

NOTICE OF PUBLIC HEARING

The Madison County Board of Supervisors and the Madison County Planning Commission will hold a joint public hearing on August 7, 2019 at 7:00 p.m., or as soon thereafter as hearings for the regular agenda are complete, in the auditorium of the Madison County Administration Center, 414 North Main Street, Madison, Virginia, to receive public comment and consider (1) adoption of an Ordinance to Amend Goal 5 of the Madison County Comprehensive Plan Adopted February 7, 2018, said amendment related to electric transmission utilities, electric transmission and solar energy facilities and other renewable energy technologies and (2) adoption of Ordinances to Amend the Madison County Zoning Ordinance, as follows:

1. Article 3, Conservation, C-1, Special Permit Uses, add 3-2-27 as follows:

3-2-27 Personal non-commercial airport (including Air Park, Flight Strip, and Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, or be stored, used only by the owner of the property with no paying customers and performing no flights for payment.
2. Article 4, Agriculture, A-1, Special Permit Uses, delete 4-2-4, as follows:

4-2-4 ~~Airport or heliport~~
3. Article 4, Agriculture, A-1, Special Permit Uses, rename 4-2-4 as follows:

4-2-4 Intentionally left blank
4. Article 8, Business, General B-1, Special Permit Uses, amend 8-2-9, as follows:

8-2-9 ~~Public service corporation~~ Generating, booster or relay station (Main)
5. Article 9, Industrial, Limited M-1, Special Permit Uses, amend 8-2-6, as follows:

9-2-6 ~~Public service corporation~~ Generating, booster or relay station (Main)
6. Article 10, Industrial, General M-2, Special Permit Uses, amend 10-2-7, as follows:

10-2-7 ~~Public service corporation~~ Generating, booster or relay station (Main)
7. General Provisions, Add Article 14-19 Commercial Solar Energy Facilities and relating Articles 14-19-1 Purpose and Intent, 14-19-2 Applicability, 14-19-3 Conditions for the Establishment and Operation of Commercial Solar Energy Facilities, and 14-19-4 Definitions for Applicant and Commercial Solar Energy Facility.

The public is invited to attend the joint public hearing and comment on the aforesaid proposed amendments. A copy of the proposed amendments are on file in the offices of the Madison County Board of Supervisors, 302 Thrift Road, Madison, Virginia 22727 and the Madison County Zoning Administrator, 414 North Main Street, Madison, Virginia 22727, where they may be inspected on Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sean D. Gregg
Madison County Attorney

ORDINANCE TO AMEND THE MADISON COUNTY

COMPREHENSIVE PLAN ADOPTED FEBRUARY 7, 2018

ORDINANCE # 2019-XXX

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the 2018 Madison County, Virginia, Comprehensive Plan would promote the health, safety and general welfare of Madison County, Virginia and be in accord with the declaration of legislative intent set forth in Virginia Code 15.2-2200 (1950, as amended).

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the 2018 Madison County, Virginia, Comprehensive Plan be and it hereby is, amended as follows:

Goal 5

Promote the availability, where appropriate, of adequate water, sewer, and electric **transmission** utilities for Madison County homes and businesses, while minimizing negative effects of these utilities on the County's natural and human environment.

Implementation Strategies:

1. Analyze current and future sewage treatment needs and approaches and related financial issues, considering both public and private closed loop systems, and prepare to take advantage of opportunities to increase sewage treatment capacity that will support sensible business and residential growth in designated areas of Madison County.
2. Establish, maintain, and enhance relationships with the providers of electric **transmission** utilities in order to achieve effective coordination/cooperation in the planning, design development, and

provisions of these facilities and services and to minimize the adverse impact of **electric transmission** utility facilities on the natural and human environment of Madison County. (See Appendix B.)

~~3. Encourage the development of appropriate solar energy facilities and other renewable energy technologies.~~

The foresaid amendment shall be effective upon enactment.

Enacted this ____ day of August ____, 2019.

Madison County Board of Supervisors

BY: _____

R. Clay Jackson, Chair

	Aye	Nay	Abstain
R. Clay Jackson	___	___	___
Jonathan Weakley	___	___	___
Charlotte Hoffman	___	___	___
Amber Foster	___	___	___
Kevin McGhee	___	___	___

Jack Hobbs, Madison County Administrator

ORDINANCE TO AMEND THE MADISON COUNTY

ZONING ORDINANCE

ORDINANCE # 2019 –XXX

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia and be in accord with the declaration of legislative intent set forth in Virginia Code 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

Article 14, General Provisions, Add Article 14-19, 14-19-1, 14-19-2, and 14-19-3 as follows:

14-19 Commercial Solar Energy Facilities

14-19-1 Purpose and Intent

The purpose of this ordinance is to provide standards and review procedures for the development, operations, siting, and decommissioning of commercial solar energy facilities in the County of Madison, Virginia, and require a special use permit for the same.

Given the potential impact on the environment, health, safety and welfare of neighboring property owners, as well as county staff, the Madison County Board of Supervisors finds that it is in the public interest to regulate the establishment and operation of commercial solar energy facilities within Madison County.

14-19-2 Applicability

1. The requirements set forth in this ordinance shall govern the approval, development, siting, operation, and decommissioning of commercial solar energy facilities used to generate electricity for sale.

2. This special use permit shall be binding on any successors, assignees, current or future lessee or owner of the facility and is granted solely for the construction and operation of a commercial solar energy facility.

14-19-3 Conditions for the Establishment and Operation of Commercial Solar Energy Facilities

The requirements for siting and construction of a commercial solar energy facility in Madison County, Virginia, shall include the following minimal standards and requirements:

A. Before Issuance of a Special Use Permit

1. Commercial solar energy facilities, as described in this ordinance, are permitted exclusively in zoning district M-1 only by special use permit.
2. A special use permit shall not be issued for a commercial solar facility until the Applicant submits a feasibility study demonstrating that the amount of generated power can be supported by the relevant electric company and electric grid; that the State Corporation Commission has approved the proposed plan and that PJM (Pennsylvania, New Jersey, and Maryland Interconnection) or a successor organization has likewise approved the project, when required.
3. The Applicant shall submit an economic cost/benefit analysis describing estimated increase in Property tax revenues, sales taxes, other taxes, locally spent construction dollars, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with the project's impact on roads and other County infrastructure.
4. A commercial solar energy facility shall generate electric power for commercial purposes only. The size of the facility (generated power) shall be limited to 50% of the annual total power usage of all users in Madison County. The Applicant shall provide accurate information for electrical power usage in the County for the most current year.
5. A view shed analysis shall be conducted from the perspectives of neighboring landowners and roadway travelers.
6. The Applicant shall bear all costs to the County for increased staff time and attention to matters related to construction, maintenance, administrative costs, and enforcement of the requirements of this section and the Special Use Permit.
7. The Applicant shall submit a decommissioning plan to be reviewed and approved by the County attorney with an appropriate surety bond with Special Use application.

The Decommissioning Plan shall be reviewed and updated every three years by a certified independent solar facility engineer acceptable to the County at no cost to the County.

B. Location/Setbacks

1. The Applicant shall address the impact of the facility on rivers and streams. A buffer of at least 50 feet is required on either side of any stream in the project area. A minimum setback of 150 feet is required on either side of a river.
2. All aspects and components of the facility shall meet the minimum setback requirement of 300 feet. This setback requirement is in addition to the buffer requirements for rivers and streams established in No. 1 above.
3. Construction of commercial solar facilities shall be subject to the Madison County Erosion and Sedimentation Control Ordinance which includes but not limited to: extent of grading and grading phases, runoff information, management of runoff and pollution both during construction and throughout the lifetime of the project.
4. The perimeter of the facility shall be secured through the use of security fencing of at least eight (8) feet in height, to be installed on the outside of the facility to include the 300 feet setback buffer. Fencing should be designed to blend in with surrounding screening and natural views.
5. No facility shall be allowed on a property designated by the Virginia Department of Historic Resources as a battlefield area or other historic resource, or other sensitive area.

C. Safety/Access

1. All electrical equipment associated with and necessary for the operation of the facility shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electric Code (NEC), Virginia Commercial Building Code. Use of above-ground lines shall be kept to a minimum.
2. The Applicant shall provide training, before, during, and after construction for all emergency services in Madison County. The Applicant shall provide a set of procedures and protocols for managing risk of fire and for responding in the event of an emergency at the facility. The Applicant of the facility shall conduct regular training for first responders during the operation of the facility on a regular basis.

3. Special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the County.
4. The Applicant shall provide for and maintain reasonable means of access for emergency services. Lock boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed on electrical equipment and plant entrances.
5. The Applicant shall obtain all required permits from the Virginia Department of Transportation. If any adjoining properties are damaged as a result of ingress/egress to the facility, the Applicant shall remedy all damages in full.
6. Best practices when using herbicides (non-harmful to the environment) to control weeds, grass and other unwanted vegetation shall be used.
7. The photovoltaic panels shall not contain harmful chemicals such as Cadmium or amorphous silicon. Prior to construction, the Applicant shall provide written panel specifications to include composition, toxicological information, and the physical and chemical properties of all panels used at the facility. The Applicant shall also provide the country of origin of the panels used at the facility. Only bio-degradable cleaners and water shall be used to clean panels.

D. Landscaping/Appearance

1. Lighting shall be the minimum necessary for safety and/or security purposes and shall be shielded and downward facing to minimize off-site glare.
2. Noise associated with construction and operation shall be defined, maintained, and be of minimal levels. Construction shall be conducted during the hours of 6:00 a.m. and 8:00 p.m. Monday through Saturday to limit disturbance to neighbors.
3. The use of pile driving equipment is prohibited within 600 feet of any structure or private or public water system unless pile driving monitoring equipment to evaluate vibration is utilized. The pilings for solar panels shall not be anchored with concrete footings.
4. The Applicant shall place all solar panels in a manner that minimizes or negates any solar glare onto nearby properties or roadways.
5. No aspect of the facility shall exceed fifteen (15) feet in height, as measured from grade at the base of the structure to its highest point (excluding power lines).
6. All site features, including landscaping, fencing, etc., shall be properly maintained throughout the life of the permit.
7. A vegetative buffer shall be installed and maintained around the entire circumference of the facility and its components to reduce the visual impact on the

surrounding property owners. In areas where there is not at least 50 feet of a native timber buffer, a barrier consisting of a minimum of a double row of evergreens (with a beginning height of at least six (6) feet and anticipated mature height of 30 to 40 feet) shall be planted during the appropriate time of year, subsequent to the completion of construction. The Applicant shall replace any dead or diseased trees in the buffer. All landscaping shall be approved by the County.

8. The facility shall not be used to display advertising of any type, including banners, streamers or reflectors. However, notices, warnings, and identification information required by law shall be displayed.
9. When the land surface is prepared for construction, the Applicant shall design the facility so that grading and fill are kept to a minimum. Top soil shall be removed before grading, etc., and stored on site to be returned to the disturbed land to a minimum of four (4) inches to maintain the quality of the soil prior to final approval by the County.

E. Additional Requirements

1. The County shall require the owner/operator to provide an annual statement of activity to ensure that the facility is actively producing electricity for the power grid.
2. If there is evidence that the facility or any aspect of such is not in conformance with any of the conditions of approval, a Notice of Violation shall be sent to the owner of the facility and the landowner. A continued violation of any conditions of approval shall be grounds for revocation of the special use permit.

F. Decommissioning Requirements

1. When the facility ceases to be operational, the owner/operator of the facility shall return the land to its original natural state, including at least four (4) inches of top-soil. All surface and sub-surface materials shall be removed.
2. When the facility ceases to be operational for a period of nine (9) months, decommissioning shall be enforced, unless the owner is diligently working to restore the facility to operation.
3. If the facility is not removed within the specified time after the County Notice, the County may cause the removal of the facility with costs being borne by the project owner or property owner.
4. If a solar energy system is abandoned or decommissioned, the owner of the system shall notify the respective power company to enable the power company to remove the facility from its system.

5. Proposed cost savings that may be associated with recycling of solar panels and other materials shall not be part of the decommissioning plan.
6. Decommissioning shall be guaranteed by cash, letter of credit, or other form, at the discretion of the County Attorney.
7. All decommissioning activities shall be completed within six (6) months after notice of inactivity is received by the County.

The foresaid amendment shall be effective upon enactment.

Enacted this ____ day of July ____, 2019.

Madison County Board of Supervisors

BY: _____

R. Clay Jackson, Chair

	Aye	Nay	Abstain
R. Clay Jackson	___	___	___
Jonathan Weakley	___	___	___
Charlotte Hoffman	___	___	___
Amber Foster	___	___	___
Kevin McGhee	___	___	___

Jack Hobbs, Madison County Administrator

Definitions:

Applicant - the person or entity who submits an application to Madison County for a permit to install a Commercial Solar Energy Facility under this ordinance.

Commercial Solar Energy Facility – Any solar energy facility designed to produce electricity for sale.

DRAFT

**ORDINANCE TO AMEND THE MADISON COUNTY
ZONING ORDINANCE**

ORDINANCE #2019 - _____

WHEREAS, the Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia, and be in accord with the declarations of legislative intent set forth in Virginia Code Section 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia, that the Zoning Ordinance of Madison County, Virginia, be, and it hereby is, amended as follows:

Article 3, Conservation, C-1, Special Permit Uses, add 3-2-27 as follows:

3-2-27 Personal non-commercial airport (including Air Park, Flight Strip, and Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, or be stored, used only by the owner of the property with no paying customers and performing no flights for payment.

Article 4, Agriculture, A-1, Special Permit Uses, delete 4-2-4, as follows:

4-2-4 ~~Airport or heliport~~

Article 4, Agriculture, A-1, Special Permit Uses, rename 4-2-4, as follows

4-2-4 Intentionally left blank

The aforesaid amendment shall be effective upon enactment.

ENACTED this ____ day of _____, 2019.

Madison County Board of Supervisors

By: _____
R. Clay Jackson, Chair

	Aye	Nay	Abstain	Absent
R. Clay Jackson	_____	_____	_____	_____
Amber Foster	_____	_____	_____	_____
Jonathon Weakley	_____	_____	_____	_____
Kevin McGhee	_____	_____	_____	_____
Charlotte Hoffman	_____	_____	_____	_____

Jack Hobbs
Madison County Administrator

ORDINANCE TO AMEND THE MADISON COUNTY

ZONING ORDINANCE

ORDINANCE # 2019-xxx

WHEREAS, The Board of Supervisors of Madison County, Virginia, finds that the following amendment to the Zoning Ordinance of Madison County, Virginia, would promote the health, safety and general welfare of Madison County, Virginia and be in accord with the declaration of legislative intent set forth in Virginia Code 15.2-2200 (1950, as amended) and the Madison County Comprehensive Plan adopted on February 7, 2018.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Madison County, Virginia that the Zoning Ordinance of Madison County, Virginia, be and it hereby is, amended as follows:

Article 8-2-9 ~~Public service corporation~~ Generating, booster or relay station
(Main):

Article 9-2-6 ~~Public service corporation~~ Generating, booster or relay station
(Main)

Article 10-2-7 ~~Public service corporation~~ Generating, booster or relay station
(Main)

The foresaid amendment shall be effective upon enactment.

Enacted this ____ day of August ____, 2019

Madison County Board of Supervisors

BY: _____

R. Clay Jackson, Chair

	Aye	Nay	Abstain
R. Clay Jackson	___	___	___
Jonathan Weakley	___	___	___
Charlotte Hoffman	___	___	___
Amber Foster	___	___	___
Kevin McGhee	___	___	___

Jack Hobbs, Madison County Administrator