

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, May 1, 2014
Minutes**

Present: Donald Brooks, Jason Capelle, George Yancey, Nigel Goodwin, J.P. Tucker, III, Jim Crozier, BOS Representative

Absent: None

Staff Present: Gregg B. Zody, Director; Josh Frederick, Senior Planner; Tom Lacheney, County Attorney; Janet Jones, Senior Administrative Assistant

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

2. Determination of Quorum

Chairman Brooks called the meeting to order at 7:00 p.m. He stated a quorum was present to conduct business.

RE: CLOSED MEETING

At 7:02 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

WHEREAS, the Orange County Planning Commission desired to discuss in Closed Meeting the following matters:

- One (1) matter concerning the discussion of personnel, which concerns a specific employee. - §2.2-3711(A)(1) of the Code of Virginia;

WHEREAS, pursuant to §§2.2-3711(A) (1), of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby authorized discussion of the aforesated matters in Closed Meeting.

A motion was made by Mr. Yancey, seconded by Mr. Tucker, to approve the resolution authorizing Closed Meeting as presented. Ayes: Brooks, Goodwin, Capelle, Tucker, Yancey; Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:05 p.m., Mr. Lacheney read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Planning Commission 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 Planning Commission 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: Brooks, Goodwin, Capelle, Tucker, Yancey; Nays: None

3. Approval of Agenda

Chairman Brooks asked if there were any additions to or deletions from the agenda.

A motion was made by Mr. Goodwin seconded by Mr. Yancey that the agenda be approved as presented. Motion carried 5-0.

4. Approval of Minutes

Chairman Brooks asked for additions to or deletions from the minutes of February 20, 2014.

A motion was made by Mr. Goodwin, seconded by Mr. Tucker that the minutes of February 20, 2014 be approved as presented. Motion carried 4-0, Mr. Capelle abstained

Chairman Brooks asked for additions to or deletions from the minutes of March 6, 2014.

A motion was made by Mr. Yancey, seconded by Mr. Goodwin that the minutes of March 6, 2014 be approved as presented. Motion carried 4-0, Mr. Capelle abstained

Chairman Brooks asked for additions to or deletions from the minutes of March 20, 2014.

A motion was made by Mr. Tucker, seconded by Mr. Goodwin that the minutes of March 20, 2014 be approved as presented. Motion carried 4-0, Mr. Capelle abstained

5. Public Comment

Chairman Brooks opened the floor for public comment.

There were no speakers.

Chairman Brooks closed the public comment period.

6. Old Business

A. Board of Supervisors Report – Jim Crozier

Supervisor Crozier reported that the budget has been approved for the next fiscal year. Supervisor Crozier also stated the VDOT Plan for Orange County had also been approved.

B. Planning and Zoning Report – Gregg Zody

Mr. Zody stated he had placed at their seats the Department of Planning & Zoning Monthly Report for May. Mr. Zody also stated the Business Appreciation Reception is scheduled for May 15, 2014 and the Commission may want to start later or cancel the May 15th meeting of the Commission.

C. Route 3 Sub-Committee Report – George Yancey/Nigel Goodwin

Mr. Yancey stated the Route 3 Sub-Committee had nothing new to report, and are waiting to hear the Charette report.

D. Reconsideration of text amendments from April 3, 2014 public hearing
Discussion deferred to after the public hearings.

The following was discussed after public hearings held and closed.

Mr. Zody briefed the Commission on the three text amendments tabled at the April 3rd meeting due to lack of consensus (split vote).

The Commissioners indicated they were in agreement on text amendment number one and number three.

Mr. Goodwin re-iterated his position that amendment two should be amended so that the proposed use in C-1 would be granted through an SUP instead of by-right (staff's recommendation is by-right).

The Commission held a lengthy discussion about the appropriateness of SUPs, and the uses in C-1, etc.

A motion was made by Mr. Goodwin, seconded by Mr. Capelle to approve text amendments with modifications to amendment two. Motion failed 2-3.

A motion was made by Mr. Tucker made a motion, seconded by Mr. Yancey to approve text amendments as presented by staff. Motion passed 3-2.

E. Division policy

Discussion deferred to after the public hearings.

The following was discussed after public hearings held and closed.

Mr. Zody provided the Commission with a revised memo dated 4/18/14 regarding division policy and containing three division policies recommended by staff from adjacent localities:

- Time-Phasing (Culpeper Co.);
- 2) Sliding Scale (Fauquier Co.); and
- 3) Density-Based (Rappahannock Co.).

The Commission discussion on policies proceeded, with Chairman Brooks requesting staff draft an ordinance for the Commission to discuss and present to the public at the September meeting to be held at Lake of the Woods.

Mr. Zody inquired whether the division policy should be limited to Ag-zoned lots, and the Commission agreed.

Mr. Lacheney emphasized this work effort will only result in an exercise if they are not willing to rezone all of the ag-zoned property in the County.

Further discussion was held by the Commission, and Chairman Brooks directed Mr. Zody and Mr. Lacheney to work together to come up with an alternative for presentation at their June meeting.

7:15 P.M. PUBLIC HEARING

Chairman Brooks stated the public hearings for the 2025 land use map amendment along with the rezoning will held at the same time.

PUBLIC HEARING # 1 & 2:

CPA 14-01: *Amendment of the “2025 Recommended Land Use Map” of the Orange County Comprehensive Plan. The proposed amendment would change the designation from Economic Development to Agricultural A-2 for property totaling 2.2 +/- acres, owned by W.W. and Carolyn Sanford, located on 14044 Litchfield Drive, at the southeast intersection of Route 15 and Litchfield Drive. The property is identified on Orange County Tax maps as parcel 57-1B.*

Mr. Zody briefed the Commission on the request from Mr. & Mrs. Sanford to down zone 2.2 +/- acres from General Industrial (I-2) to Agricultural (A). Mr. Zody stated he suggested to the applicants amend the comprehensive plan future land use map designation from Economic Development to Agricultural. Mr. Zody stated staff recommends approval of amending the comprehensive plan from economic development to Agricultural (A-2), and rezoning from General Industrial (I-2) to Agricultural.

Chairman Brooks opened the public hearing.

Mr. W.W. Sanford the applicant stated the land is currently farmed and would like to have the property down zoned to Agricultural (A). Mr. Sanford also stated it was a pleasure dealing with Mr. Zody on his request.

There being no other speakers, the public hearing was closed.

The Commission held a short discussion on the application.

A motion was made by Mr. Capelle, seconded by Mr. Goodwin to approve the request to amend the Orange County Comprehensive Plan on approximately 2.2 acres +/- from Economic Development to Agricultural (A-2) using the standard resolution recommending approval. Motion carried with all members voting in the affirmative.

REZ 14-01: *An application from W.W. and Carolyn Sanford, to rezone approximately 2.2 +/- acres from General Industrial (I-2) to Agricultural (A). The property is located on 14044 Litchfield Drive, at the southeast intersection of Route 15 and Litchfield Drive. The property is identified on Orange County Tax maps as parcel 57-1B.*

A motion was made by Mr. Capelle, seconded by Mr. Tucker to approve the rezoning from General Industrial (I-2) to Agricultural (A) using the standard resolution of approval. Motion carried with all members voting in the affirmative.

RESOLUTION RECOMMENDING APPROVAL

RE: FOR TAX MAP NO. 57(1)B:

CPA 14-01 – AMEND THE COMPREHENSIVE PLAN ON APPROXIMATELY 2.2 ACRES FROM ECONOMIC DEVELOPMENT TO AGRICULTURAL A-2;

REZ 14-01 – REZONING APPROXIMATELY 2.2 ACRES FROM GENERAL INDUSTRIAL (I-2) TO AGRICULTURAL (A)

WHEREAS, W.W. (III) and Carolyn Sanford have asked the Orange County Board of Supervisors to amend the Comprehensive Plan Future Land Use designation of their property, Tax Map No. 57(1)B totaling 2.2 acres +/-, from Economic Development to Agricultural A-2; and

WHEREAS, W.W. (III) and Carolyn Sanford have also asked the Orange County Board of Supervisors to Rezone their property, Tax Map No. 57(1)B, totaling 2.2 acres +/- from General Industrial (I-2) to Agricultural (A); and

WHEREAS, the Planning Commission advertised and held a public hearing on the proposed Comprehensive Plan Amendment and Rezoning on May 1, 2014; and

WHEREAS, the Department of Planning and Zoning has recommended approval of the Comprehensive Plan Amendment to Agricultural A-2 and approval of the proposed Rezoning to Agricultural based on Findings of Fact; and

WHEREAS, the Planning Commission has reviewed the requests for Comprehensive Plan Amendment and the rezoning, and has determined that the requests are consistent with the Comprehensive Plan's surrounding future land use designations A-2, and recommends approval of the Rezoning from General Industrial (I-2) to Agricultural (A); and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this Comprehensive Plan Amendment and Rezoning;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends that the Orange County Board of Supervisors approve CPA 14-01 for a Comprehensive Plan Amendment from Economic Development to Agricultural A-2, and approve REZ 14-01 to Rezone from General Industrial (I-2) to Agricultural (A) on Tax Map No. 57(1) B 2.2 +/- acres.

PUBLIC HEARING # 3

SUP14-02: Ellen Pitera, on behalf of Rounton Farm, has applied for a special use permit for the farm's property located at 10155 Rapidan Rd in Orange. The request is to utilize the property to host private, special events with some overnight lodging regularly throughout the year, pursuant to Sec. 70-303(12) of the Orange County Zoning Ordinance. The property is referenced by tax map 30-18E & 18C and is approximately 33.99 acres and 6.007 acres, respectively, in size. Zoning for the properties is classified as Agricultural (A) and the future land use is identified as Agricultural A-1 in the 2013 Orange County Comprehensive Plan.

Mr. Frederick, Senior Planner reviewed the application and recommended approval with conditions as noted.

Mr. & Mrs. Pitera, applicants addressed the Commission and responded to questions related to the special use permit request.

Chairman Brooks opened the public hearing.

There being no other speakers, Chairman Brooks closed the public hearing.

The Commission discussed signage restrictions mentioned in the conditions, staff stated that temporary signs for special events would not be prohibited.

Supervisor Crozier had issues with the condition proposed by Culpeper Soil Water Conservation District (CSWCD) recommending seeding and mulching fields damaged by parking areas as he saw it unnecessary overkill and micromanagement. Staff explained it will remain in place for environmental protection, prevention of erosion and sediment control, and good planning practice. It was stated that if the Commission does not want it they can take strike it out.

Mr. Goodwin spoke briefly on the conservation easement and how it would be impacted by the request. County Attorney Lacheney advised that VA Code 10.1-704 has implications for the county if they approve such a request that may violate the terms of an open-space or conservation easement. Mr. Lacheney advised the Commission that they should base their recommendation on receiving approval from the easement holder (Virginia Outdoors Foundation) to avoid any conflict with the state code.

A motion was made by Mr. Capelle, seconded by Tucker to approve the application, as submitted, with the proposed conditions, contingent on a written statement of no objections from the Virginia Outdoors Foundation. The Commission voted 4-1 with Mr. Yancey voting Nay.

RESOLUTION RECOMMENDING APPROVAL

RE: SUP 14-02: Rounton Farm Special Events

WHEREAS, Ellen Pitera, on behalf of Rounton Farm LLC, has applied for a special use permit to utilize the farm's property, located at 10155 Rapidan Rd (Rt. 615) in Orange and referenced by tax map 30-18C & 18E, to host private, special events regularly throughout the year.; and

WHEREAS, the request is a private recreational use pursuant to Sec. 70-303(12) and Sec. 70-333(4) of the Zoning Ordinance; and

WHEREAS, the Planning Commission held a duly advertised public hearing on this proposed special use permit on May 1st, 2014; and

WHEREAS, Staff of the Department of Planning and Zoning have recommended approval of this special use permit subject to certain conditions; and

WHEREAS, the Planning Commission has determined that this special use permit, as conditioned, would further the purposes of the Comprehensive Plan and the Zoning Ordinance; not threaten the public health, safety or welfare; promote compatibility with the surroundings; and not result in substantial detriment to the surrounding property.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends, based on public necessity, convenience, general welfare, and good zoning practice, that the Orange County Board of Supervisors **approve** SUP 14-02 for tax map 30-18C & 18E with the attached conditions, in order to mitigate the impacts of the proposed use.

SUP 14-02: Rounton Farms Special Events

The conditions of this special use permit ("SUP") shall apply to the properties identified on county tax map 30 as parcels 18C & 18E as well as any future division or consolidation of said properties. Compliance is the responsibility of the applicant, owners and assigns. The following

conditions are intended to offset and mitigate impacts of the proposed development, 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 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.

1. Controlling documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application.
2. Compliance – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine “substantial conformance.” The business owner and/or property owner shall be responsible for obtaining all required site plan approvals, building permits, health permits, VDOT permits, zoning and erosion & sediment control permits.

The business owner and/or property owner shall be responsible for complying with all local, state and federal laws and regulations that are applicable to the business.

3. Uses – This SUP shall permit the hosting of private events and related temporary lodging as generally referred to on the site plan and described in the application.

4. Performance Standards:

- Per recommendations by the Culpeper Soil & Water Conservation District in their comment letter dated March 25th, 2014:
 - “Fields damaged by parking [or any other activity related to the special use] shall be amended, seeded and mulched to re-establish a uniform stand of vegetation mature enough to inhibit erosion.”
- Per recommendations by VDOT in their comment letter dated March 28th, 2014, a plat shall be submitted to the county and VDOT for review within 9 months of approval by the Board of Supervisors which shows the following:
 - “Intersection sight distance (Rounton Farm entrance/Rte.615) shall be illustrated and verified by a Virginia licensed Land Surveyor for compliance with VDOT specifications and requirements. Sight easements shall be designated and reserved as required. No plantings, structures, etc. shall be placed, installed or remain within the limits of the intersection sight distance triangle that obstruct the required line of sight for ingress/egress.”
 - “Prior to the implementation of activities as proposed in SUP 14-02 (ex: proposed trips 50-100 per typical event) the existing entrance shall be upgraded to commercial entrance standards. A VDOT Land Use Permit shall be obtained for construction of the commercial entrance (\$7,500 (min.) bond obligation & \$250.00 fee) must be obtained.”
- In order to maintain the integrity of the Scenic Byway designation of Rapidan Rd (Rt 615), no additional signage shall be permitted along the road in relation to the special use.

7. New Business

There was no new business.

8. Commissioner Comments

Chairman Brooks stated with the formal public report presentation regarding the Charette findings and recommendations, being held on May 13, 2014 at 7:00 pm in the Board of Supervisors meeting room, and on May 14, 2014 at 7:00 pm at Locust Grove Elementary/Middle School in the cafeteria, located on Flat Run Road in Locust Grove, VA.

Chairman Brooks stated the May 15, 2014 meeting of the Commission will be cancelled and urges the Commissioners to attend one or both of these presentations.

Mr. Zody stated a meeting notice will be distributed notifying the public that the members of the Commission may be in attendance at either or both of the Rt. 3 Charette Report Out meetings.

9. Next meeting – May 15, 2014

Chairman Brooks cancelled the May 15, 2014 meeting.

10. Adjourn

A motion was made by Mr. Hutchison, seconded by Mr. Goodwin that the meeting be adjourned. Motion carried 5-0. Meeting adjourned at 9:07 pm.

Donald Brooks, Chairman

Gregg B. Zody, Secretary