

JASON CAPELLE, DISTRICT 1
GEORGE YANCEY, DISTRICT 2
DONALD BROOKS, DISTRICT 3
JULIE ZEIJLMAKER, DISTRICT 4
JIM HUTCHISON, DISTRICT 5



MAILING ADDRESS:
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960

SANDRA THORNTON
PLANNING SERVICES MANAGER

PLANNING SERVICES:
OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

Orange County Planning Commission Agenda
Thursday, September 3 – 6:00 p.m.

This meeting is being held electronically pursuant to and in compliance with the Continuity of Government Ordinance (or "An Ordinance to Effectuate Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with the COVID-19 Pandemic"), adopted April 28, 2020 by the Orange County Board of Supervisors in accordance with Virginia Code § 15.2-1413. The meeting is accessible by:

https://www.youtube.com/channel/UCnL_EM-lgrXYdfKcPI8-jOQ

This meeting will be conducted remotely and there will be no physical public access. During this meeting, there will be no opportunity for public comment.

1. Call to Order and Determination of Quorum
2. Approval of Agenda
3. Approval of Minutes
 - a. August 20, 2020 regular meeting (including written public comments received regarding SUP 20-02)
4. New Business
 - a. **Continuation of Preliminary Plat Review – Winterberry Creek/Garrett Street LLC**
5. Public Hearings
 - a. **Continuation of SUP 20-01:** Mid-Atlantic Pyrotechnic Arts Guild has submitted amendments to a Special Use Permit application for the manufacture, testing, and discharge of fireworks at Tax Map Parcel 61-32 which contains 127.544 acres and is zoned Agriculture (A). The property is owned by Cardinal Garden & Gun, LLC and is located on Woolfolk Lane. The parcel is designated Agricultural 1 on the Recommended Future Land Use Map in the Orange County Comprehensive Plan. The request is pursuant to Orange County Zoning Code Sec. 70-303 (23) – Uses permitted by special use permit, "Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size."

Written comments regarding SUP 20-01 were included in the agendas of the June 6, 2020, June 18, 2020, and August 6, 2020 Planning Commission Meetings

6. Worksession

- a. Notification to Planning Commission of pending subdivision waivers
- b. County complaints procedure and processing
- c. Process for receipt of written public hearing comments – requirements and standards
- d. Application processing
- e. Timeliness of information delivery to Planning Commissioners

7. Old Business – (none)

8. Reports

- a. Board of Supervisors report – Mark Johnson
- b. Planning Services report – Sandra Thornton

9. Commissioner Comments

10. Next meeting date – October 1, 2020

11. Adjourn



**Orange County Planning Commission
Regular Meeting
September 3, 2020**

Agenda Item 3a

**Orange County Planning Commission
Regular Meeting
Thursday, August 20, 2020
Meeting Held Electronically via Zoom video conference**

Present: Donald Brooks (Chairman); Jason Capelle (Vice Chairman); George Yancey; Jim Hutchison; Julie Zeijlmaker; Mark Johnson, Board of Supervisors Liaison

Absent:

Staff Present: Sandra Thornton, Planning Services Manager; Eric Lansing, Assistant County Attorney; Tracey Newman, Planning Services Associate

Due to Covid-19 concerns, this meeting was conducted virtually and live-streamed on YouTube. The meeting was held in compliance with the Orange County Continuity of Government Ordinance ("Ordinance to Effectuate Temporary Changes in Certain Deadlines and to Modify Public Meeting and Public Hearing Practices and Procedures to Address Continuity of Operations Associated with the COVID-19 Pandemic") adopted by the Board of Supervisors on April 28, 2020 pursuant to Virginia Code § 15.2-1413.

1. Call to order and determination of quorum:

Chairman Brooks called the meeting to order at 6:00 pm and live streaming began on YouTube. A quorum was established.

2. Approval of agenda:

On a motion of Mr. Hutchison, seconded by Mr. Capelle, which carried by a vote of 5-0, the agenda was approved.

3. Approval of minutes:

a. August 6, 2020 regular meeting:

On the motion of Mr. Hutchison with second by Mr. Capelle, the minutes were accepted as presented on a vote of 5-0.

4. New Business:

a. Continuation of Preliminary Plat Review – Winterberry Creek/Garrett Street LLC

The Planning Commissioners began discussion with questions about the submitted plat, specifically how the second entrance will meet both the Subdivision Ordinance and VDOT requirements. Mr. Capelle inquired about the process by which waivers were issued to developers. Mr. Yancey mentioned three (3) concerns: water and septic, water source but no hydrogeological study to determine if there will be enough water to provide for 109 homes, and the road system needing to allow for emergency vehicles and school buses.

To allow more time for the applicants and staff to address the questions posed, Chairman Brooks suggested the plat review be moved to another time.

Mr. Capelle made motion to defer the review until the September 3, 2020 Planning Commission meeting. The motion was seconded by Mr. Hutchison, and with vote of 4-1 the motion passed.

Ayes: Zeijlmaker, Capelle, Hutchison, Brooks

Nays: Yancey

5. Public hearings:

- a. **SUP 20-02:** Orange County Resort, LLC has applied for a Special Use Permit to operate a 250-unit Recreational Vehicle Park on property owned by Jeffrey B. and Donna Hayden and identified as Tax Map Parcels 74-22 and 74-22B. A portion of the proposed project area is located in Orange County but identified as Spotsylvania County Parcel 53-A-1. The proposed project area is located in Voting District 2 and consists of 82.87 acres zoned A Agricultural, and the Orange County portion of the area is designated Agricultural-1 on the Recommended Future Land Use Map in the Orange County Comprehensive Plan. The request is pursuant to Orange County Zoning Code Sec. 70-303 (5) – Uses permitted by special use permit, “Camp, campground or recreational vehicle park.”

The Planning Commission received written public comments regarding SUP 20-02, which were included in the agendas for the August 6, 2020 and August 20, 2020 meetings.

Ms. Thornton advised the application did meet minimum requirements for submission but noted that the applicants had submitted significant alterations to the plans after review of the initial submittal. She advised the commissioners that it was her opinion that there are too many unresolved questions and that information remains insufficient to provide an adequate staff review and draft conditions that would apply to the Special Use Project.

Mr. Yancey stated there are many questions and excellent points of contention expressed in comments submitted by the public, including harmful algae bloom, water and sewer impacts and increased traffic on Route 522. He made a motion to recommend denial of the SUP and the motion was seconded by Mr. Capelle.

Chairman Brooks advised county staff had recommended to the applicants that the application was not ready to be put on the agenda, but they wanted to move forward. He called for a vote on the motion to recommend denial of the SUP and the vote passed 5-0.

Ayes: Zeijlmaker, Capelle, Hutchison, Yancey, Brooks

Nays: 0

6. Work session: None

7. Old business: None

8. Reports:

a. Planning Services Report – Sandra Thornton

Mrs. Thornton informed the Planning Commission that SUP 20-03 will not be included on the next meeting agenda. She also advised that SUP 20-01 will be continued at the September 3, 2020 meeting.

b. Board of Supervisors Report – Mark Johnson – None

9. Commissioner comments:

The Planning Commissioners expressed concern about timeliness of receiving information on agenda items and handling of comments in the future. Commissioners mentioned several items for inclusion in a work session at the next meeting, including a discussion of the county’s processing of complaints, planning commission notification of pending subdivision waivers, and how commission business is conducted generally.

10. Next meeting date – September 3, 2020

11. Adjourn

On the motion of Mr. Hutchison, seconded by Mr. Yancey, which carried by a vote of 5-0, the meeting adjourned at 7:13 pm.

Donald Brooks, Chair

Planning Commission Secretary

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



**Orange County Planning Commission
Regular Meeting
September 3, 2020**

Agenda Item 4a

ORANGE COUNTY

PLANNING SERVICES

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission

FROM: Sandra B. Thornton, Planning Services Manager

SUBJECT: Winterberry Creek Preliminary Subdivision Plat

DATE: August 28, 2020

During your August 6, 2020, discussion of the preliminary subdivision plat referenced above, concern was expressed about several matters. Following is information in response to those issues.

1) Clarification was requested concerning May 7, 2020, email from Mark Wood, Assistant Resident Engineer/Area Land Use Engineer, VDOT – Louisa Residency, in which he stated that “the section of Berry Creek Avenue between Rte. 613 (Willy Miser Lane) and Crosscreek Lane will have to remain private as it does not meet public service requirements.”

Mr. Wood explained in a phone conversation with staff on August 27, 2020, that while the proposed emergency access certainly has value, it would not be considered a street that meets VDOT Subdivision Street requirements, even though it is proposed to be constructed to VDOT street standards, because it would not have 24/7 access to Willy Miser Lane; this would be a necessary feature for a street that meets “public service requirements.”

This explanation indicates that the proposed access, while being constructed to VDOT specifications, would not actually comport with VDOT Subdivision Street Requirements as required by Sec. 54-168.1 of the pre-4/25/18 Subdivision Ordinance for points of access to the state highway system. Thus, even though VDOT has indicated that a design exception would not be required by VDOT, the waiver requested of the County in the January 8, 2019, letter from Shimp Engineering to Bryan David, would actually need to be approved. Mr. Wood also noted that the proposed emergency access is not approvable by VDOT as a full point of access due to insufficient sight distance at that juncture with the state road. This would mean that in the event the primary entrance were to be closed or blocked for any reason, all the subdivision traffic would be accessing the state highway at a point where inadequate sight distance exists.

This information also raises the issue of compliance with Sec. 54-167.4., which requires that any private road shall be constructed to meet the Virginia Department of Transportation Subdivision Street Requirements, i.e., the public street requirements. Again, the issue is not the construction standard itself but the public service requirement.

2) Were Emergency Services and the school system contacted by county staff regarding the waiver request approved on August 22, 2018, for a reduction in the cul-de-sac right-of-way diameter?

ORANGE COUNTY

PLANNING SERVICES

Justin Sarver, Director of Transportation, Orange County School System, advised that he was not contacted in 2018 regarding this project. He indicated that as proposed, a 90-ft. diameter with 60-ft. paved area “would be tight for a bus.” (Email dated August 27, 2019)

Chief Nathan Mort located email dated June 11, 2018, from Craig Johnson, who at that time was Assistant Chief/Fire Marshal. That email and attachments are attached herewith for your information. There was no specific recommendation; the guidance he forwarded from the Statewide Fire Prevention Code, Appendix D, specifies a 96-ft. cul-de-sac.

3) Further information concerning a hydrological study of the site was requested.

The file on this matter includes correspondence from county staff to the property owner dated November 13, 2017, advising that the results of hydrogeological testing conducted by True North Environmental LLC had been received on October 26, 2017, and reviewed. Mr. Frederick’s letter to Mr. Springer advised that the findings were sufficient to meet the county’s standards and that he could proceed with submitting preliminary subdivision plats for the development. There is an extensive hard-copy report in the file, as well as a DVD containing the results of the investigation.

Tracey Newman

From: Sandra Thornton
Sent: Friday, August 28, 2020 1:18 PM
To: Tracey Newman
Subject: FW: Proposed Winterberry Creek subdivision near Greene
Attachments: SKM_C30818061115450.pdf; SKM_C30818061115440.pdf; SKM_C30818061115430.pdf

Tracey,

This is the email to be attached to my Winterberry Creek memo.

Thanks

Sandra B. Thornton
Planning Services Manager
Orange County, VA
128 W. Main St. Orange, VA 22960
(540) 672-4347 (P) (540) 672-0164 (F)

From: Nathan Mort <nmort@orangecountyva.gov>
Sent: Friday, August 28, 2020 9:58 AM
To: Sandra Thornton <sthornton@orangecountyva.gov>; Justin Sarver <jsarver@ocss-va.org>
Subject: FW: Proposed Winterberry Creek subdivision near Greene

From: Craig Johnson <cjohnson@orangecountyva.gov>
Sent: Monday, June 11, 2018 4:28 PM
To: Nathan Mort <nmort@orangecountyva.gov>; Josh Frederick <jfrederick@orangecountyva.gov>
Subject: RE: Proposed Winterberry Creek subdivision near Greene

Josh and Chief Mort,

As our department does not routinely review plans, and has not established any standards for roadways. I refer you to the Statewide Fire Prevention Code, Appendix D, for guidance. Attached here for your convenience. The standard itself is not enforced by state adopted version of the fire code, though it is available for local adoption. Orange County has not adopted it for local application. Still it is the only roadway reference I can find. As our fire vehicles are at least as long and large as any fire service in the county, I think this standard is worth adhering to, whenever practical.

Craig Johnson
Assistant Chief/Fire Marshal
County of Orange, VA
(540) 661-5377

From: Nathan Mort
Sent: Monday, June 11, 2018 3:34 PM

To: Craig Johnson <cjohnson@orangecountyva.gov>
Subject: Fwd: Proposed Winterberry Creek subdivision near Greene

Sent from my iPhone

Begin forwarded message:

From: "Josh Frederick" <jfrederick@orangecountyva.gov>
To: "Nathan Mort" <nmort@orangecountyva.gov>
Cc: "wsheler@yahoo.com" <wsheler@yahoo.com>
Subject: Proposed Winterberry Creek subdivision near Greene

Good afternoon Nathan,

We have preliminary plans for a proposed 109-lot subdivision off of Ridgeway Dr (Route 670) adjacent to Greene County. Attached is a pic of the preliminary layout (I can provide a plan set if you'd prefer). They are proposing a series of dead-end roads with cul-de-sacs ranging from 80' to 92' in diameter. Can you please confirm that this road arrangement is (conceptually) acceptable from a fire safety/first responder standpoint? The cul-de-sac diameters don't meet or typical standards, but we have the ability to reduce the requirement if first safety and/or first responder access is not otherwise hindered.

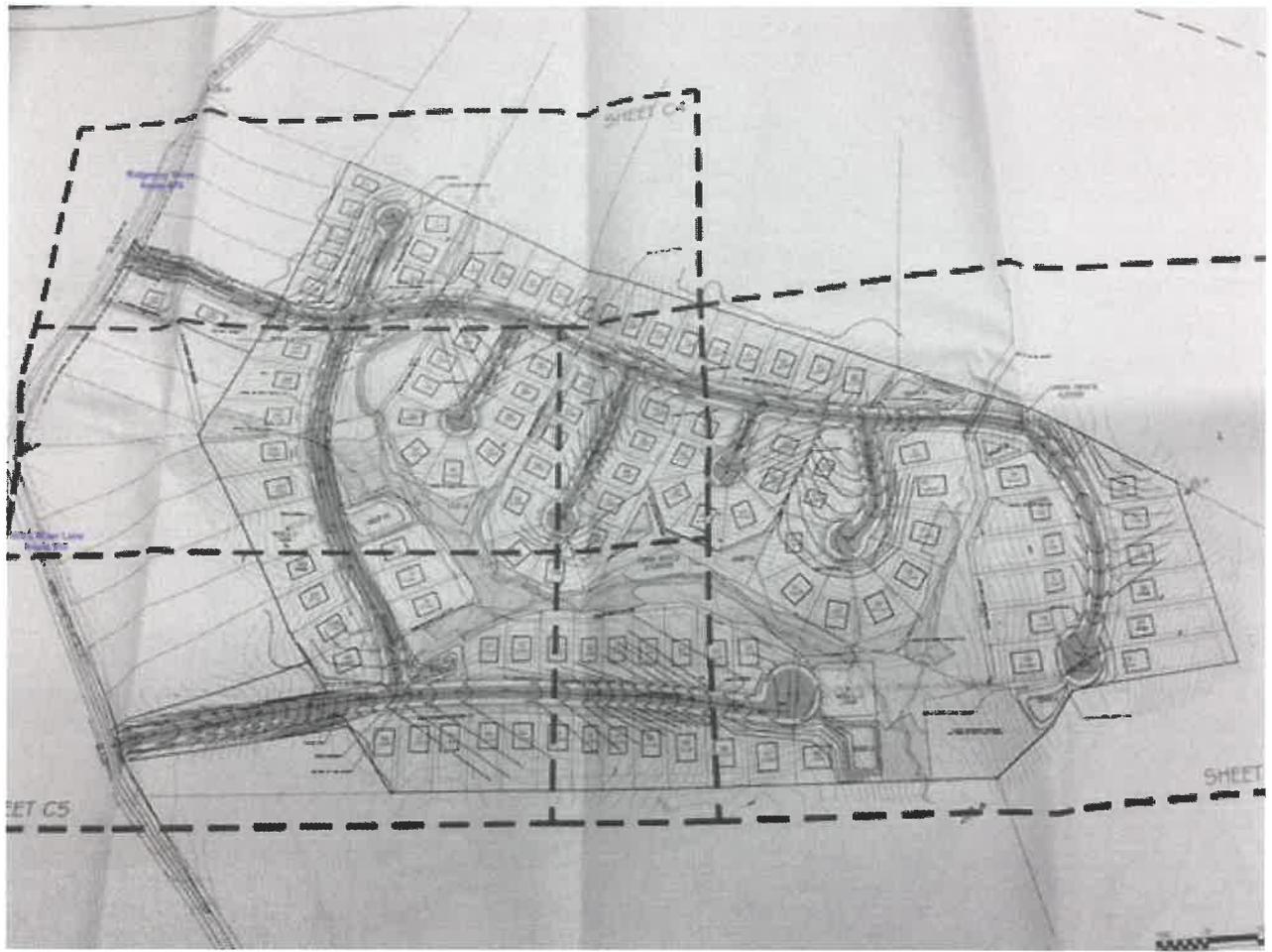
Feel free to give me a call to discuss if needed.

Thank you,

JOSH FREDERICK | DIRECTOR OF PLANNING & ZONING | ORANGE COUNTY, VIRGINIA | 128 W MAIN ST ORANGE, VA 22960

(540) 672-4347 (P) | (540) 672-0164 (F) | [CLICK HERE TO VISIT THE PLANNING & ZONING WEBSITE](#)

NOTICE: THIS EMAIL DOES NOT CONSTITUTE AN OFFICIAL DECISION OR DETERMINATION PURSUANT TO THE CODE OF VIRGINIA.



APPENDIX D

FIRE APPARATUS ACCESS ROADS

DHCD Note: The provisions of this appendix are not part of this code and are provided only as a resource for local governments in consideration of the adoption of local fire prevention regulations.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

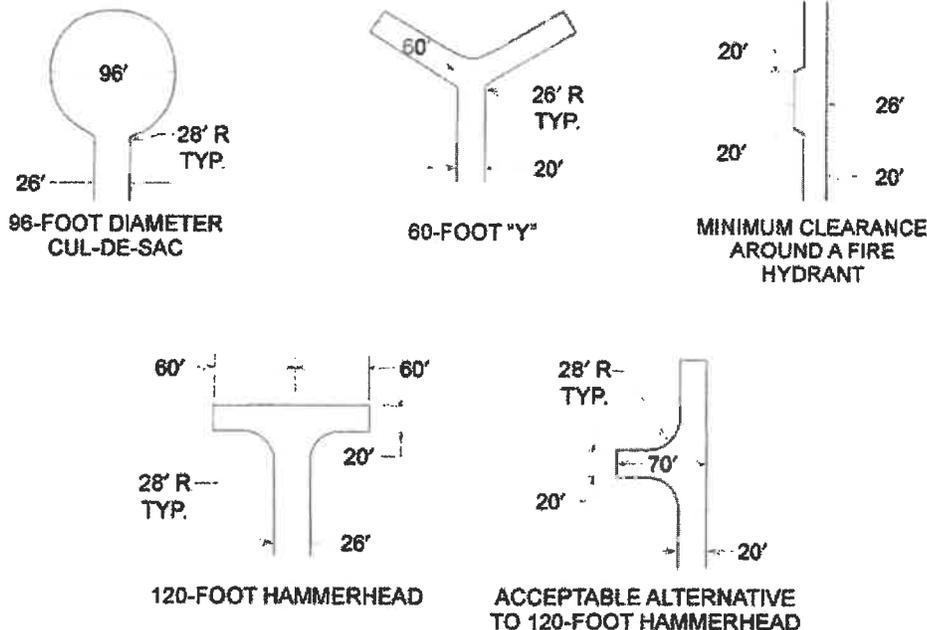
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS**

| LENGTH (feet) | WIDTH (feet) | TURNAROUNDS REQUIRED |
|------------------|---------------------------|--|
| 0-150 | 20 | None required |
| 151-500 | 20 | 120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1 |
| 501-750 | 26 | 120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1 |
| Over 750 | Special approval required | |

For SI: 1 foot = 304.8 mm.



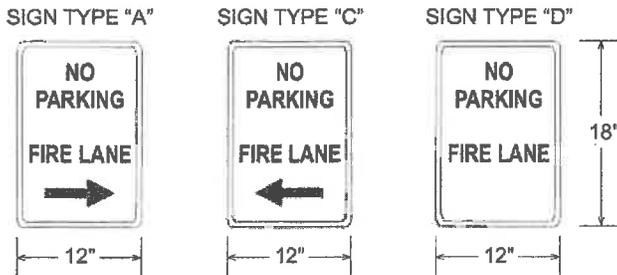
For SI: 1 foot = 304.8 mm.

**FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND**

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).
2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.
8. Electric gate operators, where provided, shall be listed in accordance with UL 325.
9. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.



**FIGURE D103.6
FIRE LANE SIGNS**

D103.6.1 Roads 20 to 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on both sides of fire apparatus access roads that are 20 to 26 feet wide (6096 to 7925 mm).

D103.6.2 Roads more than 26 feet in width. Fire lane signs as specified in Section D103.6 shall be posted on one side of fire apparatus access roads more than 26 feet wide (7925 mm) and less than 32 feet wide (9754 mm).

**SECTION D104
COMMERCIAL AND INDUSTRIAL DEVELOPMENTS**

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least two means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses.

**SECTION D105
AERIAL FIRE APPARATUS ACCESS ROADS**

D105.1 Where required. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

D105.2 Width. Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official.

D105.4 Obstructions. Overhead utility and power lines shall not be located over the aerial fire apparatus access road or between the aerial fire apparatus road and the building. Other obstructions shall be permitted to be placed with the approval of the fire code official.

SECTION D106**MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be equipped throughout with two separate and *approved* fire apparatus access roads.

Exception: Projects having up to 200 *dwelling units* may have a single *approved* fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with *approved automatic sprinkler systems* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads regardless of whether they are equipped with an *approved automatic sprinkler system*.

SECTION D107**ONE- OR TWO-FAMILY
RESIDENTIAL DEVELOPMENTS**

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family *dwelling units* where the number of *dwelling units* exceeds 30 shall be provided with two separate and *approved* fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 *dwelling units* on a single public or private fire apparatus access road and all *dwelling units* are equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the *International Fire Code*, access from two directions shall not be required.
2. The number of *dwelling units* on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the *fire code official*.

D108**REFERENCED STANDARDS**

| | | | |
|------|-----------|---|-------------------|
| ASTM | F 2200—05 | Standard Specification for Automated Vehicular Gate Construction | D103.5 |
| ICC | IFC—12 | International Fire Code | D101.5, D107.1 |
| UL | 325—02 | Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through February 2006 | D103.5 |



**Orange County Planning Commission
Regular Meeting
September 3, 2020**

Agenda Item 5a

ORANGE COUNTY

PLANNING SERVICES

COMMUNITY DEVELOPMENT
128 WEST MAIN STREET
ORANGE, VIRGINIA 22960



OFFICE: (540) 672-4347
FAX: (540) 672-0164
orangecountyva.gov

MEMORANDUM

TO: Orange County Planning Commission

FROM: Sandra B. Thornton, Planning Services Manager

SUBJECT: SUP 20-01: Follow-up concerning bald eagle investigation

DATE: August 28, 2020

As discussed briefly during your August 6, 2020, meeting, staff had done preliminary research concerning the possibility of bald eagle nest sites near Woolfolk Lane. At that time, we had been able to find information no more recent than 2015 through the Center for Conservation Biology at The College of William and Mary. This week I was able to make contact with Tom Wittig, Eagle Coordinator, North Atlantic-Appalachian Region, Division of Migratory Birds, U. S. Fish and Wildlife Service. The email he sent as follow-up to our phone conversation is attached for your information. He advised that the local concerned citizen(s) had spoken with someone in their law enforcement office and that there is no actual investigation ongoing at this time into nest sites in the vicinity of the proposed project area. He went on to say that the Center for Conservation Biology currently provides the only map resource for nest sites in Virginia and that he regularly refers to that information himself. He advised that in recent years, eagles have been doing so well in Virginia that survey activity has been scaled back, with the primary focal area currently being along the James River; he said that little survey work is done west of the fall line.

Mr. Wittig also stated that confirming the presence of eagle nests is a relatively difficult undertaking, even from the air. He suggested that the county may want to consider asking the concerned citizens or the property owner to provide additional information concerning potential sites using the self-screening tool, a link to which he included in his email.

Tracey Newman

From: Sandra Thornton
Sent: Friday, August 28, 2020 4:19 PM
To: Tracey Newman
Subject: FW: [EXTERNAL] Bald eagles in Orange County, VA

Sandra B. Thornton
Planning Services Manager
Orange County, VA
128 W. Main St. Orange, VA 22960
(540) 672-4347 (P) (540) 672-0164 (F)

From: Wittig, Thomas W <thomas_wittig@fws.gov>
Sent: Thursday, August 27, 2020 1:48 PM
To: Sandra Thornton <sthornton@orangecountyva.gov>
Cc: Tracey Newman <tnewman@orangecountyva.gov>; Donald Brooks (External) <brooksdonald@hotmail.com>; Eric Lansing (elansing@orangecountyva.us) <elansing@orangecountyva.us>
Subject: Re: [EXTERNAL] Bald eagles in Orange County, VA

Hello Ms. Thornton,

Thank you for your time this afternoon.

As mentioned on our call, the impression of any ongoing investigation seems to have been a misunderstanding on the part of the concerned citizens that called our agency's Office of Law Enforcement.

The U.S. Fish and Wildlife Service has set of recommendations known as the National Bald Eagle Management Guidelines that are designed to help landowners and project proponents comply with the Bald and Golden Eagle Protection Act's prohibition against disturbance of nesting bald eagles. The Guidelines recommend "Avoid blasting and other activities that produce extremely loud noises within 1/2 mile of active nests, unless greater tolerance to the activity (or similar activity) has been demonstrated by the eagles in the nesting area."
<https://www.fws.gov/migratorybirds/pdf/management/nationalbaldeaglenanagementguidelines.pdf>

We have also created a self-screening tool based off the Guidelines that informs users how to appropriately gather and assess information, determine whether a proposed action may disturb nesting bald eagles, and avoid such risk.

https://www.fws.gov/northeast/ecologicalservices/pdf/eagle/NE_Bald-Eagle_Project-Screening-Form_rev20200416.pdf

For those projects that cannot comply with recommended avoidance measures and must risk unintentionally disturbing nesting bald eagles, Federal permits are available. The U.S. Fish and Wildlife Service only issues these permits if the project proponent has presented a qualified application and the effects are consistent with sustainable bald eagle populations.

<https://www.fws.gov/forms/3-200-71.pdf>

<https://www.fws.gov/migratorybirds/pdf/policies-and-regulations/3-200-71FAQ.pdf>

Please let me know if you have any other questions or concerns. For those interested, my contact information is available in the signature block below.

Thank you,
Tom

Tom Wittig

Eagle Coordinator | North Atlantic-Appalachian Region
Division of Migratory Birds | U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035
Phone: 413-253-8577
Fax: 413-253-8424

From: Sandra Thornton <sthornton@orangecountyva.gov>

Sent: Wednesday, August 26, 2020 3:02 PM

To: Wittig, Thomas W <thomas_wittig@fws.gov>

Cc: Tracey Newman <tnewman@orangecountyva.gov>; Donald Brooks (External) <brooksdonald@hotmail.com>; Eric Lansing (<elansing@orangecountyva.us> <elansing@orangecountyva.us>

Subject: [EXTERNAL] Bald eagles in Orange County, VA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Wittig:

Orange County, VA has pending a special use permit application for fireworks activities on property located off Woolfolk Lane. Through citizen comment, we have been advised that FWS has opened an investigation into possible bald eagle nest sites in the vicinity. This matter was continued to the 9/3/2020 Planning Commission agenda, and I'm hoping to get additional information not later than COB tomorrow to be included in the agenda packages for next week's meeting. It would be helpful to know the status of any investigation; the timeline for completion of same; and how, from a federal regulatory point of view, the presence of nests impacts activity in the vicinity (along with some definition of what "the vicinity" is).

I look forward to hearing from you. If a phone conversation would be helpful, my mobile number is 540-920-7142.

Thanks for your assistance.
Sandra Thornton

Sandra B. Thornton
Planning Services Manager
Orange County, VA
128 W. Main St. Orange, VA 22960

(540) 672-4347 (P) (540) 672-0164 (F)