

**COUNTY ADMINISTRATOR'S OFFICE
P. O. BOX 111
ORANGE, VIRGINIA 22960**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 9, 2019, the following action was taken:

190409 – PH4

RE: PUBLIC HEARING #4; STA 19-01

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 PRIVATE ROADS

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on amendments to Article VIII (Road and Access Standards), Section 54 (Subdivisions), of the Orange County Code of Ordinances concerning private roads; and

WHEREAS, the 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 April 4, 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 April 9, 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 9th day of April, 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 Orange County Code of Ordinances concerning private roads, as presented and attached.

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

MOTION APPROVED



R. Bryan David
County Administrator

cc: Glenda Bradley, Assistant County Administrator for Management Services
Connie Clark, Accountant
Thomas Lacheney, County Attorney
Sandra Thornton, Principal Planner
File: Board Actions 2019

Attachment: Adopted Amendments to the Orange County Code of Ordinances

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 190409 – PH4
by the Orange County Board of Supervisors
on April 9, 2019

Chapter 54 - Subdivisions

Article VIII - Road and Access Standards

Division 2 - Standards for Roads and Access

Sec. 54-121. - Approval, Construction, and Maintenance Standards

Roads and driveways shall be constructed and maintained as follows:

- (a) *Driveways.* Any vehicular travelway created to serve one (1) or two (2) lots shall be considered a driveway for the purposes of this ordinance, and may be constructed and maintained at the discretion of the owners. However, any lot which is served by a driveway onto a private road shall be considered served by said private road for the purposes of subsections (b) and (c) below.

- i. The Subdivision Agent may grant a modification to the requirements of this subsection for a situation in which an owner of a property with an existing driveway onto a state road wishes to grant an easement elsewhere on the property for a driveway to serve up to two (2) new lots. This modification may be used to exclude the consideration of the lot granting the easement as being served by said easement. There may be only one (1) such modification granted per lot and the subdivision plat shall properly denote this arrangement.

(b) Public roads. Any road serving more than two (2) lots shall be constructed to meet the current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way for public use. Any existing road upon which property is divided such that the road cumulatively serves eleven (11) or more lots shall be improved to meet these standards. Such a road improvement shall be up to and including the frontage of the subdivided lot(s).

(b)c) Private roads. Although it is the intent of the County that all roads be constructed to meet current VDOT standards, the County recognizes there might be unusual situations concerning the construction of a road, or situations when strict adherence to the general regulations, would result in substantial injustice or hardship. In such cases, the Planning Commission may approve a private road subject to the following:

- i. Except as provided in Sec. 54-123 below, the Planning Commission may allow a any road serving up to ten (10) lots to may be privately constructed and maintained, subject to being approved as a private road via resolution by the Planning Commission. Such approvals, and denials as the case may be, shall be at the sole discretion of the Commission. In making its decision on a private road request, the Commission shall consider impacts of the proposed road and its resulting development related to: the future land use objectives of the Comprehensive Plan; the adequacy and safety of the state road network in the area; the availability of other means of accessing the property; sensitive environmental areas; the suitability of the land for utilities; and the proximity and arrangement of neighboring properties. The Planning Commission may impose reasonable conditions on any approval of a private road to address identified impacts. The Planning Commission shall be the sole determiner of whether a

variation or exception allowing a private road is granted, and a denied request shall be final and unappealable.

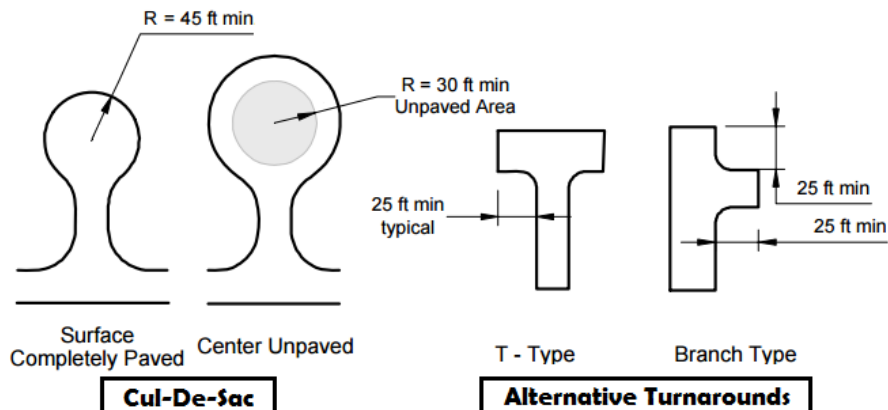
(e)ii. *Private road standards.* The standards governing the construction, maintenance, and usage of all private roads shall be as follows:

1. *Construction standards:*

Total Number of Lots Served	A Surface Width	B Ditch / Clear Zone Width	C Subbase	D Surface
3-4*	14 feet	2 feet	Compacted earth or other solid material	6" min. compacted aggregate
5-7	16 feet	4 feet	6" compacted aggregate base material (VDOT 21A or 21B stone)	2" surface aggregate
8-10	18 feet	6 feet	6" compacted aggregate base material (VDOT 21A or 21B stone) with a CBR of ≥ 10	Prime and double seal or min. 2" asphalt concrete

*The center of the roadway may be grassed and/or non-surfaced.

- Grades.* No portion of a private road shall exceed a grade of ten percent (10%).
- Vertical clearance.* The area between the roadway surface upward a minimum of fourteen (14) feet shall remain clear of tree branches and other obstructions.
- Drainage; culverts.* All culverts and other means of drainage for private roads shall be designed and constructed in accordance with the VDOT Road and Bridge Standards.
- Turnarounds.* A private road serving five (5) or more lots shall have a turnaround provided and constructed within the easement or right-of-way pursuant to either of the following:



6. *Easement/right-of-way termini.* Where a private road does not extend beyond the boundary of the subdivision and its continuation is not required for access to adjoining property at the time of approval, the end of the road easement/right-of-way shall be no closer than fifty (50) feet to an adjoining property. However, the Subdivision Agent or Planning Commission may require the reservation of an appropriate easement that extends beyond the end of the road easement/right-of-way to accommodate drainage facilities, pedestrian traffic, utilities, or an anticipated potential future vehicular connection.
7. *Floodplain.* Private roads shall not be constructed within any area designated on FEMA Flood Insurance Rate Maps (FIRMs) as flood zone A or AE (areas subject to inundation by the 1%-annual-chance flood event).
8. *Zoning.* A private road shall not traverse a given zoning district in order to provide access to property in another zoning district.
9. *Parking.* Parking within a private road easement or right-of-way is prohibited except in any areas, outside of the travelway(s), which may be approved to be dedicated for parking.
10. *Intersections.* Where two (2) private roads intersect, or where a private road intersects with a state road, the angle of that intersection shall be no less than seventy (70) degrees. A minimum return radius of twenty-five (25) feet shall be utilized between intersecting private roads. The minimum sight distance at any such intersection shall be two-hundred (200) feet. Sight distance easements may be utilized to achieve this requirement.

~~(d) *Public roads.* Any road serving eleven (11) or more lots, and/or any road serving ten (10) or fewer lots not otherwise approved by the Planning Commission as a private road, shall be constructed to meet the current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way for public use. Any existing road upon which property is divided such that the road cumulatively serves eleven (11) or more lots shall be improved to meet the standards. Such a road improvement shall be up to and including the frontage of the subdivided lot(s).~~

~~(ed) *Nonresidential roads.* Any road constructed to serve two (2) or more lots used for non-agricultural commercial or industrial uses shall be constructed to meet current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way to public use.~~

~~(fe) *Relationship to Zoning Ordinance.* Where the Zoning Ordinance prescribes standards and other criteria related to road construction and maintenance, those provisions shall control.~~