

**Orange County Planning Commission
Regular Meeting
Gordon Building Meeting Room
112 W. Main Street, Orange, VA 22960
Thursday, May 2, 2019**

Present: George Yancey (Chair); Donald Brooks (Vice Chair); Jason Capelle; Jim Hutchison; Jennifer Boyer

Absent: James Crozier, BOS Representative

Staff Present: Sandra Thornton, Planning Services Manager; Michelle Williams, Administrative Assistant; Eric Lansing, Assistant County Attorney; Tracey Newman, Planning Services Associate; Jim Whipp, GIS Analyst

1. Call to order and determination of quorum:

Chairman Yancey called the meeting to order at 5:58 pm.

2. Approval of agenda:

Mr. Hutchison made a motion to approve the agenda as presented; motion seconded by Mr. Capelle. Motion carried 5-0.

3. Approval of minutes:

A. April 4, 2019 regular meeting:

Mr. Hutchison made a motion to approve the minutes as presented; motion seconded by Mr. Capelle. Minutes were approved.

4. Public comment:

Christopher Hawk with Piedmont Environmental Council introduced himself to the Commission and advised he will be working on land use in Orange, Madison and Culpeper.

5. Public hearings

a. SUP 19-02:

Ms. Thornton summarized the application submitted by William and Elizabeth Herndon seeking a Special Use Permit that would allow them to keep livestock on their property located at 11334 Laurel Lane, TM 42-22. The parcel is zoned R-2 General Residential and is 9.275 acres. The Comprehensive Plan's recommended future land use for this area is Agricultural 2.

William and Elizabeth Herndon introduced themselves and advised they are requesting a Special Use Permit so their three (3) young sons can show livestock at 4-H shows. They said that there would be no more than four (4) cows on the property at one time and that they would like to keep the animals close to the house. Mr. Herndon advised involvement with animals will teach their sons responsibility, good morals, and good ethics.

Mr. Capelle asked if four (4) livestock animals were enough and if they would raise chickens to show. Mr. Herndon advised they already have chickens. The discussion then turned towards chickens and whether an additional Special Use Permit would be needed, as the definition of livestock in the Zoning Ordinance does not include poultry. Mr. Lansing and Ms. Thornton determined they were unsure if a separate Special Use Permit would be needed but would require re-advertising if chickens were added.

There was no public comment offered.

Vice-Chairman Brooks made a motion to recommend approval as presented. The motion was seconded by Mr. Hutchison.

The Planning Commission recommended approval of SUP 19-02.
Ayes: Boyer, Hutchison, Capelle, Yancey, Brooks. Nays: None

b. **STA 19-02:**

Ms. Thornton advised that staff is recommending approval of the proposed text amendment. Mr. Lansing advised that the key consideration for the text is “said” road and what the word “said” means. He advised it is referring back to an existing private road that does not require an extension of that road and explained that the amendment is creating clarity that “said” road does not need an extension.

Mr. Lansing presented an analytical guide, “How many lots does the road serve?” that provides guidance concerning private road approval. He explained a general rule has been adopted that says private roads are not allowed in the County, but the Planning Commission has discretion to grant exceptions due to unusual situations.

He advised this amendment is dealing with those who need private road approval and who has the authority to grant such approval. The general rule is the Planning Commission has the authority to grant exceptions that allow private roads, but there is one qualification to this general rule. In those subdivisions served by an existing private road that does not need to be extended, with a private road maintenance agreement in place, the Subdivision Agent has the ability in those situations to approve the subdivision without the Planning Commission’s review.

Mr. Lansing advised that a private road maintenance agreement binds property owners to maintain a jointly used private road, under a contract, and the contract sets forth how the road is to be maintained. Subdivision Ordinance Sec. 54-122 stipulates what has to be included in a private road maintenance agreement.

Mr. Lansing addressed Mr. Capelle’s questions from the previous meeting, “is this facilitating people getting around our rules of private roads by putting in a private road maintenance agreement and not extending the road, then subdividing afterward so that they are grandfathered in? Is this allowing people to avoid a Planning Commission approval?” Mr. Lansing advised, “Yes, and it has always been the case.” He explained that the proposed amendment does not facilitate this; it is just the way it has always been.

Vice-Chairman Brooks inquired whether a Road Maintenance Agreement template is available for the public. Mr. Lansing noted Ordinance Section 54-122 is not a template but establishes sufficient information as to the standards of a road maintenance agreement.

There was no public comment offered.

Mr. Capelle made a motion to recommend the text amendment as presented and Mr. Hutchison seconded the motion

The Planning Commission recommended approval of STA 19-02.
Ayes: Capelle, Brooks, Yancey, Boyer, Hutchison. Nays: None

c. **ZTA 19-01:**

Ms. Thornton advised the proposed amendment is intended to enhance flexibility in rezoning process for Planned Development - Mixed-Use projects in the Germanna-Wilderness Area while ensuring high-quality design and efficient land use. Staff recommended approval of the amendments as presented.

Mr. Hutchison asked about the genesis of the standard of 100 acres for non-residential development in Sec. 70-567D. Mr. Lansing advised that County Attorney Lacheney drafted these amendments in response to the Board of Supervisor's concerns that this particular district has not gotten traction as anticipated. Ms. Thornton advised there have been no applications submitted for this zoning classification to date. Mr. Lansing explained that due to lack of interest, a consultant civil engineer knowledgeable about practical application of zoning regulations to land development had recommended adjusting the numbers to generate more interest from developers.

Mr. Hutchison commented that this aspect of the proposed amendments would change the developer's costs. Chairman Yancey pointed out that per Sec. 70-567A.2, the intent is to permit flexibility, as well as focus on high-quality design, and to enhance the visual aspect of the area as well as making it marketable for potential developers or interest investors for non-residential purposes. Mr. Hutchison said he was questioning where 100 acres came from. Mr. Lansing advised that was the recommendation of a consultant civil engineer knowledgeable about the practical application of zoning regulations to land development. Ms. Thornton pointed out the minimum area devoted to non-residential development would be no more than 30% of the gross parcel size or no more than 100 acres, whichever is less, and indicated that the standards are minimums which a developer could propose to exceed. She advised this is not a mapped district and is only available through rezoning.

Mr. Capelle expressed his opinion that 100 acres in non-residential was too low for a very large tract and does not seem in line with the intent. He expressed concern about large acreage parcels and stated that he would agree with the amendments with a higher standard for this provision.

Vice Chairman Brooks inquired whether the ordinance could be changed if this amendment were to result in development taking off too fast. Ms. Thornton confirmed it could be amended again if it is not working as intended.

There was no public comment offered.

Vice Chairman Brooks made motion to recommend approval of the text amendment as presented. Mr. Hutchison seconded the motion.

The Planning Commission recommended approval of ZTA 19-01.
Ayes: Brooks, Boyer, Hutchison, Yancey. Nays: Capelle

6. Work session:

a. CPA 18-02

Chairman Yancey referenced the County Administrator's memorandum dated April 24, 2019. He explained that the Healthy Watersheds project recommendations need to be incorporated into the Comprehensive Plan update. The memo recommends a work group consisting of the Chairman and Vice-Chairman of the Planning Commission, along with the Chairman and Vice-Chairman of the Board of Supervisors, to review the updates, then bring back to the Planning Commission in a short time, resulting in the updates moving forward in an orderly process when the matter comes before the Board of Supervisors.

Mr. Capelle advised he had a few comments. First, he stated that the Comprehensive Plan has already been reviewed and the Planning Commission has been waiting on a map since December; he expressed the opinion that the plan revisions are basically complete. Secondly, he stated that he is not comfortable making a decision before the Watersheds project notes are shared with the Commission, but the Administrator will not make the notes available. Then he mentioned a news article that says the consultant Darren Coffey would like to have a Town Hall Meeting to discuss the draft findings with the public. Mr. Capelle advised he would like to see the report before it goes back to the constituents.

Vice Chairman Brooks restated that the recommendation is for the workgroup to review the information and then report back to the Planning Commission. Mr. Capelle expressed concern that only "the substance" of the Watersheds recommendations would be shared and stated that he wants confirmation he will be able to see the entire Watersheds report. A lengthy discussion ensued about the information being generally shared versus only the workgroup having access to the report and about the County Administrator's ability to exclude working papers from Freedom of Information Act requests.

Vice-Chairman Brooks made a motion to approve the revised Institutional Land Uses Map and Mr. Hutchison seconded the motion.

The Institutional Land Uses Map dated April 24, 2019, was unanimously approved to be included in the Comprehensive Plan update.

Chairman Yancey advised a motion for the recommended action to form a work group was needed.

The question of the difference between a committee and a work group was posed. Mr. Lansing attempted to contact Mr. Lacheney, but he was unavailable. He did look at the Freedom of Information Act and advised working papers were not specifically defined.

Vice Chairman Brooks made a motion to approve a working group as recommended by the County Administrator; the motion was seconded by Mr. Hutchison.

The workgroup recommendation was approved.
Ayes: Boyer, Yancey, Brooks, Hutchison. Nays: Capelle.

7. New Business

PRA 19-02

Ms. Thornton advised that the applicant, Mr. Stanley, was not able to attend the meeting, and if the Planning Commission had questions about the application, then a decision to defer until he could be present would be in order. She reviewed the application requesting approval of a private road to serve a proposed 3-lot subdivision. VDOT comments had been received and they had no issues but do have some requirements that need to be met. She advised that the recent ordinance amendment adopted by the Board in April requires, prior to other factors being considered, a finding of some unusual circumstance or hardship that would result in substantial injustice if a public road had to be built. She indicated that the orientation or location of the lots could present an unusual circumstance, or the length that would be required to serve the lots could potentially be considered a hardship if a State standard road had to be built.

Mr. Capelle inquired if a developer can claim a hardship and also questioned the exact location of the proposed road on the sketch provided. Vice Chairman Brooks then inquired if only individuals can experience hardships. Chairman Yancey pointed out that this plan is for a minor subdivision.

Mr. Capelle questioned why a developer should be able to build a road to less than VDOT standards. Ms. Thornton advised the provision being referenced was adopted after the application was submitted. She again suggested deferring action until Mr. Stanley could be present to address the potential hardship. Chairman Yancey pointed out that the road plan will have to be reviewed and approved by VDOT and the County, and the subdivision will require VDH approval.

After a lengthy discussion, Mr. Hutchison made motion to defer until Mr. Stanley could be present, and it was seconded by Mr. Capelle. The motion failed.
Ayes: Hutchison, Capelle. Nays: Boyer, Brooks, Yancey.

Vice-Chairman Brooks made motion to approve PRA 19-02 as presented, based on the fact that the application was submitted prior to the ordinance revision in April. Ms. Boyer seconded the motion, which carried on a 3-2 vote.

Ayes: Boyer, Yancey, Brooks. Nays: Capelle, Hutchison

8. Old business:

a. Continuation of Glamping Discussion

There were no specific comments related to this item.

b. Proposed Zoning Ordinance amendments – revised definition of “campground,” add definition of “travel trailer” and/or “recreational vehicle”

Ms. Thornton advised that even before Rusty Speidel’s presentation last month, it was evident that changes to the County’s regulations would be necessary if the type of accommodations that fit under the umbrella of “glamping” are to be allowed. She confirmed that the types of units that would allow what Mr. Speidel presented need to be defined in the Zoning Ordinance.

Mr. Hutchison made motion to advance the draft amendment to public hearing. Ms. Boyer seconded the motion.

VOTE: Ayes – 5 Nays - 0

c. Board of Supervisors Report – Jim Crozier

Mr. Crozier not present

d. Planning Services Report – Sandra Thornton

Ms. Thornton advised there will be two (2) Private Road Applications on next month’s agenda

9. Commissioner comments

Ms. Boyer resigned her commission appointment due to relocation for a new business opportunity outside of Orange County. Chairman Yancey thanked Ms. Boyer for her service to the County.

Vice-Chairman Brooks apologized for harsh questioning of the County staff at the last meeting.

Mr. Capelle advised he was disappointed in the Planning Commission’s actions, as two (2) issues had been approved without all questions being answered. He stated that a private road was approved without knowing exactly where the road will be, and the workgroup was approved prior to the whole Planning Commission and the public being able to see the Healthy Watersheds Project recommendations.

Chairman Yancey suggested moving July’s meeting to July 11th, 2019 due to the Independence Day holiday on the regular meeting date.

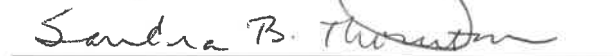
Mr. Hutchison made a motion to change the meeting date. The motion was seconded by Ms. Boyer; all voted Aye.

10. Next meeting date – June 6, 2019

11. Adjourn

Mr. Hutchison made a motion to adjourn; motion seconded by Vice Chairman Brooks. Meeting adjourned at 7:30 p.m.


George Yancey, Chair


Sandra B. Thornton
Planning Commission Secretary

The events of this meeting were captured via digital audio recording. These written minutes shall serve as the official record of actions taken during the meeting.