BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM

SUBJECT: CPAM-2020-0001, Public Facilities in the Rural Policy Area

ELECTION DISTRICTS: Blue Ridge and Catoctin

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Dan Galindo, AICP, Planning Manager, Planning and Zoning
Pat Giglio, Planner III, Planning and Zoning
Alaina Ray, AICP, Director, Planning and Zoning

PURPOSE: The purpose of the Comprehensive Plan Amendment (CPAM) is to amend the Loudoun County 2019 General Plan (2019 GP) to add text and policies to permit the extension of the central water and wastewater system to serve only public facilities located on contiguous publicly-owned parcels in the Rural Policy Area (RPA) located immediately adjacent to the western boundary of the Transition Policy Area (TPA). The CPAM would also add a potential future middle school site located on the south side of Red Hill Road, west of Evergreen Mills Road, as a feature shown on the 2019 GP Existing Facilities Map (see page 2 of Attachment 1).

RECOMMENDATIONS:

Planning Commission: At the Planning Commission (Commission) Work Session on October 8, 2020, the Commission forwarded (8-1: Vance opposed) the application to the Board of Supervisors (Board) with a recommendation of denial of CPAM-2020-0001. The Commission approved (8-1: Kirchner opposed) a follow-up motion to request that the Board direct staff and the Commission to do a broader evaluation of the land use of the potential middle school site and the RPA east of Greene Mill Preserve and to evaluate potential land use changes in the area.

Staff: Staff supports Board approval of CPAM-2020-0001.
BACKGROUND: At the Board Business Meeting on June 16, 2020, the Board unanimously voted (9-0) to initiate a CPAM to permit the extension of the central water and wastewater system (i.e., Loudoun Water) to serve public facilities located on contiguous publicly-owned parcels in the RPA immediately adjacent to the western boundary of the TPA. The CPAM adds policy support for this purpose through minor text amendments to the fiscal management and public infrastructure policies in Chapter 6 and the Implementation Matrix in Chapter 7 of the 2019 GP. The 2019 GP currently provides for the extension of municipal water and wastewater systems originating from the Towns to serve public facilities located in the RPA but does not provide for the extension of the central water and wastewater system to serve public facilities within the RPA. The CPAM will partially reconcile the 2019 GP’s treatment of the extension of municipal and central systems into the RPA to serve public facilities.

The CPAM also amends the Existing Facilities Map in Chapter 6 of the 2019 GP to add a future middle school as a feature shown on a potential County-owned public use property located along the eastern edge of the RPA where it adjoins the TPA (see Figure 1). The potential future public middle school site is 172.9 acres in size and is located on the west side of Evergreen Mills Road (Route 621), on the south side of Red Hill Road (Route 617), and southwest of Ryan Road (Route 772). This site consists of two properties more particularly identified as PIN: 242-18-1260 and PIN: 242-28-8988. The proposed CPAM will update the 2019 GP to depict the planned future middle school site as a feature shown on the County’s Existing Facilities Map. This will expedite the County’s review process for the school, which has a planned opening in fall 2024, because facilities shown in the comprehensive plan do not require an application for a Commission Permit.

Planning Commission: The Commission held a Public Hearing on CPAM-2020-0001 on September 22, 2020. Six members of the public spoke, primarily residents in vicinity of the potential future public middle school site. Issues raised by the speakers included increased traffic, visual impacts, impacts to environmental and historic resources, the potential for other public facilities to be located on the proposed site, and larger land use considerations regarding access to utilities and redesignation the subject site from RPA to TPA.

In addition to the issues raised during the public hearing, the Commission’s discussion also covered the following issues:

1. Concerns that the introduction of central water and wastewater connections in the RPA, even to serve County-owned public facilities as contemplated in the CPAM, would represent a significant change in County land use policies that restrict central utilities in the RPA;

2. The geographic scope of the CPAM and the process for consideration of additional future schools on the potential Middle School site and other public facilities located elsewhere in the RPA adjoining the TPA through the Commission Permit process;
3. The logistics of serving the proposed middle school site and potentially other future schools with onsite water and wastewater systems and the location of potential connections to extend central water and wastewater systems to serve the site; and

4. The establishment of the middle school site and larger land use and utility policy consideration for the surrounding Red Hill community.

The Commission forwarded (9-0) the application to a future Work Session for further discussion.

At the Commission Work Session on October 8, 2020, the Commission discussed many of the same issues identified at the Public Hearing. The Commission asserted that the geographic scope of the CPAM was too large. A motion to recommend approval of the CPAM while limiting the area to contiguous parcels immediately adjacent to Evergreen Mills Road and on the south side of Red Hill Road to include the proposed middle school site failed (2-7: Barnes, Combs, Frank, Hayes, Kirchner, Miller and Salmon opposed).

The Commission did not believe the CPAM to be the best method to address the goal of allowing a central utility system connection to the proposed middle school site and sought to further analyze future land uses in the vicinity and possibly reconsider the re-designation of the area currently located within the RPA to the TPA. However, the Commission acknowledged that the Board’s direction for the CPAM and the legal advertisement limited the scope of their deliberations. The Commission encouraged the Board to work with the Commission and community in the future to initiate a holistic evaluation and planning effort for the Red Hill community.

The Commission forwarded (8-1: Vance opposed) the application to the Board with a recommendation of denial. The Commission further requested (8-1: Kirchner opposed) that the Board direct staff and the Commission to do a broader evaluation of the land use of the potential middle school site and the RPA east of Greene Mill Preserve and to evaluate potential land use changes in the area. Figure 2 displays the portion of the RPA east of Greene Mill Preserve.
Board of Supervisors: The Board held a Public Hearing on CPAM-2020-0001 on November 12, 2020. Ten members of the public spoke. Most speakers were residents in the vicinity of the potential future public middle school site who supported re-designation of the area surrounding the middle school site currently located within the RPA to the TPA. The Board discussed the need for the middle school and the timing of its opening. The Board also discussed the history of the area adjoining the potential middle school site, the discussions that occurred during the development of the 2019 GP, the potential to limit the extension of central utilities to a smaller area, the longstanding policy allowing municipal utility extensions into the RPA to serve public facilities, and potential future consideration to bring the area into the TPA.

Supervisor Buffington proposed a motion to suspend the rules to consider denial of the CPAM and direct staff to develop a new CPAM to bring the area east of Green Mill Preserve into the TPA. Supervisor Buffington indicated that approval of this motion would provide staff and the Board additional time to revisit the decision the Board made to leave this area as part of the RPA during adoption of the 2019 GP, and that bringing this area into the TPA would allow the school site to be served by central water and sewer without allowing central water and sewer into a broader area.
of the RPA. The motion failed (2-6-1: Kershner, Briskman, Letourneau, Saines, and Glass opposed; Randall absent). The Board forwarded (7-1-1: Buffington opposed, Chair Randall absent) to the December 1, 2020 Board Business Meeting for Action.

**ISSUES:** In response to Board requests for additional information, the following is provided to facilitate the Board’s discussion.

**Timing of Proposed Middle School**
The Board requested additional information as to the construction timing of the proposed middle school. The construction funding for the middle school is planned for FY 2022 with intention for the school to be open for the 2024-2025 school year to accommodate growing student enrollment. Loudoun County Public Schools (LCPS) has provided a letter dated November 19, 2020 with information on the project schedule for the development of the future Middle School (MS-14). Per the attached letter, LCPS indicates that delay of the CPAM approval would introduce significant risks to the overall project schedule and could potentially delay the opening date for the school.

**History of Discussions Regarding the Subject Area During Comprehensive Plan Development**
The area encompassing the proposed middle school site and surrounding properties was referred to as “Land Bay Q1” during the development of the 2019 GP. As part of that process, both the Stakeholders Committee and Planning Commission recommended incorporating Land Bay Q1 into the TPA since the area is already surrounded by properties with access to central water and sewer. The Board subsequently decided to retain Land Bay Q1 within the RPA in the adopted 2019 GP due to concerns with moving more land from the RPA into the TPA.

**FISCAL IMPACT:** No significant fiscal impacts are expected from the proposed CPAM. Should the Board approve the CPAM, the use of central water and wastewater to serve the proposed school is expected to decrease long-term utility maintenance and operational costs as compared to onsite water and wastewater systems.

**ALTERNATIVES:** The following alternatives have been identified for the Board’s consideration:

1. The Board may approve CPAM-2020-0001 as provided in Attachment 1;
2. The Board may approve CPAM-2020-0001 with modifications; or
3. The Board may deny CPAM-2020-0001.

**DRAFT MOTIONS:**

1. I move that the Board of Supervisors approve CPAM-2020-0001, Public Facilities in the Rural Policy Area, provided as Attachment 1 to the December 1, 2020, Board of Supervisors Business Meeting Action Item.
2. I move an alternate motion.

ATTACHMENTS:
1. CPAM-2020-0001 Draft Revisions to the Text and Policies of the Loudoun County 2019 General Plan
2. Loudoun County Public Schools Letter to Board of Supervisors, dated November 19, 2020.
CPAM-2020-0001, Public Facilities in the Rural Policy Area

New proposed language for the Loudoun County 2019 General Plan is shown underlined in red below. Proposed existing language to be struck is shown in red strike-through. In addition, the Plan’s Existing Facilities Map (Map Number 2018-147) is also proposed to be revised as an Existing and Planned Facilities Map depicting the location of a future middle school site on the eastern edge of the RPA bordering the TPA within the area of the circle as shown on the map.

Chapter 6 - Fiscal Management & Public Infrastructure

Countywide Strategies

Strategy
4.2 Define specific service areas for utility systems to protect the viability of County land use goals.

Actions
A. Establish the geographic limits of standards-based utility service, and ensure adequate capacity and supply safeguards through the Commission Permit process prior to expanding existing service boundaries, or adding new boundaries in the case of the Rural Policy Area.

B. Prohibit connection to water distribution and wastewater collection systems when such requires crossing land outside a defined water or sewer service area, except as allowed herein.

Rural Policy Area – On site and Community Systems

Strategy
4.5 Protect the rural character of western Loudoun by considering the ability of an area to support onsite or community water and wastewater systems for any areas proposed for development.

Actions
A. Prohibit extension of central water and wastewater service into the Rural Policy Area, except as allowed herein to address a public health threat to an existing rural community or to serve public facilities on contiguous parcels immediately adjacent to the western boundary of the Transition Policy Area.

Attachment 1
Chapter 7 - Implementation

Implementation Matrix

The ability to monitor and evaluate the progress of the Loudoun County 2019 General Plan is crucial to determining whether the Plan is achieving the community’s vision and goals. The implementation matrix that follows summarizes all action items found in the Plan that require subsequent County action, such as studies, analyses, program development, and regulatory changes. The implementation matrix is provided as a tool for the Board to use as the framework for developing a work program to implement the Plan.

### IMPLEMENTATION MATRIX

<table>
<thead>
<tr>
<th>Chapter 6</th>
<th>Fiscal Management and Public Infrastructure</th>
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<tbody>
<tr>
<td><strong>Action</strong></td>
<td><strong>Responsibility (Loudoun County Department or Agency)</strong></td>
</tr>
<tr>
<td>4.2.B. Prohibit connection to water distribution and wastewater collection systems when such requires crossing land outside a defined water or sewer service area, except as allowed herein.</td>
<td>Board of Supervisors</td>
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<tr>
<td>4.5.A. Prohibit extension of central water and wastewater service into the Rural Policy Area, except as allowed herein to address a public health threat to an existing rural community or to serve public facilities on contiguous parcels immediately adjacent to the western boundary of the Transition Policy Area.</td>
<td>Board of Supervisors</td>
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November 19, 2020

Ms. Megan Bourke, Assistant Director  
Department of Finance and Budget  
County of Loudoun  
1 Harrison Street  
Leesburg, VA 20175 

Dear Ms. Bourke,

Thank you for reaching out regarding the timeline for the opening of MS-14. LCPS is watching the progress of the CPAM very closely as this is a critical project for the families and future students who will attend the school. I would like to offer as the first point of consideration that, as planned in the Superintendent’s Recommended FY2022 CIP, MS-14 must open in the fall of 2024. More importantly, the school will provide much needed enrollment relief for Brambleton Middle School which is projected to be overenrolled by 485 students (134% utilization) for the 2024-2025 school year.

I have reviewed the timeline for the school with my staff and offer the following summary for context:

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>Dec 2019</td>
<td>Contract authorized by the School Board and Board of Supervisors</td>
</tr>
<tr>
<td>July 2020</td>
<td>Design funding appropriation (FY2021 CIP)</td>
</tr>
<tr>
<td>Dec 16, 2020</td>
<td>Due diligence study period ends per the contract for sale</td>
</tr>
<tr>
<td>Dec 16, 2020</td>
<td>Last date for purchaser to terminate the contract</td>
</tr>
<tr>
<td>Jan 30, 2021</td>
<td>Closing by this date</td>
</tr>
<tr>
<td>Feb 2021 - Apr 2022</td>
<td>Architectural and engineering design and permit approval (includes site plan, road improvements, school facilities)</td>
</tr>
<tr>
<td>July 2021</td>
<td>Construction funding appropriation (FY2022)</td>
</tr>
<tr>
<td>Apr 2022 - Aug 2022</td>
<td>Procurement of construction services - School Board award of contract</td>
</tr>
<tr>
<td>Aug 2022- July 2024</td>
<td>Construction phase (24 months)</td>
</tr>
<tr>
<td>July 2024 - Aug 2024</td>
<td>Move-in phase</td>
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</table>

It is important to note that the jointly executed contract for sale by the School Board and Board of Supervisors provides 365 days for staff to perform the engineering and other analytics to ensure the site is suitable for the hosting of a school and other public uses. That period closes December 16, 2020, which is just a few weeks away and at which time the closing procedures are scheduled to begin. That date also identifies the latest date in which the purchaser (Board of Supervisors and School Board) can terminate the contract. A delay in the CPAM approval will first and foremost put both purchasing parties at risk to walk away from the contract or move forward without the guarantee of being able to place the school on the site with central utilities.
Continuing to assess the risks associated with a delay in the CPAM approval, the aforementioned schedule offers 14 months for all of the design and approvals which in our experience is a minimal allocation given the complexity of the site infrastructure. Lastly, the current schedule only provides 24 months of construction period which requires a significant acceleration in comparison to the industry expectation for a facility of that size. LCPS does have a history of delivering schools on an accelerated schedule but should avoid increased risks in consideration of unforeseen conditions that may arise.

Ultimately, a delay in the CPAM approval introduces significant risks to the overall project schedule, potentially jeopardizing the opening date for the school, and may limit the maximum utilization of the site for other future school and/or public uses. I will reiterate the importance of providing the much-needed relief to the overcrowded Brambleton Middle School for fall 2024.

Sincerely,

Kevin L. Lewis, CEM, GBE
Assistant Superintendent
Department for Support Services
Loudoun County Public Schools

cc: Eric Williams, Ed.D.