



Agenda
Joint Meeting
Madison County Board of Supervisors
Wednesday, July 5th, 2023 at 7:00 PM
Admin. Building Auditorium, 414 North Main Street, Madison,
Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adoption of Agenda

Public Comment

Public Hearings

- A) **Case No. SU-07-23-11** - Mr. Troy Weaver has applied for a special use permit to operate an automotive repair shop on a 4.78-acre parcel which he owns. The subject parcel is zoned A1 (agriculture) and in this zoning district an automotive repair shop is allowable by special use permit. If approved, the applicant would construct a 60' x 60' metal framed building containing 3,600 square feet of interior floor area. This building would also contain a bathroom. The subject undeveloped parcel does not currently have a postal address but is located on Shelby Road (Rt. 662) and is identified on Madison County's Tax Maps as 55-42A.
- B) **Case No. RZ-07-23-12** – Louth Callan Renewables has applied to rezone a 91.8-acre split zoned B1 (business) and A1 (agriculture) parcel to develop a solar farm (aka: Commercial Solar Energy Facility). The subject parcel contains a roughly 11.6-acre portion along the entire frontage with U.S. 29 which is zoned B1, and the balance of the parcel is zoned A1 (agriculture). The request is to rezone the entire parcel to M1 (limited industrial) with conditions (M1-C). The applicant has submitted a rezoning condition that would eliminate all by-right M1 uses from future consideration unless a subsequent public hearing is held for their inclusion. The subject 91.8-acre parcel does not contain a postal address but is located on South Seminole Trail (U.S. 29) and adjoins the parcel where “Yoder’s Country Market” is located. In addition, the parcel is identified on Madison County’s Tax Maps as 48-12C.
- C) **Case No. SU-07-23-13** – Louth Callan Renewables has applied for a special use permit to develop a solar farm (aka: Commercial Solar Energy Facility) on a parcel in accordance with articles 14-19-1, 14-19-2, and 14-19-3 of Madison County’s Zoning Ordinance. Before holding a public hearing on this special use permit request, the applicant’s request to rezone the subject split zoned property (B1/A1) must be approved by the Board of Supervisors. The applicant has submitted a binding Solar Facility Siting Agreement containing numerous conditions which includes, but is not limited to, site decommissioning, taxation, and capital payments. The subject 91.8-acre parcel does not contain a postal address but is located on South Seminole Trail (U.S. 29) and adjoins the parcel where “Yoder’s Country Market” is located. In addition, the parcel is identified on Madison County’s Tax Maps as 48-12C.

Information/Correspondence

- D) [Joint Meeting for August 2nd – Cancelled.](#)

Public Comment

Closed Session

Adjourn

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 7:00 PM — Tuesday, July 5th, 2023

Location: Admin. Building Auditorium, 414 N. Main Street

MEETING #26 — July 5, 2023

At a Joint Meeting between the Planning Commission and the Board of Supervisors on Tuesday, July 5th at 7:00 PM in the Admin. Building Auditorium:

PRESENT: R. Clay Jackson, Chair
Carty Yowell, Vice-Chair
Charlotte Hoffman, Member
Dustin Dawson, Member
James Jewett, Member
Jonathon Weakley, County Administrator
Ligon Webb, County Planner
Sean Gregg, County Attorney
Hannon Wright, County Attorney
Kimberly Turner, Executive Administrative Assistant/ Deputy Clerk

ABSENT:

CALL TO ORDER, PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

➤ *Chairman Jackson called the Board to order.*

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

➤ *Chairman Jackson advised that a quorum was present.*

The County Administrator mentioned that if the Board wishes to cancel their joint meeting, they need to do so by vote. The County Administrator recommended adding it under information and correspondence.

➤ *The Board members agreed.*

ADD: INFORMATION/CORRESPONDENCE

D. Joint Meeting for August 2nd – Cancelled.

Supervisor Dawson made a motion to approve the agenda as amended, seconded by Supervisor Hoffman. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).**

PUBLIC COMMENT

With there being no public comment, the public comment section was closed.

PUBLIC HEARING

- A) **Case No. SU-07-23-11** - Mr. Troy Weaver has applied for a special use permit to operate an automotive repair shop on a 4.78-acre parcel which he owns. The subject parcel is zoned A1 (agriculture) and in this zoning district an automotive repair shop is allowable by special use permit. If approved, the applicant would construct a 60' x 60' metal framed building containing 3,600 square feet of interior floor area. This building would also contain a bathroom. The subject undeveloped parcel does not currently have a postal address but is located on Shelby Road (Rt. 662) and is identified on Madison County's Tax Maps as 55-42A.

The County Planner stated that if the Board is inclined to approve Case No. SU-07-23-11, he encourages the Board to include the conditions that were presented and the possibility for the building to be moved when they get to the building permit stage. The County Planner stated Mr. Weaver will need his drain fill installed before he gets his building permit. If the placement of the drain fill allows, they will move the building up and place parking in the back.

- *Chairman Jackson clarified that is also the recommendation of the Planning Commission.*
- *Supervisor Jewett stated he had contacted Mr. Weaver earlier in the week and had gone over some of the concerns that have previously been expressed. Supervisor Jewett felt he answered them satisfactorily, including his relationship with his neighbor and his buffer. Supervisor Jewett stated Mr. Weaver was very accommodating and professional. Supervisor Jewett stated he received a text from an auto dealer in Orange County, unsolicited by Mr. Jewett and Mr. Weaver, who was endorsing Mr. Weaver's project and had nothing but good things to say about his character. Supervisor Jewett stated a man's reputation is everything. Supervisor Jewett stated Supervisor Dawson was collaborating with him on this project and had the opportunity to see Mr. Weaver's current location and offered Supervisor Dawson to add his input.*
- *Supervisor Dawson stated Mr. Weaver's current location was clean and matched the neighborhood. Supervisor Dawson thanked Mr. Weaver and mentioned it's important to be a good neighbor.*
- *Supervisor Yowell stated the advertisement for the public hearing stated the building was going to be a 60 by 60 and one of the conditions in the agenda packet states, "not to exceed 65 by 65". Supervisor Yowell stated he would like it to be consistent with what was advertised to the public.*

Mr. Weaver stated they started with 65 by 65 so they had enough room, but the plan is for the building to be 60 by 60.

- *Supervisor Yowell asked legal for direction and mentioned again he would recommend the condition to state, "60 by 60" per the advertisement.*

The County Attorney, Hannon Wright, agreed.

- *Chairman Jackson stated one comment from Mr. Cowan, Planning Commission member, that he agreed with was increasing the number of cars Mr. Weaver would be able to have at one time from six cars to ten cars. This will give Mr. Weaver more flexibility if he ever expands. Chairman Jackson stated they have facilities in the county who have set numbers and they go over that. Chairman Jackson stated increasing the number may be helpful if Mr. Weaver is able to move the parking lot to the back of the building. Chairman Jackson asked Mr. Weaver if he had any questions, which he did not.*
- *Chairman Jackson opened the floor for public comment.*

With there being no public comment, the public comment section was closed.

Supervisor Dawson made a motion to approve Case No. SU-07-23-11 as recommended by the Planning Commission, seconded by Supervisor Jewett.

- *Chairman Jackson confirm that Supervisor Dawson motion and Supervisor Jewett's second referred to Supervisor Yowell's point about the condition stating 60 by 60.*

Supervisor Dawson and Supervisor Jewett agreed.

Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).

- B) **Case No. RZ-07-23-12** – Louth Callan Renewables has applied to rezone a 91.8-acre split zoned B1 (business) and A1 (agriculture) parcel to develop a solar farm (aka: Commercial Solar Energy Facility). The subject parcel contains a roughly 11.6-acre portion along the entire frontage with U.S. 29 which is zoned B1, and the balance of the parcel is zoned A1 (agriculture). The request is to rezone the entire parcel to M1 (limited industrial) with conditions (M1-C). The applicant has submitted a rezoning condition that would eliminate all by-right M1 uses from future consideration unless a subsequent public hearing is held for their inclusion. The subject 91.8-acre parcel does not contain a postal address but is located on South Seminole Trail (U.S. 29) and adjoins the parcel where “Yoder’s Country Market” is located. In addition, the parcel is identified on Madison County’s Tax Maps as 48-12C.

Mr. Webb stated he did not have much more to add to this case after the Planning Commission section of the meeting. Mr. Webb felt, regardless of the decision of the vote, the agreement and all the insurances all have been covered. Mr. Webb stated he does have concerns about the M1, but overall, he feels it does have merit. Mr. Webb stated they put a lot of hard work into this case and will be happy once a decision is made.

- *Chairman Jackson asked the Board if they had any questions for Mr. Webb, which they did not. Chairman Jackson then asked the applicant if they had anything they would like to add.*

Mr. Sylvester, from Louth Callan Renewables, did not have any further comment at that time.

- *Chairman Jackson asked the Board if they had any questions for Louth Callan Renewables, which they did not. Chairman Jackson opened the floor for public comment.*

Alan Nichols: Mr. Nichols is the property owner south of the applicant. Mr. Nichols first thanked the Board for taking the time to hear from him at the meeting, but also when he was reaching out to the Board members outside of the meeting setting. Mr. Nichols stated after two years of discussing this matter, he still ends up with more questions than answers for this project. Mr. Nichols stated he does not know why a county would want it. Mr. Nichols mentioned the revenue would be less than two percent of the budget. Mr. Nichols feels there is a lack of accountability when it comes to the applicant and the contractor that will be responsible for installing it and how they have set up their business structure. Mr. Nichols asked the Board if they had enough information and has the application provide all the details needed to make a decision. Mr. Nichols asked the Board if they are clear minded about how this project would be managed by the property owner and county if approved. Mr. Nichols also asked the Board if they feel confident that the county would be adequately protected through the established decommissioning plan to ensure that 25-35 years from now, the county is not going to regret approval of this project. Mr. Nichols does not feel these things are in place. Mr. Nichols stated he stills sees a special use permit that allows for powerlines in front of Yoders and/or the school, a view shed that will be able to be seen from his property, football games, track meets, events at Hoover Ridge, picking up groceries at Food Lion, and anyone at Yoders. Mr. Nichols stated the applicant claims this will improve the landscape, but he does not believe so. Mr. Nichols feels industrial zoning is appropriate zoning for the proposed use, however, he does not feel it is appropriate adjacent to a residential district. Mr. Nichols is asking the Board to deny the rezoning and the special use permit.

With there being no further public comment, the public comment section was closed.

- *Supervisor Jewett inquired why they were not considering if this project was viable before voting on rezoning. Supervisor Jewett asked Mr. Webb why it was presented this way.*

Mr. Webb stated this is how it was applied for and stated the route to apply for a commercial solar farm installation is to be an M1 and there is very little M1 land in the county. Mr. Webb stated in the beginning they mention this project as being hundreds of acres and did not anticipate that something of this size would come. Mr. Webb stated this is the process and it was explained very clearly to the applicants. Mr. Webb stated he would prefer it to be a special use permit in A1 as the requirement for the solar project, but that is not the way the ordinance was designed. Mr. Webb asked Supervisor Jewett if that answered his question.

- *Supervisor Jewett stated he does not feel he can support a change in zoning before they consider the project being presented.*
- *Chairman Jackson asked the County Attorneys if they can make an approval on zoning contingent upon the approval of the Special Use Permit (SUP). Chairman Jackson stated this would take care of the concerns of this evening.*

The County Attorney, Sean Gregg, stated it is a blank slate regarding what they can do. One option is to motion to approve only upon the condition that the special use permit was approved. Another option would be to separate the two issues, and this is the issue they were trying to avoid. Another option is to defer the votes on the rezoning.

Mr. Webb stated his interpretation is if the Board opts to rezone it, then they are in favor of approving the special use permit. Mr. Webb stated they must rezone to apply for a special use permit.

- *Supervisor Dawson stated he understood that, but the Board just saw the votes change with the Planning Commission.*

Mr. Webb stated it could.

- *Chairman Jackson stated he agrees with the defer 100%, but he does not agree that if you vote for one you will vote for the other. Chairman Jackson thinks the solution is to make the rezoning contingent upon passing the special use permit. Chairman Jackson stated this avoids the potential for the land to be M1 and cause roll back taxes owed to the county, and it does not jeopardize property rights that the surrounding property owners have currently.*

The County Attorney, Sean Gregg, stated his suspicion is that each Board member knows how they plan to vote on each component and the inconsistent outcome that they are looking to avoid gets avoided depending on how the motion is made regarding the rezoning. The County Attorney stated if the rezoning passes, he believes the special use permit would pass because the only condition precedent that would work in the change of zoning is the special use permit. The County Attorney recommended the Board to be careful if they do change the zoning to M1 and do not pass the special use permit, because the Board might not be comfortable with having just rezoned a significant amount of land into M1.

- *Chairman Jackson stated that is why he recommends going down the path of conditional rezoning pending the approval of a special use permit. Chairman Jackson commented that if the Board did not think that was the direction to go, did the Board want to defer the vote on Case No. RZ-07-23-12 and then the board discuss the special use permit.*
- *Supervisor Yowell stated he would like to discuss the rezoning case now. Supervisor Yowell stated he is against the rezoning because he believes the parcel is zoned correctly now. Supervisor Yowell stated he thought it was quite singular that they proffer to them giving up all by right uses in the M1 zone, but not special use permits for M1. Supervisor Yowell commented that industrial is not appropriate at this parcel and the challenge to rezone M1 back to A1 is going through the soil amendment which is out of the question. Supervisor Yowell stated, "conserve Virginia" is the Commonwealth's mechanism for identifying the highest priority lands statewide for conservation and the American Farmland Trust identifies this parcel as important farmland, and he does not want to see this land as anything else.*

- *Supervisor Hoffman stated she was opposed to rezoning the parcel as well. Supervisor Hoffman stated she passes a solar farm every year on the way to North Carolina and she has watched it for 4-5 years and it has become overgrown. Supervisor Hoffman mentioned she did read one article where a solar farm had goats maintain the grass. Supervisor Hoffman does not believe the solar plan goes with the Comp Plan as it is now. Supervisor Hoffman stated there are so many unknowns and she wonders what will happen when it is decommissioned. Supervisor Hoffman stated she is not against solar farms per say but is against it in this location because she believes it is nice farmland.*
- *Supervisor Dawson is opposed to the rezoning as well due to the fear of the value of the neighboring properties and he feels it is zoned the way it needs to be.*
- *Chairman Jackson stated he has heard for 40 years that Madison is going to have encroachment from Culpeper, Northern Virginia, and Ruckersville. Chairman Jackson stated he has not seen that, and he watched the economy in 2008 when all the construction in Culpeper ceased and many vacant buildings sat empty. Chairman Jackson stated Madison is something special and different from the surround counties and this is not what they want to see in Madison County. Chairman Jackson mentioned he asked Mr. Nichols what he thinks will happen when there is business there, which goes with the Comp. Plan. The Route 29 Corridor study reflects having low impact businesses and this is not it. Chairman Jackson stated he appreciated Mr. Elliot's, Planning Commission member, comment about diversifying the tax base and NIMBY. Chairman Jackson stated he is all for business, but the amount of money they are discussing over 40 years is trivial. Chairman Jackson stated Ms. Weaver stated at the last workshop that the county has been working on this for five years and he feels it is inappropriate and the wrong way to start a business in Madison County. Chairman Jackson mentioned that DEQ was going to take care of the environmental issues along with the health department. Chairman Jackson stated they need to look at how they go about this process for the future regarding the zoning before the special use permit perspective.*
- *Supervisor Jewett concurred with all the comments made by the other Supervisors. Supervisor Jewett's concern with this project is it has too many uncertainties involved in it and if there were proposals in the future, he would recommend them do a better job putting things together.*
- *Supervisor Yowell stated he attended the Rappahannock River Basin Commission Meeting and they discussed solar, and he had two takeaways from that meeting. One being that decommissioning is an emerging thing and no one has a handle on how that is going to play out. The second thing was that technology will cause obsolescence in the very near future.*

Supervisor Yowell made a motion to deny Case No. RZ-07-23-12, seconded by Supervisor Hoffman. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0)**

- *Chairman Jackson asked the legal team for direction regarding the next case.*

The County Attorney, Sean Gregg, recommended raising the second recommendation and indicating by vote that consideration of the special use permit is moot as a result of the rezoning.

- *Chairman Jackson inquired if he needed to read the case and then get to the County Attorney's recommendation.*

The County Attorney, Sean Gregg, stated he would need to read the case.

C) **Case No. SU-07-23-13** – Louth Callan Renewables has applied for a special use permit to develop a solar farm (aka: Commercial Solar Energy Facility) on a parcel in accordance with articles 14-19-1, 14-19-2, and 14-19-3 of Madison County's Zoning Ordinance. Before holding a public hearing on this special use permit request, the applicant's request to rezone the subject split zoned property (B1/A1) must be approved by the Board of Supervisors. The applicant has submitted a binding Solar Facility Siting Agreement containing numerous conditions which includes, but is not limited to, site decommissioning, taxation, and capital payments. The subject 91.8-acre parcel does not contain a postal address but is located on South Seminole Trail (U.S. 29) and adjoins the parcel where "Yoder's Country Market" is located. In addition, the parcel is identified on Madison County's Tax Maps as 48-12C.

- *Chairman Jackson stated this is a moot point because the rezoning was denied, and he assumes no further action will be taken.*

INFORMATION/ CORRESPONDENCE

D) Joint Meeting for August 2nd – Cancelled.

- *Chairman Jackson stated the Planning Commission cancelled their Joint meeting for August 2nd, 2023, and asked the Board what they would like to do.*

Supervisor Yowell made a motion to cancel the Joint Meeting with the Planning Commission for August 2nd, seconded by Supervisor Dawson. **Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0)**

PUBLIC COMMENT

Chairman Jackson mentioned that this is Sean Gregg's last meeting and stated he has served the county exceedingly well. Chairman Jackson thanked Mr. Gregg and expressed the Board's appreciation.

With there being no further public comment, the public comment section was closed.

CLOSED SESSION

There was no closed session.

ADJOURN

With there being so further business to conduct, Supervisor Hoffman made a motion to adjourn, seconded by Supervisor Jewett. Aye: Jackson, Yowell, Hoffman, Dawson, Jewett. Nay: (0) Abstain: (0) Absent: (0).

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Jonathon Weakley, Clerk
Copies: Board of Supervisors, County Attorney & Constitutional Officers
Adopted on: July 25th, 2023.

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