

BOARD OF SUPERVISORS MINUTES

MAY 9, 2023

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, May 9, 2023, 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; Lee H. Frame, Vice Chairman; James K. White; Keith F. Marshall; and James P. Crozier. 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

RE: BUSINESS SPOTLIGHT

Jess Cifizzari, Executive Board President of the James Madison Museum of Orange County Heritage, appeared before the Board to spotlight the business.

The Board thanked Ms. Cifizzari for her presentation.

RE: PRESENTATION OF THE WINNERS OF THE TAKE DOWN TOBACCO DAY CONTEST

Alisha Vines, Office on Youth Director, and Robyn Chapman, Grant Program Manager, presented the winners of the Take Down Tobacco Day Contest and their art campaigns against the use of tobacco products. The winners were Rachelle Lucia Rogers (8th Grade, PHMS) and Maritza Beltran (11th Grade, OCHS).

The Board congratulated the contest winners.

RE: QUARTERLY UPDATE FROM THE VOLUNTEER FIRE CHIEFS ASSOCIATION

Chief Jeff Mendonca, President of the Volunteer Fire Chiefs Association, provided a quarterly update to the Board on behalf of the Association, which included information on the following: the production status of new apparatus; ongoing training and professional development efforts; continued work on recruitment and retention; and statistics on volunteer membership.

Discussion ensued among the Board regarding: the efforts of both volunteer and career crews in response to the recent fire at the Rapidan Service Authority office; and the price increases experienced with the diesel system apparatus.

The Board thanked Chief Mendonca for the update.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE

Willie Gordon, Assistant Residency Administrator, provided an update to the Board on VDOT activities. He reported on ongoing resurfacing and patching efforts; maintenance activities; SmartScale project selection; and various construction projects.

Discussion ensued among the Board regarding: whether the landowner concerns had been addressed at the Barboursville roundabout project; the construction schedule for said roundabout project, as fiber utilities needed to be relocated; the new point of contact for VDOT; and a request to properly crown the gravel roads when grading in order to help with water runoff.

The Board thanked Mr. Gordon for his presentation.

RE: INTRODUCTION FROM JUST ORANGE CIVIC YOUTH GROUP

Dani Rivera, Co-Founder of *Just Orange* Civic Youth Group, thanked the Board for the opportunity of a second presentation. She introduced several members of the youth group, who shared the purpose of the group, their desires for youth participation in government, and their hopes for the future of Orange County.

The Board thanked Ms. Rivera and the students for their presentation.

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
30030006-33500	Donations - Animal Shelter	\$ (31,766.25)	\$ (2,573.40)	\$ (34,339.65)
43520003-43115	Prof. Serv. - Emergency Vet	195,723.25	2,573.40	198,296.65
30046009-37011	Federal Grant - Misc.	0.00	(2,139.63)	(2,139.63)
43550002-46500	Other Operating Supplies	10,000.00	2,139.63	12,139.63
30026501-32425	Friends of the Lib. Donations	(9,130.51)	(1,520.05)	(10,650.56)
47312001-46800	Library Program Expenses	5,055.00	600.00	5,655.00
47311001-46800	Library Program Expenses	5,055.00	500.00	5,555.00
47312001-45510	Mileage/Tolls/Parking	267.00	150.80	417.80
47312001-45540	Tuition/Registration	178.00	225.00	403.00
47312001-45530	Travel - Meals & Lodging	0.00	44.25	44.25
TOTALS		\$ 175,381.49	\$ 0.00	\$ 175,381.49

RE: FY23 BUDGET AMENDMENTS FOR ORANGE COUNTY PUBLIC SCHOOLS

As part of the Consent Agenda, the Board approved a supplemental appropriation and budget amendment for FY23 for Orange County Public Schools in the amount of \$20,931 in the Operating Fund, which represented additional Federal grant revenue that had been received, as presented.

RE: ADOPTION OF THE APRIL 18, 2023 SPECIAL MEETING MINUTES

As part of the Consent Agenda, the Board adopted the April 18, 2023 Special Meeting minutes, as presented.

RE: ADOPTION OF THE APRIL 25, 2023 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the April 25, 2023 Worksession minutes, as presented.

RE: ADOPTION OF THE APRIL 25, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the April 25, 2023 Regular Meeting minutes, as presented.

RE: PROCLAMATION FOR OLDER AMERICANS MONTH

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

A PROCLAMATION TO DECLARE
THE MONTH OF MAY AS
OLDER AMERICANS MONTH

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the month of May as Older Americans Month in Orange County, Virginia.

WHEREAS, Orange County includes a growing number of older Americans who contribute their time, wisdom, and experience to our community; and

WHEREAS, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

WHEREAS, Orange County recognizes the need to create a community that offers the services and support that older adults may need to make choices regarding how they age; and

WHEREAS, Orange County continues to work toward building an even better community for our older residents by:

- ✓ Not limiting our thinking about aging,
- ✓ Exploring and combating stereotypes,
- ✓ Emphasizing the many positive aspects of aging,
- ✓ Inspiring older adults to push past traditional boundaries, and
- ✓ Embracing our community's diversity;

NOW, THEREFORE, BE IT PROCLAIMED, on this 9th day of May, 2023, that the Orange County Board of Supervisors hereby recognizes May, 2023, as Older Americans Month in Orange County, and calls this observance to the attention of all citizens, urging every resident to celebrate our older citizens, help create an inclusive society, and accept the challenge of flexible thinking around aging.

RE: NEW BUSINESS

RE: CONTRACT FOR PURCHASE OF REPLACEMENT CHILLER SYSTEM FOR THE COURTHOUSE

Amanda Amos, Contract and Procurement Specialist, explained that the Courthouse chiller replacement and/or repair project (C1210) had been in the Capital Improvements Plan for several years. After receiving Board comment regarding the need to replace, rather than repair, the system, staff spent months working with industry experts to analyze the project and reach a path forward.

Ms. Amos stated that staff proposed fully replacing the chiller system as it was a more cost-effective and responsible solution. That said, she noted staff was seeking to enter into Cooperative Contract 3341 with Omnia Partners for Trane U.S. Inc. to provide and install the new chiller system per their proposal. Ms. Amos reported that total costs for the new system were \$297,858, which included both equipment and installation, and funds were budgeted in the Capital Improvements Plan.

Discussion ensued among the Board regarding: the breakdown between the equipment costs and the installation costs; the availability of and lead time on the equipment; the schedule to complete the work; whether the “patching” of the current system would last though replacement; the type of refrigerant in the new system; and the method of solicitation.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized staff to enter into a contract with Omnia Partners for the purchase and installation of the replacement chiller system for the Courthouse, as presented.

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

RE: OLD BUSINESS

RE: AGREEMENT WITH GREENE COUNTY REGARDING WATER SERVICE FOR ORANGE COUNTY RESIDENTS

Theodore L. Voorhees, County Administrator, explained that at the Regular Meeting on April 11, 2023, staff presented an agreement with Greene County that would address water service for certain Orange County residents remaining on the Greene County system after completion of the withdrawal from Rapidan Service Authority. During said meeting, the Board requested that the number and location of the affected Orange County residents be verified, and the associated exhibit be updated, before the agreement was adopted. Mr. Voorhees indicated that staff had worked with Greene County to verify the requested information, which had been accurately reflected in the updated agreement and exhibit presented for the Board's consideration at this time.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the Agreement between Greene County and Orange County regarding water service for Orange County residents, as presented, and authorized the County Administrator to execute said agreement on behalf of Orange County.

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

RE: AMENDMENTS TO BUILDING PERMIT AND INSPECTION FEES (CARRIED OVER FROM THE APRIL 11, 2023 PUBLIC HEARING)

Theodore L. Voorhees, County Administrator, indicated that at the Regular Meeting on April 11, 2023, a Public Hearing was conducted on amendments to the various Building Permit and Inspection fees. Following the Public Hearing, the Board requested additional details on the comparative data used to determine the proposed fees, as well as a comparison of the current fees versus the proposed fees. He explained that a motion was subsequently made to defer action on the matter until the Regular Meeting on May 9, 2023.

Discussion ensued among the Board regarding: how the increases were determined and why some fees increased more than other fees; the methodology behind the fee increases; and the direction provided to staff by the Budget Guidance Subcommittee.

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 ADOPTING AMENDMENTS TO BUILDING PERMIT AND INSPECTION FEES,
EFFECTIVE JULY 1, 2023**

WHEREAS, Board of Supervisors consideration was requested on amendments to the various Building Permit and Inspection Fees as part of the annual budget process, as said fees had not been amended since 2010; and

WHEREAS, Section 36-105 of the Code of Virginia requires said fees be adopted by ordinance of the local governing body; and

WHEREAS, the Board of Supervisors advertised and conducted the required Public Hearing on the amendments on April 11, 2023, but deferred action until May 9, 2023; and

WHEREAS, the Board of Supervisors hereby supports the proposed amendments, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 9th day of May, 2023, that the Orange County Board of Supervisors hereby approves the amendments to the various Building Permit and Inspection Fees, as presented and shown below, effective July 1, 2023.

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

Orange County, Virginia

BUILDING PERMIT AND INSPECTION FEE SCHEDULE

RESIDENTIAL	
CONSTRUCTION:	
Stick built, modular, doublewide, or triplewide manufactured dwelling	\$0.25/sq. ft. (min. \$150)
Singlewide manufactured dwelling located in park	\$175 (includes trades)
Singlewide manufactured dwelling located outside of park	\$225 (includes trades)
Unfinished basement (with heat) or finished basement	\$0.20/sq. ft. (min. \$100)
Addition to dwelling	\$0.25/sq. ft. (min. \$150)
Alteration	\$0.25/sq. ft. (min. \$150)
Deck, porch, or ramp	\$0.15/sq. ft. (min. \$75)
Fireplace, chimney, gas logs, etc.	\$75
Elevator	\$150
Irrigation system	\$150
Water line or sewer line	\$50
Generator	\$100
ACCESSORY STRUCTURES:	
Garage or carport (attached or detached)	\$0.25/sq. ft. (min. \$75)

Utility building or shed	\$0.25/sq. ft. (min. \$75)
Dock, slip, or gazebo	\$0.15/sq. ft. (min. \$75)
Fence, retaining wall, etc.	\$75
Above-ground pool or hot tub (<i>incl. electric bonding / equip. wiring</i>)	\$100 (includes trades)
In-ground pool (<i>incl. electric bonding / equip. wiring</i>)	\$200 (includes trades)
Electric for accessory structure	\$0.15/sq. ft. (min. \$100)

TRADES:

Electric, mechanical, plumbing, alarm, fire suppression, gas	\$0.15/sq. ft. (min. \$100)
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OTHER:

Stabilize walls	\$100
Demolition	\$100
Install underground or above-ground storage tank	\$100
Demo underground or above-ground storage tank	\$50
Solar panels: Ground solar panels with electric	\$0.10/sq. ft. (min. \$150)
Roof solar panels with electric	\$150

ADDITIONAL CHARGES:

Work started without a permit	\$50
Special inspection (investigative or requested)	\$50
Re-inspection	\$50
Temporary occupancy permit	\$50
Re-issue occupancy permit with inspection	\$50
Residential change of use	\$50
Permit name transfer	\$50
Permit renewal fee	\$50 each trade \$100 for building permit

CONSTRUCTION PLAN REVIEW:

Dwellings and additions over 500 sq. ft.	\$150
Plan amendment	\$100

COMMERCIAL
CONSTRUCTION:

New construction or addition	\$0.20/sq. ft. (min. \$150)
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Alteration	\$0.20/sq. ft. (min. \$150)
Temporary or early electric	\$0.10/sq. ft. (min. \$150)
Upgrade electric	\$100
Emergency electric generator	\$100
TV cable power supply	\$100
Fuel dispensing pump	\$100
Gas line	\$100
Water line, sewer line, or irrigation system	\$150
Backflow prevention	\$100
Furnace	\$100
Range hood	\$150
Hood suppression	\$0.10/sq. ft. (min. \$150)
Fireplace or chimney	\$100
Swimming pool, hot tub, or spa (<i>incl. electric bonding / equip. wiring</i>)	\$200 (includes trades)
Install underground or above-ground storage tank	\$100
Demo underground or above-ground storage tank	\$50
Deck, porch, or ramp	\$0.15/sq. ft. (min. \$75)
Dock, slip, or gazebo	\$0.15/sq. ft. (min. \$75)
Elevator	\$150
Tent (over 900 sq. ft. or 50 people)	\$150
Additional tent on the same property	\$75
Mobile construction office (temporary)	\$200
Demolition	\$100
Fence, retaining wall, etc.	\$0.10/ft. (min. \$100)
Re-roof	\$150
Accessory structure	\$150

TRADES:

Electric, mechanical, plumbing, alarm, fire suppression, solar fields	\$0.20/sq. ft. (min. \$150)
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SIGNS:

Less than 100 sq. ft.	\$100
More than 100 sq. ft.	\$150

CELL TOWERS:

New tower	\$1,000
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Co-location	\$750
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AMUSEMENT RIDE INSPECTIONS:	
Small (kiddie) ride	\$15
Circular or flat ride less than 20 feet in height	\$25
Inflatable ride	\$35
Spectacular ride	\$45

ADDITIONAL CHARGES:	
Work started without a permit	\$100
Special inspection (investigative or requested)	\$75
Re-inspection	\$75
Temporary occupancy permit	\$125
Re-issue occupancy permit with inspection	\$125
Commercial change of use	\$125
Permit name transfer	\$100
Permit renewal fee	\$50 each trade \$200 for building permit

CONSTRUCTION PLAN REVIEW:	
Less than 5,000 sq. ft.	\$200
Between 5,000 sq. ft. and 50,000 sq. ft.	\$250
More than 50,000 sq. ft.	\$300
Plan amendment	\$100

The permit and inspection fees outlined above are subject to a 2% State surcharge at the time of application.

RE: BOARD COMMENT

Chairman Johnson provided remarks to give clarity to the Board's decision to approve the Wilderness Crossing rezoning application. He said he felt he did not properly articulate some of the points he wanted to address during the recent public hearing; therefore, he would circle back to make a few comments at this time. Mr. Johnson highlighted some of the issues raised:

- 1) Water - Mr. Johnson felt the Board had addressed this concern as there was land available for impoundment for emergency use in dry weather. He also remarked that the County could not work on a regional impoundment on its own, nor did the application have anything to do with Wilderness Run or taking land from Spotsylvania County landowners.
- 2) Increased Traffic - Mr. Johnson acknowledged there would be increased traffic, but that Route 3 had long been designated as the growth area for Orange County, going back almost 50 years to its inclusion in the first Comprehensive Plan and many times over the years since then.
- 3) Impacts on Route 3 - Mr. Johnson acknowledged there could be some impacts on Route 3, but much of Route 3 had already been impacted. He indicated that VDOT had a series of upgrades that were needed on Route 3 and some of those improvements would happen faster as a result of this development.

- 4) Need for New School - Mr. Johnson indicated that residents on the eastern end of the County had wanted a new high school for about 25 years. He noted this development may speed that up.
- 5) Impact on the Battlefield - Mr. Johnson said he was very respectful of the Wilderness Battlefield and it was one of the largest in the Country. He stated there could not be a reasonable expectation that there would be no growth around the edges of the Battlefield. Mr. Johnson noted that the "meat" of the Battlefield was miles away from this development and would not be directly impacted.

Mr. Johnson noted that the proffers were a collaborative process where the applicant put a proposal forward, to which the County provided feedback, and those exchanges occurred over a number of years. He indicated some citizens had wondered why the Board did not ask questions of the applicant during the public hearing, and that was because the Board had been asking questions of the applicant for the last several years. Those ongoing discussions resulted in receiving land for the water impoundment, land for a regional park, limits to the number of residential units, noise restrictions, goldmine remediation with the work of the Planning Commission, and receipt of over \$20 million.

Mr. Johnson highlighted the benefits of the development to Orange County, including expanding the tax base, expanding employment opportunities, paying for upgrades to Route 3, and allowing the County to finally take proactive action to fulfill the over-half-century-old planning centered on the idea that Route 3 should be the primary growth area in the County.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Tourism Quarterly Report
- Health Center Commission Minutes; February 24, 2023

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of May 2023, June 2023, and July 2023.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 23-02

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 23-02 on Tuesday, June 13, 2023, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-04

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 23-04 on Tuesday, June 13, 2023, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 22-08

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 22-08 on Tuesday, June 13, 2023, as presented.

* Mr. White left the meeting at 5:51 p.m.

RE: PUBLIC HEARING #1; SECONDARY SIX-YEAR PLAN

Willie Gordon, Assistant Residency Administrator, reviewed the proposed Secondary Six-Year Plan for FY2024 through FY2029, noting that no new projects had been added to the Plan this year. He indicated that the projected funding had been spread across the existing projects, as reflected in the draft Plan.

At 5:52 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

PROPOSED SECONDARY SIX-YEAR PLAN

The Board of Supervisors, in accordance with §33.2-331 of the Code of Virginia, will conduct a joint public hearing with the Virginia Department of Transportation on the County's proposed Secondary Six-Year Plan (SSYP) for Fiscal Years 2024 through 2029, and on the Secondary System Construction Budget for Fiscal Year 2024. All projects in the SSYP that are eligible for Federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate Federal transportation funds.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:52 p.m.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 4-0, with Mr. White being absent, the Board adopted the following resolution, as presented:

**RESOLUTION TO ADOPT THE SIX-YEAR PLAN FOR SECONDARY ROADS
FOR FISCAL YEARS 2024 THROUGH 2029
AND THE SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2024**

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a Public Hearing on the proposed Plan (for Fiscal Years 2024 through 2029 as well as the Secondary System Construction Budget for Fiscal Year 2024) on May 9, 2023, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, Willie Gordon, Assistant Residency Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads for Fiscal Years 2024 through 2029 and the Secondary System Construction Budget for FY2024;

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of May, 2023, that since said Plan appears to be in the best interests of the Secondary Road System in Orange County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan for Fiscal Years 2024 through 2029 and the Secondary System Construction Budget for Fiscal Year 2024 are hereby approved as presented at the Public Hearing.

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

RE: PUBLIC HEARING #2; SUP 23-01 (WAL-MART)

Kyra Davis, Planner, presented the staff report and request for a Special Use Permit from Wal-Mart Real Estate Business Trust, which included information on the location and specifications of the subject property, the request to modify the conditions of previously-approved SUP 11-05 for a large retail use, and the recommendation of approval from the Planning Commission. Ms. Davis noted that staff recently learned the applicant desired a generator on the site, which was required to be reflected on the SUP Concept Plan. As such, she stated it would be appropriate to defer action in order to allow the updated plan to be received.

Rob Beaman, agent for the applicant, shared brief remarks regarding the applicant's request to refresh the existing Wal-Mart store on Route 3 with some exterior modifications and a small expansion to allow for the picking-up of pre-ordered merchandise. He also reported that, in response to the Planning Commission, the applicant had updated the directional signage for pick-up along A&K Blvd. to the rear of

the store instead of across the front of the store. Mr. Beaman also acknowledged that the applicants desired a back-up generator on site, which they were working to have reflected on the SUP Concept Plan.

Discussion ensued among the Board regarding: the increase in the number of online and prepaid orders for pick-up; the colors and signage to remain in compliance; and the need to keep up with the vegetation on site.

At 6:00 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 23-01

The Board of Supervisors will consider a Special Use Permit application from Wal-Mart Real Estate Business Trust to modify the conditions of previously-approved SUP 11-05 for a large retail use, to now permit (a) re-painting of the store facade, (b) modifications to the free standing and building signage used for the store, (c) an expansion of the store to provide space for the staging of customer pick-up of pre-purchased merchandise, and (d) modifications to a portion of the parking area to provide designated space for customers picking-up pre-purchased merchandise, on property located at 2533 Germanna Highway, Locust Grove. The property is identified as Tax Map Parcel 12-42, contains 13.52 acres, and is zoned General Commercial (C-2) Conditional. The property is situated in the Germanna-Wilderness Area Plan (GWAP) Mixed Use Planned Development of Sub-Area 1 Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There were no speakers at this time. The Public Hearing was left open as the Board intended to defer action to allow for the updated SUP Concept Plan to be received.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 4-0, with Mr. White being absent, the Board deferred action on SUP 23-01 (Wal-Mart) until the Regular Meeting on Tuesday, June 13, 2023.

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

RE: PUBLIC HEARING #3; ZTA 23-01

Josh Frederick, Planning and Zoning Services Manager, presented the staff report regarding proposed amendments to the Zoning Ordinance concerning setbacks for certain lots in Lake of the Woods, 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 6:02 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

ZTA 23-01

The Board of Supervisors will consider a County-initiated Zoning Text Amendment that would amend §70-646 of the Zoning Ordinance to reduce from 100 feet to 50 feet the building setback requirement for residential lots within the Lake of the Woods subdivision adjacent to Route 3.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:02 p.m.

On the motion of Mr. Frame, seconded by Mr. Marshall, which carried by a roll call vote of 4-0, with Mr. White being absent, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO SECTION 70 (ZONING), ARTICLE V
(SUPPLEMENTARY DISTRICT REGULATIONS), OF THE ORANGE COUNTY CODE OF
ORDINANCES CONCERNING SETBACK REQUIREMENTS FOR LAKE OF THE WOODS

WHEREAS, Planning Commission action was previously initiated on amendments to Section 70 (Zoning), Article V (Supplementary District Regulations), of the Orange County Code of Ordinances concerning setback requirements for Lake of the Woods; 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 April 6, 2023; 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 May 9, 2023; 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 planning and zoning practice also support approval of the proposed text amendments, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 9th day of May, 2023, that the Orange County Board of Supervisors hereby **approves** the proposed amendments to Section 70 (Zoning), Article V (Supplementary District Regulations), of the Orange County Code of Ordinances concerning setback requirements for Lake of the Woods, as presented and shown below.

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

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 230509 – PH3
by the Orange County Board of Supervisors
on May 9, 2023**

Chapter 70 – Zoning

Article V – Supplementary District Regulations

Division 4 – Setbacks

Sec. 70-646 – Primary Highways

The minimum distance by which any structure, except signs, gasoline pump islands, and their canopies, shall be separated from the right-of-way of a primary highway, irrespective of property lines, shall be as follows:

- (a) Germanna Highway (VA Route 3): 100 feet, except for individual residential lots within the Lake of the Woods subdivision that abut Germanna Highway the minimum required setback shall be 50 feet.
- (b) James Madison Highway (US Route 15) north of the Town of Orange: 150 feet.
- (c) James Madison Highway (US Route 15) south of the Town of Orange: 100 feet.
- (d) Constitution Highway (VA Route 20) north of the Town of Orange or south of Spotswood Trail (US Route 33) in Barboursville: 100 feet.
- (e) Constitution Highway (VA Route 20) south of the Town of Orange and north of Spotswood Trail (US Route 33) in Barboursville: 300 feet, except that between Hardwick Mountain Drive and Maudes Lane the minimum required setback shall be 150 feet.

- (f) Spotswood Trail (US Route 33): 100 feet.
- (g) Blue Ridge Turnpike (VA Route 231) north of the Town of Gordonsville: 300 feet.
- (h) Blue Ridge Turnpike (VA Route 231) south of the Town of Gordonsville: 100 feet.
- (i) Zachary Taylor Highway (US Route 522): 100 feet.

RE: CLOSED MEETING

At 6:03 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 matter:

- Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body concerning the Planning Administrator. - §2.2-3711(A)(1) of the Code of Virginia

WHEREAS, pursuant to §2.2-3711 (A)(1) 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 aforesated matters in Closed Meeting.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. White being absent, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Marshall, Crozier, Frame. Nays: None. Absent: White.

RE: CERTIFICATION OF CLOSED MEETING

At 6:43 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, Marshall, Crozier, Frame. Nays: None. Absent: White.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. White being absent, the Board adjourned the meeting at 6:44 p.m. Ayes: Johnson, Marshall, Crozier, Frame. Nays: None. Absent: White.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator