

**Orange County Planning Commission
Regular Meeting Minutes
Public Safety Building; Board Meeting Room
11282 Government Center Drive, Orange, Virginia 22960
Thursday, October 6, 2022**

Members Present: Donald Brooks, Chairman; Jason Capelle, Vice Chairman; George Yancey; Adam Bryington; and Bryan Nicol.

Members Absent: None.

Others Present: Nicole Gano-Washington, Development Services Director; Thomas Lacheney, County Attorney; Josh Frederick, Planning and Zoning Services Manager; Eric Bittner, Planner; Kyra Davis, Planner; and Alyson Simpson, Planning Commission Secretary.

1. Call to Order and Determination of Quorum

Chairman Brooks called the meeting to order at 6:03 p.m. and a quorum was established.

Mr. Yancey joined via Zoom video conference so that he could participate in the meeting remotely as he was recovering from a recent surgery. As such, the minutes are required to reflect that he participated from his residence, located at 16170 Cox Mill Road, Orange, Virginia, for the duration of the meeting.

2. Adoption of Agenda

On the motion of Mr. Capelle, seconded by Mr. Nicol, which carried by a vote of 5-0, the Commission adopted the agenda, as modified, to include addition of Agenda Item 8A.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

3. Adoption of Minutes

a. September 1, 2022 Regular Meeting

On the motion of Mr. Capelle, seconded by Mr. Bryington, which carried by a vote of 5-0, the Commission adopted the September 1, 2022 Regular Meeting minutes, as presented.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

4. Public Comment

At 6:07 p.m., Chairman Brooks opened the floor for Public Comment.

There being no speakers, Public Comment was closed at 6:07 p.m.

5. Public Hearings

a. STA 22-03

A Subdivision Text Amendment to Sections 54-40, 54-41, 54-42, and 54-43 concerning information, notes, and certifications required on all plats to be recorded in Orange County; to Section 54-6 to include aunt, uncle, niece, and nephew as members of immediate family; and to Section 54-46 to exclude driveways and family subdivisions from submitting an improvement plan as part of record plat review.

Eric Bittner, Planner, presented the staff report, which included information on the following: initiation of this text amendment by the Board of Supervisors; development of the proposed amendments through a working group that consisted of staff, Board members, and local surveyors; and a summary of the proposed amendment language. Mr. Bittner concluded his staff report by indicating that staff recommended approval of the proposed text amendments.

Discussion ensued among the Commission regarding: the reason for changing the definition of immediate family to include aunt, uncle, niece, and nephew; how proof of relationship was determined for family subdivisions; whether family members were required to be related by blood in order to qualify; whether the Code of Virginia provided definitions for individual family members; the frequency of family subdivisions in the County; whether a requirement could be included for the Planning Commission to consider requests for divisions to aunt, uncle, niece, or nephew, meaning those family subdivisions would not be granted automatically; and the thought that expanding the definition of immediate family could allow for larger family developments that would circumvent the Subdivision Ordinance and avoid public road requirements.

At 6:32 p.m., Chairman Brooks called the Public Hearing to order.

There being no speakers, Chairman Brooks closed the Public Hearing at 6:32 p.m.

On the motion of Mr. Capelle, seconded by Mr. Bryington, which carried by a roll call vote of 5-0, the Commission adopted the following resolution recommending approval, as modified:

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on STA 22-03, a Subdivision Text Amendment to Sections 54-40, 54-41, 54-42, and 54-43 concerning information, notes, and certifications required on all plats to be recorded in Orange County; to Section 54-6 to include aunt, uncle, niece, and nephew as members of immediate family; and to Section 54-46 to exclude driveways and family subdivisions from submitting an improvement plan as part of record plat review; and

WHEREAS, the Planning Commission held a duly-advertised Public Hearing on this text amendment at its Regular Meeting on October 6, 2022; and

WHEREAS, the Planning Commission has determined this text amendment would further the purposes of the Comprehensive Plan and the Subdivision Ordinance and would not threaten the public health, safety, or welfare;

NOW, THEREFORE, BE IT RESOLVED, on this 6th day of October, 2022, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare, and good planning and zoning practice, that the Orange

County Board of Supervisors approve STA 22-03, as modified (to remove Section 54-6) and shown below.

STA 22-03
Recommended Amendments to the Subdivision Ordinance

Chapter 54 - Subdivision

Article IV – Record Plat and Improvements Plan Requirements

Sec. 54-40 – When Required

A record plat shall be required for: all subdivisions; boundary line adjustments; property consolidations; public access, water/wastewater/drainage, stormwater, and public easement dedications; and right-of-way dedications. An accompanying improvements plan shall be required for any road construction, road extension, construction of water, wastewater, and/or drainage lines and facilities, construction of stormwater facilities, and any improvements so required by this Ordinance or by the Subdivision Agent.

Sec. 54-41 – Form and Preparation

The plat and any associated plans shall be prepared by a professional surveyor or engineer licensed by the Commonwealth of Virginia. Documents shall consist of black or blue lines on white paper with a maximum overall size of eighteen inches by twenty-four inches (18"x24") for plats and twenty-four inches by thirty-six inches (24"x36") for improvements plans. Plats and plans shall be consistent with the quality and formatting requirements set forth in ~~the Library of Virginia Records Management Standards for Plats,~~ 17VAC15-61 and with the minimum standards and procedures for land boundary surveying practice set forth in ~~the Code of Virginia~~ 18VAC10-20-370.

Sec. 54-42 – Record Plat Information

A record plat shall show:

- a) All requirements of 18VAC10-20-370;
- ~~a) A title block denoting the type of plat, affected property owners' names or subdivision name (if applicable), tax parcel number(s) and source(s) of title for the affected properties, phase name/number (if applicable), and original date of plat/plan preparation;~~
- ~~b) The name, signature, license number, seal, business address, and contact information for the surveyor or engineer involved in plat preparation;~~
- ~~e)b) A graphic scale, date, and north arrow (on every page containing graphic information);~~
- ~~d)c) An area to list revisions and dates, if applicable;~~
- ~~e)d) A vicinity map showing the subject property and its relationship to surrounding roads, area names and landmarks, jurisdictional boundaries, etc. at a scale sufficient to determine the location within the County;~~
- ~~f) Tax parcel numbers, owners, and sources of title for all adjacent lots;~~
- ~~g)e) The zoning district of the subject lot(s) and, in the case of multiple zoning districts, the location where the districts split;~~
- ~~h)f) Phases of development, if applicable (Major Subdivision);~~
- ~~i) Acknowledgement of any proffers affecting the property pursuant to any approved conditional zoning, or any approved variances;~~
- ~~j) Boundaries of the entire affected property/properties (unless otherwise provided for in this Ordinance) with straight lines described by distances to the nearest~~

hundredth of a foot and bearings to the nearest second, and curves described by the radius, arc, and chord to the nearest hundredth of a foot and the delta and chord bearings to the nearest second;

- k) ~~Lot numbers in consecutive numerical order (if applicable);~~
- l) ~~Changes in acreage of affected lots and/or acreages of new lots (if applicable);~~
- m) ~~Jurisdictional boundaries (i.e. town limits and County lines);~~
- n) ~~If any affected properties were acquired via more than a single source of title, the dividing line(s) between the multiple tracts shown as a dashed line;~~
- o) ~~The location, roadway width, right of way and/or easement width, right of way and/or easement source of title, and name (and route number if applicable) of existing roads;~~
- p) ~~Known easements, including any easement(s) shown on a plat recorded in the Orange County Circuit Court, along with their respective deed book and page numbers (or instrument numbers) and owners of record;~~
- q) ~~The locations of existing entrances and approximate locations of proposed entrances onto adjacent state roads along with distances to the nearest intersection(s);~~
- r)g) The approximate location and extent of any 100-year floodplain as identified on current FEMA FIRM maps;
- s)h) The location and extent of any mapped dam break inundation zones, ~~or a statement that no the property is not located within any such zone;~~
- t) ~~The identification and delineation of any existing wetlands in accordance with the current US Army Corps of Engineers Wetlands Delineation Manual (if shown as part of a preliminary plat);~~
- u) ~~The extent of any existing waterbodies (with approximate acreages);~~
- v) ~~The approximate locations of perennial streams and intermittent streams, and their names if applicable;~~
- w) ~~Any cemetery and other place of burial, which shall be delineated and reserved within an open space easement, the boundaries of which shall be no closer than ten (10) feet to the extent of the burial area;~~
- x) ~~The location, right of way widths, and names of proposed roads (proposed public roads shall be labeled as "dedicated to public use"), provided the proposed road names have been approved by the County's addressing coordinator;~~
- y)i) The locations, dimensions, and purposes of all proposed easements and land to be dedicated to public use in fee simple, or to be held in common ~~(proposed public easements shall be labeled as "reserved for public use")~~;
- z) ~~Easements for temporary cul-de-sacs and turnarounds, if applicable;~~
- aa) ~~The known or readily observed locations of existing wells, existing septic drainfields (and reserved areas), public water lines, public sewer lines, gas lines, power lines, manholes, and fire hydrants;~~
- ab) ~~Any land to be dedicated to public use in fee simple, or to be held in common ownership;~~
- ac) ~~The boundaries and acreages for any areas reserved for recreational or open space purposes;~~
- ad) ~~Signature blocks for "Orange County Subdivision Agent," "Virginia Department of Transportation" (as applicable), "Rapidan Service Authority" (or other public utility provider; as applicable), and "Virginia Department of Health" (as applicable).~~

Sec. 54-43 – Record Plat Notes and Certificates

The following notes and certificates shall appear on the record plat, and shall be executed as appropriate:

- a) As a standalone note in bold face:
“This plat must be recorded within six (6) months of the Subdivision Agent’s approval signature or it shall be considered void.”
- b) “I certify that the land shown on this plat is titled in the name *(insert owner’s name)* as recorded in *(insert Circuit Court deed book/page number or instrument number)* and that this plat has been prepared in accordance with all County requirements and state code requirements regarding the preparation of plats, including the minimum state standards and procedures for land boundary survey practice, and may be committed to record in the Circuit Court.” (to be signed and dated by the surveyor or engineer)
- c) “The platting and/or dedication of the property shown hereon, being *(insert Circuit Court deed book/page number or instrument number and County tax parcel number for each affected property)*, is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.” (to be signed and dated by all owners; each signature shall be notarized)
- d) “The *(insert type of plat)* shown hereon has been reviewed and approved by the undersigned in accordance with existing regulations and may be committed to record.” (to be followed by the appropriate signature blocks for review agencies)
- ~~e) “This plat has been prepared (with / without) the benefit of a title report.”~~
- ~~f) “A statement as to whether the plat represents a current field survey and/or represents a compilation of deeds and/or plats of record.”~~
- ~~g) “Addresses, if any, for structures on affected properties.”~~
- ~~h) “(A portion / Portions) of the (property / properties) shown hereon (is / are) located within FEMA flood zone (A / AE) (areas subject to inundation by the 1%-annual-chance flood event), as shown on FIRM map (insert the number of the map panel(s)), dated (insert the date of the FIRM map).”~~
- ~~OR~~
- ~~“(Property / Properties) shown hereon (is / are) located within FEMA flood zone X (areas outside of the 0.2%-annual-chance floodplain).”~~
- ~~i) “If any affected property is subject to a conservation easement, a note specifying that the easement exists and specifying the deed book/page number or instrument number for the deed of easement.”~~
- ~~j)~~e) For family subdivisions:
“This is a family subdivision as defined by the Orange County Subdivision Ordinance. Each lot created hereon as a family subdivision shall be titled in the name of the immediate family member for whom the subdivision is approved for a period of no less than five (5) years from the date of plat approval.”
- ~~k)~~f) For a plat requiring VDH review and approval:
“A copy of the plat showing the approved building, well, and septic field locations, unless otherwise noted, is on file in the Orange County Virginia Department of Health office.”
- ~~l)~~g) For a plat showing the creation of a residual lot greater than six (6) acres in size:
“Approval of the residue lot shown hereon does not certify or guarantee the presence of adequate soils to support an onsite wastewater treatment system, nor does it guarantee that the lot is deemed buildable by the County.”
- ~~m)~~h) For the creation or extension of a private road:
“(Insert name of private road) shown hereon is private and its maintenance is not a public responsibility. It shall not be eligible for acceptance into the state

secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs required to cause this road to become eligible for addition into the state system shall be provided with funds other than those administered by the Virginia Department of Transportation.”

- n) i)** For the creation or extension of a public road:
“(Insert name of public road(s)) shown hereon (is / are) hereby dedicated to public use, and shall be constructed to meet the Virginia Department of Transportation Secondary Street Acceptance Requirements. (This road / These roads), upon meeting the necessary state requirements and with the appropriate petition to the Orange County Board of Supervisors, may be included in the system state highways for maintenance by VDOT, upon VDOT approval.”
- e) i)** For a plat showing the creation of a private access easement, private road right-of-way, or any new driveway onto an existing state road:
“Prior to construction of any new entrance and/or road connecting to an existing state road, a VDOT Land Use (Entrance) Permit shall be required in addition to a Land Disturbance Permit issued by Orange County.”
- p) k)** For a plat showing the reservation of temporary turnaround easements:
“The area(s) on this plat designated for temporary turnaround(s) shall be constructed and used until (road name(s)) (is / are) extended, at which time the land within the reserved area(s) shall revert to the underlying owners and the turnaround easement shall be deemed abandoned.”
- e) l)** For a plat showing the vacation of a previous agricultural subdivision and subsequent approval of the lot(s) as buildable:
“Approval and recordation of this plat vacates the previous agricultural subdivision recorded in (insert Circuit Court deed book/page number or instrument number for the plat) and hereby creates a lot deemed buildable by the County.”

Sec. 54-46 – Improvements Plan Information

- a) An improvements plan for any road, unless a driveway or family subdivision, sidewalk, water/sewer, stormwater, or other physical improvements required as part of the development which are related to any of the following types of development shall be submitted with the record plat review application:

 - 1) Any plat which requires the construction of a new road to serve three (3) or more lots, or the extension of an existing road which cumulatively serves three (3) or more lots;
 - 2) Any plat which requires the installation of sidewalks and/or street lights;
 - 3) Any plat which requires the installation of stormwater facilities and infrastructure;
 - 4) Any plat to be served by public water and/or sewer;
 - 5) Any plat to be served by a community water and/or sewer system; and
 - 6) Any unique situation not listed above for which physical improvements are required by County Code or by the Subdivision Agent.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.

6. Worksession

There were no Worksession matters at this time.

7. New Business

a. Amendment to the Proposed Proffers for REZ 20-01 (Signature Series Development, LLC)

Eric Bittner, Planner, explained that REZ 20-01 (Signature Series Development, LLC) was a request to rezone Tax Map No. 4-3, containing 75.8 acres, from C-2 Conditional and R-4 Conditional to Planned Development-Mixed-Use (PDM) Conditional. He indicated the Planning Commission had most recently conducted its public hearing on the request in April, 2021, which led to a recommendation of approval, based on the application at that time. However, the applicants had recently submitted revised proffers, which were presented for Planning Commission consideration. Mr. Bittner noted that the proposed rezoning, as now revised, did not conform to the intent and requirements of the PDM zoning district and the proffers, as now revised, removed key elements of the development guidelines while adding costs to the County. Therefore, staff recommended a recommendation of denial to the Board of Supervisors at this time.

Discussion ensued among the Commission regarding: clarification on what action the Planning Commission was being asked to consider; a summary of the proffers that had been removed since the request was previously considered; how the change in proffers was initiated; the location of the portion of the parcel to be donated to the County, as proffered; site access to the residential component of the project; and the fact that completion of a Traffic Impact Analysis was not proffered.

Bob Dudley, applicant, provided a statement to the Commission, mainly concerning the reason why the project and proffers had changed, and explaining the commercial component of the project was proffered to be donated to the County as the applicants felt strongly that the County could better market or develop that portion.

Further discussion ensued among the Commission regarding: alignment of the project and compliance with the Germanna-Wilderness Area Plan (GWAP); the number of additional County residents that would result from the townhomes; the fact there was no benefit to the County for the removal of the previous proffers; the abandoning of all the design standards in the previous proffers; the inability to market the commercial property; acknowledgement that County planning staff may have changed over the course of the project's development, but the GWAP standards had not changed; the fact that an approved rezoning existing already, but if that plan were to change, it would have to comply with the current GWAP standards; and the reason for revising the proffers from last year to now.

On the motion of Mr. Nicol, seconded by Mr. Capelle, which carried by a roll call vote of 4-1, with Mr. Yancey voting against, the Commission adopted the following resolution recommending denial, as presented:

WHEREAS, Signature Series Development, LLC applied to rezone property in the northeast quadrant of Rt. 3 (Germanna Highway) and Rt. 708 (Somerset Ridge Road) from C-2 (General Commercial) Conditional and R-4 (Multifamily Residential) Conditional to Planned Development-Mixed-Use (PDM) Conditional in order to amend the proffers; and

WHEREAS, the request was pursuant to Sec. 70-191 et seq. and Sec. 70-567A et seq. of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission previously held a duly-advertised Public Hearing on this Rezoning request in October 2020, and recommended approval to the Board of Supervisors, as presented at the time; and

WHEREAS, the applicant has since then submitted revised proffers for Planning Commission consideration; and

WHEREAS, the Planning Commission has determined this Rezoning, as revised, would not further the purposes of the Comprehensive Plan and the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED, on this 6th day of October, 2022, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare, and good planning and zoning practice, that the Orange County Board of Supervisors deny REZ 20-01 (Signature Series Development, LLC), as revised.

Ayes: Capelle, Brooks, Bryington, Nicol. Nays: Yancey.

8. Old Business

a. Presentation of Wilderness Crossing Town Hall

Commissioners Nicol and Bryington provided an update on the recent Town Hall related to the Wilderness Crossing rezoning, which was conducted by the applicants. The update included information on the following: the number of individuals in attendance; the presentation and slides presented by the applicants; updates and changes to the submittal, as summarized by the applicants, some of which were seen as improvements; questions and comments from the audience; information that was left out or avoided during the presentation; and frustration with the lack of public notice for the Town Hall provided by the applicants.

Discussion ensued among the Commission regarding: environmental concerns; what was driving the change behind the proposed intersection improvements; a desire to get a copy of the Town Hall presentation; whether representatives from VDOT, DEQ, and the Department of Energy were needed at the worksession; distribution of the site visit meeting minutes to the Board of Supervisors; the position of the County on this rezoning application and what Board members were communicating; the inaccuracy of some of the information being shared; whether the revised proffers included participation in the voluntary remediation program; and concerns with the proposed worksession and public hearing schedule.

9. Reports

a. Board of Supervisors Report

Mark Johnson, Board of Supervisors Liaison, was absent and, as such, did not provide a report.

b. Planning and Zoning Services Report

Josh Frederick, Planning and Zoning Services Manager, made the Commission aware of a Special Exception application that would also be submitted for Wilderness Crossing, which was related to structure height. He indicated the public hearings, when appropriate, would be advertised for concurrent consideration.

The Commission welcomed Mr. Frederick back to Orange County.

10. Commissioner Comments

The Commissioners sent well wishes to Mr. Yancey as he healed from recent surgery. They also welcomed Mr. Frederick and Ms. Washington, and thanked Mr. Lacheney, County Attorney, for attending the meeting to provide counsel support.

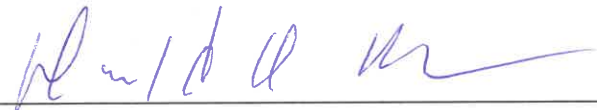
11. Next Meeting

The Commission was reminded of its next meeting.

12. Adjourn

On the motion of Mr. Nicol, seconded by Mr. Bryington, which carried by a vote of 5-0, the Commission adjourned its meeting at 7:56 p.m.

Ayes: Capelle, Yancey, Brooks, Bryington, Nicol. Nays: None.



Donald Brooks, Chairman

Alyson Simpson, Planning Commission Secretary

While 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.