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**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, May 2, 2013
Minutes**

Present: Donald Brooks, Andy Hutchison, George Yancey, J.P. Tucker, III,
Nigel Goodwin, Jim White, BOS Representative

Absent: J.P. Tucker, III

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

All discussion and comment made during this meeting was captured via digital audio recording and video 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.

5:30 p.m. – 7:00 p.m. OPEN HOUSE

Open house commenced at 5:30 p.m. and citizens viewed the map exhibits and public copies of the document. Approximately 40 plus persons gradually moved into the meeting room, where the Planning Commission allowed citizens to approach the podium and ask questions about the comprehensive plan, or express concerns about the current draft.

Chairman Brooks closed the open house at 7:00 p.m. and recessed the meeting until the public hearing, scheduled for 7:15 p.m.

7:15 p.m.

- 1. Call to Order**
- 2. Determination of Quorum**

Chairman Brooks called the meeting to order at 7:15 p.m., and stated a quorum was present to conduct business.

Chairman Brooks stated Mr. Tucker would be absent from the meeting due to the passing of his father. Chairman Brooks offered his condolences and sympathy to Mr. Tucker and his family on behalf of the Commission.

3. Approval of Agenda

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

There were no additions or deletions from agenda.

A motion was made by Mr. Goodwin, seconded by Mr. Hutchison that the agenda be approved as presented. Motion carried 4-0.

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Chairman Brooks stated he will dispense of the items 4 and 5 until after the scheduled public hearings.

4. Public Comment

5. Old Business

- A. Board of Supervisors Report – Jim White
- B. Planning and Zoning Report – Gregg Zody

7:15 P.M. PUBLIC HEARING:

COMPREHENSIVE PLAN REVISION

The revision substantially amends the 2010 Comprehensive Plan, including, but not limited to:

- (1) New land use categories;*
- (2) Revised goals, objectives, and strategies for implementation;*
- (3) Recommended Land Use Map;*
- (4) Updates to demographics;*
- (5) Restructuring of Plan format;*
- (6) Making various other text changes as needed to make the language of the plan clearer.*

Chairman Brooks opened the public hearing at 7:15 pm, with Mr. Lacheney providing a brief overview of the purpose of the Comprehensive Plan. Approximately 70 or more citizens were in attendance.

Chairman Brooks opened the floor for public comment, and approximately 28 speakers provided comment to the Commission. Many of the comments were directed at perceived ambiguous language describing the proposed A-2 land use category; concerns about the Potential Economic Development corridor identified along Route 20 between LOW and the east side of Orange; and generally critical of the perceived lack of public involvement in the process. More than one speaker stated that the Comprehensive Plan, as drafted, would destroy agricultural activity in the County. In sum, the majority of the speakers did not want the County to expand its economic base at the expense of rural character. Four (4) or five (5) speakers spoke in favor of the draft and the need for economic growth.

Three of the speakers were from Spotsylvania County who expressed concerns about a lake identified in the Wilderness Study and the impacts it would have on their property. Two other speakers were also non-County residents (Charlottesville and Culpeper). Two notable quotes made by the Charlottesville speaker were that the draft was “naïve and provincial”, and if implemented, then the County would eventually become “residential and commercial slums”.

The following is a list of speakers for the Comprehensive Plan

- 1. Susan I. Young, 10800 Millridge Lane, Spotsylvania, VA
- 2. Robert Howard, 10813 Millridge Lane, Spotsylvania, VA
- 3. Robert Foster, 10812 Millridge Lane, Spotsylvania, VA
- 4. Steve Yelton, 15620 Burnley Road, Barboursville, VA
- 5. Barbara Culbert, 14201 Cox Mill Road, Gordonsville, VA
- 6. Bill Speiden, 12046 Blue Hill Drive, Somerset, (for Orange Co. Farm Bureau)
- 7. Dan Holmes, Culpeper, VA (PEC)
- 8. Charlotte Tieken, 13434 Waverley Farm Drive, Somerset, VA
- 9. Virginia Donelson, 12384 Merriewood Drive, Somerset, VA
- 10. James Collins, 12384 Merriewood Drive, Somerset, VA
- 11. Steve Satterfield, 21041 Clarks Mtn. Road, Rapidan, VA
- 12. ~~Bill Speiden 12046 Blue Hill Drive, Somerset, (speaking as a citizen)~~ (passed)
- 13. W.W. Monk Sanford, III, 14387 Kenwood Lane, Orange, VA

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14. Mark Warren, 5290 Ridge Road, Somerset, VA
15. Henry Lee Carter, 11536 Rapidan Road, Orange, VA (speaking as citizen)
16. Charles Stick, 220 Court Square, Charlottesville, VA
17. Carl Prober, 15246 Doubletop Lane, Gordonsville, VA
18. Diane Strong, 3495 Hamm Road, Barboursville, VA
19. Steven Brooks, P.O. Box 87, Montpelier Station, VA
20. Teri Pace, 25485 Gooch Lane, Unionville, VA
21. Nancy Wiley, 16104 Montebello Road, Orange, VA
22. David Perdue, 9161 Liberty Mills Road, Somerset, VA
23. Barbara Parks, 23494 Village Road, Unionville, VA
24. Charles Seilheimer, Mt. Sharon Farm, Orange, VA
25. Don Skelly, 14184 Brookman Road, Somerset, VA
26. Jack Snyder, 12574 Chicken Mtn. Road, Orange, VA
27. Jim Walsh, 117 Green Street, Locust Grove, VA (President LOW Association)
28. Mark Sutton, 35433 Somerset Ridge Road, Locust Grove, VA

The Planning Commission briefly discussed the general theme of the public comments.

A motion was made by Mr. Goodwin, seconded by Mr. Hutchison to table the public hearing on the comprehensive plan until May 16, 2013 so that the Commission may consider the comments made this evening. The motion carried 4-0, Mr. Tucker absent.

TWO PROPOSED AMENDMENTS TO THE ZONING ORDINANCE OF THE COUNTY CODE:

DIVISION 1. GENERALLY.

Sec. 70-38. Penalties.

~~*Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than \$10.00 or more than \$1,000.00.*~~

Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine or not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

Chairman Brooks opened the floor for public comment regarding amending Sec. 70-38 (Penalties), no speakers from the public provided comment.

Chairman Brooks closed the public hearing.

The Commission held a brief discussion on the proposed amendment.

A motion was made by Commissioner Yancey, seconded by Commissioner Goodwin to approve the proposed amendment to Sec. 70-38 (Penalties). The motion carried 4-0.

RESOLUTION RECOMMENDING APPROVAL

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MOTION: Yancey **May 2, 2013**
SECOND: Goodwin **Regular Meeting**
Res. No. 13-04

Proposed Amendments to County Code Chapter 70, Zoning Ordinance. Division 1. Generally. Sec. 70-38. Penalties.

WHEREAS, the Board of Supervisors directed the Planning Commission to consider certain Zoning Ordinance amendments pertaining to penalties; and

WHEREAS, the Planning Commission advertised and held a public hearing on May 2, 2013 to receive public comment regarding said proposed amendment; and

WHEREAS, the Planning Commission discussed the proposed amendment, and considered comments received during the public hearing and desires to recommend approval of the draft Zoning Ordinance amendment; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support approval of the draft Zoning Ordinance amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends approval to the Orange County Board of Supervisors of the proposed amendment to County Code Chapter 70, Zoning Ordinance.

Votes:

Ayes: Goodwin, Hutchison, Yancey, Brooks
Nays: none
Absent: Tucker
Abstained from Vote: none

DIVISION 7. - CONDITIONAL ZONING

Sec. 70-191. - Authorized.

The board of supervisors may rezone property subject to conditions, provided the applicant proffers such conditions in writing prior to the public hearing before the board of supervisors. Any such rezoning shall conform to the provisions of Code of Virginia, §§ 15.2-2296 through 15.2-2303. Any landowner applying for rezoning may voluntarily proffer to place restrictions on the use of his land in addition to the restrictions imposed by this chapter, to dedicate to the county or to an agency approved by the county real estate or public facilities located off the site to be rezoned but necessitated by the rezoning, or to pay to the county a fixed sum of cash or other consideration to defray the cost of capital improvements necessitated by the rezoning. The board of supervisors may rezone the property on the condition that the landowner and his heirs and assigns abide by such conditions. Such conditions shall have the same force and effect as the regulations provided for the zoning district by this chapter. Failure to abide by such conditions shall render the rezoning voidable and may cause the zoning of the property to revert to its classification prior to the conditional rezoning.

The board of supervisors may rezone property subject to conditions, provided the applicant proffers such conditions in writing prior to the public hearing before the board of supervisors. Any such rezoning shall conform to the provisions of §15.2-2296 through §15.2-2303 of the Code of Virginia.

(1) Any landowner applying for rezoning may voluntarily proffer to place restrictions on the use of his land in addition to the restrictions imposed by this chapter. The landowner may also:

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(a) dedicate to the county, or to an agency approved by the county, real estate or public facilities located off the site to be rezoned;

(b) pay to the county a fixed sum of cash or other consideration to defray the cost of capital improvements;

(c) pay to the county a fixed sum of cash for any off-site road improvement or any off-site transportation improvement that is adopted as an amendment to the comprehensive plan and incorporated into the capital improvements program.

provided that (i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the county comprehensive plan.

(2) The board of supervisors may rezone the property on the condition that the landowner and his heirs and assigns abide by such conditions. Such conditions shall have the same force and effect as the regulations provided for the zoning district by this chapter. Failure to abide by such conditions shall render the rezoning voidable and may cause the zoning of the property to revert to its classification prior to the conditional rezoning.

(3) The zoning administrator shall prepare a “proffer policy guide” to aid landowners in preparing and submitting proffers. Said policy guide shall be approved by the board of supervisors prior to implementation, and may be amended from time to time with the approval of the board.

Chairman Brooks opened the floor for public comment regarding amending Sec. 70-191 (Proffers).

There was one speaker signed to speak, Teri Pace, 25485 Gooch Lane, Unionville, VA

One member of the public in attendance spoke about proffers, but not specifically about the draft amendment content.

Chairman Brooks closed the public hearing.

The Planning Commission briefly discussed the need for language to be incorporated into either Planning application forms and/or the Proffer Policy Guide emphasizing to the applicant that is highly encouraged proffers should be submitted no later than one week prior to public hearing. Mr. Lachenev spoke to the Commission about the submission of proffers and general procedural requirements of proffers.

The Commission members stated they did not like receiving proffers and conditions at the last minute, and did not think it was fair to the public in attendance who may have prepared comments on proffers which may have changed do to last minute discussions with officials or staff.

A motion was made by Commissioner Hutchison, seconded by Commissioner Goodwin to approve the amendment to Sec. 70-191. The motion carried 4-0.

RESOLUTION RECOMMENDING APPROVAL

MOTION: Hutchison

**May 2, 2013
Regular Meeting**

SECOND: Goodwin

Res. No. 13-05

Proposed Amendments to County Code Chapter 70, Zoning Ordinance. Division 7. – Conditional Zoning, Sec. 70-191. - Authorized.

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WHEREAS, the Board of Supervisors directed the Planning Commission to consider certain Zoning Ordinance amendments pertaining to conditional zoning; and

WHEREAS, the Planning Commission advertised and held a public hearing on May 2, 2013 to receive public comment regarding said proposed amendment; and

WHEREAS, the Planning Commission discussed the proposed amendment, and considered comments received during the public hearing and desires to recommend approval of the draft Zoning Ordinance amendment; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support approval of the draft Zoning Ordinance amendment;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Planning Commission hereby recommends approval to the Orange County Board of Supervisors of the proposed amendment to County Code Chapter 70, Zoning Ordinance.

Votes:

Ayes: Brooks, Goodwin, Hutchison, Yancey

Nays: None

Abstained from Vote: Tucker

Absent from Meeting: None

Item 4 and 5 taken up after public hearings.

4. Public Comment

There was no public comment.

5. Old Business

A. Board of Supervisors Report – Jim White

Mr. White stated the BOS held the public hearing on Signature Series, no decision taken and was tabled for further discussion.

B. Planning and Zoning Report – Gregg Zody

Mr. Zody stated he had nothing to report at this time. Mr. Zody gave out to the Commission the April, 2013 the Department of Planning and Zoning monthly report for their review.

6. New Business

The Commission held a short discussion on continued work on the comprehensive plan. It was the consensus of the Commission to come back as a full Commission vs. Sub-committee after reviewing notes from the public hearing tonight on the comprehensive plan.

7. Commissioner Comments

There were no Commissioner comments.

8. Next meeting

The next meeting of the Commission will be a joint meeting with BOS, EDA and Commission on May 9, 2013, 7:00 p.m. at the Orange Co. Airport.

The Commission meeting on May 16, 2013 will have one public hearing scheduled.

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9. Adjourn

A motion was made by Mr. Hutchison, seconded by Mr. Yancey that the meeting be adjourned. Motion carried 4-0. Meeting adjourned at 9:15 p.m.

Donald Brooks, Chairman

Gregg B. Zody, Secretary