

ORANGE COUNTY
PLANNING COMMISSION

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
CRYSTAL HALE, DISTRICT 4
NIGEL GOODWIN, DISTRICT 5

JOSH FREDERICK
DIRECTOR OF PLANNING & ZONING



MAILING ADDRESS:
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960

PLANNING & ZONING:
OFFICE: (540) 672-4347
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ORANGECOUNTYVA.GOV

Regular Meeting
Gordon Building Meeting Room
112 W. Main St, Orange, VA, 22960
Thursday, May 5th, 2016
AGENDA

6:00 pm

1. Call to order and determination of quorum
2. Approval of agenda
3. Approval of minutes:
 - A. April 7th, 2016 regular meeting
4. Work session:
 - A. Proposed Zoning Ordinance amendment – Route 20 setback requirement reduction in the Barboursville village area
 - B. Proposed Zoning Ordinance amendment – the addition of *pyrotechnics testing/manufacturing* as a special use in the Agricultural zoning district
 - C. Proposed Zoning Ordinance amendment – removal of Sec. 70-937 which requires bonding for removal of abandoned telecommunications towers
5. Public comment
6. Old business:
 - A. Board of Supervisors report – Jim Crozier
 - B. Planning & Zoning report – Josh Frederick
 - C. Germanna-Wilderness Area Plan Steering Committee report – Nigel Goodwin & George Yancey
 - D. Proposed rewrite of the Planning Commission bylaws
 - E. Commissioner reports - consultation with respective Board members on direction of land use policies
7. Public hearings (none)
8. New business:
 - A. Discussion – avenues moving forward for Comprehensive Plan consistency
9. Commissioner comments
10. Next meeting date – June 2nd, 2016
11. Adjourn

Unless otherwise indicated, agenda items will be taken in the order in which they appear above. The Planning Commission reserves upon itself the right to amend a meeting agenda at any point and with any frequency prior to adoption of said agenda, pursuant to any required public notice. Time limits may be imposed by the Chairman for speakers addressing the Commission.

Orange County Planning Commission

May 5th, 2016 regular meeting

Agenda item 3A

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, April 7th, 2016**

Present: Crystal Hale, George Yancey, Nigel Goodwin, Donald Brooks, Jason Capelle (late arrival); James Crozier, BOS Representative

Absent: None

Staff Present: Josh Frederick, Planning Director; Thomas Wysong, Planner; Susan Crosby, Senior Administrative Assistant; Tom Lacheney, County Attorney

All discussion and comment made during this meeting was captured via digital audio recording. The minutes as written below are intended to be a summary of this discussion and comment. Anyone desiring detailed information about comment or discussion made during the meeting is referred to the recording.

1. Call to order and determination of quorum

Chairman Brooks called the meeting to order at 6:00 p.m. Chairman Brooks stated the subcommittee meeting was cancelled for the evening.

2. Approval of agenda

Mr. Yancey made a motion to approve the agenda with the addition of the cancellation of the subcommittee meeting; motion was seconded by Mr. Goodwin. Motion carried 4-0.

3. Approval of minutes:

A. March 3rd, 2016 regular meeting

Mr. Goodwin noted a grammar correction was needed on page 3. A motion was made by Mr. Yancey to approve the minutes with the grammar correction; motion was seconded by Mr. Goodwin. Motion carried 4-0. Chairman Brooks abstained.

4. Work session:

A. Presentation on proffer law in Virginia – Tom Lacheney

Chairman Brooks explained the reason he asked the County Attorney to make the presentation. The County Attorney, Tom Lacheney, presented an overview of proffer law to the Commissioners and highlighted recent changes to state code which affect proffers. He stated the Home Builders Association lobbied the General Assembly for the changes, but they have basically made the laws regarding proffers so ambiguous and onerous that many localities are wondering if they are even viable options anymore. Discussion ensued.

Mr. Lacheny stated he suggests changing the way we think between now and July 1st which is when the new laws come into effect. He stated he thinks the county should begin providing much more detailed and complete impact analyses for rezoning applications, and limit the discussion or even suggestion of proffers. He further noted that the new laws only affect residential rezonings. Discussion continued.

Mr. Crozier commented that county departments should do a more thorough analysis of potential or perceived impacts to their services when they review rezoning applications. He also stated those comments should be given to planning staff with plenty of time for all to be informed. All agreed. Mr. Capelle stated he thinks it is important to be careful about politicizing those departments, because as soon as someone realizes that the extent of impacts coming from the departments will help determine whether their rezoning is approved, they will then go lobby those departments. So elaborated that there should be a large amount that can be quantified and formulized so they are not putting those departments in that position where they at risk of being lobbied. Discussion ensued.

All Commissioners thanked Mr. Lacheny for his presentation.

5. Public comment

There was no public comment.

6. Old business:

A. Board of Supervisors report – Jim Crozier

Mr. Crozier stated he had been out for a couple of months. However, at a previous Board work session, the BOS postponed the adoption of the budget until the 26th because they are going to wait to see what the state is going to do with their budget.

B. Planning & Zoning report – Josh Frederick

Mr. Frederick reiterated for Chairman Brooks, since he was absent, that staff will be going from monthly to quarterly reports. Mr. Frederick also stated there has been a considerable uptick in subdivision activity over the past 6 months. Discussion ensued.

C. Germanna-Wilderness Area Plan Steering Committee report – Nigel Goodwin & George Yancey

Mr. Goodwin stated they had 2 meetings since the last Planning Commission meeting. The first one was related to Planning & Zoning and they reviewed the proposed zoning overlay which will be the main regulatory tool. The one critical aspect is the requirement for developments to connect to public water. He noted that development of the rest of the design standards are moving along quite well.

Mr. Yancey stated at the last meeting, Draper Aden gave a pretty extensive report regarding water supply and demand projections in the GWA. He touched on some of the data points that came out of the report, including the unusually high 38%

unaccounted water loss in the current RSA system. Mr. Goodwin added that at full build-out of the GWA, Draper Aden estimated that 5.8 million gallons a day would be needed, plus another million as a contingency buffer. Discussion ensued.

7. Public hearings:

A. Draft Zoning Ordinance amendment – home-based business regulations

Chairman Brooks asked staff to present. Mr. Frederick stated most saw the language at the last meeting and staff took the comments received and some of the discussion they heard and made changes which are detailed in the memo that was before them. Mr. Frederick stated staff still has concern with the large number of allowable employees the Commission has proposed for home-based businesses. Chairman Brooks asked Commissioners if they had any questions for Mr. Frederick. Discussion ensued.

Chairman Brooks called for public speakers; there were none. He then closed the public hearing and solicited a motion from the Commission. Mr. Goodwin made a motion to approve Resolution #16-03 as presented; seconded by Mr. Capelle. The Chairman opened the floor for discussion. After some discussion Mr. Goodwin stated he wanted an amendment to his motion to change the maximum number of employees for home enterprises from 7 to 5. Motion died for lack of a second. Chairman Brooks called for a role call on the original motion to approve as presented:

Vote:

Aye: Goodwin, Hale, Yancey, Capelle

Nay: Brooks

Motion carried 4-1.

B. Draft Zoning Ordinance amendment – Article II amendment (zoning permits, site plans, and general application submittal requirements)

Chairman Brooks asked Mr. Frederick to present. Mr. Frederick stated these are the revisions after last meeting's discussion. Discussion ensued.

Chairman Brooks called for public speakers; there were none. He then closed the public hearing and solicited a motion from the Commission.

Mr. Yancey made a motion to approve Resolution #16-04 as presented; motion seconded by Ms. Hale. Chairman Brooks called for a role call:

Vote:

Aye: Hale, Yancey, Brooks, Capelle, Goodwin

Motion carried 5-0.

8. New business

Chairman Brooks stated he invited his son, along with the academy he is in, to the next Commission meeting. He stated he is following up on what he told Ms. Hale he would do to help bring in more public involvement. He would also like a 5 minute presentation

from each of the Commissioners related to different aspects of the roles and responsibilities of a Planning Commission. Discussion ensued.

The decision was made to have them attend the June 2nd meeting. Chairman Brooks stated he is also inviting the school's Youth Commission to attend as well.

9. Commissioner comments

Continuing from Chairman Brooks' proposal, Mr. Goodwin stated he would like public utilities as his presentation subject.

Ms. Hale stated she appreciates Chairman Brooks doing his part to bring people in and will do better on her part.

Mr. Yancey brought up his concerns about a recent application denial in Culpeper County. Discussion ensued.

Mr. Capelle invoked discussion about the cancellation of the night's subcommittee meeting. Discussion ensued.

10. Next meeting date – May 5th, 2016

11. Adjourn meeting

A motion was made by Mr. Goodwin to adjourn; motion seconded by Ms. Hale. Meeting adjourned at 8:31 p.m.

Donald Brooks, Chairman

Josh Frederick, Secretary

Orange County Planning Commission

May 5th, 2016 regular meeting

Agenda item 4A

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: April 27th, 2016
RE: Review of Route 20 setback requirements – May 5th work session

Last month the Board initiated Planning Commission action to review the current Route 20 setback requirements with respect to the Barboursville village future land use designation in the Comprehensive Plan. The current setback regulation for the portion of Route 20 between the Town of Orange and the Route 33 intersection is 300 feet, which has been in place since the mid-1970s. If you will recall, with the adoption of the 2013 Comprehensive Plan, 3 *village* areas were designated, one of which is Barboursville. The Board is interested in aligning the setback requirements on Route 20 with the future land use map of the Comprehensive Plan. This will necessitate a setback reduction for the portion of Route 20 in the Barboursville village area. As this would add consistency with the Comprehensive Plan, Planning Staff fully support this action.

Below are the relevant sections of the Zoning Ordinance for your review. These 2 sections would need to be amended in order to add the above-referenced consistency with the Comprehensive Plan. Also to aid your review is a map showing the current future land use designations and minimum setback lines in the Barboursville area. The intention is to develop suitable amendment language during the May 5th work session, and to then have this topic on the June 2nd regular meeting agenda for a public hearing.

Existing Zoning Ordinance language:

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:

- (1) Germanna Highway (VA Route 3): 100 feet.
- (2) James Madison Highway (US Route 15) north of the Town of Orange: 150 feet.
- (3) James Madison Highway (US Route 15) south of the Town of Orange: 100 feet.

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(4) Constitution Highway (VA Route 20) north of the Town of Orange or south of Spotswood Trail (US Route 33) in Barboursville: 100 feet.

(5) Constitution Highway (VA Route 20) south of the Town of Orange and north of Spotswood Trail (US Route 33) in Barboursville: 300 feet.

(6) Spotswood Trail (US Route 33): 100 feet.

(7) Blue Ridge Turnpike (VA Route 231) north of the Town of Gordonsville: 300 feet.

(8) Blue Ridge Turnpike (VA Route 231) south of the Town of Gordonsville: 100 feet.

(9) Zachary Taylor Highway (US Route 522): 100 feet.

(Ord. of 5-2-1996, § 1105.01)

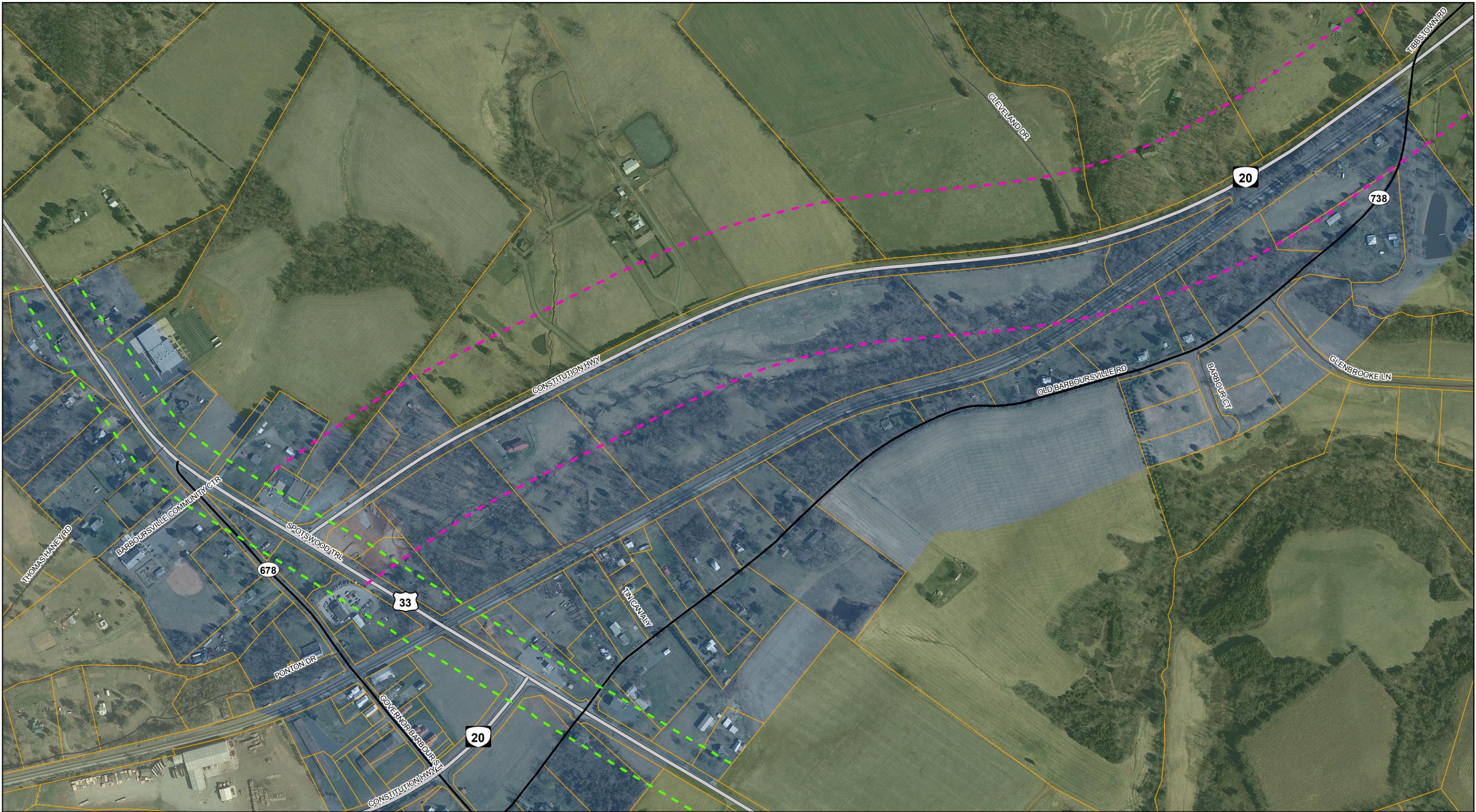
Sec. 70-649. - Permanent signs on primary highways.

Permanent signs shall be set back 300 feet from the right-of-way of Constitution Highway (VA Route 20) south of the Town of Orange and north of US Route 33 in Barboursville, and 300 feet from the right-of-way of Blue Ridge Turnpike (VA Route 231) north of the Town of Gordonsville. On other primary highways, each permanent sign shall be set back from the right-of-way a distance equal to its height.

(Ord. of 5-2-1996, § 1105.04)

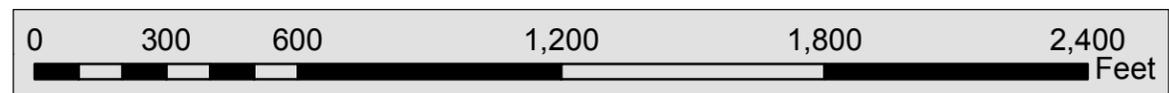
Cc: Board of Supervisors
R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Alyson Simpson, Chief Deputy Clerk to the Board
File

Att: Barboursville map, dated 4/1/16



Barbourville

Showing the village area extent and current building setback lines.



Date: April 1, 2016
 Orange County Planning & Zoning
 Imagery: 2015

Legend

- | | |
|------------------------|------------------------------|
| Future Land Use | Tax Parcels |
| Agricultural A1 | Route 33 Setback Line (100') |
| Agricultural A2 | Route 20 Setback Line (300') |
| Village | |

Orange County Planning Commission

May 5th, 2016 regular meeting

Agenda item 4B

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
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MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: April 27th, 2016
RE: Addition of pyrotechnics testing/manufacturing as a special use in the Agricultural zoning district – May 5th work session

Last month the Board initiated Planning Commission action to add *pyrotechnics testing/manufacturing* as a special use in the Agricultural zoning district. There is currently a professional organization that has been obtaining fireworks display permits from the county to conduct their craft/trade in Locust Grove. They do this several times during the year from spring to fall, and typically draw crowds for the displays. The County Attorney brought to the attention of the Board that this is not an appropriate application of the county's fireworks display permit, and this type of activity should rather be regulated through zoning. This is because it is an actual land use rather than a one-time/seasonal event. The Board has requested that the Commission review possibilities to include this as a special use in the Agricultural zoning district. Planning Staff have prepared the following draft amendment language to accommodate the Board's request.

Proposed Zoning Ordinance language:

Sec. 70-1. - Definitions.

[...]

Pyrotechnics testing/manufacturing means the operations of non-profit entity engaged in the production and testing of fireworks, whereby the entity is licensed and regulated pursuant to 18 U.S.C. Chapter 40.

Sec. 70-303. - Uses permitted by special use permit.

In the agricultural district the following uses may be permitted upon issuance of a special use permit by the board of supervisors:

[...]

23) *Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size.*

ORANGE COUNTY
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The intention is to have this topic on the June 2nd regular meeting agenda for a public hearing. Planning Staff take no position on this particular proposal, but as has been noted before, zoning amendments to accommodate singular organizations or uses generally do not comport with VA Code § 15.2-2286(A7) related to “good zoning practice.” However, the special use permit process does offer the potential to offset or mitigate the impacts of a pyrotechnics-related land use. Furthermore, the requirement for licensure and regulation by the federal government will help ensure only professional organizations attempt to fall under the proposed use.

Cc: Board of Supervisors
R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Alyson Simpson, Chief Deputy Clerk to the Board
File

Orange County Planning Commission

May 5th, 2016 regular meeting

Agenda item 4C

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: April 28th, 2016
RE: Proposed removal of telecommunications tower removal bonding requirements – May 5th work session

The current Telecommunications Towers & Facilities Ordinance (Article IX of the Zoning Ordinance) was adopted in 2000. Sixteen years ago, telecommunications towers were still a relatively new feature of the American landscape, particularly in rural areas. There was concern at the time by local governments that this new technology may not persist over the years and the towers would be eventually abandoned. The current ordinance reflects this fear with the requirement for tower removal bonds, which are held by the county in perpetuity for towers as long as they're standing. We now know this is an unfounded fear, but because the outdated ordinance still requires the bonds, the county is required to collect, administer, and maintain them.

Planning Staff are proposing the removal of the bonding requirements. Sec. 70-936 of the Ordinance already specifies the requirements and procedures for removal of abandoned towers. Given that it is highly unlikely for a telecommunications tower to ever be abandoned, the current bonding requirement is superfluous. If any tower in the county were ever to be abandoned, the procedures are already in place to require its removal. It is also worth noting that these towers are assets to companies and they must be insured, so it is highly unlikely that a tower owner would just walk away from an existing tower. Planning Staff are proposing the removal of Sec. 70-937 as shown below.

Existing Zoning Ordinance language:

Sec. 70-936. - Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 24 months shall be considered abandoned. The owner of each such antenna or tower shall remove same within 180 days of receipt of notice from the board of supervisors notifying the owner of such equipment removal requirement (removal includes the removal of the tower, all tower and fence footers, underground cables and support buildings. The buildings may

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

remain with owner's approval). Prior to abandonment, the county shall be given the opportunity to take possession of the facility for its own use.

(Ord. of 8-8-2000)

Sec. 70-937. - Bonding for tower removal.

A bond must be posted at the time of tower approval in the event the county must remove the tower upon abandonment. This bond shall be equal to the cost to remove the tower, all tower and fence footers, underground cables and support buildings plus 25 percent for surety. The bond shall be renewed annually for the life of the tower.

(Ord. of 8-8-2000)

If the Commission is agreeable to this amendment, the intent is to have it on the June 2nd regular meeting agenda for a public hearing.

Cc: Board of Supervisors
R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Alyson Simpson, Chief Deputy Clerk to the Board
File

Orange County Planning Commission

May 5th, 2016 regular meeting

Agenda item 6D

ORANGE COUNTY
DEPARTMENT OF PLANNING AND ZONING

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
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orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission
FROM: Josh Frederick, Director of Planning & Zoning
DATE: April 28th, 2016
RE: Rewrite of the Planning Commission bylaws – May 5th regular meeting

With the direction of the Commission Chair and the County Attorney, Planning Staff have prepared a rewrite of the Commission's bylaws. The proposed bylaws do not fundamentally change any procedural or administrative aspects of the Commission's conducting of business, but they are much more concise than the current bylaws.

Because the current bylaws are rather dated and have been amended several times, the decision was made to produce a new document rather than a redlined strikeout version as is typically done. Both documents are attached to this memo.

In order to avoid the requirement for a 30-day notice to Commissioners, if the Commission is so-willing, a super-majority (i.e. 4/5 of the Commission) is needed to adopt the new bylaws at the May 5th regular meeting.

Cc: Board of Supervisors
R. Bryan David, County Administrator
Tom Lacheney, County Attorney
Alyson Simpson, Chief Deputy Clerk to the Board
File

Att: Current Commission bylaws, dated 9/3/15
Draft Commission bylaws rewrite



Orange County, Virginia

Bylaws

of the

Orange County Planning Commission

Adopted by the Orange County Planning Commission on December 4, 1990

Amended September 3, 2002
Amended October 4, 2002
Amended August 5, 2004
Amended December 10, 2009
Amended July 1, 2010
Amended January 26, 2012

Amended September 3, 2015

By-laws
Planning Commission of Orange County, Virginia¹

Article 1: Establishment

- 101 This Planning Commission was established in April 1966, repealed and created in April 2004, and reconstituted March 23, 2010, by ordinance of the Board of Supervisors of Orange County, Virginia pursuant to §15.2-2210 VA Code Ann. Its official title shall be the Planning Commission of the County of Orange, Virginia (hereinafter, "Commission").
- 102 This Commission's purpose shall be to promote the orderly development of the County and its environs. The Commission shall serve primarily in an advisory capacity to the Board of Supervisors in accomplishing the objectives set forth within §15.2-2200 VA Code Ann. The Commission shall make recommendations to the Board and shall assist the Board in the administration of the Zoning and Subdivision Ordinances, the Comprehensive Plan, other County policies and matters affecting the development and growth of the County, and other matters as directed by the Board.
- 103 The Commission shall have the duties set forth within §15.2-2221, §§1 5.2-2223 et seq. and such other duties as may be prescribed within Title 15.2, Chapter 22, §§15.2-2200 et seq., VA Code Ann.

Article 2: Membership

Membership is set forth in Sec. 2-62 of the Orange County Code.

Article 3: Officers

- 301 At its first regular meeting of each calendar year, the Commission shall elect from among its members a chairman and a vice-chairman. Nominations shall be received from the floor, and election of officers shall follow immediately thereafter. A roll call vote shall be taken and recorded in the minutes of the meeting. Candidates receiving votes from a majority of the membership shall be declared elected and shall take office immediately. The new chairman shall then appoint a secretary.
- 302 Once elected, the chairman and vice-chairman shall each serve (i) a term of one year, or (ii) until such time as his term of appointment expires, whichever first occurs. If a successor is appointed by the board of supervisors, the successor shall not automatically assume the officer's role—the office held by the person whose term expired shall be treated as being vacant. However, if the member is re-appointed by the board, he may continue in the office to which he was elected. If the chairmanship becomes vacant during the year, the vice-chairman shall fill the

¹ These Bylaws are intended to be gender neutral. If the masculine gender is used, it is intended to include the feminine gender.

unexpired term of the chairman and the membership shall elect a new member to fill the unexpired term of the vice-chairman. If the vice-chairmanship becomes vacant during the year, the membership shall elect a new vice-chairman to fill the unexpired term. If the position of secretary becomes vacant during the year, the chairman shall appoint a new secretary to fill the unexpired term.

303 The chairman shall:

- A. preside at all meetings of the Commission,
- B. have the authority to call special meetings in accordance with §15.2-2214 VA Code Ann.,
- C. have authority to prescribe a time limit for presentations made to the Commission,
- D. rule on all procedural questions and parliamentary disputes,
- E. appoint committees, and be an ex officio member thereof,
- F. sign and authenticate official documents of the Commission including the minutes,
- G. correspond with the Board of Supervisors on behalf of the Commission; and
- H. carry out other duties, as set forth within these bylaws or as assigned by majority vote of the Commission.

Additionally, the Chairman may speak, make motions, and vote on all questions.

304 The vice-chairman shall, in case of the absence or inability of the chairman to act, assume the powers and duties of the chairman.

305 The secretary shall advertise and provide notice of meetings as required by law; distribute to the members the meeting notice, agenda and support materials for each regularly scheduled meeting; maintain files and public records of all Commission business; record and prepare minutes of meetings; handle all official correspondence of the Commission; handle funds allocated to the Commission as specifically authorized by the Commission; and transmit to the Board of Supervisors the annual report of the Commission, as required by law.

Article 4: Meetings

401 The Commission shall meet at 6:00 p.m. on the first Thursday of each month, in the Meeting Room of the Gordon Building at 112 W. Main Street in Orange. A second meeting time/date shall be reserved for 6:00 p.m. on the third Thursday of each month, but shall not be held unless there is consensus among the majority of the members present at the prior meeting that there is sufficient agenda material to warrant holding the second monthly meeting. On the first Thursday in January of each year, the Commission shall conduct an annual organizational meeting, at which time officers will be elected and a regular meeting schedule shall be established for the remainder of the calendar year.

402 Special meetings may be called by the chairman or by two members upon written request to the secretary. Notice of special meetings shall be given to the members of the Commission as set forth within §15.2-2214 VA Code Ann. and to the public

as set forth within §2.2-3707(D) VA Code Ann.

403 All meetings shall be open to the public as required by the Virginia Freedom of Information Act, §§ 2.2-3700 *et seq.* VA Code Ann. Closed meetings may be held pursuant to § 2.2-3711 VA Code Ann. Notice of the Commission's meetings shall be posted in public locations, and County offices, as required by §2.2-3707(C) VA Code Ann., at least 3 working days prior to such meetings; provided, however, that notice, reasonable under the circumstances, of special or emergency meetings shall be given contemporaneously with the notice provided to members of the Commission.

404 A majority of the members shall constitute a quorum. No official action shall be taken at a meeting unless a quorum is present, and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting.

Each member who knows that he will be unable to attend a scheduled meeting shall notify the secretary at the earliest possible opportunity, but no later than 4:30 p.m. on the date of a meeting. The secretary shall notify the chairman immediately in the event that the absences of which she is aware will result in the lack of a quorum.

405 Reserved.

406 Procedural matters shall be settled in accordance with applicable provisions of the Code of Virginia and, where the Virginia Code does not address the issue, the most recent edition of Robert's Rules of Order. It shall be the responsibility of the chairman to maintain order and decorum throughout each meeting.

A. In cases of breach of decorum, in order to restore order, the chairman or acting chairman may stop a presentation, refuse to recognize a speaker, order that a matter be carried over to the next meeting, or take other appropriate action.

B. Any person addressing the Commission shall limit his remarks to the time allotted by the chairman, unless the Commission extends the time by unanimous consent.

C. Only persons recognized by the chairman may speak.

D. Questions shall be addressed to the chairman during a meeting; answers and follow-up questions by Commission members shall be reserved until the end of a public hearing or other presentation.

E. Staff shall make notes of questions asked, in order to assist with later response(s).

407 Meeting agendas

A. The secretary, in conjunction with the chairman, shall finalize the agenda for a regular meeting, seven (7) days prior to the meeting. After that

deadline, no new matters will be placed on the agenda except with the permission of the chairman. Once the agenda has been finalized, the secretary shall transmit it to each Commission member. When an agenda item involves a particular lot, parcel or tract of land, each Commission member shall visit the subject property prior to the meeting date.

- B. Any non-County entity or person requesting that a matter be placed on a Commission agenda shall provide written materials explaining the specific action(s) it seeks from the Commission, and background material and information sufficient to allow the Commission to allow a meaningful review of the matter. No matter initiated by application shall be placed on an agenda until all of the information and submissions required by or in connection with the application have been received.
- C. Any written staff report shall be submitted to the secretary: (i) 7 days prior to the meeting; or (ii) for matters which require advertisement of a public hearing, the date on which notice of a public hearing is first published in the newspaper.
- D. One copy of the Commission's agenda packet and, unless exempt by a provision of the Freedom of Information Act, all materials furnished to members of the Commission for a meeting, shall be made available for public inspection within the Office of Planning and Zoning at the same time such documents are furnished to the members of the Commission.
- E. The order of business for a regular meeting shall be as follows:
 - 1) Call to order
 - 2) Determination of quorum
 - 3) Approval of agenda
 - 4) Discussion/approval of minutes of prior meetings
 - 5) Public comment (matters not scheduled for public hearing at the same meeting)
 - 6) Old business
 - a. Board of Supervisors' report
 - b. Planning and Zoning report
 - 7) Public hearings
 - 8) New business
 - 9) Commission members' comments and reports
 - 10) Next meeting date
 - 11) Adjournment
- F. Unless otherwise announced by the chairman prior to opening a public hearing, the following procedure shall apply to the conduct of a public hearing:
 - 1) Chairman will read a summary of the agenda item
 - 2) Staff will present a report and recommendations of the Office of Planning and Zoning. An applicant, or applicant's representative, will be given an opportunity to make a presentation. If the applicant fails to appear in person or by representative at any

hearing called for the purpose of consideration of his application, his failure to appear may be considered by the Commission as grounds for recommendation of denial.

- 3) Staff may provide additional comment
- 4) The applicant, or applicant's representative, may offer rebuttal, limited to points and information not previously covered.
- 5) The chairman will announce that the public hearing is opened, and shall invite public comment. In cases where a large number of speakers are anticipated at the public hearing, a sign-up list may be made available and the secretary will call persons to the podium in the order in which they signed up. Other persons may be allowed to speak, after each person on the sign-up sheet has completed their comments.
- 6) The chairman shall announce his intention to close the public hearing and shall inquire whether there is anyone who has not yet spoken who wishes to address the Commission. If there is no such person, then the chairman shall declare the public hearing to be concluded.
- 7) The chairman shall invite discussion by the Commission members and, in applicable cases, shall take action as set forth in Section 409, following below.

G. Meetings of the Commission shall normally be concluded by 10:00 p.m., or as soon thereafter as matters already opened for discussion may be concluded. No further agenda items shall be taken up after 10:00 p.m., except (i) advertised public hearings or (ii) other matters, by unanimous consent of the Commission.

408 Cancellation or re-scheduling of meetings

- A. Upon a finding by the chairman, or the vice-chairman if the chairman is unable to act, that weather or other conditions are such that it would be hazardous for members to attend a meeting, the chairman, or vice chairman, if applicable, may cancel a meeting. Such finding shall be communicated to the members and the press as promptly as possible. In the event of such cancellation the Commission shall, by resolution adopted at its next regular meeting, fix the day or days to which the cancelled meeting shall be continued. All hearings and other matters previously advertised for the cancelled meeting shall be conducted at the continued meeting and no further advertisement is required. The Commission shall cause a copy of its resolution to be published in a newspaper having general circulation in the County at least seven (7) days prior to the continued meeting (or, if matters were continued to more than one meeting, at least 7 days prior to the first meeting held pursuant to the schedule set forth within the resolution).

- B. The chairman, in his discretion, may cancel a regularly-scheduled meeting for lack of a quorum, lack of sufficient business, or other good cause.
- C. Notwithstanding any cancelled meetings, the Commission shall meet not less than once every two (2) months.
- D. No advertised public hearing shall be postponed by the chairman based on a request from a non-County government entity or person, absent mitigating circumstances. The chairman shall determine when such circumstances exist. If mitigating circumstances exist and if the entity or person making the request agrees to bear the County's costs, then the chairman may grant the request. Following any such postponement, the Commission shall, by motion or by resolution, fix the date to which the public hearing shall be continued.

409 Following the conclusion of any public hearing required by law, the Commission shall take one of the following actions:

- A. Following discussion by Commission members, and a motion, adopt a resolution setting forth a report and recommendation to the Board of Supervisors. A member will reference any draft resolution provided by staff, and will articulate amendments to such draft, as part of the member's motion to approve or deny an application; or
- B. Defer discussion and/or action until its next regular meeting, or to a special meeting date and, if desired, request additional information, in the form of a written report, from: staff, an applicant, or an advisory committee appointed by the chairman. At its discretion, the Commission may schedule an additional public hearing for the subsequent meeting;

When action is deferred, the Commission shall ensure that its final action will be taken within time limits established by state law or the County zoning ordinance.

Article 5: Voting; transaction of business

501 An affirmative vote of a majority of the members present and voting shall be required for official action to be taken. No vote of any kind of the membership, or any part of the membership, shall be taken to authorize the transaction of any business of the Commission, other than a vote taken at a meeting conducted in accordance with the provisions of the Freedom of Information Act.

502 Following a motion and discussion, the chairman shall call for a voice vote or a roll-call vote, at his discretion or as may be required by law. All votes shall be recorded. The Commission may not vote by secret or written ballot. In the event that a motion does not obtain an affirmative majority vote, that particular motion "fails" and no action has been taken. A subsequent motion, approved by affirmative

majority vote, is necessary in any matter on which the Commission is required to take action.

503 Once the Commission has voted on a matter, motions to reconsider, to rescind, or to amend such action taken shall only be considered in accordance with the procedures set forth in Robert's Rules of Order.

504 The State and Local Government Conflicts of Interest Act ("COIA") prohibits certain conduct by members of the Commission, relating to the performance of their public duties. Each Commission member is required by law to read and familiarize himself with the provisions of COIA. A member who has a personal interest in a transaction of the Commission may be required to disqualify himself from participating in the transaction and to make certain disclosures as a matter of public record. If a member has any question about whether he has a personal interest in a transaction, or whether he is required to disqualify himself, he should seek an advisory opinion from the County Attorney.

Article 6: Committees

601 The following committees may be appointed at the discretion of the chairman:

Comprehensive Plan Committee: develops, updates, and revises the comprehensive plan and coordinates the work of other committees which relate to the plan development.

Ordinance Development Committee: drafts amendments and supplements to the zoning and subdivision ordinances.

Capital Improvements Committee: prepares and annually updates a capital improvements program (CIP) in conjunction with Orange County administrative officials and assures that the CIP is in conformity with the comprehensive plan.

602 The chairman may appoint special committees for purposes and terms approved by the Commission.

603 The chairman shall be an ex-officio member of every committee.

604 Committee meetings shall be open to the public, and shall be noticed and conducted in accordance with §2.2-3707 VA Code Ann. and other applicable provisions of the Freedom of Information Act.

Article 7: Amendments

These by-laws may be amended by an affirmative vote of a majority of the members of the Commission, provided that each member is notified that an amendment will be considered and is provided with the text of the proposed amendment at least 30 days in advance of the meeting at which such vote is taken. This 30-day notice requirement may be waived by a super majority (two-thirds plus one) in an open

meeting at which all members of the Commission are present.

Article 8: Validity

Should any section, subsection or provision of the bylaws be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of these bylaws as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.



ORANGE COUNTY PLANNING COMMISSION
BYLAWS
ADOPTED XX/XX/XXXX

Article I: Establishment and Authority

- A. The Orange County Planning Commission is established pursuant to § 15.2-2210 of the Code of Virginia and to Article II, Division 3 of the Orange County Code of Ordinances. This body was first established in April 1966, reestablished in April 2004, and reconstituted as a 5-member body in March 2010 by the Orange County Board of Supervisors (hereinafter referred to as the “Board”).
- B. The official title of this body shall be the Orange County Planning Commission (hereafter referred to as the “Commission”).
- C. The primary purpose of the Commission shall be to advise the Board on planning-related and land use-related matters in the county in order to promote orderly development, the public health, safety, and general welfare, and good zoning practice. The Commission shall carry out its duties pursuant to all authority bestowed upon it by the Code of Virginia and by the Board.

Article II: Membership

- A. Membership of the Commission shall be as set forth in Sec. 2-62 of the Orange County Code of Ordinances.
- B. A Commissioner may be removed from office in the event he/she is absent from any 3 consecutive meetings of the Commission, or is absent from any 4 meetings within a 12-month period.

Article III: Officers

- A. Officers of the Commission shall consist of a Chair, Vice Chair, and a Secretary. The Chair and Vice Chair shall be voting members of the Commission. The Secretary shall be an employee of Orange County Department of Planning & Zoning so appointed by the Chair.
- B. Election of officers shall be made during the first regular meeting of the Commission each calendar year in accordance with the following procedures:
 - 1. The presiding officer shall first solicit nominations from the floor for the position of Chair for the upcoming year.
 - 2. Any Commissioner, after being recognized by the presiding officer, may make 1 or more nominations and discuss his or her opinions on the qualifications of the nominees.

3. When all nominations have been made, the presiding officer shall close the floor to nominations and call for a vote.
 4. The presiding officer shall solicit votes for each nominee in the order nominated. Each member may cast 1 vote per nominee.
 5. The candidate receiving the majority vote of the Commission shall be declared elected. A majority of voting members shall be required to elect the Chair for the upcoming year.
 6. The newly-elected Chair shall take office immediately and repeat the nomination and election procedures in order to elect a Vice Chair.
 7. Upon election of the Vice Chair, the Chair shall then appoint a Secretary for the year.
- C. Officers shall serve until the election of officers is concluded during the first regular meeting the following year, or until his/her term expires, whichever occurs first.
- D. Any mid-year office vacancy shall be filled immediately during the next regular meeting by the above procedures.
- E. The Chair shall:
1. Preside at all meetings of the Commission;
 2. Appoint special and standing committees, for which he/she shall serve as an ex officio member;
 3. Rule on all procedural/parliamentary matters and questions. Such rulings may be reversed by a vote by all other Commissioners present;
 4. Have the authority to speak, make motions, and vote on all matters, unless otherwise recused;
 5. Establish time limits for all presentations and other public input made to the Commission;
 6. Sign and authenticate official documents of the Commission;
 7. Correspond with the Board on behalf of the Commission; and
 8. Carry out other duties assigned by a majority of the Commission.
- F. The Vice Chair shall:
1. Assume the full powers of the Chair in his/her absence or inability to act; and
 2. Carry out duties assigned by a majority of the Commission.
- G. The Secretary shall:
1. Ensure that attendance is recorded at all meetings;
 2. Supervise the keeping of the minutes of the Commission;
 3. Provide notice to all members of all meetings;
 4. Prepare agendas for all meetings;
 5. Maintain official records of the Commission;

6. Handle any funds that may be allocated to the Commission;
7. Coordinate all official correspondence of the Commission;
8. Provide legal notice to the public for all meetings and public hearings; and
9. Provide information to the Board related to all Commission actions and recommendations, including their annual report as required by the Code of Virginia.

Article IV: Meetings, Generally

- A. The Commission shall hold regular meetings at 6:00 p.m. on the first Thursday of each month. An alternative meeting time/date of 6:00 p.m. on the third Thursday of each month shall be reserved to be used as needed. Unless otherwise announced and advertised, all meetings shall be held in the Board meeting room of the R. L. Gordon Building located at 112 W. Main Street in the Town of Orange. The Commission's meeting schedule shall be maintained on the County's website.
- B. Special meetings may be called by the Chair or by 2 Commissioners upon written request to the Secretary, pursuant to the procedural requirements of § 15.2-2214 of the Code of Virginia.
- C. A majority of the Commission membership shall constitute a quorum. Official actions may not be taken at a meeting without a quorum.
- D. Commissioners shall notify the Chair or the Secretary of their pending absence from a meeting at least 24 hours prior to the meeting, unless due to an emergency.
- E. The Secretary, in conjunction with the Chair, shall generally finalize meeting agendas at least 5 calendar days prior to a given meeting. Once the agenda for a given meeting has been finalized, the Secretary shall transmit copies of the agenda and all related materials to the Commission for their review prior to the meeting date. These materials shall also be posted on the county's website for public review and made available in the Department of Planning & Zoning.
- F. Any meeting may be cancelled by the Chair, or Vice-Chair on behalf of the Chair, if situations are present (e.g. weather) which would make travel to or from the meeting hazardous. In such circumstances, all hearings and other materials previously advertised shall automatically be rescheduled for the next meeting (either the first or third Thursday, whichever occurs first), as described in subsection 'A' above.

Article V: Conduct of Business

- A. The agenda for regular meetings shall be generally arranged as presented below. The order of business may be modified by the Chairman or Secretary to facilitate the conduct of business.
 1. Call to order and determination of quorum
 2. Approval of agenda
 3. Discussion/approval of minutes of prior meetings
 4. Work session items
 5. General public comment

6. Old business/Committee reports
 7. Public hearing items
 8. New business
 9. Commissioner comments/reports
 10. Consensus of next meeting date
 11. Adjournment
- B. Meetings shall be generally conducted in accordance with the most recent edition of *Robert's Rules of Order*, but the Chair shall be ultimately responsible for conducting meetings, establishing procedures, and controlling the course of business. Failure to strictly comply with *Robert's Rules of Order* shall not invalidate any actions of the Commission.
- C. The Chair shall be responsible for maintaining order and decorum throughout each meeting, and may take any action necessary to do so, including stopping a presentation, ordering a recess, refusing to recognize a speaker, ordering that a matter be deferred to the next meeting, or any other appropriate action.
- D. The course of business for public hearings shall be controlled by the Chair.

Article VI: Voting on Matters

- A. Unless otherwise required, an affirmative vote of at least a majority voting on an item shall be necessary to represent an official action or recommendation of the Commission. In the event any motion does not obtain an affirmative majority vote, that particular motion fails and no action is taken on it.
- B. A tie vote shall be a rejection of the motion presented. In the event of deadlock, the Chair may order the deferral of the item until the next meeting or when the full membership will be present.
- C. The Chair may utilize either a general voice vote or an individual roll call vote on all matters required for action by the Commission.

Article VII: Bylaw Amendments

- A. These Bylaws may be amended by a majority affirmative vote by the Commission, provided each member is given a 30-day notice of the proposed amendments. This notice requirement may be waived with a 4/5 majority affirmative vote.

Article VIII: Effect of Enactment

- A. Nothing in the foregoing Bylaws shall be deemed as invalidating any official business transacted by the Commission prior to the adoption of these Bylaws.
- B. Unless otherwise required by the Code of Virginia or by the Orange County Code of Ordinances, failure to strictly adhere to these Bylaws shall not be utilized to invalidate any action taken by the Commission.