

BOARD OF SUPERVISORS MINUTES**MAY 28, 2019**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, May 28, 2019, 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 Susan M. Turner, 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 presented. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations or Appearances at this time.

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: FY19 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
30030006-33500	Donations - Animal Shelter	\$ (135,369.02)	\$ (7,616.00)	\$ (142,985.02)
43520003-43115	Prof. Serv. - Emergency Vet	148,424.02	7,616.00	156,040.02
30030006-33500	Donations - Animal Shelter	(135,369.02)	(1,019.00)	(136,388.02)
43520003-43115	Prof. Serv. - Emergency Vet	148,424.02	1,019.00	149,443.02
TOTALS		\$ 26,110.00	\$ 0.00	\$ 26,110.00

RE: RENEWAL OF THE CONTRACT WITH BAKER & TAYLOR FOR LIBRARY BOOKS

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, 2020, per the original contract terms, as presented.

RE: SURPLUS DISPOSITION OF COUNTY VEHICLE

As part of the Consent Agenda, the Board declared a 2002 Mack Roll-Off Truck (VIN# 4139) as surplus and authorized staff to initiate disposal in accordance with the Board-adopted Surplus Disposition Policy, as presented.

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- April 23, 2019 Regular Meeting
- May 14, 2019 Worksession
- May 14, 2019 Regular Meeting

RE: NEW BUSINESS

RE: AWARD OF THE CONTRACT FOR VOLUNTEER INSURANCE BROKER SERVICES

Amanda Amos, Procurement Coordinator, explained that staff recently released a solicitation for insurance broker services for Orange County's Volunteer Fire and Rescue Agencies, which included property and casualty and accident and sick. She noted that four (4) responses were received, and staff conducted interviews with the top two (2) ranked vendors.

Ms. Amos stated that staff's recommendation was to award the contract to Indaco Risk Advisors. She indicated the company was a highly-respected provider in the industry and had a thorough knowledge of the County's needs and a positive relationship with the volunteer agencies.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to execute a contract with Indaco Risk Advisors for Insurance Broker Services for the County's Volunteer Fire and Rescue Agencies, as presented.

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

RE: CONTRACT WITH ESRI FOR SMALL MUNICIPAL AND COUNTY GOVERNMENT ENTERPRISE AGREEMENT

Amanda Amos, Procurement Coordinator, presented a request to enter a three-year agreement with Esri, which would grant Orange County unlimited access to GIS software and maintenance of said software, providing expanded GIS capabilities. She explained that the Enterprise Agreement would be a crucial first step towards the County bringing GIS data creation, data editing, and data governance in-house and operating as a true Enterprise GIS, offering interaction with existing County software and management systems.

Discussion ensued among the Board regarding: an overview of the expanded capabilities; movement of the GIS applications in-house; contracted services with Timmons Group; movement of CIP funds to the operating budget; and the timeline for completion.

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board authorized staff to enter into a Small Government Enterprise Agreement with Esri for expanded GIS software capabilities, as presented.

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

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: PORTER ROAD COLLECTION SITE RECYCLING COMPACTOR

Aaron Caine, Director of Public Works, explained that the County had recently transitioned to single-stream recycling. While the transition had generally been well-received, there were some concerns from citizens regarding difficulty with emptying larger recycling containers.

Mr. Caine indicated that, after consultation with the County's vendor, County Waste, staff suggested placing a recycling compactor at the Porter Road collection site, which would provide a central location to citizens who desired to use larger recycling containers. He then presented two possible solutions - purchasing or leasing - and a cost breakdown for each option.

Discussion ensued among the Board regarding: the frequency of recycling at the Porter Road site; the possibility of installing a compactor at other sites; details of the monthly operating costs; the lifespan of a compactor; various installation costs; availability of funding; and advantages of purchasing vs. renting a compactor.

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to install a recycling compactor at the Porter Road collection site, at a cost not to exceed \$15,000 for site work, concrete pad, and installation of three-phase electric power, as presented.

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

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: STATEMENTS OF PUBLIC NECESSITY; PUBLIC SAFETY RADIO TOWERS

R. Bryan David, County Administrator, reviewed the feedback received during the comment period conducted for the proposed telecommunications antenna structures for the Public Safety Radio Tower Project. He explained that, with the conclusion of the comment period, it would be appropriate for the Board to authorize the Chairman to issue a written determination of public necessity, thereby allowing the tower permits to proceed through the application process.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized the Chairman to issue a written determination that the proposed telecommunications antenna structures for the Public Safety Radio Tower Project were a public necessity in accordance with Section 70-853 of the Orange County Zoning Ordinance, as presented.

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

RE: BLUE BELL BUILDING WORKSESSION GUIDANCE

R. Bryan David, County Administrator, requested guidance from the Board on how best to discuss potential uses for the newly-acquired Blue Bell Building. He explained that various organizations had expressed interest and ideas regarding the reuse of the building.

Discussion ensued among the Board regarding: ideas that had been received for reuse; the potential for multipurpose uses; taking a deliberate approach based on growth throughout the County; and creating a subcommittee to meet and discuss.

By consensus, the Board appointed Supervisor Crozier and Supervisor Goodwin as a subcommittee to review options for the potential reuse of the Blue Bell Building and requested that an update be provided at the August 13, 2019 meeting.

RE: BOARD COMMENT

Supervisor Frame provided copies of the Rappahannock-Rapidan Community Services Board's Annual Report to the Board for its information.

Supervisor Goodwin commented on the recent announcement by Dominion Energy to close its distribution office located in the County.

By consensus, the Board requested that staff consult with the Chairman on preparation of a resolution opposing closure of Dominion Energy's distribution office in Orange County, which would be sent to Dominion Energy, representatives of the Town of Orange, and to the State Corporation Commission.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Office on Youth Quarterly Report
- Culpeper Soil and Water Conservation District (CSWCD) Minutes; April 2, 2019

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Joan McClung as the District 2 Representative on the Library Board for a four-year term, with said term commencing July 1, 2019, and expiring on June 30, 2023.

By consensus, the Board appointed Julie Zeijlmaker as the District 4 Representative on the Planning Commission, filling the unexpired four-year term of Jennifer Boyer, with said term commencing immediately, and expiring on March 31, 2022.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of May 2019, June 2019, and July 2019.

RE: CLOSED MEETING

At 5:55 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

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

- Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, with respect to voting and Social Services. - §2.2-3711(A)(3) of the *Code of Virginia*
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel, with respect to an easement, the Landfill, environmental issues, and the Subdivision Ordinance. - §2.2-3711(A)(8) of the *Code of Virginia*

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

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

On the motion of Mr. Frame, seconded by Mr. Goodwin, 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 7:00 p.m., Ms. Turner read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors has, this day, adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors 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 7:01 p.m., Chairman White opened the floor for public comment.

There being no speakers, public comment was closed at 7:01 p.m.

RE: PUBLIC HEARING #1: SUP 19-01; AUSTIN AND LINDA NAMMACK (AMEND SUP TO ALLOW ADDITION AT COUNTRY CLUB KENNELS)

Sandra Thornton, Planning Services Manager, presented the Staff Report for the Special Use Permit (SUP) request from Austin and Linda Nammack, which included information on the location and specifications of the subject property, the request to amend an existing SUP to allow the addition of a new structure at Country Club Kennels and Training Facility, and the recommendation and conditions from the Planning Commission.

Discussion ensued among the Board regarding: clarification on whether the conditions of the previous SUP were still applicable.

Austin Nammack, applicant, provided a brief history of his business and reviewed the intended use for the requested SUP, including the type of dogs to be housed, the number of dogs to be housed, the location of the kennel, and concerns regarding a nearby drainfield.

At 7:05 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

SUP 19-01

The Board of Supervisors will consider an application by Austin and Linda Nammack to amend an existing Special Use Permit to allow the addition of a structure to house homeless dogs in a separate space from other dogs at the existing Country Club Kennels and Training facility. The amendment would allow the new structure but would not increase the total number of dogs previously approved. The 23.6-acre property is identified as Tax Map No. 35-6A, located at 9394 Pine Glade Lane in Locust Grove and is zoned Agricultural.

There being no speakers, Chairman White closed the Public Hearing at 7:05 p.m.

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

ORDINANCE APPROVING SUP 19-01 TO AMEND AN EXISTING SPECIAL USE PERMIT AND ALLOW THE ADDITION OF A STRUCTURE AT COUNTRY CLUB KENNELS AND TRAINING ON TAX MAP NO. 35-6A, REQUESTED BY AUSTIN AND LINDA NAMMACK

WHEREAS, Austin and Linda Nammack applied for a Special Use Permit to amend an existing Special Use Permit and allow the addition of a structure at Country Club Kennels and Training on property referenced as Tax Map No. 35-6A, containing a total of approximately 23.6 acres, pursuant to Section 70-303 (4) of the Orange County Zoning Ordinance; and

WHEREAS, Planning staff recommended conditional approval of this Special Use Permit; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the Special Use Permit request on April 4, 2019; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit would further the purposes of the Comprehensive Plan and the Zoning Ordinance; threaten the public health, safety, or welfare; be compatible with its surroundings; or would result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above, and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on the Special Use Permit request on May 28, 2019; and

WHEREAS, after deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Special Use Permit request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 28th day of May, 2019, that the Orange County Board of Supervisors hereby approves SUP 19-01 for Tax Map No. 35-6A for a Special Use Permit to amend an existing Special Use Permit and allow the addition of a structure at Country Club Kennels and Training, subject to the four (4) conditions and four (4) sub-conditions as set forth below, as presented.

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

Conditions for Approval

**As adopted in Ord. No. 190528 - PH1
by the Orange County Board of Supervisors
on May 28, 2019**

SUP 19-01: Austin and Linda Nammack

Approved by SUP 02-06; Expanded by SUP 09-03

*To amend an existing Special Use Permit and allow the addition
of a structure at Country Club Kennels and Training*

Tax Map No. 35-6A

The conditions of this Special Use Permit ("SUP") shall apply to the property identified on County Tax Map No. 35-6A, as well as any future division or consolidation of said property, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans or application are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless specifically modified, waived, or otherwise specified in these conditions. Violation of

these conditions, in whole or in part, may be cause for the revocation of the Special Use Permit, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated March 4, 2019.
2. Compliance – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine “substantial conformance.” The property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, sign permits, land disturbance permits, and erosion & sediment control permits prior to commencing development of the site. Commercial dog breeding shall comply with Section 3.2-6507.1 *et seq* VA Code Ann.
3. Uses – This SUP shall permit the expansion of an existing boarding kennel by the addition of a 12’ x 28’ trailer to house several dogs separately from the main kennel building. Any expansion of the business beyond eighty (80) dogs would require an amendment to this SUP.
4. Standards and Conditions –
 - a. The kennel building approved as part of SUP 09-03 may be altered or expanded in conformance with applicable zoning and building requirements.
 - b. Pursuant to Section 3.2-6507.2 VA Code Ann., all dog waste shall be disposed of in accordance with State and Federal laws and regulations. All floor drains from kennel buildings shall either discharge into a septic drainfield or through another filtering practice consistent with applicable standards and as approved by Orange County Planning Services.
 - c. The lighting of one (1) sign shall be permitted on site. The sign shall not be lighted during the hours of 9:00 p.m. to 5:00 a.m. Lighting used to illuminate the sign shall use full cut-off or directionally-shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated. Lighting fixtures shall be downward facing. The lighting intensity shall not exceed 1,310 lumens.
 - d. Additional individual boarding structures not to exceed 336 square feet in area may be added to the facility without requiring an amendment to this SUP, provided that any such structures shall comply with all applicable zoning regulations. The owner shall be responsible for obtaining all required site plan approvals, zoning permits, land disturbance permits, and building permits prior to commencing any such new construction or installation.

RE: PUBLIC HEARING #2: SUP 19-02; WILLIAM AND ELIZABETH HERNDON (TO ALLOW THE KEEPING OF LIVESTOCK)

Sandra Thornton, Planning Services Manager, presented the Staff Report for the Special Use Permit (SUP) request from William and Elizabeth Herndon, which included information on the location and specifications of the subject property, the request to allow for the keeping of livestock, and the recommendation and conditions from the Planning Commission.

William Herndon, applicant, reviewed the intended use for the requested SUP.

At 7:09 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

SUP 19-02

The Board of Supervisors will consider an application by William C. and Elizabeth Herndon for a Special

Use Permit to allow the keeping of livestock on property located at 11334 Laurel Lane. The parcel is zoned General Residential (R-2), contains 9.275 acres, and is identified as Tax Map No. 42-22. The subject property is in the "Agricultural 2" designation on the Recommended Future Land Use Map.

There being no speakers, Chairman White closed the Public Hearing at 7:09 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 SUP 19-02 TO ALLOW THE KEEPING OF LIVESTOCK ANIMALS ON
TAX MAP NO. 42-22, REQUESTED BY WILLIAM AND ELIZABETH HERNDON**

WHEREAS, William and Elizabeth Herndon applied for a Special Use Permit to allow the keeping of livestock animals on property referenced as Tax Map No. 42-22, containing a total of approximately 9.275 acres, pursuant to Section 70-363 (2) of the Orange County Zoning Ordinance; and

WHEREAS, Planning staff recommended conditional approval of this Special Use Permit; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the Special Use Permit request on May 2, 2019; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit would further the purposes of the Comprehensive Plan and the Zoning Ordinance; threaten the public health, safety, or welfare; be compatible with its surroundings; or would result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above, and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on the Special Use Permit request on May 28, 2019; and

WHEREAS, after deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Special Use Permit request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 28th day of May, 2019, that the Orange County Board of Supervisors hereby approves SUP 19-02 for Tax Map No. 42-22 for a Special Use Permit to allow the keeping of livestock animals, subject to the four (4) conditions and four (4) sub-conditions as set forth below, as presented.

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

Conditions for Approval

**As adopted in Ord. No. 190528 - PH2
by the Orange County Board of Supervisors
on May 28, 2019**

SUP 19-02: William and Elizabeth Herndon

To allow the keeping of livestock animals

Tax Map No. 42-22

The conditions of this Special Use Permit (“SUP”) shall apply to the property identified on County Tax Map No. 42-22, as well as any future division or consolidation of said property, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of the SUP or the information on the SUP plans or application are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless specifically modified, waived, or otherwise specified in these conditions. Violation of these conditions, in whole or in part, may be cause for the revocation of the Special Use Permit, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated April 8, 2019.
2. Compliance – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine “substantial conformance.” The property owner shall be responsible for obtaining all County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, sign permits, land disturbance permits, and erosion & sediment control permits that may be required in association with this use.
3. Uses – This SUP shall permit the keeping of up to four (4) livestock animals on property zoned General Residential (R-2). Any additional livestock would require an amendment to this SUP.
4. Standards and Conditions –
 - a. This SUP allows the keeping of animals other than those customarily kept as household pets.
 - b. Parts of the property where livestock will be kept shall be fenced with wood, plastic, split rail, high tensile, or equivalent, as necessary to maintain reasonable pasture and safety for all concerned. No barbed wire, electrified, or similar fencing shall be used to enclose the pasture areas.
 - c. Trees will be removed only to the extent necessary to provide safe pasture for the livestock.
 - d. If the property is subdivided in the future, this SUP shall become invalid.

RE: PUBLIC HEARING #3: STA 19-02; AMENDMENT TO THE SUBDIVISION ORDINANCE CONCERNING PRIVATE ROADS

Sandra Thornton, Planning Services Manager, presented the Staff Report regarding proposed amendments to Section 54-123 of the Subdivision Ordinance, which would add clarifying language to the approval procedure of a subdivision on an existing private road. She reviewed the recommended language, indicating that the Planning Commission’s vote resulted in a recommendation of approval.

At 7:12 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

STA 19-02

The Board of Supervisors will consider an amendment to Sec. 54-123 of the Orange County Subdivision Ordinance to add clarifying language to the approval procedure of a subdivision on an existing private road that is already subject to a recorded road maintenance agreement and when no extension of such a road is required.

There being no speakers, Chairman White closed the Public Hearing at 7:12 p.m.

Discussion ensued among the Board regarding: how the proposed amendments provided clarifying language in order to prevent ambiguous interpretations in the future.

On the motion of Mr. Crozier, 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 VIII (ROAD AND ACCESS STANDARDS), SECTION 54 (SUBDIVISIONS), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE SUBDIVISION APPROVAL PROCEDURE WHEN A PRIVATE ROAD EXISTS

WHEREAS, staff previously initiated Planning Commission action on amendments to Article VIII (Road and Access Standards), Section 54 (Subdivisions), of the Code of Ordinances concerning the subdivision approval procedure when a private road exists; and

WHEREAS, the Assistant County Attorney 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 May 2, 2019; 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 28, 2019, 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 28th day of May, 2019, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article VIII (Road and Access Standards), Section 54 (Subdivisions), of the Code of Ordinances concerning the subdivision approval procedure when a private road exists, 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. 190528 – PH3
by the Orange County Board of Supervisors
on May 28, 2019**

Chapter 54 - Subdivisions

Article VIII - Road and Access Standards

Division II - Standards for Roads and Access

Sec. 54-123. - Road Maintenance Agreements for Existing Private Roads

- (a) Any subdivision on an existing private road which does not require extension of said road, but where said road lacks a recorded road maintenance agreement, Planning Commission approval of

the subdivision shall be required pursuant to Sec. 54-121 above. If said road is already subject to a recorded road maintenance agreement, and no extension of said road is required, approval of the subdivision may be provided by the Subdivision Agent ~~pursuant to this Ordinance~~.

- (b) For any extension of an existing private road, so approved by the Planning Commission, which lacks a recorded road maintenance agreement, as a requisite for plat approval a road maintenance agreement shall be required for at least eighty percent (80%) of existing lots which utilize the private road, in addition to the newly-created lots. The agreement shall comply with the requirements of Sec. 54-122.

RE: PUBLIC HEARING #4: ZTA 19-01; AMENDMENT TO THE ZONING ORDINANCE CONCERNING PLANNED DEVELOPMENT - MIXED USE

Sandra Thornton, Planning Services Manager, presented the Staff Report regarding proposed amendments to Division 13 (Planned Development - Mixed-Use) of the Zoning Ordinance, which would further the intent of the zoning district while enhancing flexibility in the rezoning process. She reviewed the recommended language, indicating that the Planning Commission's vote resulted in a recommendation of approval.

At 7:15 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

ZTA 19-01

The Board of Supervisors will consider an amendment to Division 13 – Planned Development-Mixed Use (PDM) of the Orange County Zoning Ordinance to further the intent of the PDM District, part of which is to permit flexibility and promote high-quality design for mixed-use developments while providing for efficient use of land that preserves open space and limits impacts to surrounding properties. Specifically, revisions are proposed to Sec. 70-567C(d); Sec. 70-567D(b); and Sec. 70-567E(5), (6), and (9).

There being no speakers, Chairman White closed the Public Hearing at 7:15 p.m.

Discussion ensued among the Board regarding: reasons which prompted the proposed amendments; the saturation point on commercial projects; details regarding development percentages as pertaining to mixed-use; achieving an appropriate balance of residential vs. commercial use; and areas of the proposed amendments that are unclear and difficult to understand.

By consensus, the Board suggested changes to the proposed amendments concerning Planned Development - Mixed-Use, with the understanding they would be incorporated into rewritten ordinance amendments for presentation and consideration at a future meeting.

RE: ADJOURN

On the motion of Mr. Crozier, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adjourned the meeting at 7:45 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James K. White, Chairman

R. Bryan David, County Administrator