



Loudoun County, Virginia

Board of Supervisors

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

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www.loudoun.gov

**BOARD BUSINESS MEETING  
AGENDA SUMMARY**

Board Room, First Floor, Government Center

Tuesday, March 2, 2021

5:00 P.M.

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**NOTICE OF ELECTRONIC MEETING:** Due to the ongoing COVID-19 Pandemic, this business meeting will be conducted as an Electronic Meeting pursuant to the Continuity Ordinance re-adopted by the Board of Supervisors on October 14, 2020. Members of the public are strongly encouraged to view and participate in the business meeting by electronic or other means, in furtherance of the Governor's Executive Orders and social distancing directives.

Electronic/call-in public input: To sign up for electronic public input, contact the Office of the County Administrator at (703) 777-0200. Instructions will be provided to individuals who sign up for electronic public input prior to the March 2, 2021, Business Meeting. If you wish to participate electronically, sign up no later than noon Tuesday, March 2, 2021.

The Board Room remains open for members of the public who wish to provide their comments in person.

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**5:00 P.M. Call to Order**

*(\* Proposed on Consent)*

- I. Call to Order – Chair Randall**
- II. Invocation/Pledge of Allegiance – Supervisor Kershner**
- III. Adoption of Consent Agenda**
- IV. Requests for Additions/Deletions to the Agenda**
- V. Regional Organization Updates and Voice for a Cause**
- VI. Administrator's Comments**
- VII. Presentation of Ceremonial Resolutions**
- VIII. Public Input Session (as early as 6:00 p.m. – limited to 1 ½ hours)**
- IX. Board Comments**

## **X. Information Items**

### **I-1 COVID-19 (Coronavirus) Update (Countywide)**

This item will present new information and issues surrounding COVID-19 to the Board of Supervisors.

Staff Contacts: Dr. David Goodfriend, Health Department; Erin McLellan, County Administration

## **XI. Action Items**

### **1. APPOINTMENTS**

#### **1a. \*Confirmations**

This item presents nominations made on February 16, 2021, to vacant positions on the following advisory boards, commissions and/or committees for confirmation: Housing Advisory Board and the Police Directed Towing Advisory Board.

#### **1b. Nominations**

The following advisory bodies have vacancies or upcoming terms that will expire: Advisory Commission on Youth, Affordable Dwelling Unit Advisory Board, Agricultural District Advisory Committee, Animal Advisory Committee, Board of Building Code Appeal, Board of Equalization, Communications Commission, Community Policy and Management Team, Community Services Board, Disability Services Board, Economic Development Authority, Family Services Advisory Board, Fiscal Impact Committee, Historic District Review Committee, Housing Choice Voucher Resident Advisory Board, Loudoun Health Commission, Lyme Disease Commission, and Parks, Recreation and Open Space Board.

Staff Contact: David Street, County Administration

### **2. \*Administrative Items Report of March 2, 2021**

This Report contains the following items for the Board of Supervisors' approval on March 2, 2021: Budget Adjustments.

Staff Contact: David Street, County Administration

### **3. \*Resolution to Conduct an Electronic Meeting Under the Readopted Continuity of Government Ordinance (Countywide)**

To allow the Board of Supervisors to meet via electronic participation during the COVID-19 Pandemic.

Staff Contact: Leo Rogers, County Attorney's Office

### **4. Legislative Report- 2021 Special Session I (Countywide)**

The 2021 Virginia General Assembly Session began on January 13, 2021 and was adjourned sine die on February 8, 2021. The Governor has called a special session to

finish the work of the 2021 regular session of the General Assembly, beginning on February 10, 2021. The Special Session is expected to end on February 27, 2021.

As part of these on-going items, staff may bring forward bills and issues for Board action. Staff also will provide a brief update on the status of bills that have been drafted on behalf of the Board of Supervisors through members of the Loudoun General Assembly delegation, information on other bills of interest which already match the Board's legislative positions and priorities, and bills that staff is actively tracking. This item will also provide an update to the State budget. Please note that there will likely be addenda to the Board's state legislative items during parts of the 2021 Session, which will contain important legislative events, bills, and state budget amendments which occur beyond the ability for items to be prepared by staff for the bi-weekly packet mailing deadlines. Depending upon the urgency of the need for Board decisions as calculated by the legislative liaisons, the Board may be polled in accordance with the Board established policies and procedures. These polls are followed by formal votes at the Board's next business meeting.

Staff Contacts: Gwen Kennedy & Charles Yudd, County Administration

5. Draft 2021 Federal Program (Countywide)

Similar to the State Legislative Program, the Board of Supervisors (Board) adopts a federal program which outlines issues and action items of importance in relation to legislation, policy and funding. The last federal program was adopted on December 4, 2019 prior to the current Board's term. The Draft 2021 Federal Agenda included in this item updates the 2019 agenda and highlights project/issues in the areas of economic development, transportation and housing, homeland security and public safety, environment, parks and recreation, and health and human services. The Draft 2021 Federal Program adds a set of priorities for consideration by the Board, and highlights FY 2021 priority programs and grants for appropriations. The program also highlights the areas in which the County will monitor grants.

Staff Contacts: Gwen Kennedy & Charles Yudd, County Administration

6. \*Adoption of Tax Year 2021 Resolution for Personal Property Tax Relief (PPTR) (Countywide)

The Personal Property Tax Relief Act of 1998 (PPTRA) was originally enacted to gradually phase out local taxation of qualifying personal use vehicles over a five-year period. Taxpayers were responsible for a fixed percentage of the local personal property tax on the first \$20,000 of vehicle value, while the Commonwealth reimbursed localities for the balance. Due to fiscal constraints in the State budget and the growing expense of the program, the reimbursement rate was capped at 70% in 2001. However, the State's obligation to localities continued to grow and in 2004, the General Assembly capped the State's annual personal property relief obligation to localities at \$950 million, and permanently fixed Loudoun's share at \$48,070,701. The reimbursement, however, is contingent upon the Board setting a relief percentage, which for 2020, was 35%. Staff has calculated the relief percentage as 35% for tax

year 2021. The PPTR percentage must be adopted by March 2, 2021 to allow sufficient time to produce and mail first-half tax bills that are due on May 5, 2021.

Staff Contacts: Doreen Dilly & Robert Wertz, Jr., Commissioner of the Revenue

7. Response to Board Member Initiative – Amendment to Codified Ordinance: Chapter 872 – Real Estate Tax Relief for Elderly or Totally and Permanently Disabled (Countywide)

This item will provide information in response to a Board Member Initiative approved by the Board in December 2020 to review the County’s Real Estate Tax Relief Program for the elderly or totally and permanently disabled. Specifically, this item seeks to identify whether a \$10,000 increase to the income brackets of the program is justified by the growth in CPI or housing values/tax bills. The item will include background on the program including program requirements and applicability as well as foregone tax revenue for the past five tax years. Additionally, information will be provided about eligibility requirements for programs in surrounding jurisdictions.

Staff Contacts: Caleb Weitz & Alex Espinosa, Finance and Budget

8. \*Dulles Highpoint Proffer Amendment Public Hearing Waiver and Fee Reduction (Broad Run)

The purpose of this item is to consider a request to waive required Public Hearings before the Planning Commission (Commission) and Board of Supervisors (Board) and commensurately reduce the land development application fee associated with Zoning Concept Plan Amendment (ZCPA)-2021-0001, Dulles Highpoint, which proposes to revise the proffers and concept development plan (CDP) associated with Zoning Map Amendment (ZMAP)-2016-0022, Highpoint East. Board approval of a request to waive Public Hearings and commensurately reduce a land development application fee is authorized pursuant to Section 6-1209(K)(2) of the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance).

Dulles Highpoint is an assemblage of three parcels located along Pacific Boulevard between Moran Road and Relocation Drive, west of Route 28 in the Broad Run Election District.

The Board approved (6-0-3: Buffington, Buona, and Meyer absent) ZMAP-2016-0022, Highpoint East, on March 6, 2018, to rezone 32.48 acres from Planned Development-Research and Development Park (PD-RDP) to Planned Development-Industrial Park (PD-IP) with additional co-applications to establish a data center use. ZMAP-2016-0022 Proffer IV.D requires the construction of two bus shelters as shown on page three of the CDP. ZCPA-2021-0001 would eliminate the Proffer IV.D commitment to construct two bus shelters.

In processing ZCPA-2021-0001, the Applicant requests a waiver of the Public Hearing requirement for both the Commission and Board, and a reduced land development application fee to reflect the elimination of costs associated with the Public Hearings. The cost of the two Public Hearings would be \$6,152.50. Therefore, the applicant requests that the ZCPA fee be reduced by this amount, which would result in a fee of \$14,422.50.

Staff supports the request to waive the required Public Hearings before the Commission and Board, as well as the reduced land development application fee, as the request complies with Section 6-1209(K)(2) of the Zoning Ordinance in that the proposed proffer amendment does not affect conditions of use or density.

Staff Contacts: Hilary Richardson & Alaina Ray, Planning and Zoning

9. Amendments to Chapter 684 of the Codified Ordinances of Loudoun County – Weapons and Explosives (Countywide)

Amendments to Virginia Code § 15.2-915 authorizing localities to adopt ordinances to prohibit the possession of firearms on properties owned or used by the locality for governmental purposes became effective on July 1, 2020. On November 17, 2020, the Board of Supervisors (“Board”) voted 6-2-1 (Supervisors Buffington and Kershner opposed and Supervisor LeTourneau absent for the vote) to direct staff to advertise for Public Hearing proposed amendments to Chapter 684 (Weapons and Explosives) of the Codified Ordinances. The amendments would add a new section 684.04, Possession of Firearms on County Property, which prohibits the possession of firearms or ammunition in buildings owned or used by the County for governmental purposes, as well as parks and recreation/community centers and those parts of buildings used, but not owned by, the County, and adding a definition of the term “ammunition” to section 684.001, Definitions.

In exercising the authority granted by the 2020 amendments to § 15.2-915 of the Code of Virginia, does the Board wish to prohibit the possession of firearms at every building owned or used by the County and every County owned park, or define specific facilities or property types where the proposed ordinance would apply? Does the Board wish to include additional categories on the list of individuals or activities which are not subject to the prohibition against the possession of firearms, such as holders of concealed handgun permits?

If the Board adopts an ordinance prohibiting the possession of firearms at the locations listed therein, at a minimum there would be fiscal impacts associated with the creation of signs containing the required notices, staff training on proper procedural protocol and public outreach. This is anticipated to be less than \$15,000 and can be absorbed within DGS’ existing FY 2021 budget.

As noted above, if the Board adopts the proposed ordinance, staff will bring an item to the FGOEDC regarding enforcement options. This item will outline the recommendations and costs for additional security in certain County facilities. Funding has been planned in the FY 2022 Proposed Budget for security screening enhancements related to this potential ordinance adoption. Should the Board determine either not to adopt the ordinance or to adopt the ordinance but determine not to adopt enhanced security measures, this funding would be available for other purposes as part of the FY 2022 Budget Work Session process in March 2021.

At the February 10, 2021, Board Public Hearing, the Board forwarded this item to the March 2, 2021, Board Business Meeting for action.

Staff Contacts: Ernest Brown, General Services; Melissa Spring & Leo Rogers, County Attorney’s Office

10. APPL-2020-0008, Appeal of Historic District Review Committee Decision – CAPP-2020-0012 (Catocin)

Timothy D. and Kristen C. O'Rourke, et al. (the Appellants), have filed an appeal of the November 9, 2020 decision of the Historic District Review Committee (HDRC) to approve a Certificate of Appropriateness (CAPP-2020-0012) with conditions of approval for the construction of a single-family residence at 18179 Lincoln Road (PIN 455-37-0113) in the Goose Creek Historic and Cultural Conservation District (Village of Lincoln). The subject property is a vacant 2.17-acre lot located on the west side of Lincoln Road and on the north side of Cooksville Road in the Catocin Election District. The area is governed by the policies of the Loudoun County 2019 General Plan (2019 GP), which designate this area as the Rural Historic Village (RHV) Place Type. The appellants request that the Board of Supervisors (Board) reverse the HDRC's approval of CAPP-2020-0012.

At its November 9, 2020 meeting, the HDRC approved (7-0) CAPP-2020-0012. The approval of the CAPP is based on the HDRC's findings that the overall scale, massing, design, materials, and architectural details of the residential portion of the building (main block) are compatible with other residences in the Village of Lincoln and are in conformance with the Goose Creek Guidelines. The HDRC imposed conditions of approval on the main block that affirmed the overall design and specified the use of certain building materials, and deferred action on a proposed two-car garage with mudroom attached to the south elevation of the main block of the residence.

Appeals of an HDRC decision are heard by the Board at a Public Hearing and are not reviewed by the Planning Commission. Per Sections 6-1800 et seq. and 6-1900 et seq. of the Loudoun County Revised 1993 Zoning Ordinance (Zoning Ordinance), the Board shall give due consideration to the decision of the HDRC, and may affirm or reverse, in whole or in part, or may modify the HDRC decision. The Board held a Public Hearing on APPL-2020-0008 on February 10, 2021. Fifteen members of the public spoke; thirteen opposed (including seven appellants) and two supported the HDRC decision. The Board requested additional information and clarification pertaining to 1) the placement and setback of the approved house and how it relates to the surrounding buildings; 2) the overall, height, width, and scale of the proposed building and how it compares to other buildings both adjoining and within the village; and 3) how the Goose Creek Historic District Guidelines relate to the RHV policies of the 2019 GP. The Board forwarded the item to the March 2, 2021, Board Business Meeting for action.

On February 22, 2021, Supervisor Kershner facilitated virtual meetings with the Appellants and the property owners to discuss issues related to the Appeal. In response, the property owners agreed to slightly rotate the approved house such that the plane of its front elevation is parallel to Lincoln Road. Staff drafted a Motion with an additional Condition of Approval for the Board's consideration memorializing this change.

Staff recommends denial of APPL-2020-0008 and supports upholding the HDRC approval of CAPP-2020-0012, subject to Conditions of Approval. Staff supports the HDRC's approval of CAPP-2020-0012 and believes the residence meets the Criteria for Certificate of Appropriateness under Section 6-1904 of the Zoning Ordinance and the

Goose Creek Historic District Guidelines relating to building placement, scale, width, massing, materials, and architectural features. Staff further supports an additional Condition of Approval that incorporates the property owners' commitment to rotate the approved house such that it is aligned parallel to Lincoln Road.

Staff Contacts: Pat Giglio & Alaina Ray, Planning and Zoning

11. ZMAP-2020-0005, ZCPA-2020-0008, ZMOD-2020-0020, & ZMOD-2020-0026, Goose Creek Overlook (Ashburn and Blue Ridge)

The purpose of this item is to consider a proposal to rezone 46 acres currently zoned R-1 (Single Family Residential) to the PD-H4 (Planned Development – Housing 4) zoning district to permit development of 238 dwelling units, including 123 single family attached (SFA) residential units, 40 stacked multifamily (MF) units, and 75 attached MF affordable housing units (AHU).

The subject property is located south of Dulles Greenway, on both sides of Sycolin Road (Route 625), along the east bank of Goose Creek in the Ashburn and Blue Ridge Election Districts. The area is governed by the policies of the Loudoun County 2019 General Plan (Suburban Policy Area (Suburban Neighborhood Place Type)), which designate this area primarily for Single-Family Residential uses with limited supportive Retail and Service at recommended density of four dwelling units per acre and FAR of up to 1.0 for Non-Residential uses.

The Planning Commission (Commission) held a public hearing on November 16, 2020. Four members of the public spoke during the public hearing: three in opposition to the proposal and one expressing mixed views. Those opposed cited the following concerns: building height, extent of cut and fill, impacts to steep slopes and surface water, encroachments into the 300-foot reservoir protection buffer, location of the proposed sewer pump station in proximity to Goose Creek, lack of civic space, density, and safety. The Commission directed the applicant to revise the proposal to address 10 outstanding issues stemming from encroachments into sensitive resource areas, compatibility concerns, and insufficient detail. The Commission forwarded (9-0) the application to a future Work Session for further discussion.

The applicant revised the application based on comments at the Commission Public Hearing and resubmitted the applications on November 23, 2020. The Commission held a Work Session on December 10, 2020 and deliberated on the six remaining issues outlined from the staff work session memo (civic space, unmet housing needs, building height, recreation uses in the floodplain, improvements within a reservoir protection area, and multi-use paths), as well as concerns expressed by Commissioners (plantings, steep slopes, and building materials). The Commission requested that the applicant revise the proposal with respect to civic space, unmet housing needs, active recreation areas, improvements in the reservoir protection area, and multi-use paths, and forwarded the item to the Board of Supervisors (5-3-1: Barnes, Kirchner, and Vance opposed, Merrithew absent) with a recommendation of approval, subject to revisions.

The item was originally scheduled for the January 13, 2021, Board Public Hearing but was deferred at the request of the applicant to the February 10, 2021, Board Public Hearing. At the February 10 Public Hearing, 12 members of the public provided

comment, with 9 speaking in opposition to the proposal. Those in opposition were primarily concerned with environmental impacts to Goose Creek Reservoir, as well as visual impacts and the proposed density in this location. The Board asked questions pertaining to the affordable housing financing deadlines, proposed parking reduction, pedestrian connections (including the bridges on Sycolin Road), commitments to widening of Sycolin Road, proximity of the proposed sewer pump station to Goose Creek, why civic space was not provided in accordance with County policy, and whether the applicant was willing to revise the proposal to address the outstanding issues outlined by County staff. The Board requested revisions that would provide for bus stop easements on Sycolin Road and for a commitment to work with the Hennessy family and install an interpretive feature at the Hennessy workshop.

Staff could support Board approval of the applications pending resolution to outstanding issues. Issues for the Board's consideration include: 1) Amount and type of civic space, 2) Active recreation in major floodplain, and 3) Improvements proposed within a reservoir protection area. The Office of the County Attorney has approved the Proffer Statement to legal form. The applications are ready for action. Staff does not support approval of the applications in their current form. The critical action date is June 1, 2021.

Staff Contacts: Josh Peters & Alaina Ray, Planning and Zoning

## **12. Joint Board of Supervisors and School Board Committee Report:**

### **12a. \*Joint Board of Supervisors and School Board Committee Report (Countywide)**

This item is to report on the activities of the Joint Board of Supervisors and School Board Committee (Committee) and to forward the recommendations of the Committee to the Board of Supervisors (Board) for their approval. At their February 8, 2021 meeting, the Committee voted (6-0) to approve the Committee's workplan for 2021, providing guidance to County and LCPS staff for topics to be developed for presentation to the Committee. As most of the topics require additional staff time and resources to develop, Board direction to County staff is required. Topics include:

- Potential for striping LCPS courts for pickle ball
- Shared Board of Supervisors and School Board district office space
- Glass recycling in schools and on school properties
- Jointly administered healthcare
- Joint contracting
- Opportunities for integration of agricultural education into LCPS
- Report on \$12 million in LCPS CARES Act funding

Staff Contacts: Shalom Black & Tim Hemstreet, County Administration

## **XII. Closed Session**

1. I move that the Board of Supervisors recess this public meeting and enter into closed session pursuant to Sections 2.2-3711 (A) (7) and (8) of the Code of Virginia to consult with legal counsel and staff members pertaining to probable litigation and for the provision of legal advice on personnel issues.

Staff Contacts: Tim Hemstreet, County Administrator; Leo Rogers, County Attorney

### **XIII. Disclosures**

### **XIV. Adjourn**

Please note:

Advanced sign-up for in-person public input is available. Contact the Office of the County Administrator at (703) 777-0200 to sign-up to speak. The meeting can be viewed via webcast at: [Loudoun County Webcast](#).

A time for public input will be included on the agenda of the Board of Supervisors (Board) business meetings starting as early as 6:00 p.m. Public input for the 6:00 p.m. public input session shall be limited to a one and a half (1 ½) hour time period. The order of and the number of speakers will be determined on first call in/register, first speak basis. Speakers will be given up to two and a half (2 ½) minutes each to speak. Modifications to speaker order and public input time may be made at the discretion of the Chair.

At the second Board business meeting of the month, an additional time for public input will be included on the agenda starting as early as 5:00 p.m. The additional public input time will be limited to a total of 20 minutes for up to 8 speakers who will be given up to two and a half (2 ½) minutes each and who must have signed-up in advance by 5:30 p.m. the day prior to the meeting. These speakers are not permitted to speak again in the 6:00 p.m. session at the same meeting. Modifications to speaker order and public input time may be made at the discretion of the Chair.

Public input may be provided by electronic means at Board business meetings. No more than half of the total allotted time for speakers may be used for electronic public input, per session; up to 10 minutes (or no more than 4 speakers) in the 5:00 p.m. session (5:00 pm session only occurs during the second business meeting of the month) and up to 45 minutes (or no more than 18 speakers) in the 6:00 p.m. session. Members of the public who wish to provide electronic public input in the 5:00 p.m. session must have signed-up in advance by 5:30 p.m. the day prior to the meeting. Members of the public who wish to provide electronic public input in the 6:00 p.m. session must have signed up in advance by noon the day of the meeting.

Copies of agenda items are available in the Government Center and also available on-line at <http://www.loudoun.gov/bosdocuments>. Agenda packets are usually posted by close of business on the Friday prior to the Business Meeting. The Action Report of the meeting is usually available in this packet by close of business two days following the Business Meeting. If you need assistance accessing this information, contact County Administration at 703-777-0200.

If you require a reasonable accommodation for any type of disability in order to participate in the Board of Supervisors Business Meeting, please contact the Office of the County Administrator at (703) 777-0200/TTY-711. At least one business day of advance notice is requested; some accommodations may require more than one day of notice.

**FM Assistive Listening System is available at the meeting.** Agenda Summary– 03-02-21

<b>Land Development Application Definitions</b>	
CMPT	Commission Permit
DOAM	Development Ordinance Amendment
SIDP	Sign Development Plan
SPEX	Special Exception
SPMI	Minor Special Exception
ZCPA	Zoning Concept Plan Amendment
ZMAP	Zoning Map Amendment
ZMOD	Zoning Ordinance Modification
ZRTD	Zoning Conversion Route 28 Tax District
ZOAM	Zoning Ordinance Amendment
<b>Land Development Application Types and Definitions subject to the State Proffer Bill</b>	
ZRES	Zoning Residential Non-Exempt
ZRMD	Zoning Residential Non-Exempt Modification
ZRAM	Zoning Residential Non-Exempt Amendment