

M I N U T E S

LOUDOUN COUNTY BOARD OF SUPERVISORS

MARCH 8, 2010

At a public hearing meeting of the Board of Supervisors of Loudoun County, Virginia, held at the County Government Center in the Board of Supervisors' Meeting Room, 1 Harrison Street, S.E., Leesburg, Virginia on Monday, March 8, 2010 at 5:00 p.m.

PRESENT: Scott K. York, Chairman  
Susan Klimek Buckley, Vice Chairman  
Kelly Burk  
James G. Burton  
Eugene A. Delgaudio  
Sally Kurtz  
Andrea McGimsey  
Stevens Miller  
Lori L. Waters

IN RE: CALL TO ORDER

Chairman York called to order the public hearing.

IN RE: ANNOUNCEMENT

Chairman York announced that Item #9 - GREEN ENERGY PARTNERS/STONEWALL HYBRID ENERGY PARK and Item #10 - WHITE'S FORD PARK would not be heard until 6:30 p.m.

IN RE: APPL 2010-0003/ZEBRA VENTURES LLC

Chairman York swore in all parties that would testify on this appeal application.

Brad Polk and Susan Glass, Department of Zoning, made a brief presentation and explained that the disputed traffic signal was warranted by Virginia Department of Transportation (VDOT).

Appellant Comments:

Tony Calabrese of Cooley Godward Kronish LLP, represented the applicant and made a brief presentation. He explained that due to a lack of planned construction, a traffic signal was not warranted at the proposed intersection.

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Public Comments:

No one from the public chose to speak on this item.

Board Comments:

Board members had questions on the current traffic study which affected the area, traffic signals that were already in place, and the definition of an "intersection".

Supervisor Miller moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Kurtz. The motion passed 9-0.)

Supervisor Miller moved that the Board of Supervisors uphold and wholly affirm the December 15, 2009 proffer determination based on the findings contained in the Staff Report. (Seconded by Supervisor Burk.) (Supervisor Miller withdrew his motion.)

Supervisor Miller moved that the Board of Supervisors forward APPL 2010-0003/ZEBRA VENTURES LLC to the April 20, 2010 Business Meeting for action. (Seconded by Supervisor Waters. The motion passed 8-1, Supervisor Burton voted no.)

IN RE: COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2010-  
2011 ANNUAL ACTION PLAN/LOUDOUN COUNTY DEPARTMENT  
OF FAMILY SERVICES

Jan Boothby, Department of Family Services, stated she had nothing to add to the staff report.

Public Comments:

Alta Jones, a resident of Purcellville and the President of Loudoun Habitat for Humanity, explained to the Board that previous funds had been used to construct a home in the Village of St. Louis and four more homes were being planned. She thanked the Board for their support.

Board Comments:

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Chairman York moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor Waters. The motion passed 9-0.)

Chairman York moved that the Board of Supervisors adopt the CDBG 2010-2011 Annual Action Plan with funding recommendations. (Attached at the conclusion of these minutes.) (Seconded by Supervisor Waters. The motion passed 9-0.)

IN RE: PROPOSED SALE OF COUNTY OWNED NEIGHBORHOOD  
STABILIZATION PROGRAM (NSP) PROPERTY

Kelly Marracco, Department of Family Services, made a brief presentation.

Public Comments:

No one from the public chose to speak on this item.

Board Comments:

Board members asked questions on the definition of "AMI" (Area Median Income) and the difference between the two possible motions.

Supervisor Delgaudio moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor McGimsey. The motion passed 9-0.)

Supervisor Delgaudio moved that the Board of Supervisors approve the sale of the County owned NSP home located at 308 Staunton Avenue East, Sterling, to a qualified NSP purchaser contingent upon receiving a contract acceptable in form to the County Attorney.

Supervisor Delgaudio further moved that the Chairman, the Vice Chair, the County Administrator, or his duly authorized Deputy be authorized to sign the deed to the purchaser and that the County Attorney be authorized to execute all necessary collateral documents at settlement. (Seconded by Supervisor McGimsey. The motion passed 9-0.)

IN RE: ADOPTION OF THE ANNUAL FEDERAL PUBLIC HOUSING  
AGENCY (PHA) PLAN FOR LOUDOUN COUNTY DEPARTMENT  
OF FAMILY SERVICES

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Ronald Eamich, Assistant Director, and Stuart Shatz, HCV Division Manager, Department of Family Services stated they had nothing to add to the staff report.

Public Comments:

No one from the public chose to speak on this item.

Board Comments:

Chairman York moved that the Board of Supervisors suspend the rules. (Seconded by Vice Chairman Buckley. The motion passed 9-0.)

Chairman York moved that the Board of Supervisors adopt the proposed PHA annual plan and Administrative Plan changes. (Attached at the conclusion of these minutes.) (Seconded by Supervisor Buckley. The motion passed 9-0.)

IN RE: REVIEW AND RENEWAL, MODIFICATION OR TERMINATION  
OF THE NEW OAK HILL AGRICULTURAL AND FORESTAL  
DISTRICT

Patrick Ryan, Department of Economic Development, stated he had nothing to add to the staff report.

Public Comments:

No one from the public chose to speak on this item.

Board Comments:

Supervisor Burton moved that the Board of Supervisors state its intent to renew the New Oak Hill Agricultural and Forestal District, as proposed in Attachment 2, for a term of four years and require any subdivisions or adjustments to parcels in the district to meet the current zoning requirements or a minimum of 40 acres, whichever is greater.

Supervisor Burton further moved that the renewal of the New Oak Hill Agricultural and Forestal District be sent to the April 6, 2010 Business Meeting for action, and that landowners proposed for the District be notified of the

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Board's intent. (Seconded by Supervisor Miller. The motion passed 9-0.)

IN RE: SPEX 2009-0037, SPEX 2009-0038/DISCOVERY  
COMMUNICATIONS

Sophia Fisher, Department of Planning, made a brief presentation.

Applicant Comments:

Mark Looney of Cooley Godward Kronish LLP. represented the applicant and made a brief presentation.

Public Comments:

No one from the public chose to speak on this item.

Board Comments:

Board members had questions about the proposed tree buffer and the view of the property that was being shown on a particular power point slide.

Supervisor Miller moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor McGimsey. The motion passed 9-0.)

Supervisor Miller moved that the Board of Supervisors approve SPEX 2009-0037 and SPEX 2009-0038, Discovery Communications subject to the Conditions of Approval dated March 8, 2010 and based on the Findings of Approval. (Seconded by Supervisor McGimsey. The motion passed 9-0.)

IN RE: SPEX 2009-0006, CMPT 2010-0001/DULLES INDUSTRIAL  
PARK SOUTH LOT 1

Marchant Schneider, Department of Planning, stated he had nothing to add to the staff report.

Applicant Comments:

Tom Dunlap represented Amerigas and made a brief statement.

Public Comments:

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No one from the public chose to speak on this item.

Board Comments:

Supervisor Miller moved that the Board of Supervisors suspend the rules. (Seconded by Supervisor McGimsey. The motion passed 9-0.)

Supervisor Miller moved that the Board of Supervisors ratify the Planning Commission's decision to approve CMPT 2010-0001, Dulles Industrial Park South, Lot 1.

Supervisor Miller further moved that the Board of Supervisors approve SPEX 2009-0006, Dulles Industrial Park South, Lot 1, subject to the Conditions of Approval dated February 4, 2010, and based on the Findings listed in the March 8, 2010, Board of Supervisors Public Hearing Staff Report. Seconded by Supervisor Waters. The motion passed 9-0.)

IN RE: ZMAP 2006-0011 & ZCPA 2006-0003/STONE RIDGE  
COMMERCIAL

Stephen Gardner, Department of Planning, stated he had nothing to add to the staff report.

Applicant Comments:

Jeff Nein of Cooley, Godward, Kronish LLP represented the applicant and made a brief presentation. He submitted a copy of a letter from the Arcola-Pleasant Valley Fire Department which stated their support of this application.

Roy Barnett, President of Van Metre Companies made a brief presentation.

Public Comments:

No one from the public chose to speak on this item.

Board Comments:

Board members asked questions about the number of roads that were originally proffered, if the fire station was on the CIP and the possibility of widening certain roads in the future.

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Supervisor Miller moved that the Board of Supervisors forward ZMAP 2006-0011 and ZCPA 2006-0003, Stone Ridge Commercial, to the April 6, 2010 Business Meeting for action. (Seconded by Vice Chairman Buckley. The motion passed 8-1, Supervisor Burk voted no.)

IN RE: ZMAP 2009-0005, SPEX 2009-0009 & CMPT 2009-0001/GREEN ENERGY PARTNERS/STONEWALL HYBRID ENERGY PARK

Judi Birkitt, Department of Planning, made a brief presentation.

Applicant Comments:

Randy Minchew represented the applicant and gave a brief presentation.

John Andrews of Green Energy Partners spoke briefly on this application.

Public Comments:

Lovely Lall, a resident of Leesburg, explained to the Board that she supported this project. She felt that Loudoun County was importing too much energy from other sources and believed that this project would bring in tax money to the County and create jobs.

Tom Pfozter of Waterford expressed his support of this project. He discussed economic and environmental potentials including the possibility of Loudoun's farmers being able to produce bio fuels to support the hybrid energy park. He thought this project would be an alternative for another source of revenue for the community.

Gladys Lewis of Leesburg felt the proposed application was a Comprehensive Plan issue. She explained that she did not think the County should accept this application because it did not fit the Comprehensive Plan.

Bundles Murdock of Middleburg stated she supported the Green Energy Partners project as it included solar power and reduced the need for additional power lines.

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Malcolm Baldwin who lives in Lovettsville explained that he supported the project. He said that the energy park would not replace the need for coal, but would move Loudoun County towards a renewable energy source. He urged the Board to accept the recommendation from the Planning Commission and approve this project.

Will Stewart from Paeonian Springs felt there were more negative issues associated with this application than positive ones. He felt that the energy park would be better than using coal; however, he felt that a better source of energy was wind.

Ed Gorski of the Piedmont Environmental Council explained that the Comprehensive Plan called for other uses on this site and felt that this was a zoning issue as well. He felt this was a speculative use and urged the Board to follow the appropriate processes.

Brian Burkhart from Leesburg explained that there would be no need for power lines if there was no greater need for power. He expressed his support for this project and felt it was the right facility for the right reasons at the right time. He also explained why he felt this would be the right location because it was in an industrial area and not a residential community.

Carolyn Ronis of Leesburg stated her support for the project. She explained that she and her children drove out to the proposed site and was disappointed to find garbage and discarded clothing on the property. She felt that approval of this application would result in a cleaner area where native grasses could be planted. She urged the Board to approve this project.

Joseph Peck of Ashburn explained that he felt this would be the right move to approve this project, but was concerned that certain environmental groups were now hedging their support. He commented that Supervisor McGimsey should consider stepping down from her position due to her "conflict of interest".

(NOTE: Supervisor McGimsey stated for the record that she did not work for the Piedmont Environmental Council (PEC) nor the Climate Prosperity Project.)



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Gem Bingol of Leesburg and a member of the Piedmont Environmental Council (PEC), felt that the residents should not bear the burden of this change in land use. She explained that if the application was to be approved, there were other considerations that needed to be addressed such as wastewater and water consumption.

Robert Lazaro of Purcellville stated he was before the Board not as a representative of the Town of Purcellville but as a Loudoun citizen. He stated his support for this project because he felt the energy park would create jobs and tax revenue for the County. He urged the Board to approve this application.

Tim Powers of Lovettsville explained to the Board that the PATH power lines would have been installed very close to his property and he was concerned that this issue was not a closed subject. He felt that if Loudoun County wanted to keep the power lines out, the County's energy needs would need to be reduced. He urged the Board to support this application.

Board Comments:

Board members asked questions about whether the approval of this application without a CPAM would set a precedent, if the cooling tower was going to violate any restrictions at the airport, and how much time would the Board members be allowed to make a decision.

Supervisor Kurtz moved that the Board of Supervisors forward ZMAP 2009-0005, SPEX 2009-0009 and CMPT 2009-0001, Green Energy Partners/Stonewall Hybrid Energy Park, to the Transportation and Land Use Committee for discussion. (Seconded by Supervisor McGimsey.) (This motion did not receive a vote.)

Chairman York moved that the Board of Supervisors forward this item to the April 6, 2010 Business meeting for a Committee of the Whole discussion. (Seconded by Supervisor McGimsey. The motion passed 9-0.)

IN RE: CMPT 2008-0020, SPEX 2008-0061 & SPEX 2008-0062/WHITE'S FORD PARK

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Sophia Fisher, Department of Planning, made a brief presentation.

Applicant Comments:

Colleen Gillis-Snow of Cooley Godward Kronish LLP. represented the applicant (Northern Virginia Regional Park Authority) and made a brief presentation.

Paul Gilbert, who also represented the applicant, made a brief presentation on this application.

Public Comments:

Joleen Wood, a resident of Leesburg, explained that she had a procedural objection to the notice of this public hearing. She explained that she had filed a statement with the County Attorney, Jack Roberts, questioning the legality of the posting of the placards on the property which advertised this hearing. She felt this issue should be resolved before any further proceedings of this public hearing.

(NOTE: Chairman York stated that Jack Roberts would be investing her claim and if there was an issue regarding the placard posting, this public hearing could be null and void and would have to be re-heard. At this time, he announced that he would proceed with the public hearing until the County Attorney notified him otherwise.)

Ms. Wood stated that she chose not to participate in the Public Hearing and would not state her position on the proposal of White's Ford Park.

Mike Miller of Leesburg is the President of Whites' Ford Neighbors Association and explained that his group was not opposed to a fully passive park. He stated that he had a petition with 133 signatures of neighbors who were opposed to certain permits for the park. He urged the Board to delay any action until all of the issues were resolved.

Gladys Lewis of Leesburg requested that the Board forward this item to a committee to iron out pending issues. She felt that traffic, human safety, and river safety were all important issues which should be addressed.

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Bruce Hayden, who resides in Leesburg, stated he and his group of neighbors were not opposed to a park, but they were opposed to certain aspects of the application. He said that the discussion between his homeowners association and the Northern Virginia Regional Park Authority (NVRPA) had been very difficult. He felt that the traffic study implemented by Virginia Department of Transportation (VDOT) was invalid.

Avis Renshaw of Leesburg urged the Board to vote no on the proposed park application. She explained that Banshee Reeks Park had miles of trails, but the park was not open every weekend; Red Rocks Park was now a site with gang presence; and, Algonkian Park had erosion problems. She felt that parks required constant maintenance to prosper environmentally and esthetically. She urged the Board to forward this item to the Transportation and Land Use Committee (TLUC) for further discussion of outstanding issues.

Steven Cox, a resident of Leesburg, stated he was concerned about the proposed language in the White's Ford Park application for the protection of the river banks. He expressed concern regarding the loss of natural vegetation at the edge of the river.

Martha Polkey of Leesburg expressed concern that there were no road improvements listed on the application. She explained that the current road to the park property was narrow and routinely flooded. She noted that any other developer would have to include road improvements as a proffer.

Andrea Bendo of Leesburg explained that she and her husband were less than pleased when they heard about the proposed park. She was concerned about the 19 archeological sites that were on the proposed park property. She explained that two of the sites were eligible for inclusion in the National Historical Register. She urged the Board to deny this application.

Rosemary Lawler who resides in Leesburg explained that the Northern Virginia Regional Park Authority (NVRPA) could not inspire enthusiasm within the community for another park. She believed the NVRPA should address the concerns the residents had regarding traffic and safety.

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Thomas Lawler, a resident of Leesburg, stated he would be in support of White's Ford Park if it was a day-time passive park that was in accordance with the Virginia Outdoor Foundation easement that was on the property. He explained that he was concerned about traffic safety issues because the road was narrow and had dangerous sharp curves.

David Ridley who lives in Leesburg explained that he had thirty-five years in the construction business and felt qualified to question some of the proposed plans for the park. He pointed out that a large part of the property was flood plain and he believed that the only way to make Hibler Road safe would be to rebuild the road from scratch.

Ed Gorski, a resident of Leesburg and a representative of the Piedmont Environmental Council (PEC), explained to the Board that the PEC had supported Phase 1 or the passive portion of the application for the park. He stated that after reviewing the traffic study, the PEC had several outstanding issues that needed to be resolved.

Biansa Cox, who resides in Leesburg, explained that she had lived on Hibler Road for thirteen years and knew, because of the remote location, that the area was perfect for nature walks and bird watching. She said that there was a National Park on the other side of the river from her property and she could often hear people getting out of hand. She stated she had called the police on a few occasions to report serious incidents in her immediate area.

Michael Wildman, a resident of Ashburn, stated that he had been told that money used to purchase the White's Ford Park property had originally been allocated for Algonkian Park. He said that he visited Algonkian Park, but it was declining because of trash accumulation and erosion of the walking paths and shoreline. He did not understand why NVRPA was looking to create an additional park when they were having trouble maintaining a current facility.

Petra Cox, who lives in Leesburg, stated she opposed the special exception and the commission permit as it stood. She believed the area had significant historical significance and supported rare and endangered species of wildlife. She explained that the road to the White's Ford

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Park property was poorly maintained. She noted that there was another park, Algonkian Park, that could provide river access for recreation. She urged the Board to send this application to the Transportation and Land Use Committee (TLUC) for further discussion.

James Rohrbaugh of Leesburg voiced his concern over the condition of Limestone School Road which he explained was a rural gravel road that was narrow and winding with a one lane bridge. He encouraged the Board to complete further traffic studies and develop a plan to improve the condition and access of the roads leading to the proposed park site.

Robert Frye, who resides in Leesburg, apologized for comments made earlier in the evening by one of the White's Ford Homeowner Association members. He also addressed the fact that a developer who wanted to build houses on the site would have been required to improve the roads, but NVRPA was not being required to do so.

Doug Fabboli of Leesburg stated he was in favor of a park, but was concerned about this proposal. He pointed out there was already an income generating park in the immediate area. He was concerned about increased traffic especially during the month of October when Temple Hall Farm was very crowded. He encouraged the Board members to drive down Hibler Road to see the poor conditions of the road for themselves.

Ryan Johnson of Ashburn explained that he worked as a farm hand and had driven down Limestone School and Hibler Roads several times a day. He stated that the roads were narrow and had blind spots. He also said that domestic farm animals had escaped on the road and created traffic problems. He commented that drivers should watch for both domestic and wild animals on the roads.

Tyson Cox, who resides in Leesburg, questioned the wording of Page 21 of the staff report which dealt with anticipated traffic flow. He urged the Board to send this application to the Transportation and Land Use Committee (TLUC) to investigate the traffic issues more closely before making a final decision.

Patrick Ryan, a resident of Taylorstown, explained that he grew up in Fairfax County and had watched the demise of

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Bull Run Regional Park. He described oil slicks and trash in the water and did not want this to happen to the river in White's Ford Park. He urged the Board to consider the agricultural, historic, and archeological significance of the land.

Douglas Brassel, who lives in Leesburg, explained that his property bordered on the proposed White's Ford Park site. He explained that he was a school bus driver and was concerned about the safety of park visitors on a substandard, narrow, gravel road. He felt the road needed to be widened to avoid problems.

Christopher Taylor of Sterling stated he opposed the special exception and the commission permit as it stood. He explained he would accept a passive, day-time only park with no overnight camping. He also felt that road improvements should be made before any type of park access was approved.

Peter Hart who resides in Leesburg explained that he wanted to address the issues with the land and pointed out that half of the park property was located in a major floodplain. He addressed the lack of water and sanitation issues for the proposed park and encouraged the Board to take a closer look at the problems with this site.

Connie Jager of Leesburg stated she was in opposition to the park. She explained that her son had a traffic accident at the intersection of Lime School Road and Route 15. She added that the Temple Hall Farm Corn Maze sometimes had over 1300 visitors per day in peak season.

Su Webb represented the Northern Virginia Regional Park Authority (NVRPA) and explained that she and her family had been using the Loudoun County Parks since 1963. She explained that the Park Authority had deputized rangers who worked closely with the Sheriff's Department and that they would be on the park site twenty-four hours a day.

Bob Sevila represented the White's Ford Neighbor's Association and urged the Board to remind people to submit their concerns in writing if they were unable to complete their thoughts while speaking at the podium. He felt that there were legitimate concerns that the Board needed to address before making a decision.

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Board Comments:

Board members asked questions about the conservation easement, whether or not the NVRPA was overextending themselves by purchasing this property, and how much of the proposed park would be in the floodplain.

Supervisor Kurtz moved that the Board of Supervisors forward CMPT 2008-0020, SPEX 2008-0061 and SPEX 2008-0062 to the Transportation Land Use Committee. (Seconded by Supervisor McGimsey. The motion passed 9-0.)

IN RE: ADJOURNED

Chairman York adjourned the public hearing meeting.

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CHAIRMAN

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COUNTY ADMINISTRATOR

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DATE

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DATE

("These minutes include a summary of the discussions on matters proposed, deliberated, or decided at this meeting. For a complete and detailed record of the discussions, please consult the audio recording of the meeting in the County Administrator's office. In addition, a video webcast for the meeting may be available on the County's website, [www.loudoun.gov](http://www.loudoun.gov)." )