Orange County Planning Commission
Regular Meeting
Orange County High School Auditorium
Thursday, June 7, 2012
7:00 p.m.
Minutes

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

Staff Present: Gregg B. Zody, Director; Kevin McMahan, Planner; Sharon Pandak, County Attorney; Janet Jones, Permit Technician

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

1. Call to Order
2. Determination of Quorum

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

3. Approval of Agenda

Chairman Goodwin 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. Hutchison, seconded by Mr. Yancey that the agenda be approved as presented. Motion carried with all members voting in the affirmative.

4. Public Comment

There was no public comment.

5. Old Business

A. Board of Supervisors Report – Jim White

Supervisor White spoke briefly on the Orange Co. Tourism Department and a new database and stated it would be an excellent idea for the Commission to take a look at it.

B. Planning and Zoning Report – Gregg Zody

Mr. Zody stated the Planning and Zoning monthly report will be emailed to the Commission members after making changes to incorporate the suggestion from Commissioner Brooks on putting back in the report permits issued.

C. Comprehensive Plan – discussion

Mr. Zody stated he had received 8 of the maps he had requested and he will be bringing them to the Commission meeting scheduled for Monday, June 11, 2012. Mr. Zody stated the maps will be on display 1 hour prior to the start of the Commission meeting.

Chairman Goodwin recessed the meeting at 7:07 p.m.

Chairman Goodwin reconvened the meeting at 7:16 p.m.

Chairman Goodwin asked staff to brief the Commission on the public hearing.

Mr. Zody reviewed with the Commission stating the BOS at their meeting on April 24, 2012 initiated amendments to the subdivision ordinance to repeal Sec. 54-27, the phased development element of the County's division policy by removing the concept of one (1) division every four (4) years of land in the Agricultural zoning district, and references to this section in other sections of the subdivision ordinance. Mr. Zody stated the BOS requested the Commission to hold a public hearing and take action by Friday, June 8, 2012. Mr. Zody stated it his recommendation that the text amendments be denied until such time something could be proposed that would address division of property.

7:15 P.M. PUBLIC HEARING:

Summary: The proposed Subdivision Ordinance text amendment repeals Sec. 54-27, the phased development element of the County's division policy by removing the concept of one (1) division every four (4) years. All related references in the Subdivision Ordinance to Sec. 54-27 have strikethroughs as shown below.

DRAFT SUBDIVISION ORDINANCE LANGUAGE

Sec. 54-27. ~~Divisions of land in the agricultural zoning district~~. Repealed.
~~The division of land in the agricultural zoning district is allowed as follows:~~
~~**(1)** No more than one lot may be subdivided from any parent parcel within any four-year period.~~

~~**(2)**Phased division.~~

~~**a.** Any lot divided from the parent tract pursuant to this section may be further divided one time every four years as counted from the date of county approval of the initial division. However, the tract divided from the parent tract shall not be further divided into tracts smaller than 50 acres. The following note shall be shown on the plat and in the corresponding deed:~~

~~"The division of property as shown hereon is subject to the provisions of section 54-27 of the Orange County Code of Ordinances. The parent tract, tax map #_____ consisting of (A)_____acres is being subdivided to create a new tract of (B)_____acres as shown hereon. A subsequent division of this newly created tract shall not be smaller than 50 acres and shall not occur until four years have elapsed from the date of the county's approval of this plat as signed hereon." ((A) is the total acreage of the parent parcel prior to subdivision and (B) is the acreage of the parcel being subdivided off.)~~

~~**b.**The residue may continue to be subdivided at a rate of one lot every four years. The following note shall be shown on the plat and in the corresponding deed:~~

~~"Further division of the _____acre residue as shown hereon shall not occur until four years have elapsed from the date of approval by the county."~~

~~**c.** Where a tract of land was simultaneously divided into four lots during the four years prior to the effective date of this chapter, further division of those four lots shall not occur until four years from the date of approval on the plat, or until one year has elapsed from the effective date of this chapter, whichever is later.~~

~~**(3)** Simultaneous division. Parcels of land in the Agricultural zoning district may be simultaneously divided into an unlimited number of tracts 50 acres or larger in size. Divisions of land in accordance with this provision are not subject to the limit on divisions as stated in subsection (1) above. However, further division of tracts created under this provision is prohibited. For such divisions, the following note shall be shown on the plat and in the corresponding deed:~~

~~"The simultaneous division of land into tracts 50 acres or larger in size as shown hereon is not subject to the limit on divisions as stated in section 54-27(1) of the Orange County Code of Ordinances. However, further division of these newly created tracts as shown hereon is prohibited pursuant to section 54-27(3) of the Orange County Code of Ordinances."~~
~~**(4)**The following divisions of land are exempt from this section: family subdivisions, court-ordered subdivisions, part-and-parcel subdivisions, and the division of property for the purposes of boundary line adjustment.~~

Sec. 54-28. Family Subdivision.

. . . .

~~17. Family subdivisions are exempt from the provisions of section 54-27.~~

Sec. 54-30. Boundary Line Adjustment Survey.

. . . .

~~Divisions of property for the purposes of a boundary line adjustment are exempt from the provisions of section 54-27.~~

Sec. 54-36. Court-ordered subdivisions.

. . . .

~~Court-ordered subdivisions are exempt from the provisions of section 54-27.~~

Sec. 54-37. Family Subdivisions.

. . . .

~~Family subdivisions are exempted from the provisions of section 54-27~~.

Sec. 54-42. Part-and-Parcel Subdivisions.

Part-and-Parcel subdivisions require the submission of a final plat pursuant to the requirements of Division 5, Final Plats, of this ordinance. ~~Land divided pursuant to this section and made a bona fide portion of an adjoining tract through the vacation of a common boundary line shall not count as a division of property pursuant to section 54-27.~~ Staff approval of part-and-parcel subdivisions shall be given within 30 working days of submission by the owner or designated agent unless the plat is: (a) incomplete; (b) review by other agencies, e.g. VDOT and VDH, is not completed; or (c) the subdivision does not meet the requirements of this ordinance.

Sec. 54-94. Certificates.

The following certificates shall appear on the final plat, and shall be executed as appropriate:

….

~~(6) For divisions of land in the Agricultural zoning district, the plat shall clearly state the following:~~

> ~~"The division of property as shown hereon is subject to the provisions of section 54-27 of the Orange County Code of Ordinances. The parent tract, tax map #_____ consisting of _____(A)_____acres is being subdivided to create a new tract of _____ (B)_____acres as shown hereon. A subsequent division of this newly created tract shall not be smaller than 50 acres and shall not occur until four years have elapsed from the date of the county's approval of this plat as signed hereon. Further division of the ____(C)____ acre parent parcel/residue as shown hereon shall not occur until four years have elapsed from the date of approval by the county."~~
> ~~((A) is the total acreage of the parent parcel prior to subdivision and (B) is the acreage of the parcel being subdivided off, and (C) is the acreage of the residue.)~~

~~(7) For the division of land into 50-acre tracts or larger in the Agricultural zoning district, the plat shall clearly state the following:~~

~~"The simultaneous division of land into tracts 50 acres or larger in size as shown hereon is not subject to the limit on divisions as stated in section 54-27(1) of the Orange County Code of~~

~~Ordinances. However, further division of these tracts as shown hereon is prohibited pursuant to section 54-27(5) of the Orange County Code of Ordinances."~~

~~(8)~~ (6) For court-ordered subdivisions, the plat shall clearly state the following:

"The division of property as shown hereon is a court-ordered subdivision pursuant to sections 54 -5 and 54-36 of the Orange County Code of Ordinances. ~~This subdivision is exempt from the provisions of section 54-27.~~"

~~(9)~~ (7) For subdivisions showing the creation of a private street the plat shall clearly state the following:

"The streets in this subdivision serve _____ lots and do not meet the standards necessary for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

~~(10)~~ (8) For subdivisions showing the creation of a public street that will be included in the system of state highways for maintenance by VDOT, the plat shall clearly state the following:

"The streets in this subdivision serve lots and shall be constructed to meet the Virginia Department of Transportation Subdivision Street Requirements and, upon meeting the necessary state requirements and making the appropriate petition to the Orange County Board of Supervisors, may be included in the system of state highways for maintenance by VDOT, upon VDOT approval."

~~(11)~~ (9) For subdivisions showing the creation of a street that will be constructed in accordance with the Virginia Department of Transportation Subdivision Street Requirements but will be privately maintained, the plat shall clearly state the following:

"The streets in the subdivision serve lots and shall be constructed to meet the Virginia Department of Transportation Subdivision Street Requirements, but are not intended for inclusion in the system of state highways and will not be maintained by the Department of Transportation or the county and are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board."

~~(12)~~ (10) For family subdivisions, the plat shall clearly state the following:

"This is a family subdivision as defined in section 54-5 and pursuant to all requirements of section 54-28. Each lot created on this plat as a family subdivision shall be titled in the name of the immediate family member for whom the subdivision is made for a period of no less than five years from the date of final plat approval. ~~This subdivision is exempt from the provisions of section 54-27.~~"

~~(13)~~ (11) For part-and-parcel subdivisions, the plat shall clearly state the following:

"This is a part-and-parcel subdivision pursuant to sections 54-5 and 54-42 of the Orange County Code of Ordinances. ~~This subdivision is exempt from the provisions of section 54-27.~~
(Ord. of 3-9-2010)

State law reference— Code of Virginia, §§ 15.2-2241; 15.2-2258; 15.2-2262; 15.2-2264; 42.1-78 et seq.

Chairman Goodwin opened the public hearing at 7:18 p.m.

The following is list of speakers on the text amendments public hearing:

- John Bangs, 22140 Monrovia Road, Orange, VA
- Dan Holmes, Piedmont Environmental Council (PEC)
- Nancy Wiley, 16109 Montebello Road, Orange, VA
- Steve Satterfield, 21041 Clarks Mtn. Road, Rapidan, VA
- Thomas Bundy, 13049 St. Just Road, Unionville, VA
- Teri Pace, 25485 Gooch Lane, Unionville, VA
- Steve Yelton, 15620 Burnley Road, Barboursville, VA
- Jack Snyder, 12574 Chicken Mtn. Road, Orange, VA

The concerns voiced by the speakers were; disregard for comprehensive plan and the vision statement, lack of sensibility, this being the third attempt to change the ordinance may be causing resident apathy, rather than sparking helpful discussion. The change could open the door for more lots to be created and the issue of too many vacant lots on the books currently.

There being no further speakers, Chairman Goodwin closed the public hearing at 7:41 p.m.

The Commissioners held a discussion on the repeal of Section 54-27 with each member of the Commission voicing their concerns.

Mr. Brooks questioned the number of lots that are currently in Orange County and the number of subdivision plats reviewed. Mr. Hutchison stated the proposal was crazy and nothing was wrong that is currently on the books. Mr. Hutchison stated the pending lawsuit needs to be defended. Mr. Hutchison further stated there is no reason to change and growth is needed around infrastructure. Mr. Yancey stated he appreciates everyone coming out to speak and voice their concerns on the text amendments. Mr. Yancey stated he is not sure this is the right answer. Mr. Yancey stated he has attended some meetings and heard a lot of data and 5 out 6 subdivisions are on Route 3. Mr. Yancey stated he does not believe we are having the growth element that everyone says we are, need to have a compromise. Mr. Yancey stated we have not heard any recommendations from the citizens of the county. Mr. Tucker stated he agrees with Mr. Yancey and he had concerns about the road requirements in the ordinance. Mr. Tucker stated the county should not be having citizens build state roads. Mr. Tucker stated something better is needed then what is being voted on tonight. Mr. Brooks stated the people of Orange want change and the recent elections are an indicator of that. Mr. Brooks stated this is not something he wants and does not agree with the 1 in 4 division.

Chairman Goodwin discussed the two resolutions and would entertain a motion from the Commission.

A motion was made by Mr. Brooks, seconded by Mr. Hutchison to not recommend or deny any resolution presented on the text amendments. Voting Aye, Tucker, Brooks; voting Nay, Hutchison, Goodwin, and Yancey. Motion failed 2-3.

A motion was made by Chairman Goodwin, seconded by Mr. Hutchison to deny. The Commission discussed the motion made by Chairman Goodwin. Mr. Brooks was concerned about the Chairman making a motion without passing to the Vice-Chairman. Ms. Pandak stated Chairman Goodwin was within his rights to make a motion and Chairman Goodwin could withdraw his motion and Mr. Hutchison could withdraw his second.

Chairman Goodwin withdrew his motion as well as Mr. Hutchison withdrawing his second.

A motion was made by Mr. Brooks, seconded by Mr. Tucker to recommend that no ordinance be removed until something appropriate is in its place, for reasons of public necessity, convenience, general welfare, and good zoning practice. Motion carried 5-0.

6. New Business

There was no new business.

7. Commissioner Comments

There were no Commissioner comments.

8. Next meeting

The next meeting of the Commission will be Monday, June 11, 2012 at 7:00 p.m. The June 11, 2012 meeting will be a work session on the comprehensive plan.

9. Adjourn

Mr. Brooks made a motion, seconded by Mr. Hutchison that the meeting be adjourned. Motion carried with all members voting in the affirmative. Motion carried 5-0. Meeting adjourned at 8:05 p.m.

_____
Nigel Goodwin, Chairman

_____
Gregg B. Zody, Secretary