

MADISON COUNTY DEVELOPMENT COMMITTEE

Date: 10:00 AM — Tuesday, August 15th, 2023

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

MEETING #1 — August 15th

At a Development Committee meeting on Tuesday, August 15th at 10:00 AM in the Admin. Building Auditorium:

PRESENT: Zachary Whitman, Chairman & Citizen Representative
Jonathon Weakley, Vice-Chairman & County Administrator
Carty Yowell, Board of Supervisors Member
Dustin Dawson, Board of Supervisors Member
Jamie Wilks, Building Official
Ligon Webb, County Planner/Zoning Administrator
Stephen Carpenter, Planning Commission Chairman
Tracey Gardner, Economic Development & Tourism Director
Emily Bourdon, Stakeholder (VDH)
Kimberly Turner, Executive Administrative Assistant/ Deputy Clerk

ABSENT: Hannon Wright, County Attorney

Before the meeting began, there was discussion regarding the purpose of the Development Committee.

The County Administrator introduced everyone who was in attendance. The County Administrator stated he circulated a few documents that Culpeper County shared with him. The County Administrator gave an overview of the items they will discuss in the meeting. The County Administrator suggested the committee discuss special use permits and rezoning applications and he gave examples. The County Administrator asked if everyone had time to review the document he provided before the meeting. The County Administrator also asked if everyone was in agreement with the date and time.

Mrs. Bourdon, Stakeholder (VDH), stated the time worked.

Supervisor Yowell suggested changing the time to 9:30 am because he had another obligation on the third Tuesday of the month at 11:00 am.

Everyone agreed.

The County Administrator stated SUP (special use permit) and rezoning will be their base line. If someone was to apply, the County Administrator would like to invite them to the meeting. The County Administrator gave background information regarding the cases they will discuss today during the meeting.

Supervisor Yowell asked if this meeting takes place before or after an application is filed.

The County Administrator mentioned he would answer Supervisor Yowell's question but had a few things to add first. The County Administrator gave an overview of the meetings structure and mentioned they can vote for a Chairman and Vice-Chairman, and stated minutes will be taken.

CALL TO ORDER

The County Administrator called the meeting to order.

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

The County Administrator advised that a quorum was present. Attendance is based on members that were named at the Board of Supervisors' meeting.

OLD BUSINESS

None.

NEW BUSINESS

The County Administrator answered Supervisor Yowell's question stating if someone reaches out to Planning and Zoning and it qualifies for a special use permit or rezoning it gets set for the Development Committee.

Supervisor Yowell asked if this would be the case if they formally completed an application or an exploratory thing.

The County Administrator stated either one, but it needed to be more than a napkin drawing. If they come in before they completely file, that could save time either way. The County Administrator gave examples of how the committee will save time and the different advantages it will provide.

Supervisor Yowell asked how far the committee will go regarding telling an applicant if they should or should not move forward with their application.

The Economic Development & Tourism Director mentioned another area who quit doing these meetings because it deterred people from bringing business to that area.

The County Administrator stated when someone first comes in, they will go to Building and Zoning about an idea they have. The County Planner meets and greets them and finds out all the details, which is what he normally does. This group would receive cases if it were special use permit (SUP) or rezoning, going over various questions like setbacks.

Supervisor Yowell suggested not giving opinions but asking questions to the applicant.

The County Administrator agreed and stated it is to flush out things to see what they are really trying to do; does it make sense to rezone versus SUP. This committee is more of a fact-finding

committee or a Q&A. The County Administrator gave an overview of how they can present the committee meetings to the applicant and how it can benefit the county and the applicant.

Supervisor Yowell mentioned that the applicant often inadvertently has the County Attorney do their work for them. Supervisor Yowell stated they need to avoid this.

Mr. Whitman stated he recently went through this process and everything that has been mentioned regarding the committee process would have been extremely helpful. The Development Committee is great from the customer's perspective. Mr. Whitman asked who the customer for this committee was.

The County Administrator thanked Mr. Whitman for his feedback as someone who went through this process. The County Administrator stated he saw this committee as an advisory committee and an advisory committee can give a summary, which can be part of the staff report. The County Administrator gave examples of how the Development Committee can fill the role of an advisory committee.

Mr. Whitman asked if there was information regarding the comprehensive plan and asked for clarification for what is acceptable in the county versus what is not. Mr. Whitman asked the County Planner if most applicants are from Madison or out of town.

The Economic Development & Tourism Director stated for comprehensive plan topics she goes to the ones who know more about it, especially if water and sewer are involved. The Economic Development & Tourism Director stated this committee would help with that.

The County Administrator stated they would bring in various stakeholders to assist and gave a few examples. This committee may save staff time overall, and the County Administrator gave examples of how it could save time.

Mr. Whitman stated he thought he would be anecdotal for the committee having gone through the process recently. Mr. Whitman mentioned before he bought property in Madison, he looked at Rappahannock County and they informed him they were not open for business.

The County Administrator stated they are still an advisory group. They learned at a business summit that Madison was agritourism, which they knew. However, that is not all that they want to be, but it is already an economy that is established. The County Administrator gave an example of the glamping case that recently came up. The County Administrator stated he didn't think they have a Board that says we are not open to business; it is about how it fits our county.

Mr. Carpenter, Planning Commission Chairman, stated someone might not be a good fit for the county, but they don't have to say that. Instead, they can direct their questions in a way that points out any problem they see.

The County Administrator stated since this is a sanctioned committee, there should be a Chairman and a Vice-Chairman.

Supervisor Yowell stated it wouldn't hurt anything to do so and Supervisor Dawson agreed.

The County Administrator stated they can reappoint them every year in January. The staff can consider themselves appointed. The County Administrator, acting as the parliamentarian, opened the floor for nominations for Chairman.

Supervisor Yowell made a motion to nominate Zachary Whitman as Chairman, seconded by Supervisor Dawson. **Aye: Whitman, Weakley, Yowell, Dawson, Wilks, Webb, Carpenter, Gardner. Nay: (0) Abstain: (0) Absent: (0).**

Chairman Whitman opened the floor for nominations for Vice-Chairman.

Supervisor Yowell made a motion to nominate Jonathon Weakley as Vice-Chairman, seconded by Supervisor Dawson. **Aye: Whitman, Weakley, Yowell, Dawson, Wilks, Webb, Carpenter, Gardner. Nay: (0) Abstain: (0) Absent: (0).**

Vice-Chairman Weakley made a motion to nominate Kim Turner as Secretary, seconded by Mr. Carpenter. **Aye: Whitman, Weakley, Yowell, Dawson, Wilks, Webb, Carpenter, Gardner. Nay: (0) Abstain: (0) Absent: (0).**

1. Preapplication Meeting Process

The County Administrator gave an overview of the preapplication process and the preapplication template that was provided to the members for review.

After discussion it was decided that members would vet the preapplication and vote at the next meeting. The County Planner and Chairman Whitman will work on the preapplication and bring the proposed application to the next meeting.

2. 5289 Ridgeview Rd. – Zoning Review & Discussion

The County Administrator gave an overview of this location and the situation.

The County Planner added by giving an overview of the current zoning (A1) and discussed the zoning options for this property.

Jamie Wilks, Building Official, gave an overview of his experience reviewing the property leading up to the current issue. The Building Official informed every one of the steps they have taken with the current owners to bring the building to the proper code.

The County Administrator explained how the zoning of the property affected the type of housing requirements. The current zoning in the area is A1 and the County Administrator advised considering how the surrounding property is zoned when considering rezoning. The County Administrator asked Mrs. Bourdon if she had anything to add from the Health Department side.

Mrs. Bourdon stated they want to be sure the well and septic can accommodate what they are proposing.

The County Administrator explained how making the well and septic adequate puts them in a better position of occupancy if they can overcome the zoning. The County Administrator inquired if anyone had questions regarding the right zoning.

Supervisor Dawson stated the drain field would be the determining factor. Supervisor Dawson inquired how they can limit the amount of people someone has in their house.

The County Planner stated they usually do it by family, but there is nothing in the code that defines family. The County Planner believes a duplex is the better way to go. The County Planner stated if they state they are all related, there isn't much they can do.

Mr. Carpenter inquired about the arrangement of the house.

The Building Official stated they do not have the plans for it but an appraise was done and it listed six bedrooms downstairs and six upstairs. The appraisal stated the building was a single-family dwelling.

Mr. Carpenter inquired how many bathrooms were in the house.

The Building Official stated he did not remember.

Supervisor Yowell asked if Vamanet had it listed.

Mr. Carpenter stated single family dwellings have a maximum size for the drain field.

The Building Official stated it was based on the number of bedrooms, not bathrooms. The Building Official stated the Building Code does have occupancy limits. Typically, most dwellings do not issue an occupancy limit, but they do for commercial buildings.

The County Administrator had the Madison Code presented on the projector screen. The County Administrator gave an overview of the report for how many bedrooms and bathrooms were in the house. The County Administrator gave an overview of the definition listed in the Madison Code.

The Building Official stated they will have to do a change of use.

Chairman Whitman asked who was pushing this since there is not an occupancy limit and they do not know if they are not related.

The Building Official stated the Certificate of Occupancy (CO) for the building does not exist anymore.

The County Administrator stated they received a phone call by law enforcement and DSS, otherwise it would have been under their radar, but now that they are aware, they must address it.

The County Administrator inquired what Mr. Carpenter thought about the information shared today.

Mr. Carpenter agreed with making it a duplex.

Supervisor Yowell inquired what the owners want to do.

The County Planner stated the family does not want anyone to have to move out.

Mr. Carpenter asked for confirmation that this is a family situation, and they are not renting the space.

The County Administrator stated they did not ask, and they do not know.

The County Planner agreed and stated they told them that a duplex is probably the best option.

Supervisor Yowell stated he did not think this was an area they wanted to rezone to residential and confirmed that this area is not intended to be residential.

The County Administrator stated the Hawkins property is the closes, about two places up.

Supervisor Yowell asked for confirmation that was all agriculture.

The County Administrator agreed.

Supervisor Yowell asked if this will be an area where they would be going with residential, and he stated he feels the answer is no.

Everyone agreed that rezoning is not the appropriate way to approach the problem.

The Building Official stated the owners are being very forth coming and want to get it right.

Chairman Whitman asked if there is a Bed and Breakfast zoning and could it be used in this situation.

The County Administrator stated they usually handle that through special use permit in A1. This would not work but they can get duplex in A1 by a special use permit.

Mr. Carpenter clarified that would include temporary occupancy tax.

Supervisor Yowell stated this home started in the late seventies.

The County Administrator clarified that it was 1974.

Supervisor Yowell stated they would have had to put in septic tanks and drain fields to accommodate.

Mrs. Bourdon stated it is a significant drain field, but the permit is not very detailed, so they do not know exactly.

Supervisor Yowell stated in order to get a CO, they would go out and evaluate how many bedrooms they have, and coordinate with VDH.

The Building Official clarified that the way they would get a CO for this is they have a change of use that is in the code, they would submit the preliminary paperwork, they need a floor plan of each level, and they need a safe adequate and proper review from VDH. Once it has been accommodated, they will go out to inspect. The concern is the safety of those inside the home if there is a fire or some other emergency. The Building Official stated he has informed the Emergency Communication's Director that there are a lot more people than they would think, which is a concern.

The County Administrator gave an overview of the current zoning and why it worked when it was a nursing home. The owners would like to not have to have family members move out and he thinks the easiest path is an A1 special use permit. That gives them a duplex and that doesn't handle 4-5 families.

Mr. Carpenter asked if they go that route, if that require specific numbers of entrances and exits.

The Building Official agreed and gave an overview of the number of doors and where they are located.

The County Administrator asked the County Planner what his thoughts were.

The County Planner stated he thinks an A1 duplex is the best way to go.

The Building Official agreed and stated they don't normally go back after issuing a CO to see how many people are living in the home unless they receive a complaint.

Supervisor Dawson stated they may need to speak to legal about putting a number on this.

The County Planner stated he can put it there as part of the SUP (special use permit).

Supervisor Dawson stated he is not worried about micromanaging.

After discussion it was decided that the County Planner would have the owners complete a special use permit application with the condition of listing the amount of occupancy. This property would be on the next agenda.

DISCUSSION

3. Subdivision of Land by Mr. Al Esh

The County Planner gave an overview of the subdivision of land by Mr. Al Esh. It is a by right subdivision. There is an existing Old Home Place Lane which is a right-of-way. Mr. Esh can by right create seven lots, one is a residue, and six are new. Mr. Esh has given them two options; one option is to construct a private drive on the northern side of the parcel and access six of the new lots. The other option is to utilize Old Home Place Lane. This is allowed and either road has neighbors who would have issues either way. The County Planner thinks the option to utilize Old Home Place Drive is the better option because there is less disturbance and VDOT likes that idea.

Mr. Carpenter stated at this point, no one wants to investigate if that is an old county road.

The County Planner stated he can go look at the old deed.

Mr. Carpenter stated when you look at the google map where the Old Home Place Lane takes a left, there is a road, that is not on the map before them, that continues out toward Wilderness Road. The entrance to Wilderness Road looks like it is a commercial entrance on the map.

Supervisor Dawson had to leave at 11:34 pm.

The County Administrator stated they have a Subdivision Ordinance and they increased from four lots on one private drive to six. The County Administrator gave a description of the road and things nearby. The County Administrator gave an overview of the options the Board has per the ordinance and by right.

Mrs. Bourdon stated they are just starting to look at this. They are going Thursday to do a soil review and if there is a new road, that could affect drain fields.

The County Administrator gave an overview of the size of the lots and stated they should be fine. The biggest lot, which is in the back, has two different zoning.

The County Planner asked Mr. Carpenter what they are looking for regarding old county roads.

Mr. Carpenter stated there are old county roads that have not been officially abandoned by the Board of Supervisors.

The County Planner asked Mr. Carpenter how they knew if it was an old county road.

Mr. Carpenter stated there is a 1932 map that specifies. The owners are not interested, and he is counting on the easement. Mr. Carpenter asked for confirmation that even if they chose that option, he plans to have that second entrance for two lots.

The County Planner agreed.

Supervisor Yowell commented that would be a change.

The County Planner stated that is what he showed last time. The County Planner gave an overview of the reason behind this.

Mr. Carpenter stated the problem is this will remove the safety aspect of it because he will have the other entrance anyway. VDOT stated they would prefer the location on Old Home Place Lane as an entrance for safety reasons.

The County Administrator reviewed what was discussed at the Planning Commission Workshop. The County Administrator stated this wasn't a special use permit or a rezoning case, but he thought it would be a good chance to discuss it since everyone was in the room.

INFORMATION/CORRESPONDENCE

None

~~CLOSED SESSION~~

ADJOURN

With there being no further business to conduct, Mr. Carpenter made a motion to adjourn, seconded by Supervisor Yowell.

Aye: Whitman, Weakley, Yowell, Dawson, Wilks, Webb, Carpenter, Gardner. Nay: (0) Abstain: (0) Absent: (0).