

BOARD OF SUPERVISORS MINUTES**AUGUST 23, 2022**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, August 23, 2022, beginning at 5:00 p.m., in the Meeting Room of the Public Safety Building, 11282 Government Center Drive, Orange, Virginia. Present: R. Mark Johnson, Chairman; James P. Crozier, Vice Chairman; James K. White; Keith F. Marshall; and Lee H. Frame. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations and Appearances at this time.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: FY23 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
44240001-46015	Comp. Software	\$ 0.00	\$ 5,000.00	\$ 5,000.00
30025001-31600	Charges For Waste Disposal	(470,000.00)	(5,000.00)	(475,000.00)
41232001-43155	Appraisal Services	150,000.00	150,000.00	300,000.00
41241001-41322	Wages - Part-Time	10,050.00	6,601.00	16,651.00
43120003-46800	Comm. Policing Expenses	2,000.00	4,118.00	6,118.00
43177002-46800	Guardian Pendant Expenses	540.00	6,507.00	7,047.00
43177003-46800	Project Lifesaver Expenses	100.00	494.00	594.00
43120001-43360	Vehicle Repair / Maint.	121,000.00	3,257.00	124,257.00
43520003-43115	Prof. Serv. - Emergency Vet	1,774.00	172,005.00	173,779.00
44320001-48290	Property Acquisition	0.00	330,000.00	330,000.00
47310001-43210	Data Processing Server	87,270.00	14,470.00	101,740.00
47310001-41322	Wages - Part-Time	160,487.00	3,111.00	163,598.00
47310001-46466	Books - Refunds	0.00	279.00	279.00
47311001-46466	Books - Refunds	0.00	18.00	18.00
47312001-46466	Books - Refunds	0.00	214.00	214.00
48120001-43350	Repairs / Maint. - Other	0.00	28,557.00	28,557.00
48150001-45530	Meals / Lodging	4,000.00	1,150.00	5,150.00
48150001-45550	Travel	6,500.00	800.00	7,300.00
48150001-43100	Prof. Services - Other	15,000.00	2,000.00	17,000.00

48160001-45420	Leases - Copiers	750.00	1,400.00	2,150.00
48160001-46025	Marketing Expenses	35,000.00	2,800.00	37,800.00
49140001-45901	Contingency - Cty. Admin.	1,000.00	13,295.00	14,295.00
30052001-39900	Appropriated Fund Balance	(4,156,762.40)	(741,076.00)	(4,897,838.40)
42210002-46800	Forfeited Asset Expenses	0.00	13,565.00	13,565.00
43120006-46800	Forfeited Asset Expenses	0.00	20,734.00	20,734.00
30052002-39900	Appropriated Fund Balance	0.00	(34,299.00)	(34,299.00)
43231011-43125	Employee Physicals	41,120.00	8,929.00	50,049.00
30052019-39900	Appropriated Fund Balance	0.00	(8,929.00)	(8,929.00)
49310012-47400	Trans. to Debt Service Fund	1,369,392.00	93,296.00	1,462,688.00
30052019-39900	Appropriated Fund Balance	0.00	(93,296.00)	(93,296.00)
30051015-39275	Trans. from Fire / EMS Fund	(1,369,392.00)	(93,296.00)	(1,462,688.00)
49510002-49955	P-Lease - Ambulance Repl.	242,173.00	86,363.00	328,536.00
49510002-49855	I-Lease - Ambulance Repl.	10,182.00	6,933.00	17,115.00
48170001-43370	Grounds Maintenance	53,000.00	25,000.00	78,000.00
30052009-39900	Appropriated Fund Balance	0.00	(25,000.00)	(25,000.00)
45311001-43350	Other Repair / Maint.	90,000.00	50,172.00	140,172.00
45311001-48260	Motor Vehicles & Equipment	0.00	7,663.00	7,663.00
30052006-39900	Appropriated Fund Balance	0.00	(57,835.00)	(57,835.00)
49150001-41903	Reserve for Benefits	82,170.00	61,749.00	143,919.00
30052001-39900	Appropriated Fund Balance	(4,156,762.40)	(61,749.00)	(4,218,511.40)
TOTALS		\$ (7,669,408.80)	\$ 0.00	\$ (7,669,408.80)

RE: RENEWAL OF THE CONTRACT WITH R.M. SODERQUIST FOR LANDFILL OPERATIONS

As part of the Consent Agenda, the Board authorized staff to renew the contract with R. M. Soderquist (RMS-00-20AC) for a one (1) year term, representing the third of ten (10) possible renewals, as presented.

RE: RENEWAL OF THE CONTRACTS FOR IT SUPPORT SERVICES

As part of the Consent Agenda, the Board authorized staff to renew the contracts with Advanced Network Systems, Slait Consulting, PJ Networks, Businets, and TSI-VA (ANS-01-20LC, SL-00-20LC, PJN-00-20LC, BI-00-20LC, and TSI-00-20LC) for one (1) year terms, representing the third of four (4) possible renewals, as presented.

RE: RENEWAL OF THE CONTRACT WITH DELL MARKETING FOR HARDWARE AND MAINTENANCE

As part of the Consent Agenda, the Board authorized staff to renew the Cooperative Contract with Dell (VA-190822-DELL) for hardware and maintenance for a one (1) year term, as presented.

RE: RENEWAL OF THE CONTRACT WITH ENFORCEMENT VIDEO, LLC FOR SHERIFF'S OFFICE CAMERAS AND ACCESSORIES

As part of the Consent Agenda, the Board authorized staff to renew the Cooperative Contract with Enforcement Video, LLC (E194-73322-MA2200) for Sheriff's Office cameras and

accessories, per the terms and conditions of the original contract with the Commonwealth of Virginia, as presented.

RE: RESOLUTION TO REQUEST THAT HARBOR DRIVE BE ACCEPTED INTO THE SECONDARY SYSTEM OF STATE HIGHWAYS

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION TO REQUEST THAT HARBOR DRIVE BE ACCEPTED INTO
THE SECONDARY SYSTEM OF STATE HIGHWAYS

WHEREAS, the street described below currently serves at least three (3) families and was established more than twenty (20) years ago, prior to July 1, 1998, at which time it was used by motor vehicles as a public access; and

WHEREAS, the County has determined its subdivision ordinance satisfies Subsection B of §33.2-335 of the Code of Virginia and is therefore eligible to make qualifying additions to the Secondary System of State Highways maintained by the Virginia Department of Transportation and to fund necessary improvements as setout therein, except as otherwise prohibited by Subsection B of §33.2-336 of the Code of Virginia; and

WHEREAS, after examining the ownership of all property abutting this street, including the deeds and related plats, this Board finds no restriction on the use of public funds for improving of the road; and

WHEREAS, after examining the ownership of all property abutting this street, this Board finds that speculative interest does not exist; and

WHEREAS, this Board has identified available funding to make improvements required to qualify the street for addition to the aforesaid Secondary System of State Highways, based on the Virginia Department of Transportation's cost estimate of \$320,000;

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of August, 2022, that the Orange County Board of Supervisors hereby requests, pursuant to §33.2-335 of the Code of Virginia, that the following street be added to the Secondary System of State Highways maintained by the Virginia Department of Transportation, and hereby guarantees the right-of-way of the street to be clear, unencumbered, and unrestricted, which right-of-way guarantee shall include any necessary easements required for cuts, fills, and drainage:

Name of Subdivision:	Lake Orange Estates
Name of Street:	Harbor Drive
From:	Route 600
To:	Cul-de-Sac
Length:	0.95 Miles
Guaranteed ROW Width:	Fifty (50) Feet
ROW Instrument Reference:	Plat Cabinet A, Pages 44-45
Recorded On:	April 12, 1978

BE IT FURTHER RESOLVED, that this Board requests the Virginia Department of Transportation improve said street to the prescribed minimum standards, funding said improvements with VDOT Rural Addition Funds and District Grant - Unpaved Road Funds in the amount of \$320,000, as identified in Project # 0689-068-630, N-501 (UPC 111494) and Project # 0689-068-632, N-502 (UPC 118821) of the most recent Orange County Secondary Six-Year Plan, as adopted on May 10, 2022; and

BE IT YET FURTHER RESOLVED, that this Board agrees to reimburse, within 45 days of receiving an invoice, all costs that the Virginia Department of Transportation incurs to relocate existing utilities within the right-of-way that are discovered during the course of and in conflict with the construction, drawing such funds from resources other than those administered by the Department; and

BE IT YET FURTHER RESOLVED, that this Board agrees to reimburse, within 45 days of receiving an invoice, all costs that the Virginia Department of Transportation incurs in the construction of necessary improvements to the road that are over and above the estimated cost of improvements, or to otherwise identify an eligible source of funds administered by the Department to cover such costs; and

BE IT FINALLY RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

RE: APPROVAL OF THE MEMORANDUM OF UNDERSTANDING WITH THE BROADBAND AUTHORITY REGARDING APPLICATION FOR A VIRGINIA TELECOMMUNICATION INITIATIVE (VATI) GRANT

As part of the Consent Agenda, the Board authorized the County Administrator to execute the Memorandum of Understanding with the Broadband Authority on behalf of Orange County, as presented.

RE: RESOLUTION APPROVING COUNTY SUPPORT OF FINANCING BY THE ORANGE COUNTY BROADBAND AUTHORITY WITH A FINANCIAL INSTITUTION

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE, VIRGINIA
IN RELATION TO APPROVING COUNTY SUPPORT OF FINANCING BY THE ORANGE
COUNTY BROADBAND AUTHORITY WITH A FINANCIAL INSTITUTION

WHEREAS, the County of Orange, Virginia (the "County") is the member jurisdiction of the Orange County Broadband Authority (the "Authority") and created the Authority in accordance with the Virginia Wireless Service Authorities Act § 15.2-5431.1, et seq. of the Code of Virginia of 1950, for the purpose of providing qualifying communications services as authorized by the Act and Article 5.1 of Chapter 15 of Title 56 of the Code of Virginia of 1950; and

WHEREAS, the Board of Supervisors of Orange County (the "Board") has been informed that the Authority intends to issue a revenue bond (the "Bond") (i) to finance costs related to the expansion of the Authority's fiber network, transport electronics and fiber to the premise equipment and other capital projects of the Authority that may be approved by the Board from time to time and (ii) to finance, if and as needed, capitalized interest, working capital, reserves, costs of issuance and other ancillary costs (collectively, the "Project"); and

WHEREAS, the Authority has solicited proposals from financial institutions (each a "Lender") is expected to require, as a condition of its purchase of the Bond, that the County enter into the Support Agreement to be executed and delivered to the Lender by the County, whereby the County, subject to appropriation, would provide certain support to the Authority in regards to making payments on the Bond and as otherwise required by the Lender;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. Approval of Support Agreement. The Board of Supervisors has determined it is in the best interests of the County and its citizens for the County to enter into the Support Agreement to reflect that the non-binding obligations described in the above recitals will apply to the Bond to

reflect the issuance and sale of the Bond and the financing, operation, and maintenance of the Project.

2. Form of Support Agreement. The Chairman of the Board or the County Administrator, either of whom may act, are each hereby authorized and directed to determine the form of the Support Agreement; provided the terms and conditions of the Support Agreement are not inconsistent with this Resolution, and to execute the Support Agreement on behalf of the County. The approval of the Support Agreement by the Chairman or the County Administrator (as applicable) shall be evidenced conclusively by the execution and delivery of the Support Agreement by the applicable officer.

3. Terms of the Support Agreement. The Support Agreement shall provide that the County Administrator shall make a request to the Board to appropriate to or on behalf of the Authority such amounts as may be requested from time to time pursuant to the Support Agreement, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The Board, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations in future fiscal years, and hereby recommends that future Boards of Supervisors do likewise during the term of the Support Agreement.

4. Support Agreement Not a Pledge or Obligation of the County. Nothing herein contained is or shall be deemed to be a pledge or a lending of the credit of the County to the Authority, the Lender or to any holder of the Bond or to any other person or entity, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County, nor shall anything herein contained legally bind or obligate the Board to appropriate funds for the purposes described or mentioned in the Support Agreement.

5. Further Actions. The Board hereby authorizes and directs the Chairman, the County Administrator and such officers and agents of the County as may be designated by either of them to take such further actions as they deem necessary regarding the Support Agreement. All such actions previously taken by such officers and agents are ratified and confirmed. The authorization granted in this Resolution to the Chairman and County Administrator may be carried out by the Vice Chairman (in the case of the Chairman), and any Assistant County Administrator (in the case of the County Administrator), or such other officer as any of the named officers may designate in writing.

6. Effective Date. This resolution shall take effect upon its adoption.

RE: NEW BUSINESS

RE: AWARD OF THE CONTRACT FOR STREET SIGN REPAIR AND REPLACEMENT

Amanda Amos, Contract and Procurement Specialist, explained that staff released a solicitation on July 14, 2022, for street sign repair and replacement. She noted the Request for Proposals was advertised on the County's website, in The Orange Review, and on eVA (Virginia's e-procurement website), and that two (2) responses were received.

Ms. Amos stated that D & S Construction was the lowest responsive bidder and had previously worked with the County on street sign repairs and replacements. She indicated that, as a point of clarification from the Virginia Department of Transportation (VDOT), the vendor did not have to be a contractor for VDOT in order to perform these local services. It was, however, the vendor's responsibility to obtain any permits necessary to work in VDOT's right-of-way.

Ms. Amos said staff recommended awarding a contract to D & S Construction for street sign repair and replacement services. She noted that funding for said services had been included in the adopted budget.

Discussion ensued among the Board regarding: whether staff verified that appropriate VDOT permits had been obtained by the contractor; and suggested clarifications on the formatting of the street signs.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board authorized staff to enter into a contract with D & S Construction for street sign repair and replacement services for a one (1) year term, with the option of four (4) additional one-year renewals, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: OLD BUSINESS

RE: REZ 22-01; COMPLETE CARE OF VA

Kyra Davis, Planner, reminded the Board this Rezoning request had been most recently deferred from the Regular Meeting on August 9, 2022. She indicated that revised proffers had not been received from Dave Purks, applicant, since the time of that meeting. Therefore, the only proffers to consider at this time were the same proffers presented on August 9, 2022.

Discussion ensued among the Board regarding: whether the applicant intended to remove the proffer regarding site lighting and to redefine the proffer regarding permitted uses on the property, as was discussed at the last meeting on August 9, 2022.

Dave Purks, applicant, stated his desire to defer this matter until the next meeting in order to allow his attorney to be present at the meeting with him. The Board urged the applicant to have the matters resolved before said meeting versus trying to resolve them the night of the meeting. The Board also established that this request must be acted on at the next meeting and that they would not consider additional requests to defer.

On the motion of Mr. White, seconded by Mr. Frame, which carried by a vote of 5-0, the Board deferred action on REZ 22-01 (Complete Care of VA) until its Regular Meeting on Tuesday, September 13, 2022, with the caveat that the Board would take action on the set of proffers in hand on Tuesday, September 6, 2022.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no Department Director or Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT

Chairman Johnson commented that Orange County was a great place to live, not only because it was beautiful and had great history, but because of the people in the community. He remarked that Orange County had lost some big community members in the last several weeks, including Mike Beasley and Donnie Hughes. Mr. Johnson stated that one of the incredible things about Mr. Beasley was his involvement in the Gordonsville Volunteer Fire Company for the last 52 years, having held pretty much every position,

including Chief and President. He also indicated that Mr. Hughes had spent decades in the Orange Volunteer Rescue Squad. Mr. Johnson shared that both of these men made Orange County a great place to live and would be missed as tremendous members of the community.

Chairman Johnson also remarked on Jeff Poole, who had most recently been editor of The Orange Review and had worked for the newspaper for many years. He shared that Mr. Poole was also one of the individuals that provided some of the glue that held the community together.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Office on Youth Quarterly Report
- VDOT Monthly Report for July
- Thank You Letter from Orange County Free Clinic

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed John Rhett as a Member of the Barboursville Village Overlay District Advisory Committee (BVODAC) for a two-year term, with said term commencing October 1, 2022, and expiring on September 30, 2024.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of August 2022, September 2022, and October 2022.

RE: PUBLIC HEARING #1: SUP 22-03 (WILLOW GROVE INN, LLC)

Kyra Davis, Planner, presented the staff report and request for a Special Use Permit from Willow Grove Inn, LLC, which included information on the location and specifications of the subject property, the request to allow for the addition of two new cottages and an expansion of the existing spa, and the recommendation of approval from the Planning Commission.

At 5:23 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 22-03

The Board of Supervisors will consider a Special Use Permit application from Willow Grove Inn, LLC, to allow for the addition of two new cottages and a spa expansion on property located at 14075 Plantation Way, Orange. The property is identified as Tax Map Parcel 28-82A, contains 37.14 acres, and is zoned Agricultural (A). The property is situated in the Agricultural (A-1) Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:23 p.m.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING SUP 22-03 TO ALLOW FOR THE ADDITION OF TWO NEW COTTAGES AND A SPA EXPANSION ON TAX MAP NO. 28-82A, REQUESTED BY WILLOW GROVE INN, LLC

WHEREAS, Willow Grove Inn, LLC applied for a Special Use Permit to allow for the addition of two new cottages and a spa expansion on property located at 14079 Plantation Way, referenced as Tax Map No. 28-82A, pursuant to Sections 70-303 (C) and 70-303 (M) of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on July 21, 2022; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would be compatible with its surroundings; would not impact the environment or any natural, scenic, or historic assets of the County; or would not result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on August 23, 2022; and

WHEREAS, following discussion, the Board of Supervisors hereby supports the request, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice also support approval of this Special Use Permit request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 23rd day of August, 2022, that the Orange County Board of Supervisors hereby approves SUP 22-03 for a Special Use Permit for Tax Map No. 28-82A to allow for the addition of two new cottages and a spa expansion, subject to the four (4) conditions and one (1) sub-condition as set forth below, as presented; and

BE IT FURTHER ORDAINED, that this Special Use Permit and the conditions are approved in addition to the five (5) Special Use Permits (SUP 17-01, SUP 94-13, SUP 88-2, SUP 87-3, and SUP 86-10) previously approved on the subject property.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

Conditions for Approval

As adopted in Ord. No. 220823 - PH1
by the Orange County Board of Supervisors
on August 23, 2022

SUP 22-03: Willow Grove Inn, LLC

To allow for the addition of two new cottages and a spa expansion

Tax Map No. 28-82A

The conditions of this Special Use Permit ("SUP") shall apply to the property identified on County Tax Map No. 28-82A, as well as any future division or consolidation of said property, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans or application are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless, specifically modified, waived, or otherwise specified in these conditions. Violation of these conditions, in whole or in part, may be cause for the revocation of the Special Use Permit, pursuant to §15.2-2309 (7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated June 3, 2022, including the site plan dated May 11, 2022.
2. Compliance – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine “substantial conformance.” The property owner and/or business owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion and sediment control permits. The property owner and/or business owner shall be responsible for complying with all local, State, and Federal laws and regulations as may be applicable to the business development and operation.
3. Uses – This SUP shall allow for the addition of two new cottages and a spa expansion as generally described in the application and shown on the site plan.
4. Standards and Conditions –
 - a. This Special Use Permit shall run with the land.

RE: PUBLIC HEARING #2; STA 22-01

Eric Bittner, Planner, presented the staff report regarding proposed amendments to the Subdivision Ordinance to revise the definition of “serve or served,” which had previously been initiated and discussed by the Board. He reviewed the proposed language, indicating that the Planning Commission’s vote had resulted in a recommendation of approval.

At 5:25 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

STA 22-01

The Board of Supervisors will consider an amendment to Chapter 54 (Subdivision) of the Orange County Code of Ordinances. Amendments are proposed to Section 54-6 to revise the definition of “Serve or Served.”

There being no speakers, Chairman Johnson closed the Public Hearing at 5:25 p.m.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (GENERAL PROVISIONS), SECTION 54
(SUBDIVISION), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE
DEFINITION OF SERVED

WHEREAS, Planning Commission action was previously initiated on amendments to Article I (General Provisions), Section 54 (Subdivision), of the Orange County Code of Ordinances concerning the definition of served; and

WHEREAS, the recommended language for the text amendments was prepared, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the proposed text amendments on July 21, 2022; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed text amendments on August 23, 2022; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its Public Hearing; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments, as presented;

NOW, THEREFORE, BE IT ORDAINED, on this 23rd day of August, 2022, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (General Provisions), Section 54 (Subdivision), of the Orange County Code of Ordinances concerning the definition of served, as presented and shown below.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 220823 – PH2
by the Orange County Board of Supervisors
on August 23, 2022

Chapter 54 - Subdivision

Article I – General Provisions

Sec. 54-6. – Definitions.

[...]

Serve or Served. As used in relation to roads and vehicular access, a lot shall be considered “served” by a given vehicular travelway if the lot is capable of legally accessing said travelway directly or via an easement.

[...]

RE: PUBLIC HEARING #3; ZTA 22-01

Eric Bittner, Planner, presented the staff report regarding proposed amendments to the Zoning Ordinance concerning the application of road setbacks, which had previously been initiated and discussed by the Board. He reviewed the proposed language, indicating that the Planning Commission’s vote had resulted in a recommendation of approval.

Discussion ensued among the Board regarding: the fact that this was not a change to the setbacks, but rather a clarification of the applicable setbacks.

At 5:28 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

ZTA 22-01

The Board of Supervisors will consider an amendment to Chapter 70 (Zoning) of the Orange County Code of Ordinances. Amendments are proposed to replace “secondary road” to “VDOT secondary road” and “subdivision street” to “private street” in the following sections as it pertains to Setbacks and Yards: Sec. 70-306; 70-336; 70-366; 70-454; 70-484; 70-514; and 70-544.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:28 p.m.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE IV (DISTRICT REGULATIONS), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE APPLICATION OF ROAD SETBACKS

WHEREAS, Planning Commission action was previously initiated on amendments to Article IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning the application of road setbacks; and

WHEREAS, the recommended language for the text amendments was prepared, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the proposed text amendments on July 21, 2022; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed text amendments on August 23, 2022; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its Public Hearing; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments, as presented;

NOW, THEREFORE, BE IT ORDAINED, on this 23rd day of August, 2022, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning the application of road setbacks, as presented and shown below.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 220823 – PH3
by the Orange County Board of Supervisors
on August 23, 2022

Chapter 70 - Zoning

Article IV – District Regulations

Division 2 – Agricultural Zoning District

Sec. 70-306. – Setbacks and Yards.

[...]

- (c) The setback from any VDOT secondary road, private street, or subdivision street with a right-of-way 50 feet or more in width shall be 35 feet from the right-of-way.

- (d) The setback from any VDOT secondary road, private street, or subdivision street with a right-of-way less than 50 feet in width shall be 85 feet from the centerline of the road.

[...]

Division 3 – Limited Residential Zoning District

Sec. 70-336. – Setbacks and Yards.

[...]

- (c) The setback from any VDOT secondary road, private street, or subdivision street shall be 35 feet from the right-of-way.

[...]

Division 4 – General Residential Zoning District

Sec. 70-366. – Setbacks and Yards.

[...]

- (b) The setback from any VDOT secondary road, private street, or subdivision street shall be 35 feet from the right-of-way.

[...]

Division 7 – Limited Commercial Zoning District

Sec. 70-454. – Setbacks and Yards.

[...]

- (c) The setback from any VDOT secondary road, private street, or subdivision street shall be 35 feet from the right-of-way.

[...]

Division 8 – General Commercial Zoning District

Sec. 70-484. – Setbacks and Yards.

[...]

- (c) The setback from any VDOT secondary road, private street, or subdivision street shall be 35 feet from the right-of-way.

[...]

Division 9 – Limited Industrial Zoning District

Sec. 70-514. – Setbacks and Yards.

[...]

- (c) The setback from any VDOT secondary road, private street, or subdivision street shall be 50 feet from the right-of-way.

[...]

Division 10 – General Industrial Zoning District

Sec. 70-544. – Setbacks and Yards.

[...]

- (c) The setback from any VDOT secondary road, private street, or subdivision street shall be 35 feet from the right-of-way.

[...]

RE: PUBLIC HEARING #4; STA 22-02

Eric Bittner, Planner, presented the staff report regarding proposed amendments to the Subdivision Ordinance to allow for the Board of Supervisors to authorize exemptions to the private road limitations for private communities, which had previously been initiated and discussed by the Board. He reviewed the proposed language, indicating that the Planning Commission's vote had resulted in a recommendation of approval.

Discussion ensued among the Board regarding: the application process to request the waiver; and the fact that the waiver requests had to be considered by the Board of Supervisors, not administratively.

At 5:33 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

STA 22-02

The Board of Supervisors will consider an amendment to Chapter 54 (Subdivision) of the Orange County Code of Ordinances. Amendments are proposed to Section 54-121 and Section 54-6 to allow for the Board of Supervisors to authorize exemptions to the private road limitations of Sec. 54-121(c) for certain developments, including private communities.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:33 p.m.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (GENERAL PROVISIONS) AND ARTICLE VIII (ROAD AND ACCESS STANDARDS), SECTION 54 (SUBDIVISION), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING PRIVATE COMMUNITY ROADS

WHEREAS, Planning Commission action was previously initiated on amendments to Article I (General Provisions) and Article VIII (Road and Access Standards), Section 54 (Subdivision), of the Orange County Code of Ordinances concerning private community roads; and

WHEREAS, the recommended language for the text amendments was prepared, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the proposed text amendments on August 4, 2022; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed text amendments on August 23, 2022; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its Public Hearing; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments, as presented;

NOW, THEREFORE, BE IT ORDAINED, on this 23rd day of August, 2022, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (General Provisions) and Article VIII (Road and Access Standards), Section 54 (Subdivision), of the Orange County Code of Ordinances concerning private community roads, as presented and shown below.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 220823 – PH4
by the Orange County Board of Supervisors
on August 23, 2022

Chapter 54 - Subdivision

Article I – General Provisions

Sec. 54-6. – Definitions.

[...]

Private Communities means a private residential development whose internal road system is privately owned, maintained, and separated from the public road by signage prohibiting and preventing access from the general public. The development may also be separated from the public road by a gate or other physical security measures designed to block access.

[...]

Article VIII – Road and Access Standards

Sec. 54-121. – Approval, Construction, and Maintenance Standards.

[...]

(c) Private Community Roads.

The Board of Supervisors may permit a waiver to allow for a complete system of private streets within residential communities that are to be a private community development where the Board determines that such a system advances the intent of its respective zoning district or for proposed commercial, business, or industrial parks, and will be distinguished from the public road by signage or other security measures, exempt of the requirements of section 54-121-4. This may be requested by the applicant with a rezoning or subdivision application. The layout, design, and construction of the roadways of such private roads shall comply with standards in VDOT's subdivision street requirements, secondary street acceptance requirements, and road design manual, and will comply with any additional requirements in this ordinance or the zoning ordinance. Such a request will include a conceptual design of the proposed layout and a cross section design of the proposed road standard. Major subdivisions with an approved preliminary plat from 2018 may apply for the same waiver, and will include verification that the roads are constructed to the above requirements. With respect to residential development, any such private roads shall be under the ownership and control of a homeowner's association which shall be obligated to maintain said roads.

[...]

RE: PUBLIC COMMENT

At 5:35 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 5:35 p.m.

RE: CLOSED MEETING

At 5:37 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

WHEREAS, the Orange County Board of Supervisors desired to discuss in Closed Meeting the following matters:

- Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body concerning property near the Sedwick Building. - *§2.2-3711(A)(3) of the Code of Virginia*
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning road condemnation. - *§2.2-3711(A)(8) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(3) and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby authorized discussion of the aforestated matters in Closed Meeting.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 6:32 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors has, this day, adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby certified that, to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: ACTION FOLLOWING CLOSED MEETING

RE: AUTHORIZATION TO EXECUTE A CONTRACT WITH KDR REAL ESTATE SERVICES

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board authorized the County Administrator to execute a contract with KDR Real Estate Services concerning the easement acquisition of Wilderness Shores.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 6:33 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator