, a distinctive community type of drought-tolerant plants occurs. Diabase flatrocks are extremely rare natural communities that are threatened by activities such as quarrying and road construction (Rawinski, 1995).


DCR recommends a joint field survey by DCR and WSSI biologists for diabase plants and to document the current status of the rare community and explore ideas about how it might be protected within the context of the proposed development. This survey should take place during the growing season, between May 1 and September 15, to facilitate inventory of the plant species present. With the survey results we can more accurately evaluate potential impacts to natural heritage resources and offer specific protection recommendations for minimizing impacts to the documented resources. Please contact Gary Fleming, DCR Vegetation Ecologist at Gary.Fleming@dcr.virginia.gov or 804-786-9122 to arrange a site visit. DCR also recommends implementing protective measures around the natural heritage resource including a protective buffer.

Please note according to DCR’s species distribution model, potential may exist for Dwarf wedgemussel (*Alasmidonta heterodon*, G1G2/S1/LE/LE) in Goose Creek. To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations.

There are no State Natural Area Preserves under DCR’s jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from http://vafwis.org/fwis/ or contact Ernie Aschenbach at 804-367-2733 or Ernie.Ashenbach@dgif.virginia.gov. According to the information currently in our files, Goose Creek, which has been designated by the VDGIF as a “Threatened and Endangered Species Water” for the Green floater is within 2 miles of the project area. Therefore, DCR recommends coordination with Virginia’s regulatory authority for the management and protection of this species, the VDGIF, to ensure compliance the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to comment on this project.
Sincerely,

[Signature]

S. Rene’ Hypes
Project Review Coordinator

CC: Ernie Aschenbach, VDGIF
Troy Andersen, USFWS
Literature cited


September 6, 2017

Steve Barney
Loudoun County
Department of Planning and Zoning
1 Harrison Street, SE
Leesburg, Virginia 20175

Re: Response 2nd Submission Referral Comments – Supplemental Submission

Dear Steve:

On behalf of H&H Capital Acquisitions LLC (the “Applicant”), I write to respond to the comments received since our resubmission on August 16th on the True North Data application. Each comment is repeated below in italics, followed immediately by our responses.

We look forward to the opportunity to present the application at the public hearing and request they be placed on the September 26, 2017, Planning Commission agenda.

Department of Building & Development – Environmental Review Team (August 28, 2017)

Comment 1. The River and Steam Corridor buffer has been added to the Concept Development Plan (CDP) (Sheet 4) adjacent to the Major and Minor Floodplain and adjacent Very Steep Slopes. Proffer IV.E River and Stream Corridor Resources (RSCR) Management Buffer has also been added. Staff recommendations are as follows:

- Amend the buffer label on the CDP from “RSCOD 50’ Buffer” to RSCR Management Buffer” consistent with the proffer text.

- Please update the “Existing Conditions with Proposed Concept” plan to depict the RSCR Management Buffer.

- Correct the typos in the first sentence of the proffer: “… shall be permitted; however, the Owner may encroach into the RSCR management buffer with necessary construction activities, such as, but not limited to, clearing, grading, or utility installation and maintenance up.”

- Amend the third sentence of the proffer to clarify that offsets plantings will be provided proximate to the riparian corridor to mitigate water quality impacts consistent with plan policies as follows: “In the event that the RSCR management buffer is encroached, within the allowable tolerance of 35%, the Owner will replant open areas within or adjacent to the Major and Minor Floodplain, in an amount equal to the area of the proposed
development that encroaches into the RSCR management buffer, in locations to be designated at the discretion of the Owner in consultation with the County. The encroachment will be recaptured elsewhere on site in locations to be determined in the sole discretion of the Owner.

Response: Please note that the Applicant has revised the CDP and the Proffer Statement, as requested.

Comment 2. The Applicant has amended Proffer VI.B (Tree Conservation Areas) to add provisions for management of the TCA following construction consistent with the TCA proffer template. The Applicant has also delineated the Tree Conservation Area to the CDP as requested. Staff recommendations area as follows:

- Amend “Tree Save Area” in the plat Legend and “Tree Preservation” in the proffer text to read “Tree Conservation Area” consistent with the third paragraph of the proffer and the proffer template.
- Please update the “Existing Conditions with Proposed Concept” plan to depict the Tree Conservation Area.
- TCA is provided in the 300’ Reservoir Protection Zone and has not been provided within the RSCR buffer, presumably to avoid conflicts between the TCA proffer and the RSCR proffer. Staff recommends that the TCA be expanded to encompass the Very Steep Slope areas within the RSCR buffer and areas of forested open space pursuant to the Open Space Exhibit.
- Amend the first sentence of the third paragraph to also refer to the site plan as follows, as a record plat may not be recorded for the property: “The POA documents shall include a provision that prohibits removal of trees in the Tree Conservation Area, as shown on the site plan or record plat after construction…”

Response: The Applicant has updated the CDP to reflect consistent labeling for the Tree Conservation Area. Additionally, the “Existing Conditions with Proposed Concept” plan has been updated to depict the Tree Conservation Area. Please note, due to the preliminary stages of design the Applicant is unable to expand the Tree Conservation Area in order to encompass the Very Steep Slopes, as requested. However, the Applicant has committed to placing the Very Steep Slopes within the RSCR buffer.

Comment 3. Please add the floodplain boundary to the plat Legend or label the floodplain on the CDP.

Response: Please note that floodplain boundary has been added to the Legend, as requested.

Comment 4. Comment previously addressed.
Comment 5. Please update the “Existing Conditions with Proposed Concept” plan to revise the location of the two Piedmont Mafic Barren natural communities and to identify the proposed 8-acre preservation area based on the August 4, 2017 summary report from the Virginia Department of Conservation and Recreation, Division of Natural Heritage. Given that only 10 occurrences and less than 25 acres of this community are known in the Virginia Piedmont from Loudoun and Fairfax Counties south to Franklin County, staff recommends that the proposed building and parking areas and stormwater management facility in this area be relocated. Staff further recommends a commitment to a conservation easement for the 8-acre preservation area and development and implementation of a management plan to ensure preservation of this globally rare community. Staff notes that trees are unlikely to encroach into these areas due to the presence of exposed bedrock and that the management plan would focus primarily on management of invasive plant species.

Response: The two existing Piedmont Mafic Barren natural communities are shown on the “Existing Conditions with Proposed Concept”. It is extremely important to note that the DCR ecologists have concluded in their report that the areas are not pristine and are or have been compromised by invasive species, shading from trees, and the construction of the Dulles Greenway. In fact, if left untouched, they would likely become even more degraded as surrounding trees grow taller and invasive plants continued to thrive. If you examine the NatureServe Database cited in DCR’s August 4, 2017 Summary Report, only two of the six dominant and diagnostic lower strata species were documented at the True North Data site. In addition, these small features depend on regular disturbance to maintain the diagnostic herbaceous community. The suggested preservation would require intensive, long-term management to improve and then preserve this community. Therefore, the Applicant believes the protections and long-term maintenance suggested by DCR are unwarranted based on the compromised state of the community.

Loudoun County Health Department (August 17, 2017)

Comment 1. Note #18 uses improper nomenclature to describe the septic systems on the property. Please relabel the wells with proper titles (PSSD-1993-0142, PSSD-1993-0143).

Response: The Applicant has updated Note #18 on Sheet 1 of the CDP, as requested.

Comment 2. All wells, and springs on the property are to be properly abandoned prior to approval. Applications and permits for abandonment must be acquired. All appropriate fees will apply. Loudoun County Health Department must witness the abandonments.

Response: Comment acknowledged.

Comment 3. All septic systems on the property are to be properly abandoned prior to approval. Applications and permits for abandonment must be acquired.

Response: Comment acknowledged.

Department of Building & Development – Floodplain Management (August 18, 2017)
Comment 1. Be advised that the floodplain limits as reflected in the application are pursuant to the latest mapping provided by the Federal Emergency Management Agency (FEMA) effective February 17, 2017. As such, these boundaries are based on historic information and a Floodplain Study is necessary for review and approval prior to the approval of a subsequent Construction Plan and Profile or Site Plan documents in order to properly delineate the limits of the Floodplain Overlay District (FOD). (R93ZO 4-1508)

Response: Comment acknowledged. Please note that Lou Canonico and Chris Lemon met with Bill Cain to discuss this comment. In the meeting, Mr. Cain agreed that since the project’s site plan for the first phase of development included improvements a significant distance away from the floodplain limits he would issue a locational clearance for this phase of the project. It is understood that with the development of subsequent phases the Applicant would have to prepare the requisite floodplain study and/or floodplain alteration study, if required.

Department of Transportation and Capital Infrastructure (August 18, 2017)

Comment 1. Comment previously addressed.

Comment 2. On August 14, 2017, the Applicant submitted a supplemental ALTA/NSPS Land Title Survey dated April 17, 2017 for the subject parcel, provided as Attachment 1. The Applicant’s CDP appears to conform to this survey. In order to ensure 45 feet of ROW is provided from centerline along the subject property’s entire Sycolin Road frontage, the Applicant should submit a revised plat showing the location of the Sycolin Road centerline with dimensioning provided to indicate that at least 45 feet of either public ROW or reservation area is provided. DTCI also notes that the Applicant’s draft proffer statement commits to reserve and dedicate up to 45 feet of ROW along the site’s Sycolin Road frontage. Comment addressed subject to receipt and review of a revised plan set.

Response: Please note Sheet 4 of the CDP has been updated to depict the location of the Sycolin Road centerline including dimensioning, as requested.

Comment 3. Comment previously addressed.

Comment 4. Comment previously addressed.

Comment 5. Comment partially addressed. DTCI notes that a sidewalk is not shown within the 300’ Reservoir Protection Zone, but that this sidewalk connection would be constructed in conjunction with a future reconstruction of the Sycolin Road Goose Creek crossing. As such, the Applicant should provide a continued public access easement to the eastern property line for a future sidewalk at such time as the road crossing is improved. DTCI notes that the Applicant indicated its commitment to provide this extended easement area at a meeting with County staff on August 14, 2017.

Response: Please note that Sheet 4 of the CDP has been updated to reflect the continuation of the public access easement to the eastern property line, as requested.
Comment 1. New Comment. In the second paragraph of the response to Issue of Consideration 1, please revise the reference to the “Transportation Policy Area” to the “Transition Policy Area.” Also, please make a similar revision in the third paragraph, and further edit this paragraph for additional grammatical and spelling errors.

Response: The second paragraph has been revised, as requested.

Comment 2. Comment previously addressed.

Comment 3. Comment Outstanding. Section 6-1215 states “The approved Concept Development Plan shall contain the following information”... Section 6-1215(F) “the location and nature of ... perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties...” At a minimum, the location and type of buffer required by Section 5-1400 and/or Section 5-664 should be depicted on the CDP. The buffering and screening to this required buffering and screening. The adequacy of the buffers required by Section 5-1400 buffering and screening parking from residential districts is a PD-OP district requirement, during the legislative process. Therefore, Staff recommends depicting the location and nature of buffering and screening that will achieve the requirements of Section 4-305(B)(2) so that Staff may evaluate effectiveness.

Response: Please note that Sheet 4 of the CDP has been updated to include a note that reads as follows:

“Based on current conditions, and pursuant to Sec. 5-1403(E) of the Zoning Ord. the Dulles Greenway and Sycolin Rd frontages will be landscaped and buffered with a Type 3 Front Yard buffer per Sec. 5-1414(B) of the Zoning Ord. The property’s eastern and western boundary’s will be landscaped in accordance with Sec. 5-664(E) of the Zoning Ord. This requires Type 4 buffer yard plantings, per Sec 5-1414(B) of the Zoning Ordinance, with a 6’ earthen berm. Existing vegetation may be substituted upon approval of the Administrator. Final buffer yard requirements will be based on conditions existing at time of site plan submission.”.

Comment 4. Comment outstanding. Section 6-1215 states “The approved Concept Development Plan shall contain the following information”...§ 6-1215(F) “the location and nature of...perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties...” At a minimum, the location and type of buffer required by § 5-1400 and/or § 5-664 should be depicted on the CDP. The buffering and screening necessary to achieve the screening of parking from streets may be in addition to this required buffering and screening. The adequacy of the buffers required by § 5-1400 and/or § 5-664 will be evaluated at site plan and may be determined to be insufficient. As buffering and screening parking from street is a PD-OP district requirement, relief from the requirement may only be achieved through a zoning modification approved during the legislative process. Therefore, Staff recommends depicting the location and nature of buffering and screening that will achieve the requirements of § 4-305(B)(2) so that Staff may evaluate effectiveness.
Response: Please note that Sheet 4 of the CDP has been updated to include a note that reads as follows:

"Based on current conditions, and pursuant to Sec. 5-1403(E) of the Zoning Ord. the Dulles Greenway and Sycolin Rd frontages will be landscaped and buffered with a Type 3 Front Yard buffer per Sec. 5-1414(B) of the Zoning Ord. The property's eastern and western boundary's will be landscaped in accordance with Sec. 5-664(E) of the Zoning Ord. This requires Type 4 buffer yard plantings, per Sec 5-1414(B) of the Zoning Ordinance, with a 6’ earthen berm. Existing vegetation may be substituted upon approval of the Administrator. Final buffer yard requirements will be based on conditions existing at time of site plan submission."

Comment 5. New comment. § 4-303(V). Non-dedicated and dedicated distribution utility substations may be developed by-right. However, § 5-616(C) requires approval of a Commission Permit for any non-dedicated distribution utility substation located in an area not consistent with the comprehensive plan. The subject property is not an area where non-dedicated distribution utility substations are contemplated by the comprehensive plan; therefore, a Commission Permit will be required should establishment of such a use be pursued.

Section 6-1101(C) states, “Any public area, facility or use which requires a permit under [§ 6-1101 (A)] above which is identified within, but is not the entire subject of, an application for approval of subdivision or site plan or both may be deemed to be a feature already shown on the Comprehensive Plan if the County has defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to Section 6-1209. In such case, application for a commission permit is not necessary.” Therefore, Staff recommends depicting the location of the non-dedicated distribution utility substation on the CDP so Staff may evaluate the proposed public facility. Upon approval of such a facility depicted on the CDP, a separate Commission Permit application would not be required.

Moreover, considering the building, driveway, parking, and stormwater management layout depicted on CDP coupled with the environmental constraints and required setbacks, Staff is concerned about the possible location of a distribution utility substation whether it is dedicated or non-dedicated, especially one that will not affect environmental resources on the property. Therefore, Staff is requesting the location of the requested distribution utility substation, as well as information about its use and locational requirements, be provided on the CDP so Staff may evaluate the substation as part of the legislative application.

Response: The CDP dated August 16, 2017, included the location of the requested distribution utility substation.

Comment 6. Staff notes a crossing of the major floodplain/FOD is proposed in the northern part of the property. Pursuant to § 4-1505(A)(6), public roads, private roads, and driveways are permitted in the FOD. Section 4-1505 requires an application for a Floodplain Alteration to be submitted in accordance with § 4-1508(B) and the Facilities Standards Manual for uses permitted in the FOD.

Response: Comment acknowledged.
Comment 7. New comment. On Sheets 2-4, two limits of the floodplain are depicted in the southeast corner of the property. Please differentiate between the two limits or depict only the FOD consistent with the County’s overlay district data.

Response: Please note Sheets 2-4 have been updated to depict only the FOD consistent with the County’s overlay district data, as requested.

Comment 8. Comment outstanding. Section 6-1215 states “The approved Concept Development Plan shall contain the following information”...§ 6-1215(F) “the location and nature of...perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties...” Staff understands § 5-664(E) permits the substitution of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, for the buffer requirements when found by the County Urban Forester to provide screening at the density, depth, and height equivalent to the Type 4 buffer yard with earthen berm. Should the buffer location or components need to be modified due to topographical issues in ways other than substituting or augmenting existing vegetation to achieve equivalency, this request must be made as a minor special exception. Nonetheless, considering this is a legislative rezoning application, Staff requests anticipated substitution or augmentation modifications to the buffers be presented as part of the rezoning application so that Staff may evaluate the effects of the modifications. Furthermore, approval of a modification at this stage of the approval process ensures the Applicant of its future applicability. Please depict the location and nature of buffering and screening required by § 5-664(E).

Response: Please note that Sheet 4 of the CDP has been updated to include a note that reads as follows:

"Based on current conditions, and pursuant to Sec. 5-1403(E) of the Zoning Ord. the Dulles Greenway and Sycolin Rd frontages will be landscaped and buffered with a Type 3 Front Yard buffer per Sec. 5-1414(B) of the Zoning Ord. The property’s eastern and western boundary’s will be landscaped in accordance with Sec. 5-664(E) of the Zoning Ord. This requires Type 4 buffer yard plantings, per Sec 5-1414(B) of the Zoning Ordinance, with a 6’ earthen berm. Existing vegetation may be substituted upon approval of the Administrator. Final buffer yard requirements will be based on conditions existing at time of site plan submission."

Comment 9. Comment outstanding. Section 6-1215 states “The approved Concept Development Plan shall contain the following information”...§ 6-1215(F) “the location and nature of...perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties...” Please depict the location and nature of buffering and screening that will achieve the requirements of § 5-1406(E)(2). Pursuant to § 5-1403(C), the Applicant should propose revisions to required buffers during the legislative process rather than request a waiver or modification, which may not be granted by the Zoning Administrator, at site plan.

Response: Please note that Sheet 4 of the CDP has been updated to include a note that reads as follows:
"Based on current conditions, and pursuant to Sec. 5-1403(E) of the Zoning Ord. the Dulles Greenway and Sycolin Rd frontages will be landscaped and buffered with a Type 3 Front Yard buffer per Sec. 5-1414(B) of the Zoning Ord. The property's eastern and western boundary's will be landscaped in accordance with Sec. 5-664(E) of the Zoning Ord. This requires Type 4 buffer yard plantings, per Sec 5-1414(B) of the Zoning Ordinance, with a 6' earthen berm. Existing vegetation may be substituted upon approval of the Administrator. Final buffer yard requirements will be based on conditions existing at time of site plan submission."

Comment 10. In accordance with § 6-1215(A) Nonresidential Uses, applicable performance standards, e.g. §5-664, lighting, noise, etc.; shall be included on the CDP. Please include a reference to the lighting performance standard on the CDP.

Response: Please note that a note has been added to Sheet 4 of the CDP to include a reference to the lighting performance standard on the CDP, as requested.

Comment 11. In accordance with § 6-1215(A) Nonresidential Uses, applicable performance standards, e.g. §5-664, lighting, noise, etc.; shall be included on the CDP. Please include a reference to the noise performance standards on the CDP.

Response: Please note that a note has been added to Sheet 4 of the CDP to include a reference to the noise performance standard on the CDP, as requested.

Comment 12. Staff notes Exhibit B demonstrates impacts to moderately steep slopes, as well as the potential for impacts to very steep slopes. As such, § 5-1508 of the Zoning Ordinance will apply. Staff understands the Natural Resources Team Leader/County Soil Scientist has requested additional information for evaluation of impacts to steep slopes during the legislative application process.

Response: Comment acknowledged.

Comment 13. The Matters for Consideration have been updated to reference uses within a radius of 7,500 linear feet, or nearly 1.5 miles. Staff does not find that uses within approximately 1.5 miles are within the immediate vicinity" of the subject property. Please revise the location description to more accurately describe the location of the residential, institutional, extraction and industrial uses in the immediate vicinity of the property under consideration, such as on the opposite side of the Dulles Greenway or Goose Creek.

Also, please state in the third paragraph the 300-foot reservoir protection zone is required by the FSM.

Response: The Matters for Consideration have been updated to more particularly describe the location of the uses within the vicinity of the property, as requested. Additionally, the third paragraph has been updated, as requested.

Comment 14. Staff notes the response to Comment 1 in the applicant response letter dated July 14, 2017, the applicant is agreeing to provide a one-acre easement for a future pumping station
dedicated to Loudoun Water and that this location will be coordinated with Loudoun Water and shown on the first site plan. A sewer pumping station is permitted by-right in the PD-OP zoning district; however, a Commission Permit may be required to establish the use. The size and intensity of the sewer pumping station will likely determine whether a commission permit is necessary should a separate application for the use be made in the future.

Section 6-1101(C) states, “Any public area, facility or use which requires a permit under [§ 6-1101 (A)] above which is identified within, but is not the entire subject of, an application for approval of subdivision or site plan or both may be deemed to be a feature already shown on the Comprehensive Plan if the County has defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to Section 6-1209. In such case, application for a commission permit is not necessary.” Therefore, Staff recommends depicting the location of the sewer pumping station on the CDP so Staff may evaluate the proposed public facility. Upon approval of such a facility depicted on the CDP, a separate Commission Permit application would not be required.

Moreover, considering the building, driveway, parking, and stormwater management layout depicted on CDP coupled with the environmental constraints and required setbacks, Staff is concerned about the potential to reserve one-acre area for Loudoun Water, especially one that will not affect environmental resources on the property. Therefore, Staff is requesting the location of the requested one-acre easement, as well as information about its use and locational requirements, be provided on the CDP so Staff may evaluate the sewer pumping station as part of the legislative application.

Response: Please note that Sheet 4 of the CDP has been updated to reflect the location of the one-acre easement as requested by Loudoun Water. This application does not propose a sewer pumping station as part of this application as it is unnecessary since public water and sewer serve is available today, as noted in Loudoun Water’s second referral comments dated August 22, 2017. Therefore, the review of a sewer pumping station as part of the legislative application is unnecessary as it is beyond the scope of this application.

Comment 15. Please provide location and instrument number for the referenced easement on the plan set.

Response: Please note the easement does not exist today but is proposed at the request of Loudoun Water. Therefore, the reference on Sheet 4 of the CDP has been updated to reflect “Proposed Easement”.

Comment 16. Please clearly indicate in the modification information provided on Sheet 4 that the modification will apply to the entire property.

Response: As noted on Sheet 4 of the CDP, the Zoning Ordinance Modification is to “allow required canopy coverage to be met on a project wide basis rather than individual site basis”.

Cooley LLP
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656

150307821 v1
Comment 17. Considering the proposed modification and associated proffer commitment will result in the preservation of nearly 1/3 of the property’s existing tree canopy when 10% is required, Staff can support the requested modification.

Response: Comment acknowledged and appreciated.

Comment 18. Sheet 4, PD-OP Zoning District, Lot Requirements, Yards, please complete the § 4-305(b) reference to indicate the § 5-900 setback applies if it is greater than the 35 foot parking and 50 foot building setbacks.

Response: Please note that Sheet 4 has been updated to include the complete reference, as requested.

Comment 19. Sheet 1. General Notes. Please combine notes 4 and 12, as they provide similar or duplicate information.

Response: Please note that Notes 4 and 12 have been consolidated on Sheet 1 of the CDP, as requested.

Comment 20. I recommend the comment be revised to more clearly indicate the methodology, e.g. restate the commitment as, “Upon submission of each site plan, the Applicant shall provide a Tree Conservation Area (TCA) tabulation demonstrating the initial amount of TCA and the remaining amount after development of each site plan.” Additionally, please provide the area of TCA proposed to be protected so that Staff will be able to determine whether the area of the TCA depicted on the CDP is consistent with the area to be protected as the site develops. Lastly, I recommend revising the reference to “Tree Preservation Area” to “Tree Conservation Area” throughout the proffer for consistency with County’s standard language.

Response: Proffer V.B has been updated, as requested. Additionally, the TCA is depicted on Sheet 4 of the CDP.

Comment 21. New comment. Proffer IV. commits to establishing one or more Owners Associations on the property. Establishing one Owners Association may ensure the County of a consistent development design throughout the site which is currently proposed to be similarly developed.

Additionally, it seems there is a typographical error in the second sentence, “....of which all property owners will be members that responsible for the maintenance…”

Response: Proffer IV has been updated, as requested.

Comment 22. New comment. Proffers VII and VIII. Please revise the references to Proffers VII and VIII to Proffers VI and VII, respectively.

Response: Proffer VII and VIII have been revised, as requested.
Comment 1. The rezoning proposes 750,000 square feet of suburban data center uses within the Transition Policy Area where clustered residential and small-scale home based businesses and non-residential uses such as golf courses, kennels, and nurseries are envisioned. The existing TR-10 zoning district permits the types of non-residential uses envisioned within the Transitional Policy Area. The Dulles Greenway and Goose Creek provide natural and man-made boundaries between the suburban style zoning districts permitted within the northern portion of the Lower Sycolin subarea and the Suburban Policy Area. The approval of this application would essentially extend suburban non-residential land uses south of the Dulles Greenway and west of the Goose Creek creating pressure on the surrounding properties to develop with suburban densities.

Response: The Transportation Policy Area is envisioned to provide a visual and spatial transition from the suburban policy area to the east to the rural policy area to the west by providing innovative blends of rural and suburban development features, which this proposal will do. The Applicant is unlike any other data center developer in Loudoun County today. By blending elements of the rural and suburban development features’ the Applicant has brought forward a proposal that proposes to strike that unique balance of between the built and natural environments that is envisioned within the Transition Policy Area. Specifically, the proposal achieves this balance by providing low-density development at a .16 FAR, 69% open space of which exists today as healthy mature vegetation that will remain largely undisturbed, and low-rise single story buildings that are designed to blend into the existing natural topography. Additionally, this project will provide for the greater protections of the Goose Creek than allowing the property to be developed by-right. For example, the proposal will provide large undisturbed buffers, preservation of the view sheds, water quality protection and improvements, and importantly after extensive surveying of the site it has been determined that the existing wildlife will not be impacted.

Furthermore, the Applicant utilizes technology unlike any other data center to cool their facilities. The Applicant’s data centers utilize less than one-percent of the water a data center comparable in size utilizes annually. This one-percent is not an assumption rather a supported figure based on existing facilities across the Country that have been built, analyzed and replicated. Striking the balance between the built and natural environment is a delicate balance but this proposal achieves the balance envisioned in the Transportation Policy Area.

Comment 2. Site Design. The proposed layout does not retain 70% of the site as open space as called for in the Plan.

Response: The proposed development will provide 69% of the site as open space. It is important to note that many legislative application submitted provide open space that has been cleared, graded, and replanted with young saplings that will take years to grow into a mature tree canopy. The 69% provided in open space by the Applicant in large part exists today and will remain undisturbed. Which provides for a healthy diverse mix of plant life particularly adjacent to the Goose Creek from day one, not twenty-years from now when saplings have had a chance to mature.
Comment 3. Site Design. Community Planning Staff requests information pertaining to the Loudoun Water one-acre easement.

Response: Please note that Sheet 4 of the CDP has been updated to reflect the location of the one-acre easement as requested by Loudoun Water. This application does not propose a sewer pumping station as part of this application as it is unnecessary since public water and sewer serve is available today, as noted in Loudoun Water’s second referral comments dated August 22, 2017.

Comment 4. Site Design. The proffers should include specific design commitments detailing how architectural elements will be used to break up the building mass and provide a transition from the Suburban Policy Area to the east and the Rural Policy Area to the west. Without any design commitments beyond the Zoning Ordinance standards for data center uses, the proposed buildings will not look any different than those in the Suburban Policy Area.

Response: The Applicant has revised the proffer statement to provide a greater commitment than what is required by the Zoning Ordinance Data Center Standards. These buildings will be significantly different, as they are low-rise buildings, set back behind natural berming that exists today along Sycolin Road. Other data center buildings located within the Suburban Policy Area are built against the roadways, with little to no effort to screen the buildings from the view sheds along the roadways. For example, a data center found in the suburban policy area such as Project Columbia does not consist of low-rise buildings, with significant impacts to the view sheds from the existing street network, this project is nothing like what the Applicant is proposing which has been exhibited in illustrative renderings provided to Staff.

Comment 5. Site Design. Parking adjacent to Sycolin Road and the Dulles Greenway is not consistent with Plan policies.

Response: It is important to note, the Applicant has not requested a waiver or modification of the requirements of Section 5-1400 and Section 5-664 of the Zoning Ordinance as required by the PD-OP zoning district and the Applicant intends to comply with all Zoning Ordinance requirements, with the exception of the modification requested for and approved by the Board of
Supervisors as part of ZMOD-2017-0011. Please note that the CDP indicates that the requirements of Section 5-1400 and Section 5-664 of the Zoning Ordinance must be met by the Applicant, therefore, reiterating the Applicants intent to comply with the Zoning Ordinance.

Comment 6. Existing Conditions. Community Planning Staff recommends revising the CDP to show all the elements of the river and stream corridor resource, including the floodplain, adjacent steep slopes, and the 50-foot management buffer surrounding the floodplain and adjacent steep slopes as called for in the Plan. Community Planning Staff recommends committing to locating development outside of the river and stream corridor resource in those areas where it affords greater protection than the 300-foot no-build buffer.

Response: The CDP has been updated to include all the elements of the river and stream corridor resource, including the floodplain, adjacent steep slopes, and the 50-foot management buffer surrounding the floodplain and adjacent steep slopes.

Comment 7. Existing Conditions. Community Planning Staff recommends preservation of the Piedmont Mafic Barren community by removing the proposed building from the northeastern portion of the subject property. Community Planning Staff recommends delineating the two significant natural heritage resource communities as well as the eight acre forested preservation area on the CDP in conjunction with a commitment to protection and management of this area.

Response: It is extremely important to note that the DCR ecologists have concluded in their report that the areas are not pristine and are or have been compromised by invasive species, shading from trees, and the construction of the Dulles Greenway. In fact, if left untouched, they would likely become even more degraded as surrounding trees grow taller and invasive plants continued to thrive. If you examine the NatureServe Database cited in DCR's August 4, 2017 Summary Report, only two of the six dominant and diagnostic lower strata species were documented at the True North Data site. In addition, these small features depend on regular disturbance to maintain the diagnostic herbaceous community. The suggested preservation would require intensive, long-term management to improve and then preserve this community. Therefore, the Applicant believes the protections and long-term maintenance suggested by DCR are unwarranted based on the compromised state of the community.

Comment 8. Existing Conditions. Community Planning Staff recommends delineating specific TCAs on the CDP to provide clarity for those areas intended for preservation. Community Planning Staff further recommends the TCAs be expanded to encompass all the river and stream corridor resource elements, including adjacent steep slopes and the 50-foot management buffer. Community Planning Staff further recommends revising the proffers to include protection and maintenance of the TCAs once construction is completed.

Response: Please note, due to the preliminary stages of design the Applicant is unable to expand the Tree Conservation Area in order to encompass the Very Steep Slopes, as requested. However, the Applicant has committed to placing the Very Steep Slopes within the RSCR buffer.

Comment 9. Existing Conditions. Community Planning Staff requests information regarding strategies to help reduce impacts on moderately steep slope areas.
Response: For development on moderately steep slopes the Applicant will comply with the requirements as set forth in Section 5-1508(F) Development Standards - Moderately Steep Slopes of the Zoning Ordinance.

**Loudoun Water (August 22, 2017)**

Comment 1. Should offsite easements be required to extend public water and/or sanitary sewer to this site, the applicant shall be responsible for acquiring such easements and dedicating them to the Authority at no cost to the County or to the Authority.

Response: Comment acknowledged.

Comment 2. Public water and sewer service is available and is contingent upon the developer’s compliance with the Authority Statement of Policy; Rates, Rules and Regulations; and Engineering Design Manual.

Response: Comment acknowledged.

We trust that these responses appropriately address Staff’s comments. Let us know if you require any additional information.

Sincerely,

Samantha Steketee
August 16, 2017

Steve Barney
Loudoun County
Department of Planning and Zoning
1 Harrison Street, SE
Leesburg, Virginia 20175

Re: Response 2nd Submission Referral Comments

Dear Steve:

On behalf of H&H Capital Acquisitions LLC (the "Applicant"), I write to respond to the comments we have received to date on the True North Data application. Each comment is repeated below in italics, followed immediately by our responses.

Following discussions with Staff we believe this application is ready for public hearing and request it be placed on the September 26, 2017, Planning Commission agenda and the October 11, 2017, Board of Supervisors agenda.

Zoning Administration Referral (July 26, 2017)

Comment 1. Please consider revising the Preamble of the Proffer Statement to state:

Five Fields, LLC f/k/a Wildwood Farms LLC, the owner (the “Owner”) of property described as Loudoun County Tax Map 61, Parcel 16 (MCPI 194-19-9296) (the “Property”), on behalf of itself and its successors in interest, hereby voluntarily proffer, pursuant to Section 15.2-2303.4, Code of Virginia (1950), as amended, and Section 6-1209 of the Revised 1993 Zoning Ordinance of Loudoun County, Virginia (the “Zoning Ordinance”), as may be amended from time to time, that in the event the Property is rezoned by the Board of Supervisors of Loudoun County, Virginia (hereinafter referred to as the “County”), to the PD-OP zoning district, such area being shown on the rezoning plan set entitled “True North Data”, (the “Plans”), including the Concept Development Plan, defined below and incorporated herein by reference as Exhibit A, prepared by christopher consultants, ltd., dated April 4, 2017, and pursuant to Section 6-1217 of the Zoning Ordinance, the Zoning Ordinance Modifications as described in Exhibit B attached hereto and incorporated herein by reference (“Zoning Ordinance Modifications”), the development of the Property subject to ZMAP-2017-0003 and ZMOD-2017-0011 shall be in substantial conformance with the proffers as set forth below.

Response: The Preamble of the Proffer Statement has been updated, as requested.
Comment 2. Section 5-664 (D) requires a sidewalk or trail to be provided along any side of a public road that abuts the property upon which a data center is located. The proposed CDP depicts a 6-foot wide sidewalk within a 10-foot wide public access easement along Sycolin Road from the northern property boundary to the edge of the 300-foot wide Reservoir Protection Zone. Why wasn’t the sidewalk and easement along Sycolin Road provided along the entire property frontage, to include the part of the Property within the Reservoir Protection Zone up to the limits of the Goose Creek?

Response: As discussed in the meeting with Staff and the request of DTCI, the CDP has been revised to provide a 10-foot wide public access easement along the entire property frontage, as requested.

Comment 3. Please revise the CDP to depict and label the limits and type of each Buffer Yard provided on the Property per Section 5-664 E and Section 5-1400 of the Revised 1993 Zoning Ordinance. If the Applicant is proposing to use existing trees on the Property to meet the buffer yard and planting requirements for the Property, then such areas where existing trees will remain need to be depicted and labeled on Sheet 4 of the CDP.

Response: As noted on Sheet 4 of the CDP the Applicant is required to provide landscape buffer yards in accordance with Section 5-1400 of the Zoning Ordinance and Section 5-664(E).

Comment 4. Please be advised, the right and left turn lanes to access the Property and the through lanes on Sycolin Road occupy the same space on Sheet 4 of the CDP. Please consider revising the CDP to depict the through lanes and turn lanes so they do not “run into each other”.

Response: As noted by Mark Dreyfus at the meeting with Staff on August 14th; the turn lanes and through lanes as depicted do not require further revision. Therefore, the CDP has not been updated as requested in the comment above.

Parks, Recreation and Community Services (August 9, 2017)

Comment 1. PRCS is developing a system of interconnected trails (linear parks) along the County’s Stream Valley Corridors. This is consistent with the Greenways and Trail Policies of the Revised General Plan policy 1 (5-39) “Greenways include area along rivers and streams that are often ideal for trails”. Policy 4 (5-40) “The county will seek through purchase, proffer, density transfer, donation or open-space easement, the preservation of greenways and the development of trails”. Parks, Recreation and Community Services Policies Policy 3 (3-15) “The County encourages the contiguous development of regional linear parks, trail, and natural open space corridors to provide pedestrian links and preserve environmental and aesthetic resources”. Currently, PRCS has assembled through proffers dedicated land (stream valley parks) or easements on the east side of Goose Creek in the general vicinity of the proposed development. PRCS is working with Loudoun Water which owns land to the north of the proposed development for a recreational trail easement along Goose Creek on the west side. PRCS would like to discuss with the Applicant the opportunity for a linear stream valley park or trail easement as referenced above.
Response: The Applicant has revised the Proffer Statement to include a commitment that achieves the goals set forth by PRCS through the “Greenways and Trail Policies” and is respectful of the proposed uses need to restrict access and maintain a secure facility on site.

**Building and Development -- Natural Resources (August 11, 2017)**

Comment 1. Staff recognizes that site grading is dependent on the design at the site plan stage, however, a Locational Clearance (cited in ZO 5-1508(E)(1) & (D)(1)) requires an applicant to illustrate an ultimate, or potential ultimate, limits of disturbance. This is to ensure the project can be realized in compliance with this section of the Zoning Ordinance. This illustration may be supplied on a separate sheet.

Response: The Applicant is in the process of preparing an exhibit depicting the preliminary clearing limits, as requested. The exhibit will be submitted under separate cover.

**Department of Conservation and Recreation (August 15, 2017)**

Comment 1. DCR recommends the significant community along with eight acres of forested buffer be preserved and placed under a conservation easement as part of the True North Data Center site development. Management of this easement to control the encroaching trees and invasive species could assist in restoring the quality of this globally rate community and forested buffer.

Response: It is extremely important to note that the DCR ecologists have concluded in their report that the areas are not pristine and are or have been compromised by invasive species, shading from trees, and the construction of the Dulles Greenway. In fact, if left untouched, they would likely become even more degraded as surrounding trees grow taller and invasive plants continued to thrive. If you examine the NatureServe Database cited in DCR’s August 4, 2017 Summary Report, only two of the six dominant and diagnostic lower strata species were documented at the True North Data site. In addition, these small features depend on regular disturbance to maintain the diagnostic herbaceous community. The suggested preservation would require intensive, long-term management to improve and then preserve this community. Therefore, the Applicant believes the protections and long-term maintenance suggested by DCR are unwarranted based on the compromised state of the community.

**Goose Creek Scenic Advisory Committee – August 15, 2017**

Comment 1. We will work with the applicant and others, meaning LC’s position on the site being Commercial or Residential.

Response: Comment acknowledged. The Applicant looks forward to working with the Goose Creek Scenic Advisory Committee.

**Meeting with Referral Agencies – August 14, 2017**
In an effort to address any concerns that Staff had with the application following our July 14, 2017, resubmission and in an effort to make certain the application as it moves forward to the Planning Commission public hearing on September 26, 2017, is as complete as possible, the Applicant team met with the referral agents on August 14, 2017. In the meeting, each referral agent provided feedback to the Applicant. The Applicant, grateful for the opportunity to discuss the feedback with Staff, has put together the attached revised materials that address most of the feedback provided at the meeting on Monday, August 14th. Specifically, the Applicant has included greater commitments addressing RSCR reforestation, an ingress/egress trail easement along the Goose Creek, design commitments, and a clearer and more comprehensive property owners association proffer. Additionally, the Applicant has revised the CDP to depict additional information such as the RSCR Management Buffer, an exhibit depicting the open space on site, a potential substation location, pump station easement shown at the request of Loudoun Water, the extension of sidewalk easements along Sycolin Road, and a clear delineation of the Tree Conservation Areas.

We trust that these responses adequately address Staff’s comments. Let us know if you require any additional information.

Sincerely,

Samantha Steketee
July 14, 2017

Steve Barney
Loudoun County
Department of Planning and Zoning
1 Harrison Street, SE
Leesburg, Virginia 20175

Re: Response 1st Submission Referral Comments

Dear Steve:

On behalf of H&H Capital Acquisitions LLC (the “Applicant”), I write to respond to the comments we have received to date on the True North Data application. Each comment is repeated below in italics, followed immediately by our responses.

Following discussions with Staff we believe this application is ready for public hearing and request they be placed on the September 26, 2017, Planning Commission agenda.

**Loudoun Water (May 24, 2017)**

Comment 1. Show approximate location of future sewage pumping stations (SPS) and associated easement on ZMAP.

Response: Pursuant to a meeting with Loudoun Water on June 21, 2017, the construction of a pump station is no longer required with this project. At the request of Loudoun Water, the Applicant agrees to provide a one-acre easement dedicated to Loudoun Water. The location of the requested easement will be coordinated with Loudoun Water and shown on the first site plan submission.

Comment 2. Provide a looped water main system to the existing main on the north side of Dulles Greenway (Rte 267), near the northwest corner of the subject property.

Response: Based upon ongoing discussions with Loudoun Water, the Applicant will provide a looped water main system prior to the construction of the fifth building onsite. The final location and timing of construction will be coordinated with Loudoun Water.

Comment 3. Dedicate a 20’ wide water line easement along right of way of Sycolin Road and western property line pursuant to plans entitled Stonewall Secure Business Park 16-inch waterline extension by Bowman Consulting.
Response: In subsequent meetings with the Applicant, Loudoun Water has requested that the Applicant provide a 16” waterline along the western side of the project. The Applicant has agreed to provide the 16” waterline however, the additional cost for upsizing the waterline to 16” and crossing the Toll Road will be reimbursed by Loudoun Water. The location and width will be coordinated with Loudoun Water.

Comment 4. At time of first submission of construction drawings provide an overall water pipe hydraulic model demonstrating that each phase in the development can meet fire flow and maximum daily water demands.

Response: Acknowledged.

Zoning Administration Referral (May 19, 2017)

Comment 1. Preamble – Please consider revising the proffer statement to change the reference from Section 6-1208 of the Revised 1993 Zoning Ordinance to Section 6-1209 of the Revised 1993 Zoning Ordinance in the Preamble.

Response: The Preamble has been updated to reference Section 6-1209, as requested.

Comment 2. Preamble – The Preamble of a Proffer Statement typically provides that the property will be developed in substantial conformity to the proffers and CDP. Please consider revising the proffer statement to add such a statement.

Response: The Preamble has been updated, as requested.

Comment 3. Preamble – The Preamble of a Proffer Statement typically provides that the proffers are contingent upon approval of the Application in question. Please consider revising the proffer statement to add such a statement.

Response: The Preamble has been updated, as requested.

Comment 4. Proffer I – Section 6-1209 (E) of the Revised 1993 Loudoun County Zoning Ordinance establishes considerations for changes or adjustments to a CDP that would be considered in substantial conformance to the approved rezoning plans; Section 6-1209 (F) establishes the authority of the Zoning Administrator to enforce proffers. Should both of these sections be sited in this paragraph?

Response: Proffer I has been updated to include a reference to Section 6-1209(E), as requested.

Comment 5. Please be advised that Data Center Uses in the PD-OP zoning district are subject to all the Additional Regulations for Specific Uses in Section 5-664 of the Revised 1993 Zoning Ordinance, which includes regulations for building facades, screening of mechanical equipment, exterior lighting regulations, provisions of sidewalks and trails, and buffer yard requirements.

Response: Acknowledged.
Comment 6. Proffer III – Please be advised that Data Center Uses in the PD-OP zoning district are subject to the Additional Regulations for Specific Uses in Section 5-664 of the Revised 1993 Zoning Ordinance. Section 5-664 (C) regulates exterior lighting for a data center use. This proffer is not necessary as the exterior lighting requirements of Section 5-664 need to be complied with.

Response: Proffer III addressing exterior lighting has been deleted, as requested.

Comment 7. Please be advised, Section 5-664 (D) requires a sidewalk and trail to be provided along any side of a public road that abuts the property upon which a data center is located. Therefore, a trail needs to be provided along the property frontage along Sycolin Road. Please depict the required sidewalk and/or trail along the Sycolin Road property frontage on Sheet 4 of the CDP.

Response: Please note that Sheet 4 of the CDP has been updated to reflect a 6' sidewalk pursuant to Section 5-664 (D). Additionally, the Applicant has placed the sidewalk within a 10' public access easement.

Comment 8. The CDP does not depict the limits of any of the required buffer yards for the Property. Please revise the CDP to depict and label the limits and type of each Buffer Yard provided on the Property per Section 5-664 (E) of the Revised 1993 Zoning Ordinance. If the Applicant is proposing to use existing trees on the Property to meet the buffer yard and planting requirements for the Property, then such areas where existing trees will remain need to be depicted and labeled on Sheet 4 of the CDP.

Response: Sheet 4 of the CDP has been updated to include the following note, "Landscape buffer yards must be provided in accordance with Sec.5-1400 of the Zoning Ordinance and Section 5-664(E) for Data Center Use".

Comment 9. Proffer IV. The current draft proffer provides for a left and right turn lane accessing the property “as shown on the CDP”. There are no turn lanes depicted on the CDP. Sheet 4 of the CDP depicts a proposed vehicular access point to the Property along Sycolin Road, but not turn lanes are depicted. Please clarify whether the Owner is proffering to provide a right and left turn lane within the Property heading out onto Sycolin Road? Or, is the Owner proffering right and left turn lanes on Sycolin Road to access the Property? Or, is the Owner proffering the provision of both turn lanes on Sycolin Road heading into the Property, and within the Property heading onto Sycolin Road?

Response: The Applicant proposes to provide a right and left turn lane on Sycolin Road heading into the Property; therefore, Proffer IV and Sheet 4 of the CDP have been updated to reflect the proposed turn lanes.

Comment 10. Proffer V.B. – This proffer provides that “Tree Preservation” areas on Sheet 4 of the CDP will be subject to Tree Conservation and Preservation requirements provided in the proffer text. Sheet 4 does not depict or label any areas within the Property as “Tree Preservation” areas. Please revise the CDP to appropriately label and depict all proposed Tree Preservation areas on the Property.
Response: As noted on Sheet 4 of the CDP, the existing trees within the 100-year floodplain and the reservoir protection zone will be preserved in accordance with the “Tree Preservation Proffer”.

**Comment 11.** Typically, proffer statements provide provisions for a Property Owner’s Association or Commercial Owner’s Association, especially if the Property is or can be developed with multiple owners. Please consider adding a proffer, especially if the Property could have more than one Owner in the future, to provide for an Owner’s Association to provide for the maintenance of common areas, trash pick up and recycling, landscaping and mowing services, snow plowing of internal private roads and parking areas, etc.

Response: Proffer IV. Property Owners Association has been added to the proffer statement, as requested.

**Fire Marshal’s Office (June 9, 2017)**

Comment 1. The Loudoun County Fire Marshal’s Office has no objections to the rezoning and zoning modification for the ZMAP-2017-0003 ZMOD-2017-0011 True North Data project. The Loudoun County Fire Marshal’s Office reserve the right to guarantee Fire Code compliance when more detailed information is made available. For example but not limited to the FMO will be looking for more information on the following: fire apparatus access, fire lane identification, hydrant location, 300 foot hose lay, fire apparatus turn around areas, dead-end fire access roads in excess of 150 feet, fire apparatus access to within 150 feet of the exterior of buildings first floor, turning radiuses/auto turn using SU-40, and fire department connections.

Response: Acknowledged.

**Metropolitan Washington Airports Authority (June 15, 2017)**

Comment 1. Because the site is beyond Loudoun County’s Airport Noise Impact Overlay District’s 60 LDN – 1 Mile Buffer contour, the Airports Authority has no comment to offer regarding this matter.

Response: Acknowledged.

**Department of Transportation and Capital Infrastructure (June 16, 2017)**

Comment 1. Traffic Study. DTCI has reviewed the Applicant’s TIS and finds it to be an acceptable evaluation of this development as proposed. It is noted that the draft proffer statement, which proposes to limit site development to 750,000 SF of data center uses, conforms to the analysis completed in the Applicant’s TIS.

Response: Acknowledged.

Comment 2. Public Roadway Network and Site Access. The 2010 CTP (Appendix 1) includes Sycolin Road, planned as a 90 foot wide four-lane (U4M) roadway. The Applicant should commit to reserve 45 feet from centerline and provide dedication to the County up to 45 feet of ROW.
along the entire Sycolin Road property frontage at no cost to the County or to VDOT at written request of the County.

Response: A large portion of the property’s existing frontage along Sycolin Road provides 45’ of right-of-way or more from the existing centerline. The Applicant will dedicate at no cost to the County any portions of the Property's frontage along Sycolin that does not already provide 45’ of right-of-way from the existing centerline of the roadway.

Comment 3. Public Roadway Network and Site Access. The 2010 CTP (Appendix 1) requires left- and right-turn lanes at all intersections along this segment of Sycolin Road. As such, the Applicant should commit to construct left- and right-turn lanes at Sycolin Road / Future Site Entrance (Intersection #1) and further commit to provide adequate ROW to accommodate a right-turn lane at such time as the road is improved to four lanes in the future. It is noted that left- and right-turn lanes are described in the draft proffer statement (Proffer IV.) as being shown on the CDP. However, such improvements do not appear to be shown on the CDP as described.

Response: The CDP has been updated to reflect the right and left turn lanes on Sycolin Road heading into the Property as noted in the proffer statement.

Comment 4. Public Roadway Network and Site Access. Revise the plan set and other materials to indicate Sycolin Road as VA Route 625.

Response: Please note the plan set and proffer statement have been updated, as requested.

Comment 5. Bicycle and Pedestrian Facilities. Per the 2010 CTP (Appendix 1), the CDP should include a minimum six-foot wide sidewalk within a minimum 10-foot wide public access easement along the site’s Sycolin Road frontage. The Applicant should commit to bond this sidewalk for construction prior to approval of the first site plan on this property and have this sidewalk open for pedestrian traffic prior to issuance of the first occupancy permit.

Response: Please note the CDP has been updated to reflect a six-foot wide sidewalk within a 10-foot wide public access easement along the Sycolin Road frontage, as reflected in the 2010 CTP (Appendix 1).

Department of Planning and Zoning – Zoning Administration Referral (June 14, 2017)

Comment 1. Statement of Justification – Introduction. The second sentence states the property was previously earmarked for residential development through ZMAP-2013-0004, which was ultimately unsuccessful, and 10 houses could be built by-right today.” This statement is misleading. The property is planned and zoned for transitional development at a residential density of up to one dwelling unit per 10 acres and limited commercial, industrial, public and institutional, and agricultural uses. The property was never reserved, designated, or “earmarked,” for residential development as proposed by ZMAP-2013-0004. Instead, this legislative application, which was withdrawn and has no effect on the current planned land use or zoning, proposed a residential density (177 single family detached units) greater than planned.
revise the statement to remove the intimation that ZMAP-2013-0004 has or had any influence on the current planned land use and zoning district.

Response: The Statement of Justification has been updated, as requested.

Comment 2. Statement of Justification -- Description of Site. In the last sentence, please clarify the referenced industrial and extraction uses are located on the opposite side of the Dulles Greenway parcel, a six lane divided, limited access, toll road. Also, include open space, agriculture, and institutional uses, as well as vacant land, in the identification of surrounding uses.

Response: The Statement of Justification has been updated.

Comment 3. Statement of Justification -- Existing Planning and Zoning. In the first sentence of the third paragraph, the Applicant indicates the development request is for “low-density office uses.” The requested use is data center, albeit in the PD-OP zoning district. Please revise the statement to indicate data center uses, rather than office, are proposed.

Response: The Statement of Justification has been updated, as requested.

Comment 4. Conformance with PD-OP Requirements -- Size and Location. It is unclear how the proposed data center use as permitted in the PD-OP zoning district is “compatible with other commercial development” when a commercial development pattern does not exist along Sycolin Road. Therefore, Staff neither finds the proposed PD-OP Zoning District nor the proposed use and development pattern compatible with other commercial development as required by the Zoning Ordinance.

Response: The proposed data center uses are wholly consistent with the designation to develop the northern portion of the Lower Sycolin area with industrial uses, but presents a more suburban project to be respective and reflective of the office and residential zoning designations to the east. The County’s Economic Development policies, as enumerated in Chapter 4 of the Revised General Plan, note that the Dulles Greenway is planned for up to 12 million square get of higher-density office development and is emerging as a “business corridor”. This property aligning the southern side of the Dulles Greenway, can be an important component of that business corridor, but with a project that will not generate significant traffic nor negatively impact the existing development and is anticipated to provide the County with an estimated $24 Million dollars in tax revenue annually – not amortized over 30 years.

Comment 5. Conformance with PD-OP Requirements -- The PD-OP zoning district shall be also be located in areas served by public water and sewer. Currently, this area is not served by public water and sewer. Please address in the SOJ whether the subject property is within the Loudoun Water Service Area.

Response: The Statement of Justification has been updated, as requested.

Comment 7. Conformance with PD-OP Requirements -- Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses. Parking between a building and a residential
district may not be visible from the residential district. This scenario is depicted along the western property line. In accordance with § 6-1215(F), please provide the location and nature of perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the Concept Development Plan (CDP).

Response: As noted on the CDP the requirements of Section 5-1400 and Section 5-664 will be meet. It should be noted, that the Applicant fully intends to comply with all of the Zoning Ordinances, which includes Section 6-1215 with the exception of any Zoning Ordinance that a modification has been requested. The Applicant has not requested a modification of Section 6-1215.

Comment 8. Conformance with PD-OP Requirements -- Landscaped Open Space. Be advised, minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. This requirement is calculated on a per site plan basis; therefore, if the lot is developed in phases, or subdivided, the minimum landscaped open space must be demonstrated upon each site plan submission for the subject property.

Response: Acknowledged.

Comment 9. Conformance with PD-OP Requirements -- Site Planning. Landscaping, buffering and screening shall be used to screen outdoor storage, areas for collection for refuse, loading areas, and parking from streets, agricultural and residential uses. Parking is proposed between buildings and Sycolin Road and buildings and the Dulles Greenway. In accordance with § 6-1215(F), please provide the location and nature of perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the CDP.

Response: The CDP indicates that the requirements of Section 5-1400 and Section 5-664 of the Zoning Ordinance must be met by the Applicant, therefore, ensuring that Section 6-1215(F) will be met.

Comment 10. Conformance with Data Center Additional Regulations. Principal Building Facades. Please note, building facades facing adjacent roads, Sycolin Road and Dulles Greenway, will be required to meet § 5-446(A).

Response: Acknowledged.

Comment 11. Conformance with Data Center Additional Regulations. Screening of Mechanical Equipment. Please note, ground level and roof top equipment shall be screened by a solid screen constructed of materials compatible with the principal building, or by a principal building.

Response: Acknowledged.

Comment 12. Conformance with Data Center Additional Regulations. Exterior Lighting. Please note, all exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and properties.

Response: Acknowledged.
Comment 13. Conformance with Data Center Additional Regulations. Provision of Sidewalks and/or Trails. A sidewalk will be required along the north side of Sycolin Road. A sidewalk is consistent with the pedestrian facility constructed east of the subject property. In accordance with § 6-1215(E), please provide the location and general design of the pedestrian facility consistent with the Countywide Transportation Plan (6-foot-wide sidewalk in a 10-foot-wide public access easement outside of the Sycolin Road right-of-way.)

Response: As requested, the CDP has been updated to reflect a six-foot wide sidewalk located within a 10-foot wide public access easement along Sycolin Road.

Comment 14. Conformance with Data Center Additional Regulations. Buffer Yard Requirement. The side yards abutting the TR-10, R-1, and PD-H4 zoning districts shall include a Type 4 buffer yard installed on an earthen berm a minimum of 6 feet in height and a slope not steeper than 2:1. In accordance with § 6-1215(F), please provide the location and nature of the perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the CDP.

Response: It is important to note, the Applicant has not requested a waiver or modification of any Buffer Yard Requirements as required by the PD-OP zoning district and the Applicant intends to comply with all Zoning Ordinance requirements, with the exception of any modifications requested for and approved by the Board of Supervisors as part of ZMOD-2017-0011.

Comment 15. Conformance with Buffering and Screening -- Special Situations. The property is adjacent to an existing principal arterial road, the Dulles Greenway. In accordance with § 5-1406(E)(2), a Type 3 Buffer Yard will be required along this property boundary. Please provide the location and nature of the perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties on the CDP pursuant to § 6-1215(F).

Response: It is important to note, the Applicant has not requested a waiver or modification of Section 5-1406(E)(2) and the Applicant intends to fully comply with all Zoning Ordinance requirements, with the exception of any modifications requested for and approved by the Board of Supervisors as part of ZMOD-2017-0011.

Comment 16. Conformance with Lighting Standards -- General Requirements. Please note, all sources of glare from any source must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential districts, at the lot line of any adjacent lot. This scenario occurs along the eastern property boundary where the subject property abuts or is adjacent to the TR-10 Zoning District.

Response: Acknowledged.

Comment 17. Conformance with Noise Standards. Noise created at any time by the proposed data center use may not exceed 55 decibels on the receiving property line located closest to the source of the subject sound (§ 5-1507(D)(5)). The use of generators and accessory equipment during an emergency or testing is exempt in accordance with § 5-1507(F)(4).
Response: Acknowledged.

Comment 18. Zoning Map Amendment Matters for Consideration. Please refer to Comment 4 regarding the appropriateness of the proposed land use and development pattern.

Response: As requested, the Zoning Map Amendment Matters for Consideration has been updated to address the appropriateness of the proposed land use and development pattern.

Comment 19. Zoning Map Amendment Matters for Consideration. Please refer to Comment 4 regarding the suitability of the proposed use, a data center, in this location.

Response: As requested, the Zoning Map Amendment Matters for Consideration has been updated to address the suitability of the proposed data center use in this location.

Comment 20. Similar to Comment 2, please revise the location description to more accurately describe the location of the extraction and industrial uses on the north and opposite side of the Dulles Greenway parcel, a six lane divided, limited access, toll road.

Response: As requested, the Zoning Map Amendment Matters for Consideration has been updated.

Comment 21. Please address the adequacy of water, particularly with regard to data center cooling needs, under this criteria.

Response: As requested, the Zoning Map Amendment Matters for Consideration has been updated.

Comment 22. Please correct the Sycolin Creek reference to Goose Creek. Also, Staff questions whether the intent was to refer to the Scenic Creek Valley Buffer and/or the Reservoir Protection Overlay, rather than the River and Stream Corridor Overlay District, which is not a district regulated by the Zoning Ordinance or the FSM.

Response: The Statement of Justification has been updated, as requested.

Comment 23. An impounding structure is located on the property. Please provide a commitment to demonstrating efforts will be undertaken to protect life and property from a failure of the impounding structure.

Response: It is noted that the topography down stream of this dam is very steep. No proposed improvements are planned close to the downstream area of this impoundment structure. This structure is existing. It is in an easement and maintained by the Toll Road Company.

Comment 24. Nonresidential Uses. Please include the following on the CDP, 1) FAR, 2) applicable performance standards, e.g. §5-664, lighting, noise, etc.; and 3) restrictions regarding
the location of nonresidential activities, e.g. § 5-305(b)(2) parking located between a building and residential district or a street may not be visible from the residential district or street, respectively.

Response: Please note the CDP has been updated to include the total amount of floor area and is well below the maximum FAR permitted under the PD-OP Zoning District. Additionally, the CDP references the need to comply with all appropriate sections of the Zoning Ordinance.

Comment 25. Transportation/Access. Please depict the approved location and general design of the Sycolin Road turn lanes referenced in Proffer IV and the pedestrian facility required by § 5-664, both consistent with the Countywide Transportation Plan, on the CDP.

Response: Please note the CDP has been updated to reflect the right and left turn lanes on Sycolin Road headed onto the Property as noted in the proffer statement. Additionally, the CDP now reflects a six-foot wide sidewalk located within a 10-foot wide public access easement along Sycolin Road as noted in the Countywide Transportation Plan.

Comment 26. Open Space Areas. Please provide the location and nature of the environmentally sensitive areas, including areas of a Northern Piedmont Mafic Barren Community identified by the Virginia Department of Conservation and Recreation, Division of Natural Heritage; perimeter landscape buffers and screening intended to mitigate impacts on adjacent properties; and other areas that are to remain as open space on the CDP.

Response: Please note that Sheet 2 of the plan set depicts Northern Piedmont Mafic Barren Community. The medium potential Northern Piedmont Mafic Barren community located within the 300' Reservoir Protection Area adjacent to the Goose Creek will be preserved.

Comment 27. Modifications. The location, text and a clear description of any approved modifications to any provisions of this Ordinance, the Land Subdivision and Development Ordinance or any other applicable County ordinance, which would otherwise be applicable to the development. Please ensure this information regarding the requested modification is included on the CDP.

Response: As requested, the CDP has been updated to reflect the information regarding the requested modification.

Comment 28. According to § 6-1217(A) of the Zoning Ordinance, the Board of Supervisors may approve modifications upon meeting certain criteria, including but not limited to 1) How the requested modification achieves an innovative design, improves upon the existing regulation, or otherwise exceeds the public purpose of the existing regulation; 2) How the modification is not intended for the primary purpose of achieving the maximum density on a the subject property; and 3) Materials demonstrating how the modification will be used in the design of the project.

The Applicant indicates the requested modification “will allow for easier future subdivision of the property later.” This justification does not address the criteria for a zoning ordinance modification. Please provide a complete response to each criterion in the request.

Response: The Statement of Justification has been updated, as requested.
Comment 29. Rezoning Plat. Sheet 1, General Note 3, please indicate the property is partially located in the Airport Impact Overlay District.

Response: As requested, Sheet 1, General Note 3 has been updated.

Comment 30. Rezoning Plat. Sheet 2, General Note 16, please include a status of the recommended Phase II archeological investigation for 44LD1632.

Response: The recommended Phase II Study has been completed and is on file with Loudoun County. The CDP has been updated accordingly.

Comment 31. Rezoning Plat. Sheet 1, General Note 20, please indicate the extension of public water and sewer services will be made at no cost to the County.

Response: As requested, Sheet 1, General Note 20 has been updated.

Comment 32. Rezoning Plat. Sheet 2, please include parcels and parcel ownership information for the properties identified as PIN 154-45-1883, PIN 194-49-8227, and PIN 155-22-5356.

Response: As requested, Sheet 2 has been updated.

Comment 33. Rezoning Plat. Sheet 4, Legend, please remove Ex. Tree Line from the legend, as this line type is not utilized on Sheet 4.

Response: As requested, the "Ex. Tree Line" reference has been removed from the Legend.

Comment 34. Rezoning Plat. Sheet 4, PD-OP Zoning District, Lot Requirements, Yards, please complete the § 4-305(B) reference to indicate the § 5-900 setback applies if it is greater than the 35 foot parking and 50 foot building setbacks.

Response: As requested, Sheet 4 has been updated.

Comment 35. Proffers. The first sentence of the preamble states a portion of the property will be subject to the proffers; however, the entire property is proposed to be rezoned as depicted on the CDP. Please revise the reference in the proffer to indicate the entire parcel is subject to the requested rezoning.

Response: The proffer statement has been updated, as requested.

Comment 36. Proffers. The last paragraph of the preamble references Land Bays designated on the CDP and "residential zoning permits," neither of which are proposed with this application. I recommend evaluating whether these references are necessary and revising the proffers accordingly.

Response: The proffer statement has been updated, as requested.

Comment 37. Proffers. Proffer I. Please revise the Zoning Ordinance section reference to Substantial Conformance Defined, which is provided under § 6-102(E) of the Zoning Ordinance.

Response: Proffer I has been updated to reference Section 6-1209(E) of the Zoning Ordinance.

Comment 38. Proffers. Proffers I. and II. Permit the application for and development of approved PD-OP special exception uses. Sheet 4 of the CPD states "All uses shall be proffered out of this application with the exception of data centers." Please address this discrepancy.

Response: The proffer statement has been updated to address the noted discrepancy.
Comment 39. Proffers. Proffer IV. The proffer states right and left turn lanes are depicted on the CDP. The turn lanes are not depicted on the CDP. Please address this discrepancy. Also, Sycolin Road right of way dedication is depicted on Sheet 4 of the CDP. However, this dedication is not referenced in the proffer statement. I recommend including a right of way dedication commitment in the proffer statement.

Response: The proffer statement has been updated to provide for the dedication of additional right-of-way along Sycolin Road (Route 625), as requested.

Comment 40. Proffers. Proffer V.B. I recommend including a commitment to providing a Tree Conservation Area (TCA) tabulation demonstrating the initial amount of TCA and the remaining amount after development of the site to be submitted with each site plan submission. This tabulation will assist County Staff in monitoring the Tree Conservation Area, and likely the modified 10% Tree Canopy Zoning Ordinance requirement, if approved, as the site develops.

Response: Please note that Proffer V.B.I has been updated, as requested.

Comment 41. Proffers. Proffer VII.B. Please revise the reference to Proffer XI to Proffer VI, the Emergency Services proffer.

Response: The proffer statement has been update, as requested.

Health Department (June 15, 2017)

Comment 1. Note #18 uses improper nomenclature to describe the wells and springs on the property. Please relabel the wells with proper titles (WWIN, WWTS, WWSP).

Response: As requested, Note 18 has been updated.

Comment 2. Page 2 uses improper use of nomenclature to describe the wells and springs on the property. Please relabel the wells with proper titles (WWIN, WWTS, WWSP).

Response: As requested, Page 2 has been updated.

Comment 3. All wells, and springs on the property are to be properly abandoned prior to approval. Applications and permits for abandonment must be acquired. All appropriate fees will apply. Loudoun County Health Department must witness the abandonments.

Response: As requested, a note has been added to the plan set.

Comment 4. All septic systems on the property are to be properly abandoned prior to approval. Applications and permits for abandonment must be acquired.

Response: As requested, a note has been added to the plan set.

Department of Building and Development – Floodplain Management Team (June 22, 2017)
Comment 1. Provide the Source of Floodplain Note as outlined below and pursuant to Section 8.101.A.20 of the FSM, and revise to reference the Effective FEMA FIRM panel 51107C0245E, Effective Date February 17, 2017.

“There is a floodplain on the property that is the subject of this application. The current Flood Insurance Rate Map (FIRM) of Loudoun County Community Panel Number for the property that is the subject of this application is 51107C0245E, effective February 17, 2017.” The depicted boundary of the proposed floodplain is based on the FIRM and FPAL-1994-0010.

Response: Please note the source of the Floodplain Note has been added to the Sheet 1 of the plan set, as requested.

Parks, Recreation and Community Services (June 18, 2017)

Comment 1. PRCS is developing a system of interconnected trails (linear parks) along the County’s Stream Valley Corridors. This is consistent with the Greenways and Trail Policies of the Revised General Plan policy 1 (5-39) “Greenways include areas along rivers and streams that are often ideal for trails”. Policy 4 (5-40) “The county will seek through purchase, proffer, density transfer, donation or open-space easement, the preservation of greenways and the development of trails”. Parks, Recreation and Community Services Policies Policy 3 (3-15) “The County encourages the contiguous development of regional linear parks, trail, and natural open space corridors to provide pedestrian links and preserve environmental and aesthetic resources”. Currently, PRCS has assembled through proffers dedicated land (stream valley parks) or easements on the east side of Goose Creek in the general vicinity of the proposed development. PRCS is working with Loudoun Water which owns land to the north of the proposed development for a recreational trail easement along Goose Creek on the west side.

PRCS would like to discuss with the Applicant the opportunity for a linear stream valley park or trail easement as referenced above.

Response: The Applicant will reach out to the Park Authority to discuss this request further.

Loudoun County Fire & Rescue (June 27, 2017)

Comment 1. Since the submitted plans do not provide sufficient detail, the Fire and Rescue Planning Staff respectfully requests that the Applicant demonstrates adequate access and circulation of emergency vehicles to all areas of the proposed development, including all sides of buildings and any parking structures. Staff understands that this concern may be best addressed at the time of site plan. The site plan submission should include an auto turn analysis.

Response: Noted.

Department of Planning and Zoning – Community Planning (June 28, 2017)

Comment 1. The rezoning proposes 750,000 square feet of suburban data center uses within the Transition Policy Area where clustered residential and small-scale home based businesses
and non-residential uses such as golf courses, kennels, and nurseries are envisioned. The Dulles Greenway and Goose Creek provide natural and man-made boundaries between the suburban style zoning districts permitted within the northern portion of the Lower Sycolin subarea and the Suburban Policy Area. The approval of this application would essentially extend suburban non-residential land uses south of the Dulles Greenway and west of the Goose Creek creating pressure on the surrounding properties to develop with suburban densities.

Response: The Transportation Policy Area is envisioned to provide a visual and spatial transition from the suburban policy area to the east to the rural policy area to the west by providing innovative blends of rural and suburban development features, which this proposal will do. The Applicant is unlike any other data center developer in Loudoun County today. By blending elements of the rural and suburban development features, the Applicant has brought forward a proposal that proposes to strike that unique balance of between the built and natural environments that is envisioned within the Transition Policy Area. Specifically, the proposal achieves this balance by providing low-density development at a .16 FAR, 69% open space of which exists today as healthy mature vegetation that will remain largely undisturbed, and low-rise single story buildings that are designed to blend into the existing natural topography. Additionally, this project will provide for the greater protections of the Goose Creek than allowing the property to be developed by-right. For example, the proposal will provide large undisturbed buffers, preservation of the view sheds, water quality protection and improvements, and importantly after extensive surveying of the site it has been determined that the existing wildlife will not be impacted.

Furthermore, the Applicant utilizes technology unlike any other data center to cool their facilities. The Applicant's data centers utilize less than one-percent of the water a data center comparable in size utilizes annually. This one-percent is not an assumption rather a supported figure based on existing facilities across the Country that have been built, analyzed and replicated. Striking the balance between the built and natural environment is a delicate balance but this proposal achieves the balance envisioned in the Transportation Policy Area.

Comment 2. The proposed layout does not retain 70 percent of the site as open space as called for in the Plan. Parking adjacent to Sycolin Road and the Dulles Greenway is also not consistent with Plan policies.

Response: The proposed development will provide 69% of the site as open space. It is important to note that many legislative application submitted provide open space that has been cleared, graded, and replanted with young saplings that will take years to grow into a mature tree canopy. The 69% provided in open space by the Applicant in large part exists today and will remain undisturbed. Which provides for a healthy diverse mix of plant life particularly adjacent to the Goose Creek from day one, not twenty-years from now when saplings have had a chance to mature.

Comment 3. No information has been provided regarding the architectural design of the proposed buildings. Community Planning Staff recommends the proffer statement include design commitments.
Response: Attached as Exhibit A, please find for illustrative purposes only the proposed architectural designs. The Zoning Ordinance provides specific additional regulations to data center uses, which include architectural and other such requirements therefore, proffering to these requirements is redundant as the Applicant is required to comply with the Zoning Ordinance.

Comment 4. In an effort to adequately assess impacts on the subject property, Community Planning Staff recommends showing the river and stream corridor resource, 300-foot no-build buffer, wetlands, natural heritage resources, steep slopes, tree cover, and the existing stormwater management pond on the CDP (Sheet 4).

Response: Attached as Exhibit B, is an exhibit overlaying the CDP on the existing conditions plan.

Comment 5. Community Planning Staff recommends revising the CDP to show all the elements of the river and stream corridor resource, including the floodplain, adjacent steep slopes, and the 50-foot management buffer surrounding the floodplain and adjacent steep slopes as called for in the Plan. Community Planning Staff recommends committing to locating development outside of the river and stream corridor resource in those areas where it affords greater protection than the 300-foot no-build buffer (See Proffer Template, Attachment 1). Community Planning Staff recommends the applicant consider designating open space outside of the 300-foot no-build buffer to assist in creating the 1000-foot voluntary open space area along the Goose Creek.

Response: The Applicant has committed to provide a 300-foot reservoir protection zone adjacent to the Goose Creek as is depicted on Sheet 4 of the CDP.

Comment 6. Community Planning Staff requests information pertaining to the status of the Jurisdictional Determination. Community Planning Staff recommends the applicant utilize the specific proffer language pertaining to Wetlands attached to this referral (Attachment 2).

Response: The United States Army Corps of Engineers issued a Jurisdictional Determination (JD# 2013-0808) in 2013. A Joint Permit Application for a General Permit was submitted to the agencies on May 25, 2017. The General Permit is currently under review.

Comment 7. Community Planning Staff recommends preservation of this significant natural heritage resource. Community Planning Staff recommends the Northern Piedmont Mafic Barren rock community and avoidance buffer identified by the DCR be delineated on the CDP in conjunction with a commitment to protection of these areas. Community Planning Staff further recommends the potential Northern Piedmont Mafic Barren rock community be identified on the CDP. Community Planning Staff notes, the DCR has been contacted for additional information and guidance pertaining to the application.

Response: Please note the Northern Piedmont Mafic Barren is noted on Sheet 2 of the plan set. The medium potential Northern Piedmont Mafic Barren community located within the 300' Reservoir Protection Area adjacent to the Goose Creek will be preserved.
Comment 8. Community Planning Staff recommends delineating Tree Conservation Areas (TCAs) on the CDP. Community Planning Staff further recommends the TCAs be expanded to encompass all the river and stream corridor resource elements, including adjacent steep slopes and the 50-foot management buffer. Community Planning Staff also recommends revising the proffer to be consistent with the Tree Conservation Area proffer template with regards to the removal of trees following construction (Attachment 3).

Response: The CDP has been updated to depict the Tree Conservation Area. Please note that Proffer V.B address the Tree Conservation Area.

Comment 9. The applicant is requesting a Zoning Ordinance Modification (ZMOD) to allow the required canopy coverage to be met on a project wide basis rather than on an individual site basis.

Justification for the modification should be provided with the next submission for evaluation.

Response: As requested, the Statement of Justification has been updated.

Comment 10. Community Planning Staff does not support the requested rezoning as it is not consistent with the land use policies of the Revised General Plan, which calls for residential development in a clustered pattern at a density of 1 dwelling unit per 10 acres or small scale non-residential uses within this portion of the Transition Policy Area. The type of development proposed is suburban in nature and is more appropriately located within the Suburban Policy Area within the area these uses are intended to serve. The Dulles Greenway and the Goose Creek serve as boundaries between the subject property and the Industrial planned uses to the north and the Suburban Policy Area to the east. Approval of this application would set a precedent for other proposals surrounding the subject property. If the applicant chooses to proceed with this application, Community Planning Staff is recommending exploration of a Comprehensive Plan Amendment to facilitate the desired outcomes of this application.

Response: The Comprehensive Plan should be amended and this amendment should be captured through the ongoing Envision Loudoun Comprehensive Plan Amendment process. However, the Applicant does not have the ability to wait until the summer of 2019 for the Board of Supervisors to vote and implement the Comprehensive Plan Amendment born out of the Envision Loudoun process. Additionally, Loudoun County does not permit the initiation of a comprehensive plan amendment by a property owner.

The business need for a 750,000 square foot data center given the confluence of the existing power and fiber infrastructure available at the site makes this a more pressing need in tax revenue than we can otherwise wait for an amendment to the comprehensive plan.

Dept. of Building and Development – Environmental Review Team (June 28, 2017)

Comment 1. Staff requests clarification regarding how tree canopy be tracked (e.g., canopy tabulation). Staff notes that landscaped open space is still required in PD-OP.

Cooley LLP One Freedom Square Reston Town Center 11951 Freedom Drive Reston, VA 20190-5656

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Response: The Applicant will meet Zoning Ordinance open space requirements. If the ZMOD allowing canopy coverage to be based on the project rather than by each site then with each site plan submission the Applicant will include a sheet showing that the project wide canopy coverage is being met.

Comment 2. No buffer is required along the Greenway. Staff recommends that the applicant consider providing a buffer in this location.

Response: The applicant will work with staff at site plan stage to address all buffer issues.

Comment 3. A Type IV buffer with a berm is required [R93Z0 5-664(E)] along the eastern and western property boundaries. The site is lower than the adjacent property to the west and there are existing forested wetlands and a perennial stream along the western property boundary, which would be impacted by construction of the berm. Staff recommends that the applicant explore alternatives and potential modifications to avoid impacts to these resources.

Response: The Applicant will work with County Staff at the time of site plan to address this item a berm along the eastern and western property boundaries.

Comment 4. Staff requests an existing conditions combined plat overlaying the Concept Development Plan and Existing Conditions, including the documented and potential Northern Piedmont Mafic Barren Rock Communities and DCR avoidance buffer, the 200-foot Scenic Creek Valley Buffer, the 300-foot Goose Creek Reservoir Protection Buffer, the 50-foot River and Stream Corridor Resource (RSCR) Buffer, floodplain, Very Steep and Moderately Steep slopes, jurisdictional waters and wetlands, the existing stormwater management pond, tree cover and specimen trees, and archeological resources to facilitate staff review and analysis of the application.

Response: Attached as Exhibit B, is an exhibit overlaying the CDP on the existing conditions plan.

Comment 5. Please depict the RSCR buffer adjacent to the floodplain, including adjacent very steep slopes starting within 50 feet of streams and floodplains and extending no farther than 100 feet beyond the originating stream or floodplain, on the CDP. In addition, staff recommends that any proposed RSCR buffer encroachments be identified on the CDP in addition to a commitment based on the RSCR Management Buffer proffer template to mitigate encroachments consistent with plan policies.

Response: The proposal provides a 300-foot Reservoir Buffer Zone combined with the existing floodplain located on site the Applicant is providing 69% open space, largely undisturbed open space. Therefore, suggesting the Applicant further minimize the developable area by providing additional buffers for a proposal that in large provides significant environmental preservation of areas of particular interest to the County such as the Goose Creek.

Comment 6. County policies recommend a 1,000 foot voluntary buffer adjacent to Goose Creek. Chapter 8 (Transition Policy Area), Community Design Policy 13 b.:
“Create and supplement the 300-foot buffer and 1000-foot voluntary open space area proposed along the Goose Creek and the Goose Creek Reservoir and the Beaverdam Reservoir in the Lower Sycolin and Middle Goose subareas, consistent with the RSCOD policies.”

Response: The Applicant has committed to preserving a 300-foot Reservoir Protection Zone buffer along the Goose Creek, as depicted on the CDP.

Comment 7. Staff requests additional information regarding cooling methods for the proposed data center use. Staff recommends a commitment that no groundwater or surface water withdraws or surface water discharges will be used for cooling associated with the proposed data center use.

Response: The proffer statement has been updated to include a commitment prohibiting the use of groundwater or surface water withdraws or surface water discharges for cooling associated with the proposed data center use.

The Applicant utilizes fans, compressors and heat wheel to cool instead of water, which provides cooling by simply moving and compressing air rather than using water to cool. This innovative technology utilizes only .7% of the water used by a typical data center in Loudoun County.

Comment 8. Wetlands are delineated on the plan per an April 2013 Wetland Studies and Solutions, Inc (WSSI) delineation. Staff requests information about the status of the Jurisdictional Determination from the United States Army Corps of Engineers. Impacts to forested (PFO) and emergent (PEM) wetlands are proposed for buildings and parking areas and perennial stream impacts are proposed for the floodplain road crossing. There may also be perennial stream and forested wetland impacts associated with the installation of the Type IV buffer and berm [R93Z0 5-664(E)] adjacent to the western property boundary. Given the extent of the proposed stream and wetland impacts, staff recommends a commitment to mitigate impacts in Loudoun based on the Stream and Wetland Mitigation proffer template.

Response: The proffer statement has been updated, as requested.

Comment 9. An April 2013 WSSI Tree Stand Evaluation is depicted on Sheet 3. Specimen trees identified by the survey have not been depicted and should be added to the plan. Tree conservation is proposed within the floodplain and the Reservoir Protection Zone pursuant to a Tree Preservation Note on the Concept Development Plan (CDP). Staff recommends that the boundaries of the Tree Conservation Area (TCA) be identified on the CDP, as opposed to in the note. Staff further recommends that the TCA be expanded to encompass the RSCR buffer and that the applicant explore opportunities to preserve specimen trees. Staff also recommends that Proffer V.B (Tree Conservation Areas) be amended to address the removal of trees following construction consistent with the TCA proffer template.

Response: The plan set has been updated to incorporate the specimen trees. Since the limits of the floodplain and RPZ are already shown on the plan set it is redundant and unnecessary to duplicate these areas on the CDP.
Comment 10. Noise Study (2010 CTP 7.III.1) – The property is located adjacent to the Dulles Greenway (principal arterial) and Sycolin Road (major collector); however no noise sensitive uses are proposed.

Response: Acknowledged.

Comment 11. Generator/Equipment Noise – The maximum noise level permitted adjacent to residential uses is 55 decibels [R93Z0 5-1507(E)]. Staff recommends that a note be added to the plat regarding the referenced noise standard.

Response: The Applicant fully intends to comply with all of the Zoning Ordinances.

Comment 12. AIOD (4-1400 of the RZO) – The northernmost tip of the property is located in the Ldn 60 1-mile buffer. Note 3 address the AIOD.

Response: Acknowledged.

Comment 13. Quarry Overlay District (4-1800 of the RZO) – The majority of the property is located within the QOD. Note 5 addresses the QOD.

Response: Acknowledged.

Comment 14. Steep Slopes (5-1508 of the RZO) – There are Very Steep Slopes and Moderately Steep Slopes located adjacent to the floodplain. Very Steep Slopes will be preserved if incorporated into the RSCR buffer and designated as TCAs as recommended.

Response: The proposal provides a 300-foot Reservoir Buffer Zone combined with the existing floodplain located on site the Applicant is providing 69% open space, largely undisturbed open space. Therefore, suggesting the Applicant further minimize the developable area by providing additional buffers for a proposal that in large provides significant environmental preservation of areas of particular interest to the County such as the Goose Creek.

Comment 15. Staff requests that the location of the documented and potential Northern Piedmont Mafic Barren rock communities and the DCR avoidance buffer be identified on CDP in conjunction with a commitment to a conservation easement to preserve these natural heritage resources. Staff also recommends that the application be referred to DCR for additional guidance.

Response: Please note that Sheet 2 of the plan set depicts Northern Piedmont Mafic Barren Community. The medium potential Northern Piedmont Mafic Barren community located within the 300' Reservoir Protection Area adjacent to the Goose Creek will be preserved.

Comment 16. An April 2013 Thunderbird Archeology Phase I Archaeological Survey (74 acres) recommended a Phase II Evaluation for 44LD1632, which was conducted by Dovetail in August
2013. A 2011 Phase I Survey of the remainder of the property (31 acres) recommended no further Phase II work. Staff recommends that the archaeological sites identified on the property be depicted on the Existing Conditions Plat.

Response: The Archaeological sites are noted on the plan set.

**Dept. of Building and Development – Natural Resources Team (July 5, 2017)**

Comment 1. Clarify and label the extent of the land disturbing activities (ultimate limits of clearing and grading). ZO 5-1508(E)(1) & (D)(1).

Response: It is premature to label the ultimate limits of clearing. This ultimate limits will be noted during the site plan stage. The applicant is committing to provide tree preservation areas located within the floodplain area and the reservoir protection zone so no clearing will occur in these areas. Otherwise, most of the balance of the site will eventually be cleared.

Comment 2. The vehicular circulation illustration shows an access crossing the impoundment for the pond. A geotechnical study will be required during the Site Plan phase of this project for this crossing, as well as the structures. Staff recommends conducting the study as early as possible for this crossing so that any additional work is recognized in the most timely manner.

Response: Acknowledged.

**Town of Leesburg – Department of Planning & Zoning (July 6, 2017)**

Comment 1. The location of this land development proposal is outside of the Leesburg Joint Land Management Area and is not contiguous to the Town of Leesburg corporate limits. The Town of Leesburg does not anticipate negative impacts to the Town resulting from the development of this proposal.

Response: Acknowledged.

We trust that these responses appropriately address Staff’s comments. Let us know if you require any additional information.

Sincerely,

Samantha Steketee