

## BOARD OF SUPERVISORS MINUTES

MARCH 26, 2024

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, March 26, 2024, 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; Keith F. Marshall, Vice Chairman; Eduward M. Van Hoven; Crystal D. Hale; and J. Bryan Nicol. Also present: Theodore L. Voorhees, County Administrator; Andrew McRoberts, Interim County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Ms. Hale, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: CLOSED MEETING

At 5:02 p.m., Mr. McRoberts read the following motion authorizing Closed Meeting:

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

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning pending litigation on subdivision and zoning matters. - §2.2-3711(A)(7) of the Code of Virginia

WHEREAS, pursuant to §2.2-3711 (A)(7) 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. Marshall, seconded by Mr. Van Hoven, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 5:25 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, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION OF RECOGNITIONS FROM FIRE AND EMS

Nathan Mort, Fire and EMS Chief, presented Medals of Valor to Brian Savage, Firefighter/Medic with Fire and EMS, and Brandon Kidwell, Lieutenant with Mine Run Volunteer

Fire Company. He also presented Unit Citation Awards to James Franklin, Lieutenant with Fire and EMS (not present), Adam Schienschang, Corporal with the Sheriff's Office, Jayden Joseph, Deputy with the Sheriff's Office, and Tyler Nolasco, Deputy with the Sheriff's Office. These awards were presented to publicly recognize the outstanding efforts made by these initial emergency responders at the scene of a house fire on Morel Way in February.

The Board offered brief remarks and thanked everyone for their service and heroism.

RE: CONSENT AGENDA

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

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: FY24 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  |
|----------------|------------------------------|-----------------|----------------|-----------------|
| 30045041-36050 | Fire Programs                | \$ (123,257.00) | \$ (11,391.00) | \$ (134,648.00) |
| 43220015-45500 | Pass-Thru Expenses           | 123,257.00      | 11,391.00      | 134,648.00      |
| 30046005-37110 | BP Vests - Dept. of Justice  | 0.00            | (5,445.00)     | (5,445.00)      |
| 43120011-46800 | Program Expenses             | 0.00            | 5,445.00       | 5,445.00        |
| 30046005-37110 | BP Vests - Dept. of Justice  | 0.00            | (4,066.00)     | (4,066.00)      |
| 43120011-46800 | Program Expenses             | 0.00            | 4,066.00       | 4,066.00        |
| 30046005-37110 | BP Vests - Dept. of Justice  | 0.00            | (2,043.00)     | (2,043.00)      |
| 43120011-46800 | Program Expenses             | 0.00            | 2,043.00       | 2,043.00        |
| 30045010-35825 | ICAC Program Proceeds        | (7,000.00)      | (1,875.00)     | (8,875.00)      |
| 43120010-46800 | Int. Crimes Against Children | 7,000.00        | 1,875.00       | 8,875.00        |
| 30034005-34030 | Sheriff OT Reimbursement     | (4,647.00)      | (762.00)       | (5,409.00)      |
| 43120001-41200 | Wages - Overtime             | 235,351.00      | 762.00         | 236,113.00      |
| 30030009-33560 | Donations - Comm. Projects   | 0.00            | (500.00)       | (500.00)        |
| 43120012-46800 | Program Expenses             | 0.00            | 500.00         | 500.00          |
| 30045006-35775 | State - Airport Grant        | (1,417,214.00)  | (15,769.00)    | (1,432,983.00)  |
| 48170001-43370 | Grounds Maintenance          | 105,309.00      | 15,769.00      | 121,078.00      |
| 45374201-41322 | Wages - Part-Time            | 19,828.00       | (150.00)       | 19,678.00       |
| 45374201-42100 | FICA & Medicare              | 1,518.00        | (12.00)        | 1,506.00        |
| 45374201-42710 | Worker's Compensation        | 250.00          | (239.00)       | 11.00           |
| 45374201-45510 | Mileage, Tolls, & Parking    | 629.00          | (629.00)       | 0.00            |
| 45374201-45540 | Tuition & Registration       | 1,000.00        | 600.00         | 1,600.00        |
| 45374201-46000 | Office Supplies              | 6,098.00        | 907.00         | 7,005.00        |
| 45374201-46500 | Other Operating Supplies     | 2,400.00        | (1,200.00)     | 1,200.00        |
| 30052001-39900 | Appropriated Fund Balance    | (4,598,386.41)  | 723.00         | (4,597,663.41)  |
| 45374001-41322 | Wages - Part-Time            | 9,259.00        | (64.00)        | 9,195.00        |
| 45374001-42100 | FICA & Medicare              | 710.00          | (12.00)        | 698.00          |
| 45374001-45510 | Mileage, Tolls, & Parking    | 315.00          | (315.00)       | 0.00            |

|                |                           |                          |                |                           |
|----------------|---------------------------|--------------------------|----------------|---------------------------|
| 45374001-45540 | Tuition & Registration    | 0.00                     | 197.00         | 197.00                    |
| 45374001-46000 | Office Supplies           | 19,057.00                | 1,748.00       | 20,805.00                 |
| 30045050-36175 | Tobacco Grant - OOO       | (31,000.00)              | (2,000.00)     | (33,000.00)               |
| 30052001-39900 | Appropriated Fund Balance | (4,598,386.41)           | 446.00         | (4,597,940.41)            |
| 30045001-35780 | State - Broadband Grant   | 0.00                     | (2,181,000.00) | (2,181,000.00)            |
| 48188001-47740 | Transfer to BbA Fund      | 0.00                     | 2,181,000.00   | 2,181,000.00              |
| <b>TOTALS</b>  |                           | <b>\$(10,247,909.82)</b> | <b>\$ 0.00</b> | <b>\$ (10,247,909.82)</b> |

RE: RESOLUTION OF APPRECIATION FOR GEORGE YANCEY

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

A RESOLUTION OF APPRECIATION FOR  
*George Yancey*

WHEREAS, George Yancey faithfully served the citizens of Orange County as the District Two Representative on the Planning Commission for twelve (12) years, beginning his service in April 2012, and completing his tenure in March 2024; and

WHEREAS, the Planning Commission's purpose is to serve the Board of Supervisors in an advisory capacity on matters of planning and zoning by preparing and recommending plans and ordinances and by reviewing and recommending development proposals, such as rezonings and special use permits; and

WHEREAS, in keeping with the intended purpose, Mr. Yancey gave of his time to ensure that he was informed and familiar with all proposals that came before the Planning Commission in an effort to put forth the best recommendations for his community; and

WHEREAS, Mr. Yancey is recognized for his faithful attendance at many late-night Planning Commission meetings, for being abreast of the work and the goals of Planning and Zoning and its staff, and for maintaining an awareness of pertinent land use related issues on both the state and local levels; and

WHEREAS, in addition to serving three years as Chairman of the Planning Commission, Mr. Yancey is notably recognized for his service and commitment to the development of the Germanna-Wilderness Area Plan as a long-time member of the GWAP Steering Committee; and

WHEREAS, Mr. Yancey has, at all times, demonstrated a keen interest in the welfare of his community and its citizens, and has left an indelible mark on Orange County through his service and dedication;

NOW, THEREFORE, BE IT RESOLVED, on this 26<sup>th</sup> day of March, 2024, that the Orange County Board of Supervisors hereby extends its admiration and appreciation to George Yancey for his dedication and his devoted service on the Orange County Planning Commission, and to the well-being of the citizens of Orange County.

RE: RESOLUTION OF APPRECIATION FOR DONALD BROOKS

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

A RESOLUTION OF APPRECIATION FOR  
*Donald Brooks*

WHEREAS, Donald Brooks faithfully served the citizens of Orange County as the District Three Representative on the Planning Commission for over sixteen (16) years, beginning his service in January 2008, and completing his tenure in March 2024; and

WHEREAS, the Planning Commission's purpose is to serve the Board of Supervisors in an advisory capacity on matters of planning and zoning by preparing and recommending plans and ordinances and by reviewing and recommending development proposals, such as rezonings and special use permits; and

WHEREAS, in keeping with the intended purpose, Mr. Brooks gave of his time to ensure that he was informed and familiar with all proposals that came before the Planning Commission in an effort to put forth the best recommendations for his community; and

WHEREAS, Mr. Brooks is recognized for his faithful attendance at many late-night Planning Commission meetings, for being abreast of the work and the goals of Planning and Zoning and its staff, and for maintaining an awareness of pertinent land use related issues on both the state and local levels; and

WHEREAS, during his time on the Planning Commission, Mr. Brooks is notably recognized for asking critical questions related to development proposals, for thinking outside of the box, and for serving half of his tenure as Chairman, where he oversaw and led the Commission meetings; and

WHEREAS, Mr. Brooks has, at all times, demonstrated a keen interest in the welfare of his community and its citizens, and has left an indelible mark on Orange County through his service and dedication;

NOW, THEREFORE, BE IT RESOLVED, on this 26<sup>th</sup> day of March, 2024, that the Orange County Board of Supervisors hereby extends its admiration and appreciation to Donald Brooks for his dedication and his devoted service on the Orange County Planning Commission, and to the well-being of the citizens of Orange County.

RE: ADOPTION OF THE FEBRUARY 27, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the February 27, 2024 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE MARCH 12, 2024 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the March 12, 2024 Worksession minutes, as presented.

RE: ADOPTION OF THE MARCH 12, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the March 12, 2024 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: AMENDMENT TO THE RESOLUTION GOVERNING THE HEALTH CENTER COMMISSION

Chairman Johnson indicated he had requested this amendment, which would revise the Resolution governing the Health Center Commission to include language that members of the Health Center Commission were required to be residents of Orange County, which had inadvertently been left out of the previous Resolution adopted last year. He presented the amended Resolution to the Board for its consideration.

On the motion of Mr. Johnson, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION TO SUPERSEDE AND REPLACE, THEN AMEND, THE PREVIOUS  
RESOLUTIONS CREATING THE ORANGE COUNTY HEALTH CENTER COMMISSION

WHEREAS, the Orange County Board of Supervisors, by prior Resolution adopted on February 10, 1970, and acting pursuant to and in accordance with the Virginia Hospital or Health Center Commissions Act (then codified as Title 32, Chapter 14 of the Code of Virginia, 1950, as amended), created the Orange County Nursing Home Commission (the "Commission"); and

WHEREAS, by prior Resolution adopted on January 13, 2009, the Board of Supervisors changed the name of the Commission to the "Health Center Commission of Orange County, Virginia"; and

WHEREAS, by prior Resolution adopted on May 23, 2023, the Board of Supervisors modified the membership of the Commission to allow for the addition of two (2) advisory members without voting authority, but inadvertently removed the language regarding residency in Orange County; and

WHEREAS, at this time, the Board of Supervisors desires to amend the Resolution previously adopted in 1970;

NOW, THEREFORE, BE IT RESOLVED, on this 26<sup>th</sup> day of March, 2024, that the Orange County Board of Supervisors hereby declares the following:

1. This Resolution replaces and supersedes all previously adopted Resolutions concerning the operation of the Commission.
2. Pursuant to §15.2-5204 of the Code of Virginia, the Commission shall consist of five (5) members appointed by the Orange County Board of Supervisors. At least one (1) of the Commission members shall be a member of the Board of Supervisors (the "Orange BOS"). If any Commission member who is a member of the Orange BOS ceases to be a member of the Orange BOS, then that Commission seat shall become vacant upon such occurrence. All members of the Commission shall be residents of Orange County.
3. In addition to the five (5) appointed Commission members referenced in the immediately preceding paragraph, the Orange BOS may also appoint two (2) advisory representatives who shall not have voting authority on the Commission, but shall assist the Commission on behalf of the Orange BOS.
4. A Commission member shall hold office until the earlier of the effective date of his resignation or the date on which his successor has been appointed and has qualified.
5. Any Commission member may be removed at any time by the governing body appointing the member, and vacancies on the Commission shall be filled for the unexpired terms.
6. The Commission shall elect its own chairman and shall adopt rules and regulations for its own procedure and government. A majority of the members then in office shall constitute a quorum.
7. The Commission shall have such powers as granted to it by §15.2-5205 of the Code of Virginia.

8. The current members and term expiration dates of the Commission are to remain as-is and unchanged by adoption of this Resolution. These members shall continue serving pursuant to the terms of this Resolution.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

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

Supervisor Marshall publicly thanked those who had been involved in combatting the recent wildfires in and around the County.

Supervisors Nicol and Hale offered their appreciation to George Yancey and Donald Brooks for their service on the Planning Commission, noting that resolutions of appreciation had been adopted.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Office on Youth Quarterly Report
- Parks and Recreation Quarterly Report
- Finance Quarterly Report; Second Quarter FY24
- Library Semi-Annual Report
- VDOT Monthly Report for March

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 March 2024, April 2024, and May 2024.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 24-00219

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 24-00219 on Tuesday, April 23, 2024, as presented.

RE: PUBLIC HEARING #1: VACATION OF SUBDIVISION PLAT

Josh Frederick, Planning and Zoning Services Manager, presented the staff presentation regarding the vacation of a subdivision plat for property owned by either Gerald J. Hoy or Sona, Inc. The presentation

included: an overview of the subject property; the proposal to vacate the plat pursuant to Sec. 15.2-2272 of the Code of Virginia and Sec. 54-68 of the Subdivision Ordinance; the timeline for approval of the plat; areas of non-compliance; other issues with the plat; acknowledgement of mistakes on the County's part; the suggested remedy; and the effect, if the subdivision plat was vacated.

At 5:53 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

#### VACATION OF SUBDIVISION PLAT

The Board of Supervisors will consider adoption of an ordinance to vacate the entire subdivision plat for "Southfork Plantation III," pursuant to Section 15.2-2272(2) of the Code of Virginia. The subject properties, owned either by Gerald J. Hoy or by Sona Inc., are identified as Tax Map Parcels 48-3-1 through 48-3-12 and are located along Route 522 (Zachary Taylor Highway), Unionville. Said plat is recorded as Instrument 230001392 in Plat Cabinet S, Pages 80 and 81, in the land records of the Circuit Court Clerk's Office.

The following individuals spoke:

- Callie Kyhl, Legal Counsel for Sona, Inc.
- David Richardson, 13005 Zachary Taylor Highway, Unionville
- Clark Leming, Legal Counsel for Gerald J. Hoy

There being no further speakers, Chairman Johnson closed the Public Hearing at 6:17 p.m.

Chairman Johnson remarked that the subdivision, as currently recorded, presented a danger to the public with the number of driveway entrances onto Route 522. He acknowledged that mistakes were made and the County had been willing to work with the property owners without endangering the public, but eleven driveways directly onto Route 522 was not acceptable.

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

#### **ORDINANCE TO VACATE A SUBDIVISION PLAT OF PROPERTY OWNED BY GERALD J. HOY OR SONA, INC. IN THE TAYLOR MAGISTERIAL DISTRICT OF ORANGE COUNTY, VIRGINIA, PURSUANT TO SECTION 15.2-2272(2) OF THE CODE OF VIRGINIA**

WHEREAS, a subdivision plat, dated June 3, 2022, and revised July 19, 2022, August 1, 2022, and September 27, 2022, was prepared by Rexford L. Ostrander, Certified Land Surveyor, and was certified by such land surveyor as being in accordance with all County requirements and State Code requirements on September 27, 2022; and

WHEREAS, said subdivision plat, titled Southfork Plantation III, is recorded as Instrument 230001392 in Plat Cabinet S, Pages 80 and 81, in the Orange County Circuit Court Clerk's Office, and is hereby made part of this ordinance by reference (the "Plat"); and

WHEREAS, the property depicted in the Plat constituted a subdivision of Tax Map Parcel 48-12B, and includes Tax Map Parcels 48-3-1 through 48-3-12, of which six (6) parcels are currently owned by Gerald J. Hoy and the other six (6) parcels are currently owned by Sona, Inc.; and

WHEREAS, the Plat contains several unlawful terms that fail to comply with relevant ordinances, statutes, and laws, which noncompliance substantially affects the public health, safety, and welfare; and

WHEREAS, the land surveyor certifying the Plat, either through mistake or fraud, misrepresented that the Plat was prepared in accordance with all County requirements and State Code requirements; and

WHEREAS, the governmental approvals provided on the Plat, including those of the Subdivision Agent and the agent for the Virginia Department of Transportation, were given by mistake based on misrepresentations, whether through mistake or fraud, including the land surveyor's erroneous certification that the Plat had "been prepared in accordance with all County requirements and State Code requirements regarding the preparation of plats"; and

WHEREAS, pursuant to Section 15.2-2261(F) of the Code of Virginia, 1950, as amended (the "Code"), recorded plats, from which any part of the property subdivided has been conveyed to third parties, remain valid until vacated, as set forth in Sections 15.2-2270 through 15.2-2278 of the Code; and

WHEREAS, the Board of Supervisors of the County of Orange, Virginia (the "Board") initiated action to consider vacation of the Plat by ordinance, pursuant to Section 15.2-2272(2) of the Code; and

WHEREAS, the Board, after advertising proper notice in a newspaper of general circulation in Orange County, pursuant to Section 15.2-2204 of the Code, did conduct the required Public Hearing on Tuesday, March 26, 2024, to consider adopting an ordinance vacating the Plat; and

WHEREAS, the Board finds that the Plat contains unlawful terms and was approved as a result of mistake or fraud, or both; and

WHEREAS, the Board finds that development in the manner depicted on the Plat would constitute a significant danger to the public health, safety, and welfare, including to the possible future residents on the lots shown on the Plat, members of the public travelling on State Route 522, and public safety and transportation workers; and

WHEREAS, after vacation of the Plat, owners of lots previously depicted thereon will be free to submit a new subdivision application or applications in conformity with applicable statutes, ordinances, and regulations; and

WHEREAS, the Subdivision Agent, in accordance with Section 54-68(a) of the Orange County Code of Ordinances, agrees with adoption of this ordinance as the method of vacating the Plat;

NOW, THEREFORE, BE IT ORDAINED, on this 26<sup>th</sup> day of March, 2024, that, pursuant to Section 15.2-2272(2) of the Code of Virginia, the Orange County Board of Supervisors hereby vacates the subdivision plat prepared by Rexford L. Ostrander, Certified Land Surveyor, dated June 3, 2022, and finally revised as of September 27, 2022, titled Southfork Plantation III, and recorded as Instrument 230001392 in Plat Cabinet S, Pages 80 and 81, in the Orange County Circuit Court Clerk's Office; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance be recorded in the same manner as deeds and land records are recorded and indexed in the Orange County Circuit Court Clerk's Office, pursuant to the provisions set out in Section 15.2-2272(2) of the Code of Virginia.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: PUBLIC HEARING #2; REZ 23-07

Eric Bittner, Planner, presented the staff report and request for Rezoning from Charles Payne, on behalf of Renaissance Healthcare Group Virginia, LLC, which included information on the location and specifications of the subject property, the request to rezone the property from Multifamily Residential (R-4) Conditional to Limited Commercial (C-1) Conditional in order to operate an adult mental health residential treatment facility, and the recommendation of approval from the Planning Commission.

Discussion ensued among the Board regarding: clarification on the affected portion of the subject property; use restrictions proffered on the vacant portion of the subject property; the fact that the acreage of the parcel restricted rezoning to Planned Development - Mixed-Use; and ingress and egress and use of the existing site entrance.

Charlie Payne, representative for Renaissance Healthcare Group Virginia, LLC, and members of Odyssey Behavioral Healthcare, shared a presentation on the Rezoning request, which included details on the client profiles and treatment options that would be offered at the proposed facility, the economic benefits and reuse of the otherwise vacant buildings, and the proposed proffers.

Further discussion ensued among the Board regarding: confirmation that all clients treated at the facility would be strictly voluntary; appreciation for the proffer to create a scholarship for citizens seeking a

degree in behavioral health or social work; use of a consolidated entrance to access the vacant portion of the subject parcel for future development; ongoing screening of the residents to ensure compliance with the exclusionary proffer; prohibition of substance abuse as a primary diagnosis or treatment; and the ability of this facility to serve Orange County and surrounding communities.

At 6:57 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ 23-07

The Board of Supervisors will consider an application from Charles Payne, representing Renaissance Healthcare Group Virginia, LLC, authorized agent of Torell Developers LLC, to rezone property located at 3015 and 3017 Somerville Road, Locust Grove, from Multifamily Residential (R-4) Conditional to Limited Commercial (C-1) Conditional. The intent of the rezoning is to operate an adult mental health residential treatment facility under the Institutional Use category, pursuant to Sec. 70-1 and 70-452 of the Zoning Ordinance. The property is identified as Tax Map Parcel 12-38 and contains approximately 6.79 acres. The Germanna Wilderness Area Plan designates the future land use of this property as Mixed-Use Planned Development. Various proffers have been volunteered, notably use restrictions, right-of-way dedication, and utility easement reservations.

The following individual spoke:

- Pam Edelman, 14456 Blue Ridge Turnpike, Somerset

There being no further speakers, Chairman Johnson closed the Public Hearing at 6:59 p.m.

Supervisor Hale offered remarks on mental health and the importance of adequate treatment resources, citing the community concerns expressed at the Planning Commission meetings and the need to better understand mental health as a society. Further, Supervisor Nicol expressed frustration that some of the follow-up work of the Germanna-Wilderness Area Plan, such as the Transportation Master Plan, had not yet been completed, which would be beneficial with some of the mechanics of development projects such as this one.

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

ORDINANCE APPROVING REZ 23-07 TO REZONE APPROXIMATELY 6.79 ACRES FROM  
MULTIFAMILY RESIDENTIAL (R-4) CONDITIONAL TO LIMITED COMMERCIAL (C-1) CONDITIONAL,  
REQUESTED BY CHARLES PAYNE, ON BEHALF OF RENAISSANCE HEALTHCARE GROUP  
VIRGINIA, LLC

WHEREAS, Charles Payne, on behalf of Renaissance Healthcare Group Virginia, LLC, has requested the rezoning of property located at 3015 and 3017 Somerville Road, Locust Grove, identified as Tax Map No. 12-38, totaling approximately 6.79 acres, from Multifamily Residential (R-4) Conditional to Limited Commercial (C-1) Conditional, pursuant to Section 70-1 and Section 70-452 of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on January 18, 2024; and

WHEREAS, the Planning Commission considered whether the proposed Rezoning 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 March 26, 2024; 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 Rezoning request, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 26<sup>th</sup> day of March, 2024, that the Orange County Board of Supervisors hereby approves REZ 23-07 to rezone property located at 3015 and 3017 Somerville Road, Locust Grove, identified as Tax Map No. 12-38, totaling approximately 6.79 acres, from Multifamily Residential (R-4) Conditional to Limited Commercial (C-1) Conditional, subject to the Legal Summary and the proffers dated February 16, 2024, as attached to the original Ordinance retained in the County Administrator's Office, as presented during the Public Hearing.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

### **Legal Summary**

**As adopted in Ord. No. 240326 - PH2  
by the Orange County Board of Supervisors  
on March 26, 2024**

#### **REZ 23-07: Charles Payne, on behalf of Renaissance Healthcare Group Virginia, LLC**

*From Multifamily Residential (R-4) Conditional to Limited Commercial (C-1) Conditional*

*Tax Map No. 12-38*

This Legal Summary for this zoning map amendment (Rezoning) shall apply to the portions of property identified on County Tax Map No. 12-38, 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.

If this Legal Summary or the information on the Rezoning 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. Violation of this Legal Summary, in whole or in part, may be cause for the revocation of the Rezoning, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the Legal Summary as set forth herein, the proffers, and the documents submitted with the application dated July 5, 2023.
2. Compliance – Use and development of the subject property shall be in substantial conformance with this Legal Summary. The Zoning Administrator shall determine “substantial conformance.” The property owner or business owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion & sediment control permits. The property owner or business owner shall be responsible for complying with all local, State, and Federal laws and regulations as may be applicable to this development.
3. Uses – This Rezoning shall permit development, as generally described in the application documents.

RE: PUBLIC COMMENT

At 7:08 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 7:08 p.m.

RE: CLOSED MEETING

At 7:08 p.m., Mr. McRoberts read the following motion authorizing Closed Meeting:

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

- Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. - §2.2-3711(A)(5) of the Code of Virginia
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning pending and probable litigation on specific subdivision and zoning matters. - §2.2-3711(A)(7) 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 specific subdivision and zoning matters. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(5), (A)(7), 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 aforesated matters in Closed Meeting.

On the motion of Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 8:37 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, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: ADJOURN

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adjourned the meeting at 8:37 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

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R. Mark Johnson, Chairman

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Theodore L. Voorhees, County Administrator