



May 6th, 2020 at 5:30 p.m.

Agenda: Planning Commission Regular Meeting

- 1. Call to Order**
- 2. Determine Presence of Quorum & Review/Approval of Agenda**
- 3. Review of Minutes from March 4th 2020 Joint Meeting**
- 4. Review of Planning Commission By-Laws (As related to two month meeting requirement)**
- 5. Items for Consideration/Discussion**
 - A. Process of updating County's FIRM (Flood Insurance Rate Map), Flood Insurance Study & Floodplain Ordinance (Required to be adopted by September 18, 2020)
- 6. Discussion: Future Planning Commission Meetings**
- 7. Adjournment**

**Madison County Planning Commission
Joint Meeting
March 4, 2020**

The Madison County Planning Commission Joint meeting was called to order by Chair, Mike Mosko, in the County Administration Building auditorium at 7:00 p.m. A quorum was established with all members present: Fay Utz, Francoise Seillier-Moiseiwitsch, Peter Work, Nan Coppedge, Mike Mosko, Mike Fisher, Danny Crigler, Steve Carpenter, and Pete Elliott. Also present were Ligon Webb, County Planner; Jack Hobbs, County Administrator; Sean Gregg, County Attorney; Jacqueline Frye, Deputy Clerk; and Clay Jackson, BOS liaison. All stood for the Pledge of Allegiance, followed by a moment of silence.

Motion was made by Danny Crigler, seconded by Peter Work, to approve the agenda as presented, and carried, with all members voting aye. Motion was made by Pete Elliott to suspend the meeting for the BOS to convene, seconded by Steve Carpenter, and carried, with all members voting aye.

The PC reconvened. (The PC and BOS moved in and out of session to act on the 9 proposed amendments.) Motion was made by Mike Fisher to approve the February 5, 2020 minutes as submitted, seconded by Fay Utz, and carried, with 8 members voting aye, and Mrs. Seillier-Moiseiwitsch abstaining.

The public hearing began to consider the following nine proposed Ordinance Amendments: **OA-03-20-01** to add Rural Resorts to Conservation zones. Ligon Webb stated Page, Greene, and Albemarle Counties have no limit on acres needed, and are approved by a Special Use Permit to allow discussion of the uses, hours, traffic, noise, etc. The floor opened for public comment, with the following speakers:

- Wayne Mann (Ruth Road) described Madison as “bucolic” and warned that country roads are too narrow and music carries a great distance.
- Phil Sterbling (Graves Mill) agreed with Mr. Mann’s comments and was also concerned about noise, music, lights, and that there is a proposal to build “25 little houses” in Graves Mill as a venue. Clay Jackson replied there is a music festival ordinance.
- Susanna Spencer (Etlan), Jennie Robinson (Oak Park), and Jim Alexander (Radiant) all spoke against the proposal.

Motion was made by Pete Elliott to recommend approval to the BOS of adding Rural Resorts to Conservation zones, Zoning Ordinance Article 3-2-28, seconded by Danny Crigler, and carried, with all members voting aye.

OA-03-20-02 Proposal to eliminate the 100-acre requirement for rural resorts, requiring 3 acres in Ag zones, and 10 acres in Conservation zones. Mr. Webb stated that all requests are not approved, there are other events than weddings, and all requests would go through the SUP process. Peter Work stated the Rural Resort policy had included much thought by the PC, Rural Resorts are different from event venues, 100 acres is appropriate for a resort,

and a separate Event Venue policy should exist. Fay Utz, Francoise Seillier-Moiseiwitsch, and Nan Coppedge concurred. Pete Elliott stated he is okay with a 10 acre minimum, but not 3 acres. Mike Fisher stated he doesn't want a noise ordinance, alcohol consumption is a personal responsibility, there are a lot of million-dollar homes in Madison, and a resort is not something on either a 3 acre or 10 acre parcel. Mike Mosko read letters from Peter Rice and the PEC, saying it is not appropriate to reduce the 100-acre minimum. Public comment speakers were the following:

- Susanna Spencer and Wayne Mann – underscore previous comments.
- Holly Brear (Ruth Road) – a potential event venue on less than 100 acres is 60 feet from her property line, which she feels is too close.
- Barbara Miller (Uno) – should keep the 100-acre minimum.
- Jim Alexander – doesn't see the predicate and demonstrated need for reducing the acreage, the PC has said no, and feels this is a power play by the BOS.
- Phil Sterbling – has anyone from the public supported this proposal.

Mr. Webb stated the SUP provides the process, and different opinions doesn't force action.

Ms. Seillier-Moiseiwitsch feels this goes against other policy. Pete Elliott remarked this issue began with someone wanting to grow pumpkins, and Mrs. Utz agreed. **Motion was made by Danny Crigler to deny proposed Zoning Ordinance OA-03-20-02, seconded by Mike Fisher, and carried by vote of 8-1 (Work abstaining).** A second motion was made by Peter Work to ask the BOS to reject OA-03-20-02, and reconsider the PC's earlier document. Motion was seconded by Mrs. Seillier-Moiseiwitsch, and did not pass on vote of 3 ayes (Work, Seillier-Moiseiwitsch, and Carpenter), and 6 nays. (The BOS reconvened, and there were many comments made by the BOS members, and the public.)

OA-03-20-03 Motion was made by Pete Elliott to recommend approval to the BOS to add mixed use building to Zoning Ordinance Article 9, as allowable by right in M1 zone. Motion was seconded by Danny Crigler, and carried, with all members voting aye.

OA-03-20-04 Motion was made by Pete Elliott to recommend approval to the BOS to add a definition of Mixed Use Building to Zoning Ordinance Article 20-120A Definitions. Motion was seconded by Danny Crigler, and carried, with all members voting aye.

OA-03-20-05 Proposal to allow administrative approval of non-family divisions from one lot into two, if all other requirements are met. Realtor Bud Kreh stated he supports the administrative approval, and asked about including power (utility) easements to the requirements needed. Mike Fisher made a motion to recommend approval of OA-03-20-05, adding power easements as a requirement. Sean Gregg suggested tabling the action. Mr. Fisher withdrew that motion, and made a motion to recommend approval adding "an applicant shall file . . ." to Subdivision Ordinance 7-1 and 7-3, OA-03-20-05. This was seconded by Pete Elliott, and carried, with 8 members voting aye, and one nay (Coppedge). (Power/utility easements will be discussed at the next meeting.)

OA-03-20-06 Proposal to amend Site Plan Ordinance Articles A.2.2.9, A.5.1, and A.6.5 to allow administrative approval for site plans on less than 40,000 square feet, if all other requirements are met. Motion to recommend approval to the BOS was made by Pete Elliott, seconded by Mike Fisher, and carried, with all members voting aye.

OA-03-20-07 Proposal to amend Zoning Ordinance Articles 5, 5-4, 6, and 6-4-2 deleting the requirement that no structure can be closer to the front of a lot than the main structure, and changing the wording that all accessory buildings must be located ten feet or more from any property line. Motion was made to recommend approval of OA-03-20-07 to the BOS by Mike Fisher, seconded by Danny Crigler, and carried, with all members voting aye.

OA-03-20-08 Proposal to amend Zoning Ordinance Articles 3-3, 4-3, and 5-3 that all dwellings on a single parcel shall have the prescribed acreage per dwelling. Motion was made by Nan Coppedge to recommend approval to the BOS of OA-03-20-08, seconded by Fay Utz, and carried, with all members voting aye.

OA-03-20-09 Proposal to amend Zoning Ordinance Articles 3-5, 4-4, 5-5, 6-5, and 7-5 to change frontage requirements to lot width requirements at the setback line or the location of the foundation of the parcel's principal dwelling or accessory building. Motion was made by Mike Fisher to recommend approval to the BOS, seconded by Steve Carpenter, and carried, with all members voting aye.

Mike Fisher clarified that during the BOS session, the BOS had changed the term Rural Resort to Event Venue. Motion was made to adjourn the meeting at 9:38 p.m.

Nan Coppedge, Secretary

Approved

Certified

BY-LAWS
MADISON COUNTY PLANNING COMMISSION

Adopted: March 18, 1968
Amended: January 1, 1977
February 21, 2007
March 17, 2010
January 18, 2012
April 17, 2013
April 20, 2016
January 17, 2018
January 2, 2019
February 19, 2020

ARTICLE 1 – OBJECTIVES

- 1-1. This Commission, established by the Madison County Board of Supervisors on the twelfth day of April, 1966, has adopted the subsequent Articles in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Article 2, Code of Virginia.
- 1-2 The official title of this Commission shall be the “Madison County Planning Commission.”

ARTICLE 2 – MEMBERS

- 2-1 The Madison County Planning Commission shall consist of 9 members appointed by the Board of Supervisors, all of whom shall be residents of Madison County.
- 2-2 The members shall be appointed for staggered terms of four (4) years, not to exceed three (3) successive terms. Their successors shall be appointed for terms of four (4) years. Any vacancy in membership shall be filled by appointment by the Board of Supervisors, and such appointment in the case of an appointed member shall be for an unexpired term. A member may be removed by the Board of Supervisors for cause. The Board may provide for the payment of expenses and a reasonable compensation for members of the Commission who are not county employees.

- 2-3 A member may be removed from office by the Board of Supervisors without limitation in the event that the member is absent from any three (3) consecutive meetings of the Commission or is absent from any four (4) meetings of the Commission within any twelve (12) month period.
- 2-4 All requests for funding by the Planning Commission or its members must be presented to the Planning Commission for approval. The Commission may approve such requests if budgetary funds are available.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1 The officers of this Commission shall be a chairman and a vice-chairman elected annually from the membership of the Commission, whose duties are outlined in Article 4. At any meeting where both the chairman and vice-chairman are not present, the members shall select from their number a chairman pro tem to preside over such meeting and certify the minutes of such meeting. The Commission shall also select a secretary who need not be a member of the Commission.
- 3-2 A nominating committee for officers shall be appointed by the chairman at the regular meeting in December, and shall report its nominations to the Commission at the workshop meeting in January. Further nominations may be made from the floor at this time. Election of officers shall follow immediately thereafter.
- 3-3 A candidate receiving a majority vote of the members present shall be declared elected and shall take office immediately and serve for one (1) year or until his successor shall take office.
- 3-4 Vacancies in office shall be filled immediately by regular election procedures.

ARTICLE 4 – DUTIES OF OFFICERS

- 4-1 The chairman shall be a member of the Commission and shall:
 - 4-1-1 Preside at all meetings.
 - 4-1-2 Appoint committees.
 - 4-1-3 Rule on all procedural questions subject to a reversal by a two-thirds (2/3) majority vote of the members present.
 - 4-1-4 Be informed immediately of any official communications and report same and correspondence he has received and sent at

- the next regular meeting. Aforesaid communications and correspondence shall be made a part of the Commission's permanent files.
- 4-1-5 Sign all official papers involving the authority of the Commission.
 - 4-1-6 Certify all minutes.
 - 4-1-7 Carry out other duties as assigned by the Commission.
- 4-2 The vice-chairman shall be a member of the Commission and shall:
- 4-2-1 Act in the absence or inability of the chairman to act.
 - 4-2-2 Have the powers to function in the same capacity as the chairman in cases of the chairman's inability to act.
- 4-3 The secretary shall be a resident of Madison County and shall:
- 4-3-1 Keep a written and tape recorded record of all business transacted by the Commission at its meetings.
 - 4-3-2 *Notify all members of all meetings. A copy of the published agenda for all regular meetings shall be sent to all members.
 - 4-3-3 Keep a file of all official records and reports of the Commission, certifying same.
 - 4-3-4 Attend to the correspondence of the Commission, as it designates, necessary for the execution of its duties and functions, utilizing telephone and telegraph when necessary.
 - 4-3-5 Maintain a set of minutes and related public records as hereinafter prescribed.
 - 4-3-6 *Serve notice of all special meetings and public hearings.
 - 4-3-7 *Prepare and be responsible for the publishing of advertisements relating to public hearings.
 - 4-3-8 Maintain the roll, and make quarterly reports to the Board of Supervisors of each member's attendance and compensation due.
- * Notes duties of the secretary which are carried out by the Zoning Office.

ARTICLE 5 – COMMITTEES

- 5-1 Special Committees may be appointed by the chairman.
 - 5-1-1 Reports by Committees of the Commission shall be submitted in written form when necessary.

- 5-1-2 A minimum of three Commission members must serve on every committee. Committees may have advisory members that are not members of the Planning Commission.
- 5-1-3 The Chair of all committees must be a member of the Planning Commission.
- 5-1-4 Only Planning Commission members have the authority to vote on issues for recommendations to the full Planning Commission.

ARTICLE 6 – MEETINGS

- 6-1 Meetings of the Commission shall be held on the first and third Wednesdays of each month. When a workshop or regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day. A workshop or regular meeting may be cancelled by the Chairman, or the Vice-Chairman if the Chairman is unable to act, upon a finding that weather or other conditions are hazardous for the members or the public to attend the meeting. Meetings canceled due to weather or other hazardous conditions may be held on the next business day on which County offices are open.
 - 6-1-1 All workshop meetings shall be held on the third Wednesday of each month and shall commence at 6:30 P.M. and continue until adjourned by vote of the Planning Commission.
 - 6-1-2 All regular meetings shall be held on the first Wednesday of each month and shall commence at 7:00 P.M. and continue until adjourned by vote of the Planning Commission.
- 6-2 Special meetings shall be called at the request of the chairman or at the written request of two (2) members of the Commission, such request being made to the secretary. Notice of all special meetings shall be in accordance with the requirements of the Virginia Freedom of Information Act.
- 6-3 All meetings, hearings, records and accounts shall be open to the public, except as permitted by the Virginia Freedom of Information Act.
- 6-4 A majority of the membership of the Commission shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of the quorum present and voting. Voting may be by roll call, in which case a record shall be kept as a part of the minutes.

- 6-5 Each person speaking before the hearing shall be asked to state name and address, and a record shall be kept.

ARTICLE 7 – ORDER OF BUSINESS

- 7-1 The order of business for both regular and workshop meeting shall be:
- 7-1-1 Call to order by chairman.
 - 7-1-2 Pledge of Allegiance followed by moment of silence. (This item will not be followed at workshop meetings.)
 - 7-1-3 Roll call.
 - 7-1-4 Determination of a quorum.
 - 7-1-5 Adopt the agenda. Items not appearing on the published agenda must have the unanimous approval of all members present.
 - 7-1-6 Reading of the minutes.
 - 7-1-7 Report of the chairman.
 - 7-1-8 Report of the secretary.
 - 7-1-9 Report of special committees.
 - 7-1-10 Unfinished business.
 - 7-1-11 Adjournment.
- 7-2 Motions shall be restated by the chairman or secretary before a vote is taken. The names of persons making and seconding motions shall be recorded as well as the vote.
- 7-3 Parliamentary procedure in Commission meetings shall be governed by Robert’s Rules of Order, current edition.
- 7-4 The Commission shall maintain a set of minutes and tape recordings of all meetings and these shall become a public record.
- 7-4-1 The secretary shall prepare a set of minutes for all regular, workshop, and special meetings; as well as committee meetings when requested.
 - 7-4-2 All minutes must be signed by the secretary and certified by the Chairman, which shall become the official record.

ARTICLE 8 – HEARINGS

- 8-1 In addition to those required by law, the Commission may, at its discretion, hold public hearings when it decided that such hearings will be in the public interest.
- 8-2 Notice of such hearings shall be published in accordance with Title 15.2, 1950 Code of Virginia, as amended.
- 8-3 The cases before the Commission or the purpose of the hearing shall be summarized by the chairman or other designated member of the Commission, and parties in interest shall have the privilege of the floor.
- 8-4 Each person speaking before the hearing shall be asked to state name and address, and a record shall be kept.

ARTICLE 9 – AMENDMENTS

- 9-1 These rules may be changed by a recorded two-thirds (2/3) vote of the entire membership if notice of such change is mailed at least five (5) days before the meeting. However, should notice of proposed rule changes be mailed to each member at least fifteen (15) days before said meeting, the rules may be changed by two-thirds (2/3) vote of those present, providing a quorum is in attendance.
- 9-2 The Commission may temporarily suspend any of these rules by a unanimous vote of the members present, provided a quorum is in attendance.

Ligon Webb

From: Jamie Wilks
Sent: Monday, April 27, 2020 9:28 AM
To: Jack Hobbs; Ligon Webb; sdgregg@sdgregglaw.com
Subject: Floodplain Management Ordinance
Attachments: MC Floodplain Management-Art 11_Draft.docx; fzp2019-madison_fillable.pdf

All

We are nearing the end of our FEMA Flood Map update. We have received our Letter of Final Determination (LFD), our Flood Insurance Rate Maps (FIRMs) and our Flood Insurance Study (FIS).

The last step in the process is a review and mandatory update of our current Floodplain Management Ordinance.

I have been in contact with FEMA and the State of Virginia (Department of Conservation and Recreation, DCR, Floodplain Management Division).

I have also reviewed our current Floodplain Management Ordinance.

I believe our current Floodplain Management Ordinance is acceptable and meets FEMA NFIP requirements; only a few updates or modification are required.

I have attached a copy of the current Ordinance, with the proposed changes highlighted in red.

The following is a list of proposed changes to the Ordinance:

1. The date of the new FIRMs & FIS must be updated to reflect the new data.
2. The definition for an accessory or appurtenant structure has been changed to match the exact wordage in 44CFR59.1; the federal definition. Our current Ordinance limits accessory structures to 200 square feet.
3. Per NFIP requirements, all development within a flood zone must be permitted. Our Ordinance currently requires a Zoning Permit to meet this requirement. This means certain uses, activities and work that are normally exempt from permitting and the associated fees, must obtain a Zoning Permit (which has a fee associated with it). I am proposing the use of a "Flood Zone Development Permit". I have attached a copy here as well. This Flood Zone Development Permit meets the NFIP requirement, does not require an additional fee, unless you choose to impose one. In addition, I used this type of document in my previous locality; both FEMA and DCR were very pleased with it and even recommended it to other jurisdictions.
4. A few minor syntax or grammatical changes are proposed as well, and shown in red.

Note: currently our Ordinance does not have a definition for Market Value. Market Value is an extremely important term when dealing with substantial damage or substantial improvement.

The acting State NFIP coordinator at DCR is requesting we submit a Draft Ordinance for review prior to the public comment and adoption process; which I believe is a good idea.

FEMA will also have to perform a review once it has been adopted.

I recommend our County Attorney review the Draft Ordinance as soon as possible, and then we send a Draft to the acting State NFIP Coordinator for their review as well.

We have until September of this year to adopt the new FIRMs and FIS and update our Ordinance.

With the COVID-19 outbreak and limitations placed on us by the State, I recommend we proceed as soon as possible to avoid any unforeseen delays.

Thank you, and feel free to contact me with any questions.

Jamie R Wilks CBO, CFM

Madison County Building Official

Phone: (540) 948-6102

www.madisonco.virginia.gov

