

ORANGE COUNTY, VIRGINIA
OFFICE OF THE COUNTY ADMINISTRATOR

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MEMORANDUM

TO: Orange County Board of Supervisors

FROM: Alyson A. Simpson, Chief Deputy Clerk *AS*

THROUGH: R. Bryan David, County Administrator *RD*

DATE: May 21, 2019

SUBJECT: Public Hearing for STA 19-02 (Amendment to §54-123 of the Subdivision Ordinance regarding the Approval Procedure for Subdivisions)

At its April 23, 2019 Meeting, the Board authorized staff to advertise for and schedule a public hearing to consider amendments to the Subdivision Ordinance related to the approval procedure for subdivisions when an existing private road exists.

The staff report and proposed language, as provided to the Planning Commission, is attached. The Planning Commission held its public hearing on May 2, 2019, and recommended approval.

The Board of Supervisors' public hearing on this matter has been duly advertised for Tuesday, May 28, 2019, at 7:00 p.m.

Recommended Action:

Following the public hearing, it would be appropriate for the Board of Supervisors to consider adopting the attached ordinance.

Attachments as noted.

cc: Thomas Lacheney, County Attorney
Sandra Thornton, Planning Services Manager

ORANGE COUNTY, VIRGINIA

BOARD OF SUPERVISORS

R. MARK JOHNSON, DISTRICT ONE
JAMES K. WHITE, DISTRICT TWO
S. TEEL GOODWIN, DISTRICT THREE
JAMES P. CROZIER, DISTRICT FOUR
LEE H. FRAME, DISTRICT FIVE

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DRAFT ORDINANCE OF APPROVAL / DENIAL

MOTION: _____

SECOND: _____

May 28, 2019
Regular Meeting
Ord. No. 190528 – PH3

RE: **DRAFT ORDINANCE APPROVING / DENYING 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 / does not support** the proposed text amendments, as **presented / modified** during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice also **support / do not 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 / denies** the proposed 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, as **presented / modified** and attached.

Votes:

Johnson:

White:

Goodwin:

Crozier:

Frame:

Attachment: **Adopted Amendments to the Orange County Code of Ordinances**

For Information: **Thomas E. Lacheney, County Attorney**
Sandra Thornton, Planning Services Manager

CERTIFIED COPY _____

Clerk to the Board of Supervisors

DRAFT

DRAFT 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.



Planning & Zoning STAFF MEMO & REPORT

PH3 – STA 19-02

ORANGE COUNTY

PLANNING SERVICES

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



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MEMORANDUM

TO: Orange County Board of Supervisors
FROM: Sandra B. Thornton, Planning Services Manager *sbt*
SUBJECT: Planning Commission Recommendation STA 19-02
DATE: May 17, 2019

The Orange County Planning Commission conducted a public hearing on a proposed amendment to Section 54-123 of the Orange County Subdivision Ordinance on May 2, 2019. Assistant County Attorney Eric Lansing presented the draft amendment and explained that the revision is intended to provide clarity regarding the approval process when an existing private road already subject to a road maintenance agreement does not require an extension for a new subdivision. There was no public comment offered.

Motion was made by Mr. Capelle with second from Mr. Hutchinson to recommend approval of the amendment as presented. The motion carried 5-0 with all members of the commission present and voting.

Article VIII – Road and Access Standards.

Division I. – Generally.

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.

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~~(a)~~

(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.**

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ORANGE COUNTY

Planning Services

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STAFF REPORT

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| <u>Application Number / Name:</u> STA 19-02 Road Maintenance Agreements for Existing Private Roads | <u>Application Type:</u> Subdivision Ordinance Amendment |
| <u>Planning Commission Public Hearing:</u> May 2, 2019 | <u>Board of Supervisors Public Hearing:</u> May 28, 2019 |
| <u>Owner(s):</u> n/a | <u>Applicant(s):</u> Orange County Board of Supervisors |
| <u>Tax Parcel Number(s):</u> n/a | <u>Location:</u> n/a |
| <u>Voting District(s):</u> n/a | <u>Current Zoning District(s):</u> n/a |
| <u>Affected Acreage:</u> n/a | <u>Recommended Future Land Use:</u> n/a |
| <u>Staff Report Date:</u> April 25, 2019 | <u>Staff Report Prepared By:</u> Sandra B. Thornton, Principal Planner |

STAFF RECOMMENDATION

Planning staff recommends approval of the amendments as drafted by the County Attorney.

APPLICATION OVERVIEW & BACKGROUND

Application Summary:

The proposed amendments were drafted by the County Attorney at the request of the Board of Supervisors with the intent of clarifying the review and approval process for any subdivision on an existing private road which is already subject to a recorded road maintenance agreement and requiring no extension. The proposed amendment would change the circumstance in which the Subdivision Agent may approve the subdivision on an existing private road to be one in which no extension of said road is required.

The County Attorney has indicated that if the property owners record a road maintenance agreement for an existing private road that meets our code requirements prior to applying for a subdivision, the subdivision agent could make the approval for the subdivision.

Community Input: As of the writing of this staff report, no public comments have been received concerning this application.