

**Orange County Planning Commission
Regular Meeting
Thursday, June 2, 2022**

Present: Jason Capelle, Donald Brooks, Julie Zeijlmaker, Bryan Nicol, Mark Johnson, Board of Supervisors Liaison, Tom Lachney, County Attorney

Absent: George Yancey

Staff Present: David Smitherman, Interim Planning and Development Services Director, Keri Ragland, Senior Planner, Eric Bittner, Planner; Kyra Davis, Planner; Tracey Newman, Planning Services Associate

1. Call to order and determination of quorum:

Chairman Brooks called the meeting to order at 6:00 pm and a quorum was established.

2. Approval of agenda:

Mr. Nicol made a motion to approve the Agenda as written. The motion received a second from Mr. Capelle and carried on vote 4-0.

3. Approval of minutes:

a. May 5, 2022 regular meeting:

Mr. Capelle motioned to approve the Minutes as presented. Mr. Nicol seconded the motion and it carried 4-0.

4. Public Hearings: none

5. Public Comment:

- a. **REZ 22-02**: Sabra LLC has applied to rezone property at the intersection of Germanna Highway (Route 3) and Somerville Road (Route 711, in order to amend the conditions to allow for a medical center. The property is identified as Tax Map Parcel 12-39, contains 7.58 acres and is zoned as Commercial (C-2) Conditional. The property is situated in the Germanna Wilderness Area Plan (GWAP) Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

Planner Kyra Davis reviewed the application and staff report. The applicant Mr. Azimpour advised a Traffic Impact Analysis (TIA) is unnecessary as there may be only 50 patients per day and traffic will not be affected. Mr.

Mr. Nicol made a motion to recommend approval of the rezoning with the amendments to the proffers, to move it away from a sports facility to a medical office building facility, understanding that there are further site development permits that will have to be undertaken, and that a traffic impact analysis be done, and the approval is contingent on that and addressing the comments from VDOT in the ARC. Chairman Brooks gave the second and REZ 22-02 vote was tied (2-2).

Ayes: Nicol, Brooks Nays: Zeijlmaker, Capelle Absent: Yancey

- b. **STA 21-01:** The Orange County Board of Supervisors has proposed to amend private road standards relative to construction standards and previously platted lots.

Senior Planner Keri Ragland reviewed proposed changes to the private road standards. Mr. Nicol motioned for approval as written and Mr. Capelle gave second. The Planning Commission voted (4-0) to recommend approval of STA 21-01.

Yays: Zeijlmaker, Brooks, Capelle, Nicol Nays: none Absent: Yancey

6. Worksession:

- a. Education for Planning Commissioners

A presentation on the functions and powers of the Planning Commission as well as state-issued land use rules was given by Planner Eric Bittner. In his presentation, Mr. Bittner described how Virginia adheres to Dillon's Rule and how the State allows local governments their authority.

7. New Business – none

8. Old Business – none

9. Reports

- a. Board of Supervisors report – Board of Supervisors Chairman Mark Johnson

Mr. Johnson thanked the Planning Commission and staff for their work on approving STA 21-01.

- b. Planning and Development Report

Mr. Smitherman presented a draft copy of a new deadline calendar that will be published on the county website. He advised Staff has worked with Supervisors White and Johnson on three "packages" of Text Amendments. The Application for Wilderness Crossing should be submitted very soon. Mr. Capelle stated for public record that the mines will not be mitigated unless the County requires it.

Mr. Johnson thanked the Planning Commission and staff for their work on approving STA 21-01.

b. Planning and Development Report

Mr. Smitherman presented a draft copy of a new deadline calendar that will be published on the county website. He advised Staff has worked with Supervisors White and Johnson on three "packages" of Text Amendments. The Application for Wilderness Crossing should be submitted very soon. Mr. Capelle stated for public record that the mines will not be mitigated unless the County requires it.

Mr. Smitherman also stated the July Agenda items will include two (2) Special Use Permits (SUPs) from A&M Auto and Madison Solar regarding stream crossings, as well as Text Amendment package two (2).

10. Commissioner Comments

Chairman Brooks expressed frustration with different interpretations of ordinances by different planners during his tenure on the Planning Commission. In addition, he stated if the Commissioners struggle with the ordinances, then our citizens will be lost. He thanked staff for the hard work. Based on questions posed by Chairman Brooks, the Planning Commission went into Closed Session:

Mr. Lachney read the following motion authorizing the Closed Session:

WHEREAS, the Planning Commission of Orange County desires to discuss in Closed Meeting the following matter(s):

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning A&M Auto and Signature Station

WHEREAS, pursuant to: §2.2-3711 (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of Orange County does hereby authorize discussion of the aforesated matters in Closed Meeting.

Votes:

Ayes: Capelle, Brooks, Zeijlmaker, Nicol

Nays:

Absent from Vote:

Absent from Meeting: Yancey

Upon conclusion of the Closed Meeting, Chairman Brooks called the regular meeting back to order. Mr. Lachney polled the Commissioners:

To the best of your knowledge, were the only matters discussed in the closed meeting public business matters lawfully exempted from open meeting requirements, and that only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting?

Votes: 4-0

Ayes: Zeijlmaker, Brooks, Capelle, Nicol

Planning Commissioner Comments then continued.

Mr. Capelle expressed his frustration with the application in Germanna Wilderness Area Plan (GWAP) was not with Staff, but with the certain applicants who appear to be able to speak with the right person and force sub-par materials through the Commission. He stated that such cases were unfair to average citizens who do not have access to those connections. Interim Director Smitherman suggested that staff review the County's minimum submittal standards and adjust where needed. Commissioner Capelle expressed doubt about the spoken cost of the sketch.

Commissioner Nicol thanked and concurred with Commissioner Capelle's comments, pointing out that the application did not make it through the Planning Commission. Mr. Nicol added by referencing a similar scenario with the previous Wilderness Crossing rezoning, which was incomplete yet made it to a work session with Planning Commission. The Commissioner compared it to the quality of the solar farm from the previous meeting, praising the applicant's preparation and submittal quality. Commissioner Nicol expressed that as the County becomes more sophisticated in its plans and processes, that its standards should also improve. Commissioner Nicol thanked staff for their efforts and stated his appreciation about having planning staff available to work towards those improvements.

Chairman Brooks requested that Mr. Lacheney give the Commission's regards to Mr. Lansing. Chairman Brooks expressed that it was the Commission's job to vet applications, and that he thinks it does a good job of that. He thanked staff for their hard work.

11. Next Meeting date – July 7, 2022

12. Adjourn

On a motion of Mr. Capelle and seconded by Mr. Nicol, which carried by a vote of 4-0, the meeting adjourned at 8:08 p.m.



Donald Brooks, Chairman



Planning Commission Secretary

The events of this meeting were captured via digital audio recording. These written minutes shall serve as the official record of actions taken during the meeting.