Orange County Planning Commission
Regular Meeting Minutes
Public Safety Building; Board Meeting Room
11282 Government Center Drive, Orange, Virginia 22960
Thursday, March 2, 2023

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

Members Absent: Bryan Nicol (was present via Zoom for portion of meeting. *revised to add: Mr. Nicol was in Colorado for the purpose of personal business.)

Others Present: Nicole Ganoe-Washington, Director of Development Services; Thomas Lacheney, County Attorney; Eric Bittner, Planner; Kyra Davis, Planner; and Susan Crosby, Planning Commission Secretary.

1. Call to Order and Determination of Quorum

Chairman Brooks called the meeting to order at 6:04 p.m. and a quorum was established.

2. Adoption of Agenda

On the motion of Mr. Yancey, seconded by Mr. Capelle, which carried by a vote of 4-0, the Commission adopted the agenda, as modified, to include adding Public Comment section, the addition of Board members, Chairman Johnson and Mr. Frame's, presentations; and to change the order of the public hearing location discussion prior to Worksession.

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

3. Public Comment

Chairman Brooks opened the floor to public comments. Don McCown with the Piedmont Environmental Council was called forward. He requested the Commission encourage robust public participation in the upcoming public hearing of Wilderness Crossing to include the option of allowing remote comments to enable the public to express their questions and concerns. He also thanked the Commissioners for their thorough review of the Wilderness Crossing application.

4. Presentation by District 5 Supervisor Lee Frame

Chairman Brooks called Supervisor Lee Frame for his presentation on behalf of RSA. Supervisor Frame stated following the 2001 drought RSA has worked to build the water plant and now pulls roughly 3 million gallons of water a day out of the Rapidan. The State has said they will do regional plans but so far, the State has not come out with any guidance. In 2016 the County did a water demand study during the creation of Germanna Wilderness Area Plan, one of the early considerations was to have a couple of reservoirs in the GWAP area around subsection 4. However, if the area were to be completely built out, the reservoirs could not sustain the daily demand for water unless the County chooses to not build 20 – 30 thousand homes in the area. Supervisor Frame stated this will be something the Board of Supervisors will need to look at following the Wilderness Crossing decision to determine the current water supply and what kind of growth plans they want. Following the presentation, Supervisor Frame answered questions from the Commission regarding the water supply issues. Discussion ensured.

5. Presentation by Chairman of the Board of Supervisors, Mark Johnson

Chairman Brooks called Mark Johnson, Chairman of the Board of Supervisors, forward to give his presentation regarding some concerns from the last Worksession regarding the GWAP Sub Area 4. Chairman Johnson stated he was not there to advocate for anything but to present some facts and update. In 2013 the Board of Supervisors got the idea the county needed a special zoning district in the area that is now the Germanna Wilderness Area Plan. In May of 2013, the first public joint meeting comprised of Board of Supervisors, the Planning Commission, the Economic Development Authority and a number of the public were there. He stated he wanted to address several issues that were raised during the last worksession concerning some of the tasks listed in the GWAP as it was stated that none of them had been completed. Chairman Johnson went on to explain the 7 tasks relevant to Sub Area 4 and not GWAP as a whole.

First, establish a Rt 3 overlay corridor district, the Steering Committee decided against it since GWAP itself is an overlay.

Second and Third, establish development standards and PUD zoning districts, those have been done and are in our Zoning Ordinance.

Fourth, establish master utility plan, this has been done but has not been adopted, could also establish a regional plan.

Fifth, was to develop a transportation master plan, the improvement plan map is part of GWAP and falls in line with what Wilderness Crossing is planning. VDOT did a Rt 3 Arterial Preservation Plan in 2019 which is available at VDOT.

Sixth, to develop Historical Cultural Assets and Opportunities Plan. An inventory matrix was prepared by Zan Nelson, which is on the county's website and the map is included in the GWAP.

Seventh, to create a job development and business investment zone. Chairman Johnson stated it was aspirational and has been taken over by subsequent events but if Wilderness Crossing passes, it pretty much covers all of Sub Area 4. If it doesn't pass, if desired it can be revisited.

Following the presentation, Chairman Johnson took questions from the Commissioners. Discussion ensued.

6. Old Business

a. Determination of location for Wilderness Crossing (REZ 22-03) Public Hearing

Chairman Brooks asked Nicole Ganoe-Washington, Director of Development Services, to tell the Commission the status on the location options previously discussed. Ms. Washington stated she had contacted the Locust Grove Middle School and due to sporting and other events they were not able to accommodate for the public hearing. She recommends the Wilderness Crossing public hearing be held at the Public Safety Building on March 23, 2023. Discussion ensued. On a motion by Mr. Capelle, seconded by Mr. Nicol, for not only the current public hearing but for future ones as well, to explore options for zoom public comments and to establish those rules. Motion carried on a roll call vote of 4-1, Mr. Yancey in dissent. Chairman Brooks assigned Mr. Capelle and staff to establish the rules. Further discussion ensued and on a motion from Mr. Nicol, seconded by Mr. Capelle, to have the public hearing at the Locust Grove Middle School in lieu of the Orange County Public Safety Building. Following discussion, motion was denied by a roll call vote of 1-4.

Mr. Nicol left Zoom at 7:24 pm.

7. Public Hearings

a. STA 22-04 / ZTA 22-02: Tom Lacheney, County Attorney

A proposed amendment to Sec. 54-17 of the Subdivision Ordinance and Sec. 70-37 of the Zoning Ordinance that would allow the Subdivision Agent or Zoning Administrator to withhold various development approvals in the event a property is delinquent in taxes, or if the owner is in default of any agreement or requirement.

(The public hearing on this item remained open from the January 5, 2023 regular meeting)

Chairman Brooks called on Mr. Lacheney to explain the proposed ordinance amendment. Discussion ensued between Mr. Lacheney and the Commission. Chairman Brooks reminded the Commissioners the public hearing remained open from the January 5th meeting.

At 7:27 p.m., Chairman Brooks called the Public Hearing to order.

There being no speakers, Chairman Brooks closed the Public Hearing at 7:27 p.m.

Mr. Capelle made a motion to approve as presented, Mr. Yancey seconded. Following discussion, motion carried on a 4-0 roll call vote.

8. Worksession

a. REZ 22-03 (Wilderness Crossing)

Before the Worksession discussions began, Chairman Brooks stated this would be the last worksession prior to the public hearing then asked Mr. Bittner if there was anything staff would like to add. Mr. Bittner went over with Commission the latest updates from the applicant which had been forwarded to them prior to the meeting.

<u>Fiscal Impact Analysis</u>

Chairman Brooks asked Commissioners if they had any questions for the applicant. There were no questions regarding Fiscal Impact Analysis or the Economic Impact Analysis.

Prior to the discussion on Proffers, Chairman Brooks turned the meeting over to the Vice Chairman, Mr. Capelle, for discussion on the proffer for the church as he did not want to be in the Chair seat during that time. Mr. Lacheney explained that Mr. Brooks would not be able to join in any debate or ask questions due to a conflict of interest, Mr. Brooks stated he understood.

Proffer Statement

Mr. Capelle took over as Chairman and asked if there were any questions regarding the new proffer statement. Mr. Capelle thanked the applicant for the updated proffer language, specifically about the mines but still does not agree with the Fiscal Impact or and Economic Impact Analysis. Discussion ensued regarding the Pilgrim Church proffer.

Applicant thanked the Commission for their engagement in the community and their efforts during these work sessions. Commissioners thanked the applicant for their willingness to work with them.

Mr. Capelle turned the meeting back over to Mr. Brooks.

9. Reports

a. Board of Supervisors Report: R. Mark Johnson, Board of Supervisors Liaison

Mr. Johnson had nothing to report.

10. Commissioner Comments

The Commissioners thanked the Board members for their presentations, the applicants and fellow Commissioners and staff, for their work in bringing this all together, with special recognition to Eric Bittner for all his hard work.

11. Next Meeting Date: March 23, 2023 Regular Meeting

12. Adjourn

On the motion of Mr. Capelle, seconded by Mr. Bryington, which carried by a vote of 4-0, the Commission adjourned its meeting at 7:50 p.m.

Donald Brooks

Donald Brooks, Chairman

Susan Crosby

Susan Crosby, 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.