

BOARD OF SUPERVISORS MINUTES

MAY 8, 2018

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 8, 2018, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: James K. White, Chairman; James P. Crozier, Vice Chairman; R. Mark Johnson; S. Teel Goodwin; and Lee H. Frame. Also present: R. Bryan David, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: SERVICE AWARDS

R. Bryan David, County Administrator, presented the following Service Awards:

- Laverne Twyman 5 Years Benefits Program Specialist

RE: BUSINESS SPOTLIGHT

Jack Maus, co-owner of Bufton and Maus, PLC, appeared before the Board to spotlight his business. He explained that the law firm recently opened in the Town of Gordonsville and offered legal services in a number of subject areas.

The Board thanked Mr. Maus for his presentation.

RE: INTRODUCTION OF RAPPAHANNOCK-RAPIDAN COMMUNITY SERVICES EXECUTIVE DIRECTOR

Marcia Brose, Rappahannock-Rapidan Community Services Board Member, introduced James LaGraffe, the new RRCS Executive Director.

The Board welcomed Mr. LaGraffe.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE

This item was struck from the agenda.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY18 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30034005-34030	FBI OT Reimbursements	\$ (2,800.00)	\$ (1,180.00)	\$ (3,980.00)
43120001-41200	Overtime - Sheriff's	147,196.00	1,180.00	148,376.00

43320001-46900	Central VA Regional Jail	2,196,423.00	100,125.00	2,296,548.00
30021001-31100	Interest on Bank Deposits	(43,850.00)	(100,125.00)	(143,975.00)
30026010-31925	Volleyball	(1,100.00)	(1,200.00)	(2,300.00)
47120003-43100	Prof. Services - Other	0.00	1,080.00	1,080.00
30052001-39900	App. General Fund Balance	(1,496,795.43)	120.00	(1,496,675.43)
49420001-48290 A1003	Land & Easement Acq.	0.00	84,200.00	84,200.00
30052009-39900	App. Airport Fund Balance	(268,358.71)	(84,200.00)	(352,558.71)
TOTALS		\$ 530,714.86	\$ 0.00	\$ 530,714.86

RE: RENEWAL OF THE CONTRACT WITH BAKER & TAYLOR FOR LIBRARY MATERIALS
As part of the Consent Agenda, the Board authorized staff to renew Cooperative Contract # 2017-71500-01 with Baker & Taylor for a period of one (1) year, effective through June 30, 2019, per the original contract terms, as presented.

RE: AUTHORIZATION OF STATE CONTRACTS FOR THE PURCHASE OF SHERIFF'S OFFICE VEHICLES
As part of the Consent Agenda, the Board authorized staff to utilize State contracts with Hall Automotive (E194-75096) and Capital Auto Group (E194-73015) for the purchase of Sheriff's Office vehicles, as presented.

RE: RENEWAL OF THE CONTRACT WITH CHANGE HEALTHCARE FOR EMS BILLING AND COLLECTION SERVICES
As part of the Consent Agenda, the Board authorized staff to renew Contract RQ10-1471-2-11A with Change Healthcare (formerly known as Med3000) for a period of one (1) year, effective through June 30, 2019, per the original contract terms, as presented.

RE: RENEWAL OF THE MEMORANDUM OF UNDERSTANDING WITH GOODWILL INDUSTRIES OF THE VALLEYS, INC. FOR OFFICE SPACE FOR THE ORANGE WORKFORCE CENTER
As part of the Consent Agenda, the Board authorized staff to renew the Memorandum of Understanding with Goodwill Industries of the Valleys, Inc. for the office space located in the basement of the Belleview Building, used as the satellite office known as the Orange Workforce Center, for a period of one (1) year, effective July 1, 2018 through June 30, 2019, as presented.

RE: JOINT RESOLUTION FOR BUSINESS AND INDUSTRY APPRECIATION WEEK
As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION FOR BUSINESS & INDUSTRY APPRECIATION WEEK

WHEREAS, Orange County is the home of over 827 business and industry employers providing approximately 9,355 jobs and generating annual payrolls in excess of \$255,535,000; and

WHEREAS, business and industry in Orange County offers a broad range of employment opportunities in agriculture, commercial and manufacturing services, and provides a stable revenue base to help support County and Town public services including education and public safety; and

WHEREAS, Orange County has always endeavored to promote balanced growth and development by recognizing the importance of its historic and scenic land and water resources along with the need to provide jobs and incomes to the citizens of Orange County and future generations; and

WHEREAS, the jobs and investments created by business and industry have contributed greatly to Orange County's growth and prosperity and recognition as one of Virginia's most outstanding communities to work and live;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors, Gordonsville Town Council, Orange Town Council, and Orange County Chamber of Commerce hereby salute our existing business and industry employers and express sincere appreciation for their outstanding contributions to Orange County's economy and employment base; and

BE IT FURTHER RESOLVED, that the week of May 13-19, 2018 is hereby declared Business and Industry Appreciation Week in Orange County and the Towns of Gordonsville and Orange.

RE: MINUTES
This item was struck from the agenda.

RE: NEW BUSINESS
There were no matters for New Business at this time.

RE: OLD BUSINESS
There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: ECONOMIC DEVELOPMENT QUARTERLY REPORT
Phil Geer, Economic Development Director, presented the Economic Development Quarterly Report, which included information on the following topics:

- Unemployment statistics;
- Orange Workforce Center statistics;
- Quarterly prospect activity;
- Website statistics; and
- Other activities throughout the last quarter.

The Board thanked Mr. Geer for his presentation.

RE: COUNTY ATTORNEY'S REPORT
The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: GERMANNA-WILDERNESS AREA PLAN (GWAP) UPDATE
R. Bryan David, County Administrator, and members of the GWAP Steering Committee provided an update to the Board regarding the recent Steering Committee meeting and the work completed to-date, specifically related to the Final Draft of the Water and Wastewater Master Plan under development by Draper Aden and Wiley|Wilson. He further noted that the Steering

Committee received a presentation from Susan Gaston of The Gaston Group, representative of the Greater Piedmont Realtors, which highlighted an opportunity available to conduct a Housing Stock Assessment and Future Housing Needs Report for the GWAP area.

The Board took the information regarding the Germanna-Wilderness Area Plan (GWAP) under advisement, and there was no action taken at this time.

RE: BOARD OF SUPERVISORS STRATEGIC PRIORITIES FOR FY19 – FY20

R. Bryan David, County Administrator, presented the final draft of the Two-Year Strategic Priorities to the Board, explaining that the priorities were a result of the Board's Strategic Priorities Retreat on April 28, 2018. He requested the Board's consideration to adopt the Priorities.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adopted the Strategic Priorities for FY2018-2019 – FY2019-2020, as presented.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: STATE BUDGET UPDATE

R. Bryan David, County Administrator, provided an update to the Board on the most recent information related to development of the State's biannual budget.

RE: BOARD COMMENT

Chairman White congratulated the Orange County School Board on selecting a new Superintendent. He also recognized the Tourism Department for the successful debut of their new marketing video.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- December 21, 2017 Rapidan Service Authority (RSA) Minutes
- February 23, 2018 Health Center Commission Minutes
- February 28, 2018 Rappahannock-Rapidan Regional Commission (RRRC) Minutes

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Randy Soderquist as an At-Large Representative on the Piedmont Workforce Network Board for a three-year term, with said term commencing July 1, 2018, and expiring on June 30, 2021.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of May 2018, June 2018, and July 2018.

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 18-06 (TWO-FAMILY DWELLINGS)

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing for ZTA 18-06 (Two-Family Dwellings), on Tuesday, June 12, 2018, at 7:00 p.m., as presented.

RE: CLOSED MEETING

At 5:44 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desired to discuss in Closed Meeting the following matters:

- Discussion and consideration of the performance and assignment of specific public employees of the public body. - §2.2-3711(A)(1) of the Code of Virginia
- Discussion or consideration of the disposition of publicly held real property in Rhoadesville and the Town of Orange, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. - §2.2-3711(A)(3) of the Code of Virginia
- Consultation with legal counsel pertaining to actual or probable litigation with Orange County Volunteer Rescue Squad, where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body. - §2.2-3711(A)(7) of the Code of Virginia
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters concerning County boundary issues, legal requirements for amending certain zoning districts, and potential liability for allegations made against the County, requiring the provision of legal advice by such counsel. - §2.2-3711(A)(8) of the Code of Virginia
- Discussion of the award of a public contract for a radio system involving the expenditure of public funds, discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. - §2.2-3711(A)(29) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), (A)(7), (A)(8), and (A)(29) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County hereby authorized discussion of the aforesaid matters in Closed Meeting.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:02 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County 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 Board of Supervisors of Orange County 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: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: PUBLIC COMMENT

At 7:03 p.m., Chairman White opened the floor for public comment.

There being no speakers, public comment was closed at 7:03 p.m.

RE: PUBLIC HEARING #1; PROPOSED AMENDMENT TO THE 2013 COMPREHENSIVE PLAN (CPA 18-01) CONCERNING PUBLIC FACILITIES

Thomas Wysong, Planner, presented the staff report to the Board regarding proposed amendments to the Comprehensive Plan concerning the definition of public facilities. He presented the recommended language to the Board, explaining that Planning Commission action had previously been initiated on said amendments. Mr. Wysong indicated that, following the Planning Commission's public hearing on March 1, 2018, a vote resulted in a recommendation of approval.

Discussion ensued among the Board regarding: whether or not the Comprehensive Plan would have to be amended to reflect the Capital Improvements Plan (CIP) annually; and inclusion of the matrix by reference to the CIP document.

At 7:14 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN (CPA 18-01)

The Board of Supervisors will consider an amendment to the 2013 Orange County Comprehensive Plan in the Public Facilities section (Section V; pages 32-35). This amendment would clarify and better define future planned public facilities in the County. A chart of planned facilities was also proposed as part of this amendment.

There being no speakers, Chairman White closed the Public Hearing at 7:14 p.m.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING CPA 18-01 TO AMEND THE PUBLIC FACILITIES SECTION
OF THE 2013 COMPREHENSIVE PLAN

WHEREAS, staff previously initiated Planning Commission action on amendments to the 2013 Comprehensive Plan, specifically to the Public Facilities section; and

WHEREAS, the County Attorney and Planning and Zoning Director prepared recommended language for the amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed Comprehensive Plan amendments on April 5, 2018; and

WHEREAS, after discussing the proposed amendments, the Planning Commission recommended approval of the Comprehensive Plan amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on May 8, 2018, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the amendments to the 2013 Comprehensive Plan, as presented during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 8th day of May, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to the Public Facilities section of the 2013 Comprehensive Plan, as presented and shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Amendments to the 2013 Comprehensive Plan

**As adopted in Ord. No. 180508 – PH1
by the Orange County Board of Supervisors
on May 8, 2018**

V. Public Facilities

A. Introduction

The purpose of ~~the Public Facilities Plan~~ public facility planning is to assess the current and future public service and facility needs and provide clear guidance on the best policies for meeting these needs in an efficient and cost-effective manner. ~~and provide a general plan for addressing these needs in an efficient and cost-effective manner.~~ The secondary purpose is to provide the approximate location, character, and extent of future public facilities and land uses in order to facilitate a methodical and transparent process. The principle goals of the Comprehensive Plan regarding public facilities and utilities are as follows:

1. Provide modern emergency services and law enforcement facilities that enhance the ability of county agencies to protect citizens.
2. ~~Provide facilities for a system of high quality educational opportunities.~~ Provide modern and safe educational facilities that enhance the ability of teachers to educate students.
3. Provide community facilities that meet the service needs in an efficient and cost-effective manner while respecting the character of the neighborhoods and areas in which the facilities are located and operated.
4. ~~Serve the recreation needs of the community.~~ Provide public recreation facilities that serve the recreation needs of the community year-round.
5. Provide telecommunications facilities that meet the service needs of county agencies and the public.

~~It must be recognized that levels of service within different areas of the County will vary.~~ The levels of service available within the County will vary depending on programmatic funding via the Capital Improvements Plan (CIP), population density, transportation infrastructure, the needs and desires of the citizenry, and in some cases topography. ~~However, by identifying where public schools, water and sewer lines, fire and rescue stations, and other improvements exist or could be constructed, the County can encourage development in appropriate areas.~~ The coordination of County land use, transportation and public facilities development is critical in providing equitable, efficient, and cost-effective government services for current and future County residents. The County Infrastructure map in the Appendix provides the general location of existing schools, fire and rescue station sites, and locations of other public services, such as water and sewer systems. Future planned facilities are described in subsection B below.

~~An evaluation of existing public facilities and a determination of needs for future facilities.~~ At a minimum, public facility planning should involve several related the following five criteria overarching considerations:

1. Location must be considered in relation to various elements such as existing and future population distribution, zoning, major transportation arteries, topography and utilities.
2. Sites should be accessible to major transportation routes providing the best possible access to the greatest number of citizens expected to use or need services from the facility.
3. ~~There are advantages to the grouping of related~~ Related facilities should generally be grouped within one complex or area to enhance operational economy.

4. The present state of repair for particular facilities needs to be considered for expansion or renovation projects where said facilities remain operational.
5. New projects should be shown to be cost effective in technical design and/or justified by the public benefits outweighing the public costs.

B. Review of Public Uses

Pursuant to 15.2-2232 VA Code Ann, no public facility shall be constructed, established or authorized, unless or until the general location or approximate location, character, and extent thereof has been identified in this Plan, or submitted to and approved by the Planning Commission as being in substantially in accord with the Comprehensive Plan. Expansions of existing public facilities described in this Plan or shown on any map herein shall be deemed to meet the requirements of § 15.2-2232 VA Code Ann. See Section XII for the process to be followed for approval of public facilities.

The Orange County Capital Improvement Plan (CIP) is one of the primary tools used to coordinate the implementation timeframes and financing associated with public facility planning. The CIP offers a 5-year outlook for anticipated capital investments, but is updated annually based on the changing needs of the citizens and on available current resources and funds. The following matrix details planned future public facilities projects. As new projects are identified (particularly if designated in the CIP), they should be included in this matrix as the need arises in order to facilitate § 15.2-2232 compliance as well as facilitate methodical, transparent public facility planning.

Public Facility Improvement	Property Location	Project Description	Public Facility Planning Goal	Consideration Criteria
Economic Development				
Fiber optic cable installation	Primary highway (beginning with Route 20 & Route 3) and secondary road rights-of-ways	The installation of a fiber optic cable network to service citizens, governments, and businesses	Goal #5: Provide telecommunications facilities that meet the service needs of county agencies and the public	Consideration #5: New projects should be shown to be cost effective in technical design and/or justified by the public benefits outweighing the public costs
Education				
OCPS Master Plan Phase 1-9	Orange County Public Schools	The implementation of multiple improvements to existing public school properties	Goal #2: Provide modern and safe educational facilities that enhance the ability of teachers to educate students	Consideration #4: The present state of repair for particular facilities needs to be considered for expansion or renovation projects where said facilities remain operational
Parks & Recreation				
Preddy Creek Trail Park	Tax Map Parcel 52-59	The extension of the Albemarle County Preddy Creek public recreational trail into Orange County	Goal #4: Provide public recreation facilities that serve the recreation needs of the community year-round	Consideration #3: Related facilities should be grouped within one complex or area to enhance operational economy

Trails Project	Major population centers & properties of natural, historic or cultural importance	The creation of a countywide trail network connecting major population centers to properties of natural, historic or cultural importance. This network is to include a greenway between Orange and Montpelier	Goal #4: Provide public recreation facilities that serve the recreation needs of the community year-round	Consideration #1: Location must be considered in relation to various elements such as existing and future population distribution, zoning, major transportation arteries, topography, and utilities
Public Safety				
Governmental Administrative Complex	Bloomsbury Rd. adjacent to the Orange County Airport	The construction of a new complex designed to house the County's administrative and public safety departments	Goal # 1: Provide modern emergency services and law enforcement facilities that enhance the ability of county agencies to protect citizens Goal #3: Provide community facilities that meet service needs in an efficient and cost-effective manner while respecting the character of the neighborhoods and areas in which the facilities are located and operated	Consideration #1: Location must be considered in relation to various elements such as existing and future population distribution, zoning, major transportation arteries, topography, and utilities
Locust Grove Fire and Rescue Station	Rhoadesville (property TBD)	The replacement of the Battlefield Rescue Station with a centralized station for the Mine Run Volunteer Fire	Goal # 1: Provide modern emergency services and law enforcement facilities that enhance the ability of county agencies to protect citizens. Goal #3: Provide community facilities that meet service needs in an efficient and cost-effective manner while respecting the character of the neighborhoods and areas in which the	Consideration #2: Site should be accessible to major transportation routes providing the best possible access to the greatest number of citizens expected to use or need services from the facility

			facilities are located and operated	
Public Safety/ Telecommunications towers	Countywide	The strategic locating of telecommunication towers throughout the County to provide an effective communication network	Goal #5: Provide telecommunications facilities that meet the service needs of county agencies and the public	Consideration #1: Location must be considered in relation to various elements such as existing and future population distribution, zoning, major transportation arteries, topography, and utilities
Public Works				
Airport Capital Improvement Plan (ACIP) projects	Orange County Airport	The construction of projects listed in the ACIP and shown in the Airport Layout Plan (ALP)	Goal #3: Provide community facilities that meet service needs in an efficient and cost-effective manner while respecting the character of the neighborhoods and areas in which the facilities are located and operated	Consideration #3: Related facilities should be grouped within one complex or area to enhance operational economy
Adaptive Reuse	Historic Courthouse/ Clerk Office	The revitalization of the Historic Courthouse and Clerk Office located in the town of Orange	Goal #3: Provide community facilities that meet service needs in an efficient and cost-effective manner while respecting the character of the neighborhoods and areas in which the facilities are located and operated	Consideration #4: The present state of repair for particular facilities needs to be considered for expansion or renovation projects where said facilities remain operational
Tourism				
Nine (9) County Entrance Signs	County entrances	The replacement and installment of County monument signs at "gateways" to the County	Goal #3: Provide community facilities that meet service needs in an efficient and cost-effective manner while respecting the character of the neighborhoods and areas in which the facilities are located and operated	Consideration #5: New projects should be shown to be cost effective in technical design and/or justified by the public benefits outweighing the public costs

C. Public Education

Currently, there are nine schools located in Orange County. There are six elementary schools: Gordon-Barbour Elementary, Lightfoot Elementary, Locust Grove Primary, Locust Grove Elementary, Orange Elementary, and Unionville Elementary. The total number of students currently enrolled (as of September 2012) in these six schools is approximately 2,280.

There are two middle schools and one high school: Locust Grove and Prospect Heights Middle Schools and Orange County High School. The total number of students enrolled is approximately 1,193 in the middle schools and approximately 1,487 in the high school. These figures equate to (Year 2012) county-wide enrollment of approximately 4,960. This represents a 22% increase over the total enrollment figures of 4,065 from 2000-2001.

D. Public Safety

Emergency Communication

The Orange County Emergency Communications Center serves as the Public Safety Answering Point (PSAP) for Orange County twenty-four hours a day, seven days a week. The center operates a three channel VHF conventional PL steered radio system, and Computer Aided Dispatch system and Emergency Medical Dispatching program, a Master Street Addressing Guide system and an enhanced 911 system. Staff consists of employees that are professionally trained and constantly strive to protect and serve individuals during emergency and non-emergency situations.

Emergency Management

The Orange County Office of Emergency Management is a combined department consisting of the Emergency Management Department and the County's Fire & EMS Department.

The Emergency Management Office is responsible for overall coordination of emergency services for Orange County. This includes coordinating local emergency planning, training, and exercise activities and overseeing maintenance of the local emergency operations plan.

Emergency Services within Orange County consists of a blend of volunteers and career personnel. During times of crisis, it is the public safety community that can make the difference between life and death. Orange County's system consists of five (5) volunteer fire departments and three (3) County and volunteer emergency medical services agencies. The County also relies heavily on three (3) law enforcement agencies.

Sheriff

The Orange County Sheriff's Office provides law enforcement services to County residents, including investigating crimes, pursuing offenders, and making arrests.

The Sheriff's Office also provides animal control services, security services in the courthouse, and serves summons for potential jurors and witnesses.

E. Parks and Recreation

The Parks & Recreation Department operates approximately 30 recreation programs throughout the County, including a wide range of athletic and non-athletic activities.

The Board of Supervisors ~~intends to provide community parks that meet the needs of citizens across the County. has adopted a long term plan to provide a community park in each voting district.~~ These parks will be developed with a combination of capital improvements funding and community support.

F. Community Infrastructure

1. Public Water Supply

The Rapidan River serves as the primary source of public water for the towns of Gordonsville and Orange and portions of central and eastern Orange County.

The Town of Orange water filtration plant has a capacity of 2.0 million gallons per day. The Town of Gordonsville obtains its water through the Rapidan Service Authority (RSA). RSA buys water from the Town of Orange Treatment Plant and feeds it along Route 15 to the Town of Gordonsville. RSA also supplies water to the Route 20/Route 629 area from a well

on Route 625 near the Orange County Sheriff's Office. This yields 30 gallons per minute.

In eastern Orange County, RSA's water treatment plant has a capacity of 1.6 million gallons/day, and is permitted to draw up to 3 million gallons per day from the Rapidan River. This serves the Route 3 corridor, including Lake of the Woods, Somerset Farms, and Wilderness Shores subdivisions.

2. Sewage Treatment

Orange County relies primarily on septic treatment systems for sewage waste disposal. Significant areas with wastewater treatment for public and private sewer delivery include both towns, Lake of the Woods and Route 15 between Gordonsville and Orange. Over 70% (10,306) of the housing units (14, 616) in the county (including both Towns) utilize septic systems, the remaining approximately 30% (4,310) are served by RSA and the Towns of Orange and Gordonsville.

The Town of Gordonsville is served by the Rapidan Service Authority which owns the Gordonsville Wastewater Treatment Plant located just outside of the town. The plant collects wastewater from the Town and has a capacity of 670,000 gallons per day.

The Town of Orange Wastewater treatment plant is located off of Spicers Mill Road approximately 1.2 miles northeast of the town limits near Route 633 and the confluence of Poplar and Laurel Runs. To comply with the Chesapeake Bay Preservation Act the Town of Orange Wastewater Treatment Plant was updated and expanded so that it could treat wastewater to the maximum extent possible using current technology. The new 3.0 million gallon per day plant was brought on-line in September 2010. The plant uses a Bardenpho system for biological nutrient removal, clarification to remove solids and ultra-violet to disinfect the water before being discharged.

In eastern Orange County, RSA owns a modern wastewater treatment plant with a capacity of 2.0 million gallons per day and serves the entire Route 3 corridor including Lake of the Woods, Wilderness Shores, Somerset, Germanna Heights and the Germanna Community College. The plant is located near the Wilderness Shores Subdivision on the Rapidan River.

3. Utility Transmission Lines

Orange County does not plan for there to be construction of new utility transmission lines outside of the existing easements dedicated for such use within the County.

RE: PUBLIC HEARING #2; PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-03) CONCERNING TEMPORARY HOUSING

Josh Frederick, Planning and Zoning Director, presented the staff report to the Board regarding proposed amendments to the Zoning Ordinance concerning the definition of temporary housing. He presented the recommended language to the Board, explaining that Planning Commission action had previously been initiated on said amendments. Mr. Frederick indicated that, following the Planning Commission's public hearing on March 1, 2018, a vote resulted in a recommendation of approval.

Discussion ensued among the Board regarding: why a temporary permit was required; situations where existing structures may be permitted to remain on the property; converting a structure to an accessory use; and concerns with the requirement to remove the existing structure.

At 7:24 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-03)

The Board of Supervisors will consider an amendment to Section 70-623 of the Zoning Ordinance, which

specifies requirements for temporary housing. This amendment would allow an existing on-site single-family dwelling to be used as temporary housing during new home construction. Currently, only a manufactured home may be used as temporary housing. Removal procedures and approval procedures are also clarified.

There being no speakers, Chairman White closed the Public Hearing at 7:24 p.m.

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE V (SUPPLEMENTARY DISTRICT REGULATIONS), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING TEMPORARY HOUSING

WHEREAS, staff previously initiated Planning Commission action on amendments to Article V (Supplementary District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning temporary housing; and

WHEREAS, the County Attorney and Planning and Zoning Director prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on April 5, 2018; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on May 8, 2018, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 8th day of May, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article V (Supplementary District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning temporary housing, as presented and shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 180508 – PH2
by the Orange County Board of Supervisors
on May 8, 2018**

Chapter 70 - Zoning

Article V - Supplementary District Regulations

Division 3 - Building Standards

Sec. 70-623. - Temporary ~~use of manufactured or mobile homes housing.~~

~~The temporary use of manufactured homes or mobile homes~~ Temporary housing may be allowed as outlined below:

- (1) *Temporary emergency housing.* A manufactured home or a mobile home used solely for temporary emergency housing may be placed and used in any zoning district at the site of the destroyed or damaged structure upon issuance of a temporary zoning permit by the zoning administrator, subject to such reasonable conditions as he may prescribe. In such cases, the applicant shall establish some demonstrable hardship, other than medical or financial, brought on by flood, fire, storm or other natural disaster. Such temporary permit shall be issued for a period not to exceed six months and may be renewed for additional six-month periods not to exceed a total permit period of 24 months. Prior to occupancy of the temporary dwelling, the applicant must also obtain a building permit for that dwelling. The manufactured home or mobile home shall be removed within 60 days of the expiration date of the temporary zoning permit or within 60 days of the issuance of a certificate of occupancy from the building department, whichever occurs first.
- (2) *Temporary use ~~while constructing a conventional home during new construction.~~* Any existing ~~single-family dwelling,~~ manufactured home, or a mobile home may be used ~~solely~~ for temporary housing during the construction of a ~~conventional home~~ new single-family dwelling or installation of a new manufactured home in the agricultural (A) district ~~on the same lot where a single-family detached dwelling is being constructed and for which a building and zoning permit has been issued.~~ This is permissible provided the existing dwelling and the proposed new dwelling are located on the same lot. The zoning administrator shall, upon application for necessary construction permits by the owner, issue a temporary zoning permit for the temporary ~~manufactured home housing~~ and may prescribe reasonable conditions as needed. Such temporary permit shall be issued for a period not to exceed that which is reasonably expected for the construction or installation of the ~~conventional new~~ dwelling, generally not to exceed 12 months. If additional time for construction is needed as shown by the applicant, the zoning administrator may extend such permit for an additional period of time not to exceed a total permit period of 24 months. ~~Prior to occupancy of the temporary dwelling, the applicant must also obtain a building permit for that dwelling.~~ The A temporary manufactured home or mobile home shall be removed within 60 days of the expiration date of the temporary zoning permit or within 60 days of the issuance of a certificate of occupancy from the building department for the new dwelling, whichever occurs first. ~~An existing single-family dwelling used as temporary housing shall be completely removed within six (6) months of the issuance of a certificate of occupancy from the building department for the new dwelling.~~
- (3) *Medical emergency housing.* In the event of a medical emergency, a manufactured home may be used as temporary housing for immediate family members, as well as any mentally or physically impaired persons related by blood, marriage, or adoption of the caregiver, or of whom the caregiver is the legally appointed guardian, in the agricultural (A) district provided the applicant can show a medical need for such housing and obtains a temporary zoning permit from the zoning administrator as provided in this section and in any single family residential zoning district on lots zoned for single family detached dwellings. The applicant for a medical emergency housing permit shall present a demonstrated need for such housing, including but not limited to medical certificates, doctor's statements, etc. The applicant shall show that he is the owner of record of the tract of land on which the manufactured home is to be located and that the persons to occupy the manufactured home are members of his immediate family. The application shall be filed with the zoning administrator for review and subsequent approval or disapproval. A permit approved pursuant to this section may not be subsequently transferred to the heirs or assigns of the applicant. Such temporary permit shall be issued for a period not to exceed six months and may be renewed for additional six-month periods not to exceed a total permit period of 24 months. Prior to occupancy of the temporary dwelling, the applicant must also obtain a building permit for that dwelling. The manufactured home or mobile home shall be removed within 60 days of the expiration date of the temporary zoning permit.

- (4) In every instance as described in this section, ~~the manufactured home~~ all dwellings shall be placed in accordance with the provisions of this chapter and installed according to all applicable local and state building codes. Prior to the occupancy of any ~~manufactured new~~ home as described in this section, a valid well and septic permit shall, ~~as applicable~~, be obtained from the state department of health; and a final inspection authorizing occupancy shall be made by the building department. An entrance permit from the state department of transportation shall be obtained prior to the location of any new driveway ~~onto a state road~~. Any applicant seeking approval of temporary housing pursuant to this section shall certify via an affidavit their acknowledgement of the terms specified in this section and as may be set by the Zoning Administrator. The Zoning Administrator shall maintain a standard affidavit form for use by applicants.

(Ord. of 5-2-1996, §1102.03; Ord. of 5-13-2003; Ord. of 6-28-2011 (10))

RE: PUBLIC HEARING #3; PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-04) CONCERNING EXTERIOR LIGHTING

Josh Frederick, Planning and Zoning Director, presented the staff report to the Board regarding proposed amendments to the Zoning Ordinance concerning exterior lighting. He presented the recommended language to the Board, explaining that Planning Commission action had previously been initiated on said amendments. Mr. Frederick indicated that, following the Planning Commission's public hearing on March 1, 2018, a vote resulted in a recommendation of approval.

Discussion ensued among the Board regarding: requirements for minor site plans; the requirement of photometric drawings; the measurement of lumens; and whether or not this ordinance would be complaint driven and enforced.

At 7:35 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-04)

The Board of Supervisors will consider an amendment to Article V, Division 3 of the Zoning Ordinance, which institutes new exterior lighting regulations for nonresidential development, as well as townhome and apartment development. This ordinance is arranged into the following sections: purpose; applicability and compliance; exemptions; prohibited lighting; and exterior lighting standards. The intent of this ordinance is to regulate the size, location, placement, intensity, and design of exterior lighting. A retroactive effective date of October 27, 2015 is proposed in order to align with previously-adopted lighting standards for parking areas. Section 70-118 and 70-119 of the ordinance are also amended with regards to site plan requirements.

The following individuals spoke:

- Mark Warren, 5290 Ridge Road, Somerset
- Kevin Passarello, 18454 Monteith Farm Road, Gordonsville
- Charlotte Tieken, Waverly Farm, Somerset
- Charlie Seilheimer, Mount Sharon Farm, Somerset

There being no further speakers, Chairman White closed the Public Hearing at 7:40 p.m.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE II (ADMINISTRATION) AND ARTICLE V (SUPPLEMENTARY DISTRICT REGULATIONS), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING EXTERIOR LIGHTING

WHEREAS, staff previously initiated Planning Commission action on amendments to Article II (Administration) and Article V (Supplementary District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning exterior lighting; and

WHEREAS, the County Attorney and Planning and Zoning Director prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on April 5, 2018; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on May 8, 2018, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 8th day of May, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article II (Administration) and Article V (Supplementary District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning exterior lighting, as presented and shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 180508 – PH3
by the Orange County Board of Supervisors
on May 8, 2018**

Chapter 70 - Zoning

Article II - Administration

Division 4 - Zoning Permits and Site Plans

Sec. 70-118. - Minor site plans.

[...]

(c) Contents of plan. In addition to the administrative site plan elements specified in Sec. 70-117(c), a minor site plan shall also depict, as appropriate:

- 1) Project name, a written description of the proposed use(s), current property owner(s) and address(es), and the plan preparer's information;
- 2) A vicinity map;
- 3) The zoning classification of the property;
- 4) Approval blocks for relevant review departments and/or agencies;

- 5) All information necessary to show compliance with the parking, loading/unloading, and landscaping requirements pursuant to Article V, Division 5 of this chapter;
- 6) Any required buffer yards and the associated fencing and landscaping;
- 7) Any known places of burial;
- 8) All easements;
- 9) All existing and proposed utilities;
- 10) North, south, east, and west elevation drawings for all principal structures;
- 11) Proposed signage;
- 12) Photometric drawings and fixture/installation details for all exterior lighting;
- 13) Existing topography and proposed final grades;
- 14) The extent of any land disturbance and all erosion control measures and plans pursuant to Chapter 26 of this Code and/or requirements of the Code of Virginia;
- 15) The name, phone number, certification number, and certification expiration date for the designated responsible land disturber(s), pursuant to Chapter 26 of this Code;
- 16) The location of any flood hazard areas, mapped dam inundation zones, or previously-delineated/identified wetlands present on the site; and
- 17) All proposed transportation improvements within the site and external to the site.

[...]

Sec. 70-119. - Major site plans.

[...]

- (c) Contents of plan. In addition to the minor site plan elements specified in Sec. 70-118(c), a major site plan shall also depict, as appropriate:
- 1) The owners, tax parcel numbers, sources of title, zoning classifications, and current uses of all adjacent properties;
 - 2) A current boundary survey of the site;
 - 3) Existing and proposed lot coverage ratios;
 - 4) The estimated daily vehicular trip generation figures for the development;
 - 5) Provisions and best management practices for addressing stormwater requirements;
 - 6) Details for any retaining walls;
 - ~~7) Photometric drawings for all exterior lighting;~~
 - 7) Tree-save areas and/or areas to remain undisturbed;
 - 8) Any proposed phasing of development;
 - 9) A soils evaluation;
 - 10) The identification and delineation of any wetlands;
 - 11) The design and placement of any refuse facilities; and
 - 12) Any information related to existing archeological or historical resources.

[...]

Article V - Supplementary District Regulations

Division 3 - Building Standards

Sec. 70-624. - Exterior lighting.

- (a) *Purpose.* The purpose of this section is to regulate exterior lighting in order to:
- (1) Permit the use of exterior lighting at the minimum levels necessary for nighttime safety, utility, security, productivity, enjoyment, and commerce;
 - (2) Ensure exterior lighting does not adversely impact land uses on adjacent lands by minimizing light trespass, obtrusive light, and glare;
 - (3) Ensure the safety of motorists by minimizing light spillage and glare onto adjacent streets;

- (4) Curtail light pollution, reduce sky glow, and preserve the nighttime environment for astronomy, wildlife and the enjoyment of residents and visitors;
- (5) Conserve energy and resources to the greatest extent possible; and
- (6) Ensure security for persons and properties.

(b) *Applicability and compliance.* The provisions of this section shall apply to all nonresidential development, all single-family attached residential development (i.e. townhome complexes), and all multi-family residential development (i.e. apartment complexes), pursuant to the subsections below:

- (1) *Nonconforming lighting.* Exterior lighting in existence before October 27, 2015 that does not comply with this section may remain in place. Any exterior lighting associated with the above uses which was installed on or after October 27, 2015 shall be brought into compliance with this section no later than December 31, 2020.

No changes to the use, location, height, or features of exterior lighting fixtures shall be allowed except in conformance with current exterior lighting standards. Changing the housing or lenses in a lighting fixture and routine lighting fixture maintenance (such as changing lamps or light bulbs, ballast, starter, photo control, or other similar components) are allowed if such actions do not result in a higher lumen output or increased dispersion of light from the fixture.

- (2) *Exemptions.* The following are exempt from the standards of this section:

- i. Lighting within or adjacent to a public street right-of-way/easement that is used principally for illuminating the roadway;
- ii. Lighting exempt from this section as a matter of state or federal law;
- iii. FAA-mandated lighting associated with a utility installation or airport;
- iv. Lighting for public monuments and statuary;
- v. Temporary lighting for special events, provided such lighting is discontinued upon completion of the event;
- vi. Temporary lighting for active construction sites, provided such lighting is discontinued upon completion of the construction activity;
- vii. Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;
- viii. Security lighting controlled and activated by motion sensor devices for a duration of fifteen (15) minutes or less;
- ix. Lighting associated with barns, paddock areas, livestock pens, and other structures and areas used for bona fide agricultural purposes, but not including lighting of residential buildings, parking areas, or other associated commercial uses which may be located on the property;
- x. Low-voltage landscape lighting;
- xi. Underwater lighting in swimming pools, fountains, and other water features; and
- xii. Holiday or festive lighting, provided such lighting does not cause unsafe glare on or near public street rights-of-way.

- (3) *Compliance.* For new development and redevelopment, a minor site plan or major site plan as required pursuant to Article II of this Ordinance shall be utilized to demonstrate compliance with this section. For other situations, the Zoning Administrator may utilize other means of determining compliance.

(c) *Prohibited lighting.* The following types of lighting are prohibited:

- (1) Luminaries that imitate an official highway or traffic control light or sign;
- (2) Luminaries that obscure or inhibit visibility of any traffic control light or sign;
- (3) Luminaries that have a flashing or intermittent pattern of illumination, except as may be permitted for time or temperature displays and for digital signs;
- (4) Privately-owned luminaries located in a public right-of-way or on public property;
- (5) Searchlights and aerial lasers, except when used by federal, state, or local authorities;
- (6) Open-flame gas lamps;
- (7) Mercury vapor luminaries; and

(8) Luminaries equipped with adjustable mounting devices permitting alteration of luminaire aiming on the fly.

(d) *Exterior lighting standards.* The following standards shall apply to all lighting permitted pursuant to this section:

(1) *General.*

- i. *Shielding.* All luminaries shall be fully shielded and full-cutoff, either by fixture design or as a decorative design with full-cutoff optics.
- ii. *Focused lighting.* All lighting shall be controlled and directed so as to be confined only to the object(s) intended to be illuminated. Directional shielding may be used to meet this standard. Except for exterior accent lighting, all lighting shall be generally directed and focused downward.
- iii. *Spillover light.* Lighting intensity shall not exceed 0.5 foot-candle at the property line(s) of the parcel(s) on which the development is constructed. For developments with multiple lots and a master lighting plan, this standard shall apply to the perimeter of the development as a whole.
- iv. *Mounting height.* Unless otherwise required by the County Code or approved as a condition of a Special Use Permit or Special Exception, the maximum height of a luminaire installed for residential development shall be twenty (20) feet, and twenty-five (25) feet for all other development. Mounting height shall be measured from the bottom of an installed luminaire to finished grade below.

(2) *Canopies.*

- i. *Luminaire installation.* Luminaries in canopies, such as those associated with vehicle refueling facilities, drive-through windows, etc., shall be recessed into the canopy ceiling so that the bottoms of the luminaries are flush with the ceiling. Alternatively, indirect lighting may be used where light is directed upward to and reflected downward from the underside of the canopy, with the luminaries shielded so that direct illumination is focused exclusively on the underside of the canopy.
- ii. *Prohibited installations.* No lighting shall be installed on the sides or top of any canopy, with the exception of an internally-illuminated logo sign. For the purpose of this section, digital signs other than those utilized strictly for displaying fuel prices shall be considered exterior lighting and shall be prohibited from being located on any canopy.
- iii. *Light containment.* Horizontal illumination shall not exceed twelve (12) foot-candles at the perimeter of the canopy.

(3) *Ground-mounted accent lighting.* Ground-mounted spotlighting and floodlighting used to provide accent illumination for buildings, landscapes, signs, and other exterior features of a development shall be installed such that the central axis of the light beam from the luminaire does not exceed an angle of forty-five (45) degrees from finished grade.

Secs. 70-625 – 70-645. – Reserved.

RE: PUBLIC HEARING #4; PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 17-03) CONCERNING TELECOMMUNICATIONS TOWERS AND FACILITIES

Josh Frederick, Planning and Zoning Director, presented the staff report to the Board regarding proposed amendments to the Zoning Ordinance concerning telecommunications towers and facilities. He presented the recommended language to the Board, explaining that Planning Commission action had previously been initiated on said amendments. Mr. Frederick indicated that, following the Planning Commission's public hearing on March 1, 2018, a vote resulted in a recommendation of approval.

At 7:45 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 17-03)

The Board of Supervisors will consider the rewrite of Article IX of the Zoning Ordinance (Telecommunications Towers and Facilities). This ordinance is arranged into the following sections:

purpose and intent; applicability; terms and definitions; amateur radio antennas; co-located telecommunications antennas; administratively-approved telecommunications towers and facilities; telecommunications towers and facilities approved by special use permit (SUP); exempt and government-owned telecommunications towers and facilities; nonconforming telecommunications towers and facilities; and abandoned facilities. This ordinance establishes regulations for siting, design, approval, and permitting of new towers and antennas. Notable changes from the current ordinance include: towers up to 100 feet in height may be administratively-approved in all zoning districts subject to certain criteria; towers approved via SUP are subject to increased standards; the addition of criteria for exempt facilities; and the addition of regulations for County-owned facilities.

The following individuals spoke:

- Joe Lenig, Virginia Broadband, LLC
- Mark Warren, 5290 Ridge Road, Somerset
- Kevin Passarello, 18454 Monteith Farm Road, Gordonsville
- Charlie Seilheimer, Mount Sharon Farm, Somerset

There being no further speakers, Chairman White closed the Public Hearing at 7:50 p.m.

Discussion ensued among the Board regarding: the fact that the amateur radio section remained largely unchanged; setback distances from buildings; the State's removal of the County's review process for towers under 50-feet; the provision of an exception for building setback distances; desired changes to the proposed language; administrative approvals; consideration of adjoining property owners; additional restrictions for administrative approvals; and buffering or minimum setback requirements.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO SECTION 70 (ZONING) OF THE ORANGE COUNTY
CODE OF ORDINANCES CONCERNING A COMPLETE RE-WRITE OF
ARTICLE IX (TELECOMMUNICATIONS TOWERS AND FACILITIES)

WHEREAS, staff previously initiated Planning Commission action on amendments to Section 70 (Zoning) of the Orange County Code of Ordinances concerning a complete re-write of Article IX (Telecommunications Towers and Facilities); and

WHEREAS, the County Attorney and Planning and Zoning Director prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on April 5, 2018; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on May 8, 2018, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as modified during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 8th day of May, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Section 70 (Zoning) of the Orange County Code of Ordinances concerning a complete re-write of Article IX (Telecommunications Towers and Facilities), as modified and shown below.

Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 180508 – PH4
by the Orange County Board of Supervisors
on May 8, 2018**

Chapter 70 - Zoning

Article IX – Telecommunications Towers and Facilities

Sec. 70-846. – Purpose and Intent.

The purpose of the Telecommunications Towers and Facilities article of the Zoning Ordinance, hereinafter referred to as “this Article,” is to implement Orange County’s land use and zoning policies regarding telecommunication antenna structures (TASs) and related telecommunications facilities constructed and operated in the county. The secondary purpose is to ensure compliance with applicable federal laws, including the Telecommunications Act of 1996 and Middle Class Tax Relief and Job Creation Act of 2012, rules and interpretations of the FCC, and the Code of Virginia.

The intent of this Article is to:

- 1) Establish clear siting standards, permitting processes, and approval criteria for TASs and related facilities depending on the scale and type of facility;
- 2) Utilize set standards to allow administrative permitting of small-scale TASs and related facilities, such as towers and antennas for the provision of fixed wireless internet, where such facilities have been determined to have relatively low impacts;
- 3) Encourage co-located facilities where suitable towers and/or alternative tower structures exist;
- 4) Avoid unnecessary proliferation of towers by ensuring all towers can accommodate multiple carriers and service providers;
- 5) Ensure towers are sited and designed to minimize impacts on historic resources and viewsheds, or the county’s natural resources;
- 6) Provide for government-owned TASs and facilities, within state and federal law, so as to allow the provision of an adequate, efficient, and reliable public safety communications system, and the provision of high-speed, affordable broadband to underserved citizens;
- 7) Promote consistency with the adopted Comprehensive Plan; and
- 8) Protect the health, safety, convenience, and general welfare of the public.

Sec. 70-847. – Applicability.

- (a) The provisions of this Article shall apply to all property within the jurisdictional limits of Orange County, unless specifically superseded by state or federal law. This Article shall not apply to any property within the jurisdictional limits of the Town of Orange or the Town of Gordonsville.
- (b) Should any provision of state and/or federal law, or any rule or interpretation by the FCC, impose a higher standard or a more restrictive standard than is contained within this Article, that standard shall control. Should any provision of this Article conflict with another section of the Orange County Code of Ordinances, this Article shall control.

Sec. 70-848. – Terms and Definitions.

The following definitions shall apply in the administration of this Article:

Alternative tower structure. A structure, such as a building, water tower, electrical pole, sign, steeple, or canopy, not originally built to support antennas, but to which one or more antennas may be mounted to provide telecommunication services.

Amateur radio. This term refers to the radio communications system used by those with a personal aim and without pecuniary interest, as regulated by the FCC rules and regulation specific to amateur radio.

Antenna. Any apparatus designed and used for the purpose of transmitting and/or receiving electromagnetic waves, including, but not limited to, telephonic, cellular, data, radio, and television communications. This definition shall include “small cell facilities” and “micro-wireless facilities” as defined in the Code of Virginia.

Co-locate. The practice of installing multiple antennas on an existing telecommunication antenna structure or alternative tower structure. Derivations of this term shall have corresponding meanings.

Engineer. A person licensed by the Commonwealth of Virginia as a professional engineer.

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

Fixed wireless internet. A type of internet service whereby the end-user receives access to the internet via a radio, microwave, or other wireless link between two or more fixed points.

Germanna-Wilderness Area. A planning area established in the 2015 amendment of the Orange County Comprehensive Plan, being generally a 14,600-acre area of easternmost Orange County. This definition shall include any future modification of the area boundaries.

Madison Barbour Rural Historic District. A national historic district in western Orange County identified in the National Register of Historic Places and the Virginia Landmarks Register, being generally a 32,600-acre area between the Rapidan River, U.S. 15, and portions of the Greene County and Albemarle County lines.

Mature woodlands. An area of forest generally undisturbed by human activity for several decades, where trees are near or at mature height and crown growth.

Telecommunication antenna structure. A vertically-projecting, free-standing structure, also commonly referred to as a tower, which is built specifically to support antennas, or act as an antenna, for the purpose of providing telecommunication services.

Sec. 70-849. – Amateur Radio Antennas.

An amateur radio antenna shall be permitted as an accessory use to any lawful, conforming residential or commercial principal use, subject to the following:

- (a) The antenna shall be subject to Zoning Permit requirements and the minimum setback and yard requirements of the zoning district in which it is to be constructed.
- (b) The total overall height of the antenna and any support structure shall be one-hundred, ninety-nine (199) feet or less.
- (c) There shall be no restriction on the number of support structures for the antenna.
- (d) The applicant shall submit a written certification from a licensed professional engineer that construction of the antenna conforms to reasonable and customary engineering practices.
- (e) The applicant shall provide a valid FCC amateur radio operator’s license.
- (f) The Zoning Administrator may require reasonable screening of the antenna based on visibility from a public right-of-way, the proximity of neighboring properties, and the presence of any nearby historic assets.

Sec. 70-850. – Co-located Telecommunications Antennas.

The placement of a telecommunications antenna on an alternative tower structure, or co-location on an existing telecommunication antenna structure (TAS), shall be permitted as a by-right accessory use in all zoning districts, subject to the following:

- (a) The antenna and any related facilities shall be subject to Zoning Permit requirements pursuant to Article II of the Zoning Ordinance, and shall be administratively approved by the Zoning Administrator pursuant to meeting the requirements of this section.
- (b) If the antenna is to be co-located on an existing TAS, a scaled drawing showing the tower, the proposed location and height of the antenna, and the antenna design shall be a required element of the Zoning Permit application. The applicant shall demonstrate that the color and design of the antenna will be consistent with the overall color and design of the TAS.
- (c) If the antenna is to be installed on an alternative tower structure, a scaled drawing of the structure along with the proposed location and height of the antenna, and the antenna design shall be a required element of the Zoning Permit application. The applicant shall demonstrate to the satisfaction of the Zoning Administrator that the antenna and related facilities will be moderately concealed by either aesthetics, such as with paint or construction materials, or by careful design and placement of the antenna. The Zoning Administrator shall consider the location of the structure within any registered historic district or the designation of the structure on any historic register in determining consistency with this requirement. Any antenna installed on a residential structure, such as a dwelling or garage, for the purpose of providing the owner with fixed wireless internet shall be exempt from the requirements of this subsection.
- (d) The structure to which the antenna is to be attached shall be a lawful, conforming structure, or any existing TAS.
- (e) The antenna shall not add more than twenty (20) feet to the height of the structure or TAS to which it is being attached, regardless of maximum height requirements of the underlying zoning district.
- (f) The antenna shall not necessitate any new lighting, or additional lighting if the structure already contains lighting, pursuant to FAA or other requirements.
- (g) Commercial advertising related to any antenna permitted pursuant to this section shall be prohibited.
- (h) Microwave dishes shall not exceed six (6) feet in diameter.

Sec. 70-851. – Administratively-Approved Telecommunications Towers and Facilities.

The construction of a telecommunication antenna structure (TAS) and any related ground equipment may be administratively-approved by the Zoning Administrator pursuant to meeting the requirements of this section. All TASs approved pursuant to this section shall be considered principal uses for the purpose of determining minimum setbacks and yards.

- (a) *Maximum height.* The total maximum height of a TAS eligible for administrative approval shall not exceed one-hundred (100) feet in all zoning districts. These maximum height limits may be increased by up to twenty-five percent (25%) upon approval of a Special Exception by the Board, pursuant to Article II of the Zoning Ordinance.
- (b) *Design and siting criteria.* The following criteria shall govern any TAS eligible for administrative approval:
 - (1) *Structure type.* The TAS shall be either a monopole design or a self-supporting design with a maximum base width of thirty-six (36) inches.
 - (2) *Setback distances.* The TAS and any related ground-mounted facilities shall comply with the minimum setback and yard requirements of the underlying zoning district, and shall also be setback from all existing off-site buildings a distance equal to the height of the TAS. The Zoning Administrator may reduce the setback requirement from existing buildings provided the design of the TAS incorporates breakpoint technology. In this case, the setback from buildings shall be equal to one-hundred and ten percent (110%) of the distance from the highest point of the TAS to its breakpoint location.
 - (3) *Special design criteria.* If the TAS is located within the Madison-Barbour Rural Historic District, within two-hundred fifty (250) feet of the centerline of any primary or secondary road, within five-hundred (500) feet of the right-of-way of Germanna Highway (Route 3),

within one-thousand (1,000) feet of the right-of-way of a Virginia Scenic Byway, or within one-thousand (1,000) feet of any specific property listed on the National Register of Historic Places or the Virginia Landmarks Register, concealment of the TAS shall be required in accordance with any of the following:

- i. The TAS may be located within, or on the fringe of, a substantial stand of mature woodlands. For this option, the TAS and any installed antennas shall be painted or otherwise colored to simulate a wood look in order to match the adjacent woodlands. Any compound fencing for ground equipment shall be given a similar treatment. The applicant shall demonstrate long-term viability of the woodlands, such as via natural growth protection area easement, to maintain compliance with this subsection.
 - ii. If the TAS is to be located in an open field or other open area, it shall be disguised to simulate a mature tree.
 - iii. The TAS may be concealed by or within a sacrificial façade or enclosure, such as silo, flagpole, water tower, art sculpture, or other structure as approved by the Zoning Administrator.
- (4) *Standard design criteria.* If the TAS is located outside of any area listed above in subsection (3), it may be constructed without concealment in any manner described below:
- i. A TAS constructed of wood shall be maintained in its natural state or painted a color from a brown or tan palette which simulates wood.
 - ii. A TAS constructed of metal shall be maintained in a rust-free and corrosion-free state, and shall not cause undue glare onto neighboring properties.
 - iii. A TAS constructed of other materials shall be painted a neutral color from a gray, tan, or brown palette.

(c) *Submittal requirements.* Any proposed TAS and related facilities eligible for administrative approval pursuant to the above criteria shall submit the following for approval:

- (1) Zoning Permit application materials pursuant to Article II of the Zoning Ordinance.
- (2) A scaled elevation drawing of the proposed tower with the maximum height indicated and any related facilities shown.
- (3) Drawings and/or documents necessary to demonstrate compliance with the design and siting criteria above.
- (4) If the TAS is to be located on a property subject to a conservation easement, written consent of easement holder.

Sec. 70-852. – Telecommunications Towers and Facilities Approved by Special Use Permit (SUP).

(a) *Applicability.* Any of the below categories of telecommunication antenna structures (TASs) shall have an SUP approved by the Board, pursuant to Article II of the Zoning Ordinance, before the construction and use may commence. All TASs approved pursuant to this section shall be considered principal uses for the purpose of determining minimum setbacks and yards.

- (1) Any TAS within any zoning district which exceeds one-hundred (100) feet in height, unless otherwise permitted via Special Exception pursuant to Sec. 70-851(a).
- (2) Any other telecommunications tower or facility not otherwise specifically provided for in this Article.

(b) *Pre-submittal conference.* An applicant submitting an SUP application pursuant to this section shall confer with the Zoning Administrator prior to submittal so he/she may provide a preliminary review of the proposal and the application materials.

(c) *Submittal requirements.* An application for approval of any of the above categories of TASs shall include the following:

- (1) SUP application materials pursuant to Article II of the Zoning Ordinance, provided that the required site plan is prepared by a licensed professional and also shows the locations of all buildings within five-hundred (500) feet of the proposed tower compound.

- (2) A scaled elevation drawing, prepared by a licensed professional, which shows the design, type, location, size, height, and configuration of the proposed TAS and all proposed antennas and other equipment.
 - (3) Photographs of the proposed site and of the point(s) of access to the state road network.
 - (4) A complete Section 106 review pursuant to the National Historic Preservation Act (NHPA) with findings as determined or confirmed by the State Historic Preservation Officer (SHPO).
 - (5) A copy of the completed FCC Form 854 (Application for Antenna Structure Registration). If the project does not fall under a categorical exclusion (CatEx) in the FCC environmental rules and regulations, the Finding of No Significant Impact (FONSI) as issued by the FCC shall also be supplied.
 - (6) A written, signed commitment by the tower owner that the proposed TAS will provide co-location opportunities. This shall be accompanied by a certification from a professional engineer that the TAS, if one-hundred (150) feet in height or less, can accommodate at least four (4) co-located facilities, and if above one-hundred (150) feet in height, can accommodate at least six (6) co-located facilities. Alternatively, the applicant may request partial or full exemption from this provision in writing provided specific conditions warrant such a request.
 - (7) An analysis of the need for the new TAS. This shall detail why existing towers or other alternative tower structures cannot satisfy the need for the new TAS based on geographical constraints, service coverage maps, engineering requirements, lack of suitable co-location opportunities, and/or issues due to anticipated electromagnetic interference.
 - (8) A letter of commitment by at least one (1) telecommunication services provider to locate facilities on the proposed TAS.
 - (9) Photographs of visual simulations or of a balloon test conducted at the proposed site. The photographs shall simulate the visibility of the maximum height of the TAS, if constructed. Photographs shall be simulated/taken from at least four (4) vantage points on public roads and/or public properties to adequately simulate the visual impact of the proposed TAS on neighboring and nearby properties. If a balloon test is conducted, it shall last a duration of at least six (6) hours during clear, daytime weather. The applicant shall provide notice of the date(s) and time(s) of the test in a local newspaper of general circulation at least seven (7) days prior to the actual test, and provide proof of said notice to the county.
 - (10) A draft copy of the lease for the subject property, if applicable.
 - (11) Proof of notification to the FAA, a copy of the FAA "no hazard" determination, and proof of registration with the FCC, as applicable.
 - (12) If the TAS is to be located on a property subject to a conservation easement, written consent of easement holder.
- (d) *Design and siting criteria.* The following criteria shall govern any TAS and related facilities permitted pursuant to this section.
- (1) *Structure type.* The TAS shall be a monopole design in accordance with the specific criteria below.
 - i. A TAS located within the Madison-Barbour Rural Historic District, within five-hundred (500) feet of the right-of-way of Germanna Highway (Route 3), within two-thousand (2,000) feet of the right-of-way of a Virginia Scenic Byway, or within two-thousand (2,000) feet of any specific property listed on the National Register of Historic Places or the Virginia Landmarks Register shall be adequately concealed from public view. Adequate concealment may be achieved by disguising the monopole to simulate a mature tree, disguising it with sacrificial façade or enclosure which blends with the surrounding landscape, or by locating the monopole within a stand of mature woodlands pursuant to subsection iii below.
 - ii. A monopole located outside of any area listed above may be constructed without concealment, unless otherwise required by the Board. If concealment is not required, the TAS shall be maintained with a galvanized finish or a neutral paint color.
 - (2) *Height.* The height of the TAS shall not exceed one-hundred ninety-nine (199) feet, including any non-structural elements such as a lightning rod.

- (3) *Setback distances.* The TAS shall be setback at least five-hundred (500) feet from all existing off-site dwellings, and shall also be setback from all existing on-site and off-site buildings a distance equal to the height of the TAS. The TAS and any related ground-mounted facilities shall also comply with the minimum setback and yard requirements of the underlying zoning district. The Board may approve a reduction in the five-hundred (500) feet setback requirement, upon written request by the applicant, whereby he/she demonstrates, due to topography, TAS safety features/design, achieving an adequate service area, or due to the general characteristics of the area, strict adherence to this setback requirement will result in a hardship. Setback distances from on-site and off-site buildings specified herein shall not apply to buildings built after approval of the SUP for the TAS.
 - (4) *Lighting.* The lighting of a TAS shall be pursuant to FAA requirements, unless the TAS is located within any area listed in subsection (1)i above, in which case lighting shall be prohibited. Lighting of the fenced compound shall be limited to security lighting only, and any fixtures used for such purposes shall be of the full-cutoff variety.
 - (5) *Ground equipment; fencing.* All ground equipment associated with the TAS shall be located within a fenced compound within the lease area, if applicable. All fencing shall be a minimum of eight (8) feet in height. Unless otherwise obscured from public view by other means, the compound and fencing shall be screened by landscaping approved as part of the site plan for the project.
 - (6) *Antennas.* All antennas and other facilities installed on the TAS shall blend aesthetically with the design and color of the TAS. Additionally, all antennas and other attached facilities shall comply with the applicable co-location requirements set forth in Sec. 70-850.
 - (7) *Ridgelines.* The location of any TAS permitted pursuant to this section shall avoid being located near any ridgeline in order to limit impacts to viewsheds.
 - (8) *Exceeding requirements.* Any of the requirements specified in this subsection may be exceeded upon approval of a Special Exception by the Board, pursuant to Article II of the Zoning Ordinance. A Special Exception application may only be submitted after approval of the SUP for the TAS.
- (e) *Approval criteria.* In reviewing an SUP application for a new TAS, in addition to the SUP approval considerations specified in Article II of the Zoning Ordinance, the Planning Commission and the Board shall also consider the following factors, as applicable:
- (1) The demonstrated need for the TAS;
 - (2) Visual impacts of the TAS;
 - (3) Types and intensities of land uses in the area;
 - (4) Surrounding tree cover and foliage;
 - (5) Proximity to historic areas, buildings, and structures;
 - (6) Proximity to airports;
 - (7) Proximity to tourism assets;
 - (8) Access to the site;
 - (9) Language of the lease; and
 - (10) Any other factor relevant to the purpose and intent of this Article.
- (f) *Supplemental review.* In review and consideration of an SUP application pursuant to this section, the Zoning Administrator, Planning Commission, and/or Board may contract the services of a licensed engineer to assist in review. The applicant shall be responsible for reimbursing the county for the costs of this review upon request, not to exceed two-thousand, five-hundred dollars (\$2,500).
- (g) *Local government access.* Tower owners shall provide the County co-location opportunities as a public benefit to improve the availability and reliability of public telecommunication services. At least one (1) suitable, usable space shall be available for use by the County on all towers at the time of SUP approval, and in no event shall that space be occupied by another user without providing the County at least sixty (60) days written notice and an opportunity for the County to lease the space at that time. A suitable, usable space shall be any space on the TAS that can be occupied without upgrades or other structural alterations at the County's expense.

Sec. 70-853. – Exempt and Government-owned Telecommunications Towers and Facilities.

- (a) *Exempt installations.* The following categories of telecommunication antenna structures (TASs) shall be exempt from the provisions of this Article and subject to any requirements of this section:
- (1) Any TAS constructed and owned by the County, pursuant to subsection (b) below.
 - (2) Any TAS constructed by a state or federal entity which is otherwise exempt from local regulation.
 - (3) Any temporary TAS erected by a governmental entity for the duration of a declared state of emergency, provided that the facility is removed within three (3) months of the end of the state of emergency.
 - (4) Any temporary TAS erected by a commercial entity to provide coverage of a special event. Such a facility shall be removed within thirty (30) days, or within seven (7) days after conclusion of the event, whichever occurs first.
 - (5) Any noncommercial antennas and other similar devices for private, in-home residential use, such as broadcast television antennas, wireless access points/routers, wireless network range extenders, and the like. However, any such antenna or device shall be subject to the maximum height requirements of the underlying zoning district.
- (b) *County-owned facilities.* The following procedures and criteria shall govern any permanent TAS and related facilities constructed by the County:
- (1) Prior to construction, the location of the TAS and related facilities shall be generally shown and/or described in the Comprehensive Plan pursuant to § 15.2-2232 of the Code of Virginia.
 - (2) Prior to construction, the Board shall, upon consultation with the Broadband Authority as necessary, issue a written determination of public necessity for the proposed TAS and related facilities. This determination shall include a detailed description of the proposed TAS, including height and design specifications, necessary to meet the public necessity. Prior to issuing this determination, the Board shall allow for public comment on the proposal for a period no shorter than thirty (30) days.
 - (3) Any TAS and related facilities constructed by the County shall comply with all applicable state and federal regulations, including NEPA and NHPA reviews if necessary.
 - (4) In the event the County desires to transfer its ownership of a TAS to a private commercial entity, a Special Use Permit (SUP) for the use shall be required pursuant to this Article. This shall be in addition to any required public hearing related to the disposition of public property.

Sec. 70-854. – Nonconforming Telecommunications Towers and Facilities.

- (a) Any telecommunication antenna structure (TAS) constructed prior to (Board's adoption date for this amendment) which otherwise does not comply with the provisions of this Article shall be deemed a lawful nonconformity. A lawful nonconforming TAS may be permitted for co-located antennas/facilities, but shall not be expanded, enlarged, or altered except in full conformance with this Article and with Article III (*Nonconformities*) of the Zoning Ordinance.
- (b) Any nonconforming TAS may be moved to another portion of the same property on which it is constructed upon approval of a Special Exception by the Board.

Sec. 70-855. – Abandoned Facilities.

Any telecommunication antenna structure (TAS) or antenna not operated or used for a continuous period of twelve (12) months shall be considered abandoned. The owner of the tower or the property owner, as the case may be, shall remove the TAS and all associated facilities within ninety (90) days of receipt of the notice from the Zoning Administrator to do so. Ground equipment and any buildings may remain with written approval from the property owner. Should the owner fail to comply with the removal requirement notice, the County may remove the TAS and any related facilities, the costs for which shall be paid by the property owner. Alternatively, with consent of the owner, the County may assume ownership of the TAS and any related facilities for its own use.

Secs. 70-856 – 70-938. – Reserved.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adjourned the meeting at 8:31 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James K. White, Chairman

R. Bryan David, County Administrator