At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, December 5, 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; James K. White, Vice Chairman; Keith F. Marshall; Crystal D. Hale; and J. Bryan Nicol. 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. White, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Marshall, Hale, Nicol. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: BUSINESS SPOTLIGHT

John Licata, Owner of The Licata Group, appeared before the Board to spotlight his business.

The Board thanked Mr. Licata for his presentation.

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; and various construction and signage projects.

The Board thanked Mr. Gordon for his presentation.

RE: CONSENT AGENDA

RE: FY24 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

On the motion of Mr. White, seconded by Ms. Hale, which carried by a vote of 5-0, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30034005-34030	Sheriff OT Reimbursement	$ (1,159.00)	$ (1,465.00)	$ (2,624.00)
43120001-41200	Wages - Overtime	229,144.00	1,465.00	230,609.00
30030002-33625	Donations - Triad	(4,617.00)	(500.00)	(5,117.00)
43177003-46800	Project Lifesaver Expenses	6,763.00	500.00	7,263.00
30030002-33625	Donations - Triad	(4,617.00)	(3,000.00)	(7,617.00)
43177002-46800	Guardian Pendant Expenses	5,313.00	3,000.00	8,313.00
30026501-32425	Friends of the Lib. Donations	(5,867.12)	(1,000.00)	(6,867.12)
47310001-46462	Books - Adult - Oth. Vendors	8,854.12	1,000.00	9,854.12
30047005-37010	Federal Grant - Misc.	(50,000.00)	(122,590.00)	(172,590.00)
49400008-48320	Booster Park HUD Project	0.00	122,590.00	122,590.00
30030006-33500	Donations - Animal Shelter	(4,068.00)	(663.00)	(4,731.00)

43520003-43115	Prof. Serv. - Emergency Vet	4,438.00	663.00	5,101.00
30045007-35925	Litter Control Grant	(11,635.00)	(1,625.00)	(13,260.00)
44271001-46800	Litter Expenses	5,760.00	1,625.00	7,385.00
30045006-35775	State - Airport Grant	(222,418.00)	(16,000.00)	(238,418.00)
49420001-48150	Airport Tractor	30,000.00	16,000.00	46,000.00
30045006-35775	State - Airport Grant	(222,418.00)	(16,781.00)	(239,199.00)
48170001-43370	Grounds Maintenance	88,528.00	16,781.00	105,309.00
30026025-33630	P&R Donations & Sponsors	(5,000.00)	(4,688.00)	(9,688.00)
47123101-43370	Grounds Maintenance	2,500.00	4,688.00	7,188.00
30030501-33465	Settlement Proceeds	0.00	(21,240.00)	(21,240.00)
45330020-43140	Prof. Serv. - Mgmt. Consult.	0.00	21,240.00	21,240.00
TOTALS		**$ (150,499.00)**	**$ 0.00**	**$ (150,499.00)**

Ayes: Johnson, White, Marshall, Hale, Nicol. Nays: None.

RE: ADOPTION OF THE NOVEMBER 13, 2023 SPECIAL MEETING MINUTES

On the motion of Ms. Hale, seconded by Mr. Marshall, which carried by a vote of 4-0-1, with Mr. Nicol abstaining, the Board adopted the November 13, 2023 Special Meeting minutes, as presented.

Ayes: Johnson, White, Marshall, Hale. Nays: None. Abstentions: Nicol.

RE: NEW BUSINESS

RE: PURCHASE OF A FRONT LOADER TRUCK

Amanda Amos, Contract and Procurement Specialist, explained that the Capital Improvements Plan (CIP) provided for the routine replacement of the Landfill's Front Loader Truck (Project L1001). The CIP reflected Project L1001 in FY25 with corresponding debt service payments. However, because of extended delivery lead times, Ms. Amos noted staff was requesting permission to order the Front Loader Truck early by utilizing surplus funds from the Landfill Cell 2 Expansion CIP Project (Project L1005). She stated this approach would allow the project to be completed ahead of schedule and would eliminate the debt service payments previously planned for this purchase.

Ms. Amos reported that, after review of various types of trucks and pricing components, staff wished to proceed with the purchase of a Heil Half Pack 28 cubic yard high compaction Front Loader Truck from Mid-Atlantic Waste Systems utilizing the Virginia Sheriff's Association's contract (VSA #24-05-0713). The cost of the Front Loader Truck was $398,600.

Ms. Amos further reported that the initial CIP estimate for the Front Loader Truck was $285,000, an estimate that was several years old. With $602,814 remaining as surplus in the Landfill Cell 2 Expansion Project, this purchase could be sufficiently covered, but staff wanted the Board to at least be aware of this increase in purchase cost.

Discussion ensued among the Board regarding: the delivery lead time of about nine months; the type of chassis to be used; and the request to purchase the truck with cash now versus a lease-purchase next fiscal year for a five-year period.

On the motion of Mr. Marshall, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board authorized staff to purchase a Heil Half Pack Front Loader Truck from Mid-Atlantic Waste Systems utilizing the Virginia Sheriff's Association's Cooperative Contract #24-05-0713, using surplus funds available in CIP Project L1005 in lieu of the purchase and debt service payments planned in CIP Project L1001, as presented.

Ayes: Johnson, White, Marshall, Hale, Nicol. Nays: None.

RE: DESIGN AND PURCHASE OF A TYPE I AMBULANCE

Amanda Amos, Contract and Procurement Specialist, stated that staff previously released a solicitation for the design and purchase of a Type I Ambulance. She noted that the Request for Proposal was advertised on the County's website, in the Orange Review, and on eVA (Virginia's e-procurement website), and a total of two (2) responses were received.

Ms. Amos indicated that the Selection Committee reviewed the proposals, interviewed both companies, and felt it best to award a contract to Atlantic Emergency Solutions. Atlantic Emergency Solutions could provide a Road Rescue Ultramedic Type I Ambulance built on a 2026 Dodge 5500 4x4 chassis, with a build time of 28 to 30 months from the date of order. Ms. Amos noted the term of the proposed contract was one-year with the option to renew for an additional four (4) terms.

Ms. Amos explained that the overall price for the ambulance was approximately $405,000. Funds were budgeted in the Capital Improvements Plan Project C1065 and were planned for lease-purchase. She added that funds in the amount of $1,534,672 were included in the CIP, but were intended to cover four (4) ambulance purchases, equating to approximately $383,668 each. As a result of the increase in purchase price, a future supplemental appropriation could be necessary to completely fund the other three (3) ambulances previously budgeted.

Discussion ensued among the Board regarding: whether or not this was a replacement ambulance; use of universal specifications on each unit; whether the units were planned for re-chassis; whether the unit cost was fixed or subject to cost overruns; staff's desire to purchase three units at the proposed cost; confusion on the way the memo and recommended action were written; and the need to analyze lease-purchase proposals because of increased interest rates.

Ms. Hale made a motion to authorize staff to enter into a contract with Atlantic Emergency Solutions, as requested, but the motion was withdrawn.

By consensus, the Board requested that staff bring the matter back at the next meeting on Tuesday, December 19, 2023, for further discussion and clarification on the requested action.

RE: VIRGINIA OUTDOORS FOUNDATION; REQUESTS FOR COMPREHENSIVE PLAN CONSISTENCY REVIEWS

Theodore L. Voorhees, County Administrator, stated that, as part of the process to establish a conservation easement, it was customary for the Virginia Outdoors Foundation (VOF) to check in with the local government in the locality of the requested easement in order to be sure that the land encumbered by the open space easement would be consistent with the locality's current comprehensive plan. He explained that the Virginia Outdoors Foundation presently had two easement requests in Orange County from J. Sheldon Clark: one for 43 acres on Route 522 and Route 626, and one for 84 acres on Route 636.

Mr. Voorhees indicated that VOF contacted Development Services staff to confirm that easements on the subject tracts would be consistent with the Comprehensive Plan. Until last week, VOF had not required a response from the locality; that was before the Executive Director just established a new policy whereby, going forward, VOF must have a response from the applicable locality confirming comprehensive plan consistency before finalizing an easement. He added that the Board had previously directed County staff not to respond to these types of inquiries as a response was not required by law.

Mr. Voorhees explained that Mr. Clark, applicant for the easements, desired to complete the two easements with VOF prior to the end of the calendar year. Therefore, he indicated that VOF was seeking a letter from the County stating it would be consistent with the Orange County Comprehensive Plan to do so. Mr. Voorhees provided the Board with several options to consider as recommended actions.

Discussion ensued among the Board regarding: clarification on whether a determination was required or if these types of requests were truly just courtesy notifications; VOF's desire to provide "clear lines of communication" with an opportunity to "meet the objectives" of both the County and their organization; the Board's history on its directive to not provide these types of reviews; whether or not the reviews were considered legally binding; the fact there was a great deal of subjectivity to these requests; and what would be considered a "routine requests" versus what requests would need to go to the Board for determination.

By consensus, the Board agreed to discuss developing a policy statement for these types of requests at a future meeting.

By consensus, the Board requested that the subject easements from J. Sheldon Clark be included on the next agenda on December 19, 2023, for discussion and determination.

RE: REVISED STATE BUDGET SALARY IMPACTS

Theodore L. Voorhees, County Administrator, explained that, in the spring of 2023, as the State budget was being negotiated, there was talk of a 7% pay raise for teachers, which did not happen initially. He indicated that a 5% raise from the prior biennium was left intact as the State's "skinny budget" was adopted. Mr. Voorhees noted that a larger State budget was eventually adopted in September, which included supplemental funding for State-supported local positions that was widely advertised as a "2% raise for teachers."

Mr. Voorhees stated that many "State-supported" positions, like teachers and other SOQ positions, Social Services, and Constitutional Officers and staff, required significant local funding since the State portion of their salaries was well below market wages. And, in some cases, the positions were not even partially State-supported because the SOQ formula capped the number and type of position. Mr. Voorhees added that there were "rules" in the State's adopted budget that required raises be provided in certain ways in order to access the additional funding.

Mr. Voorhees reported that the School Board had voted to implement an across-the-board increase, effective in January. School Administrators had communicated there was enough funding in their budget to cover the non-SOQ positions and that no additional local funding would be required. He also reported that the County's FY24 Budget included wage adjustments of 5% on the grade's mid-point for all full-time and part-time County staff. The five individual Constitutional Officers received 7% increases on their State salaries, in anticipation of the House and Senate budget versions (meaning no further action would be required).

Mr. Voorhees provided the Board with several options to consider as recommended actions. First, he acknowledged that the County could choose not to implement most of the additional State-funded increases, except for the few increases that were mandated. Second, in order to access the additional State funds, the County could implement an additional 2% increase for Social Services and Compensation Board employees. Third, the Board could provide a 2% increase across-the-board for all employees. A financial impact was provided for each option.

Discussion ensued among the Board regarding: the ability to "draw down" the additional State funding; the financial obligation for next fiscal year; the fact that staff was the organization's biggest asset and was necessary in order to provide service to the citizens; the desire to take advantage of the additional State funding available; the fact that the across-the-board increase did not take a pick and choose approach on who would receive the increase and who would not receive the increase; and the layering of unfunded mandates passed down from the State.

By consensus, the Board opted to provide a 2% wage increase across-the-board to all employees, as presented in Option 3.

RE: <u>GORDONSVILLE VOLUNTEER FIRE COMPANY APPARATUS REPLACEMENT</u>

Theodore L. Voorhees, County Administrator, explained that, over the course of several years, an apparatus replacement plan was developed by the Orange County Volunteer Fire Chiefs Association. He indicated the consistent theme of the plan was that the County would pay for three specific apparatus for each volunteer company: one brush truck, one engine, and one tanker. All other apparatus, if desired by the companies, would need to be purchased by the companies themselves and no "squads" would be included in this replacement plan.

During recent budget discussions, the engine specifications were modified to be a "rescue engine" rather than a straight pumper, which added some level of equipment storage, allowing the apparatus to function as a "light squad" with water pumping capabilities. Mr. Voorhees explained that, since vehicle crashes were a very common response scenario, this modification would be the most useful compromise so that some extrication tools, ropes, etc. could be carried. He added that the "rescue engine" specification had been bid for purchase, and Mine Run Volunteer Fire Company (MRVFC) and Gordonsville Volunteer Fire Company (GVFC) were both scheduled to receive this apparatus.

Mr. Voorhees reported that, despite what was perceived as an agreed-upon process, GVFC had been designing a different piece of equipment they say better aligns with their mission and strategic plan. GVFC believed the County needed the capability to respond to any emergency that may arise; therefore, they had designed a specialty unit, referred to as "New Squad 24." Mr. Voorhees indicated GVFC asserted they had complied with the minimum specifications and had the design reviewed by the apparatus committee. The designed apparatus would combine two units into one and would provide space for a future County Medic Unit at Station 24, as identified in GVFC's strategic plan, while also reducing maintenance costs.

Mr. Voorhees explained that GVFC would like to use its replacement money scheduled for the "rescue engine" to assist in purchasing "New Squad 24." He added that GVFC was not seeking any additional funding for the proposed apparatus, other than what was already approved and identified in the CIP. Mr. Voorhees noted the "rescue engine" specification called for a two-axel fire pumper at approximately $1.2 million, while "New Squad 24" was much larger, with three axels and an estimated cost of nearly $1.8 million. With the new Federal emissions standards anticipated to increase prices significantly, GVFC desired to place its order before the end of the year. Mr. Voorhees provided the Board with several options to consider as recommended actions.

Discussion ensued among the Board regarding: the fact the Board did not develop the apparatus replacement plan, but relied on the recommendations of the Volunteer Fire Chiefs Association and staff; the potential benefits of purchasing standardized apparatus; the fact the designed apparatus met GVFC's needs and they had agreed to pay the cost difference; the idea that consistency in the apparatus may not be the top priority; use of apparatus by other organizations; features of this unit not included in the standardized unit; and whether GVFC currently had the funds available to cover the cost difference.

By consensus, the Board agreed to allow Gordonsville Volunteer Fire Company to have the amount of funding allocated for the "rescue engine" to use for the purchase of New Squad 24, as presented in Option 2, with approval of the purchase to be included on the next agenda.

RE: MEMORANDUM OF UNDERSTANDING WITH THE BROADBAND AUTHORITY REGARDING THE 2024 VATI GRANT APPLICATION

Supervisor White explained that the Broadband Authority had requested cooperation with the County as co-applicants for the upcoming Virginia Telecommunication Initiative (VATI) Grant. He presented a draft Memorandum of Understanding (MOU) with the Broadband Authority, which outlined the terms for such cooperation.

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 4-0-1, with Mr. White abstaining, the Board approved the Memorandum of Understanding (MOU) with the Broadband Authority, as presented.

Ayes: Johnson, Marshall, Hale, Nicol. Nays: None. Abstentions: White.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

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 announced that this was the last meeting for Supervisor White as he would not be attending the next meeting.

Collectively, the Board thanked Supervisor White for his service and for his involvement in all the many accomplishments over the last twelve years. Chairman Johnson presented Mr. White with a plaque.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Finance Quarterly Report
- Health Center Commission Meeting Minutes; September 29, 2023

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Sunnie Capelle as the Town of Gordonsville Representative on the Economic Development Authority for a four-year term, with said term commencing January 1, 2024, and expiring on December 31, 2027.

By consensus, the Board re-appointed Judi Cooper as a Member of the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of December 2023, January 2024, and February 2024.

RE: <u>PUBLIC HEARING #1; VACATION OF PLAT</u>

Kyra Davis, Planner, presented the staff report and request to vacate right-of-way from James Luther, on behalf of John Armstrong, Jr. and Seidah Armstrong. Ms. Davis stated that the right-of-way, which was located along Tower Road, had previously been discontinued and/or abandoned decades ago, but had not been formally vacated. Therefore, the right-of-way was technically owned by the County of Orange and this public hearing was required before said right-of-way could be vacated.

At 7:19 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

<u>Vacation of Plat</u>

The Board of Supervisors will consider an application from James Luther, on behalf of John Armstrong, Jr. and Seidah Armstrong, to vacate a plat titled "Horst Nemetz Estate," pursuant to Section 15.2-2272 of the Code of Virginia. The subject property is identified as Tax Map Parcels 62-8 and 63-8A and is located along Route 624 (Tower Road), Unionville. Said plat is recorded as Instrument 210008416 in Plat Cabinet R, Pages 269 and 270, in the Orange County Circuit Court Clerk's Office.

There being no speakers, Chairman Johnson closed the Public Hearing at 7:19 p.m.

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

ORDINANCE TO VACATE RIGHT-OF-WAY ALONG ROUTE 624 (TOWER ROAD), OWNED BY THE COUNTY OF ORANGE, PREVIOUSLY ABANDONED AND/OR DISCONTINUED, REQUESTED BY JOHN AND SEIDAH ARMSTRONG, PURSUANT TO SECTION 54-68B OF THE ORANGE COUNTY SUBDIVISION ORDINANCE AND SECTION 15.2-2006 OF THE CODE OF VIRGINIA

WHEREAS, in the 1940s, a 30-foot right-of-way was granted to and recorded to the Orange County Board of Supervisors for the construction of Route 624 (Tower Road, known as Vulcan Road at the time of recording); and

WHEREAS, in the 1970s, when Tower Road was relocated and rebuilt, the Board of Supervisors considered and approved a request from the Virginia Department of Transportation (VDOT) to formally abandon a portion (colored blue, reflected as Section 3 and Section 5) of said right-of-way and to discontinue another portion (colored yellow, reflected as Section 1 and Section 2) of said right-of-way, as reflected in the exhibit; and

WHEREAS, while said right-of-way was formally abandoned and/or discontinued, the entire length of said right-of-way was never formally vacated and, thus, is technically still owned by the County of Orange as part of the Secondary System of State Highways; and

WHEREAS, since there is no public need for this old right-of-way, John and Seidah Armstrong, the adjacent property owners, have applied for the Board to formally abandon the remaining portion and to formally vacate the entire length; and

WHEREAS, pursuant to Section 15.2-2006 of the Code of Virginia, the Board of Supervisors is authorized to consider vacation of public rights-of-way and, as such, has advertised for and conducted a public hearing on December 5, 2023, to consider such action;

NOW, THEREFORE, BE IT ORDAINED, on this 5th day of December, 2023, that the Orange County Board of Supervisors hereby formally abandons the remaining portion of this old right-of-way (colored yellow, reflected as Section 1 and Section 2) and hereby formally vacates the entire length of this right-of-way (colored blue and yellow, reflected as Section 1, Section 2, Section 3, and Section 5), as reflected in the exhibit; and

BE IT FURTHER ORDAINED, that, pursuant to Section 54-68(b) of the Orange County Subdivision Ordinance, said vacation shall, "vest fee simple title to the centerline of any roads, alleys, or easements for public passage so vacated in the owners of abutting lots," thus reverting ownership of the entire length of this old right-of-way from the County of Orange to John and Seidah Armstrong; and

BE IT YET FURTHER ORDAINED, that, following the sixty-day appeal period, a certified copy of this ordinance shall be recorded in the same manner as deeds and land records are recorded and indexed in the Orange County Circuit Court Clerk's Office.

Ayes: Johnson, White, Marshall, Hale, Nicol. Nays: None.

RE: PUBLIC HEARING #2; SUP 23-07

Kyra Davis, Planner, presented the staff report and request for Special Use Permit from Courtney Gibson, which included information on the location and specifications of the subject property, the request to allow for the keeping of chickens and lambs in General Residential (R-2), potential conditions for approval, and the recommendation of denial from the Planning Commission.

At 7:23 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 23-07

The Board of Supervisors will consider a Special Use Permit application from Courtney Gibson to allow twenty (20) chickens and six (6) lambs and their shelters, on property located at 8010 Pine Stake Road, Rhoadesville. The property is identified as Tax Map Parcel 19A-1-10, contains 0.876 acres, and is zoned General Residential (R-2) Conditional. The property is situated in the Agricultural (A2) Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 7:23 p.m.

On the motion of Mr. Marshall, seconded by Mr. White, which carried by a roll call vote of 4-0-1, with Mr. Nicol abstaining, the Board adopted the following ordinance, as presented:

ORDINANCE DENYING SUP 23-07 FOR THE KEEPING OF ANIMALS IN GENERAL RESIDENTIAL (R-2) CONDITIONAL ON TAX MAP NO. 19A-1-10, REQUESTED BY COURTNEY GIBSON

WHEREAS, Courtney Gibson applied for a Special Use Permit to allow for the keeping of animals (chickens and lambs) not customarily kept as household pets, on property located at 8010 Pine Stake Road, Rhoadesville, referenced as Tax Map No. 19A-1-10, containing 0.876 acres, and zoned as General Residential (R-2) Conditional, pursuant to Section 70-363(b) of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on October 19, 2023; 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 unduly impact the environment or natural, scenic, or historic assets of the County; and would not result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was inconsistent with the considerations above and, as such, recommended denial 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 December 5, 2023; and

WHEREAS, following the Public Hearing and discussion, the Board of Supervisors hereby does not support the request, as presented; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good planning and zoning practice also do not support this Special Use Permit request, as presented;

NOW, THEREFORE, BE IT ORDAINED, on this 5th day of December, 2023, that the Orange County Board of Supervisors hereby denies SUP 23-07 for the keeping of animals (chickens and lambs) not customarily kept as household pets, on property located at 8010 Pine Stake Road, Rhoadesville, referenced as Tax Map No. 19A-1-10.

Ayes: Johnson, White, Marshall, Hale. Nays: None. Abstentions: Nicol.

RE: PUBLIC HEARING #3; SUP 23-08

Kyra Davis, Planner, presented the staff report and request for Special Use Permit from Duck Ranch, LLC, which included information on the location and specifications of the subject property, the request to convert a shipping container into a dwelling, conditions for approval, and the recommendation of approval from the Planning Commission.

Discussion ensued among the Board regarding: the requirement for building permits, inspections, and health department permits.

At 7:28 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 23-08

The Board of Supervisors will consider a Special Use Permit application from Duck Ranch, LLC to convert a shipping container into a dwelling, on property located on the south side of Sunnyside Road (Route 619) near Berrywood Lane, Unionville. The property is identified as Tax Map Parcel 49-52G, contains 65.77 acres, and is zoned Agricultural (A). The property is situated in the Agricultural (A2) Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

The following individual spoke:

- Catherine Young-Turgal, 27235 Sunnyside Road, Unionville

There being no further speakers, Chairman Johnson closed the Public Hearing at 7:30 p.m.

Further discussion ensued among the Board regarding: the fact this request was only to grant the right to use a specific construction type (shipping container) as a single-family dwelling was already allowed by-right; the fact that all other permit and construction requirements remained; confirmation that the construction was outside of the floodplain area; and the fact the Board had no right to determine who lived in the home or how long or how often the home was occupied.

On the motion of Ms. Hale, seconded by Mr. Marshall, which carried by a roll call vote of 4-0-1, with Mr. Nicol abstaining, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING SUP 23-08 TO ALLOW CONVERSION OF A SHIPPING CONTAINER INTO A DWELLING ON TAX MAP NO. 49-52G, REQUESTED BY DUCK RANCH, LLC

WHEREAS, Matthew Andrew and David Hazen, on behalf of Duck Ranch, LLC, applied for a Special Use Permit to allow conversion of a shipping container into a dwelling, on property located on the south side of Sunnyside Road (Route 619) near Berrywood Lane, Unionville, referenced as Tax Map No. 49-52G, containing 65.77 acres, and zoned as Agricultural (A), pursuant to Section 70-622 of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on October 19, 2023; 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 unduly impact the environment or natural, scenic, or historic assets of the County; and 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 December 5, 2023; and

WHEREAS, following the Public Hearing and 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 planning and zoning practice also support approval of this Special Use Permit request, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 5th day of December, 2023, that the Orange County Board of Supervisors hereby approves SUP 23-08 to allow conversion of a shipping container into a dwelling, on property located on the south side of Sunnyside Road (Route 619) near Berrywood Lane, Unionville, referenced as Tax Map No. 49-52G, subject to the five (5) conditions and one (1) sub-condition as set forth below, as presented during the Public Hearing.

<u>Conditions for Approval</u>

As adopted in Ord. No. 231205 - PH3
by the Orange County Board of Supervisors
on December 5, 2023

SUP 23-08: Duck Ranch, LLC

To allow conversion of a shipping container into a dwelling

Tax Map No. 49-52G

The conditions of this Special Use Permit ("SUP") shall apply to the property identified on County Tax Map No. 49-52G, 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. <u>Controlling Documents</u> – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated August 21, 2023.

2. <u>Compliance</u> – 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 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 shall be responsible for complying with all local, State, and Federal laws and regulations as may be applicable to the proposed use.

3. Uses – This SUP shall allow for occupancy of a shipping container as a single-family dwelling, as generally described in the application and shown on the Concept Plan.

4. Expiration – This SUP shall be deemed void if its use is not commenced within two years of approval or is discontinued for a period of two years.

5. Standards and Conditions –

    a. No elements of the permitted use, including the utilities, shall be located within the 100-year floodplain or wetlands.

Ayes: Johnson, White, Marshall, Hale. Nays: None. Abstentions: Nicol.

RE: CLOSED MEETING

At 7:38 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, 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 County Attorney. - *§2.2-3711(A)(1) 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 Grymes School and Dollar Tree. - *§2.2-3711(A)(8) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(1) 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. White, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Marshall, Hale, Nicol. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 8:53 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, Hale, Nicol. Nays: None.

RE: ADJOURN

On the motion of Mr. White, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adjourned the meeting at 8:53 p.m. Ayes: Johnson, White, Marshall, Hale, Nicol. Nays: None.

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R. Mark Johnson, Chairman Theodore L. Voorhees, County Administrator