



July 15th, 2020 – 6:30 p.m.

Agenda: Planning Commission Workshop

1. Call to Order
2. Determine Presence of Quorum & Review/Approval of Agenda
3. Review of Minutes June 17th, 2020 Workshop
4. Preview: August's Joint Planning Commission & BoS Public Hearings:

A) Case No. OA-08-20-15: Amending the Zoning Ordinance's Floodplain Management Regulations (Article 11), specifically changes to articles I through VII. Madison County is a participant in the National Flood Insurance Program (NFIP) administered by the Virginia Department of Conservation and Recreation (DCR) with oversight from the Federal Emergency Management Agency (FEMA). Through the NFIP, federally backed flood insurance is available to homeowners, renters and businesses owners as protection against flood loss. A requirement for the County to participate in the program is adoption of appropriate ordinances and regulations related to floodplain management. In addition, FEMA has recently completed a remapping of the floodplain limits in the County. The Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed, and if/when the proposed ordinance amendments are adopted the FIS and FIRM will become effective upon adoption. Paper copies of the proposed amendments to the zoning ordinance, the FIS and the FIRMs are available for review. These documents may also be viewed digitally.

B) Case No. SU-07-20-14: A special use permit request by Crystallis LLC (Barbara Miller) for an event/venue use located on seven (7) parcels totaling 749.3 acres. The subject properties are zoned A1 (agriculture) and in this district event/venue uses are allowable by special use permit. The applicant has submitted a conceptual site plan showing at build-out numerous lodging areas, a welcome center & restaurant, a spa, a pavilion, an event center and several other associated buildings/structures; a project narrative estimates site build-out will contain roughly 60,000 sq. ft. of permanent and temporary structures. In addition, developed areas will include parking, roadways, hiking trails and equestrian trails and facilities. If approved, prior to the development of any area(s) or structures the applicant would be required to submit a site plan to be reviewed by County staff, receive a recommendation by the Planning Commission and approval by the Board of Supervisors. The subject parcels are identified on Madison County Tax Map's as 64-71, 64-73, 64-73A, 68-1, 68-2A, 68-2 and 69-1. An existing single-family dwelling on the on parcel 73A has a postal address of 2427 S. Blue Ridge Turnpike, Rochelle, VA.

- 5) Update of Planning Commission By-laws
- 6) Additional Items from Planning Commission or Public
- 7) Adjournment

Madison County Planning Commission

Workshop Meeting

June 17, 2020

The Madison County Planning Commission Workshop meeting was called to order by Chair, Mike Mosko, at 6:30 p.m. in the County Administration Building auditorium. A quorum was established with all members present: Fay Utz, Françoise Seillier-Moiseiwitsch, Peter Work, Nan Coppedge, Mike Mosko, Mike Fisher, Danny Crigler, Steve Carpenter, and Pete Elliott. Also present were Ligon Webb, County Planner; Sean Gregg, County Attorney; and Clay Jackson, BOS liaison.

A change in the order of items was made to the **agenda**, and then approved on motion by Mike Fisher, seconded by Pete Elliott, and carried, with all members voting aye. Motion was made by Mike Fisher to approve the **minutes of the May 20, 2020** meeting as submitted. Motion was seconded by Pete Elliott, and carried, with all members voting aye, except Danny Crigler, who abstained as he had been absent.

Parking spaces for outdoor event venues were not addressed in the recent policy change, lowering the minimum size to 10 acres. Fay Utz reported the Agriculture Committee has three proposals for Article 14-9-8:

- One space for every 2 guests/visitors and one space per employee
- One space for every 4 guests/visitors and one space per employee, to coincide with the number of fixed seats for indoor events
- There be “adequate” spaces for guests/visitors and employees, with no parking on a public highway.

Barbara Miller stated she would like to be able to use the fields for very large events, and would encourage busses over individual cars. Pete Elliott used the example of people carpooling with 8 passengers could require 2, 3, or 4 parking spaces. Mike Fisher stated it is difficult to enforce the number of spaces, and there are state statutes to prevent parking on public roads. The Commission chose proposal number three, using adequate parking, with no parking on public roads.

Case No. SU-07-20-14: A Special Use Permit by Crystallis LLC (Barbara Miller) for an event/venue use located on seven parcels totaling 749.3 acres, zoned A1, in the Rochelle/Uno area. She has submitted a detailed conceptual site plan, showing numerous lodging areas, welcome center, restaurant, spa, pavilion, event center and other buildings, trails, and roads. Mr. Webb has made several suggestions to Ms. Miller, which she has responded to with a letter of proffers. Peter Work asked if we are approving a concept plan, and would she still need to return for additional site plans as construction is begun. Danny Crigler stated he feels there should be only one Special Use Permit fee. Noise and traffic will be the big concerns. Ms. Miller was present to answer questions.

Case No. S-07-20-12: Request by Scott and Katherine Devitt to subdivide a 90.9-acre parcel creating three new parcels with residue. The new parcels would contain 20 acres, 20.7 acres, 20.1 acres, and 30-acre residue. The property is zoned A1, and is located on Leon Road (Rt. 631) and identified as TM 43-2.

June 17, 2020

The request has Health Dept. approval. VDOT states the existing entrance needs to improve sight distance by removing trees and brush.

Case No. S-07-20-13: Request by Robert and Allison Yeaman to subdivide an 82.7-acre parcel to create three new parcels, with residue. The new parcels would contain 7.54 acres, 16.81 acres, 6.9 acres, with 46.56 acres as residue, and also includes a boundary line adjustment of 4.89 acres to an adjoining lot owned by the Yeaman's. This property is zoned A1, and located on Beautiful Run Road (Rt. 621), TM 64-11B. There is an existing entrance onto Rt. 621 for Lot 1, and a new private 50' right-of-way will be created to serve Lots 2, 3, and 4; then becomes a 30' right-of-way once reaching Lot 4, the residue. The request has VDOT and Health Dept. approval. Mike Fisher pointed out this makes a "4 in 10 years" subdivision, and asked if a family division would apply to the "4 in 10 division" or the "4 users on a right-of-way. Mr. Webb thought a family division would not allow any more users on the right-of-way.

Steve Carpenter reviewed proposed **updates and changes to the By-laws**, with detailed discussion of each. It is planned to adopt these changes at the July 15 workshop meeting.

It was generally accepted that cropland can be included in determining the 50% open space for event venues. Whether to allow parking on cropland will be addressed at the July workshop meeting.

There being no further business, Mike Fisher moved the meeting be adjourned at 8:25 p.m.

Nan Coppedge, Secretary

Approved

Certified

PUBLIC NOTICE

Notice is hereby given that Madison County's Planning Commission and Board of Supervisors will hold a joint public hearing in the Madison County Administrative Center Auditorium on **Wednesday, August 5th, 2020**. The meeting will begin at **7:00 p.m.** The Planning Commission's recommendation(s) will be forwarded to the Board of Supervisors; the Board of Supervisors' meeting will begin immediately after the Planning Commission's meeting has adjourned.

Case No. OA-08-20-15: Amending the Zoning Ordinance's Floodplain Management Regulations (Article 11), specifically changes to articles I through VII. Madison County is a participant in the National Flood Insurance Program (NFIP) administered by the Virginia Department of Conservation and Recreation (DCR) with oversight from the Federal Emergency Management Agency (FEMA). Through the NFIP, federally backed flood insurance is available to homeowners, renters and businesses owners as protection against flood loss. A requirement for the County to participate in the program is adoption of appropriate ordinances and regulations related to floodplain management. In addition, FEMA has recently completed a remapping of the floodplain limits in the County. The Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed, and if/when the proposed ordinance amendments are adopted the FIS and FIRM would become effective upon adoption. Paper copies of the proposed amendments to the zoning ordinance, the FIS and the FIRMs are available for review. These documents may also be viewed digitally.

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The public is invited to attend the hearing and comment. However, due to Covid-19 comments may be submitted by email or in writing beforehand. All comments will be included in the official meeting packet. The meeting will be livestreamed online via multiple platforms. The public may go to the following website for information regarding livestream access and to view documents related to the above cases: www.madisonco.virginia.gov/meetings Copies of the ordinances and documents related to the cases are available for review in Madison County's Building & Zoning Office, 414 North Main Street, Madison, VA 22727; documents can be inspected Monday through Friday from 8:30 a.m. to 4:30 p.m. These documents can also be sent electronically by request. Comments or questions can be sent by email to lwebb@madisonco.virginia.gov, or by calling 540-948-7513.

Ligon Webb, County Planner



FEMA

June 15, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

R. Clay Jackson
Chairperson, Board of Supervisors
Madison County
Post Office Box 705
Madison, Virginia 22727

Dear Mr. Jackson:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for Madison County, Virginia, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on September 18, 2020; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations Section 60.3(c).

As noted in FEMA's letter dated March 18, 2020, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Madison County. Therefore, Madison County should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for Madison County will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Virginia Department of Conservation and Recreation, Division of Dam Safety and Floodplain Management. You may contact Kristin Owen, AICP, CFM, the Acting NFIP State Coordinator, by telephone at (804) 786-2886, in writing at 600 East Main Street, 24th Floor, Richmond, Virginia 23219, or by electronic mail at kristin.owen@dcr.virginia.gov.

The FEMA Regional staff in Philadelphia, Pennsylvania, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for Madison County and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (215) 931-5500 or in writing. Please send your written inquiries to the Director,

R. Clay Jackson
June 15, 2020
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Mitigation Division, FEMA Region III, at 615 Chestnut Street, One Independence Mall, Sixth Floor, Philadelphia, Pennsylvania 19106-4404.

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until September 18, 2020, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by September 18, 2020. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: MaryAnn Tierney, Regional Administrator, FEMA Region III
Kristin Owen, AICP, CFM, Acting NFIP State Coordinator, Virginia Department of
Conservation and Recreation, Division of Dam Safety and Floodplain Management
Ligon Webb, Planning and Zoning Director, Madison County

July 9, 2020

To: Planning Commission & Board of Supervisors

RE: Proposed Amendments to the County's Floodplain Management Ordinance (Article 11 of the County's Zoning Ordinance)

Overview - Proposed changes to the County's floodplain management ordinance are necessary in order to be compliant with (new) state and federal floodplain regulations; updates are required in order for County property owners to be able to purchase federally guaranteed/backed flood insurance policies. These changes must be completed before September 18, 2020. In Madison County it is estimated there are roughly forty (40) active federally backed floodplain insurance policies. Once adopted, the proposed amendments will have little effect (or change) regarding future development of structures in identified floodplains; structures (dwellings, farm buildings, accessory structures, etc.) may continue to be constructed in floodplains provided the building/structures meets floodplain construction standards articulated in the Virginia Uniform Statewide Building Code (USBC).

Though it varies by municipality, in Madison County the floodplain ordinance is codified in the zoning ordinance, which is not uncommon. Overall, the proposed changes/additions to the County's floodplain ordinance are relatively modest. These changes are highlighted in the **red text** on subsequent pages where the entire floodplain ordinance is copied. The specific sections being amended are as follows:

Article I (general provisions), section 1.2 (applicability)

Article I (general provisions), section 1.4 (records)

Article I (general provisions), section 1.5 (abrogation)

Article II (administration), section 2.1 (designation of floodplain administrator)

Article III (establishment of special flood hazard districts), sections 3.1 (description of special flood hazard districts), A (basis of district)

Article IV (district provisions), section 4.1 (permit and application requirements), A (permit requirement)

Article IV (district provisions), section 4.3 (elevation and construction standards), B (non-residential construction)

Glossary, A

Key Components & Terms –

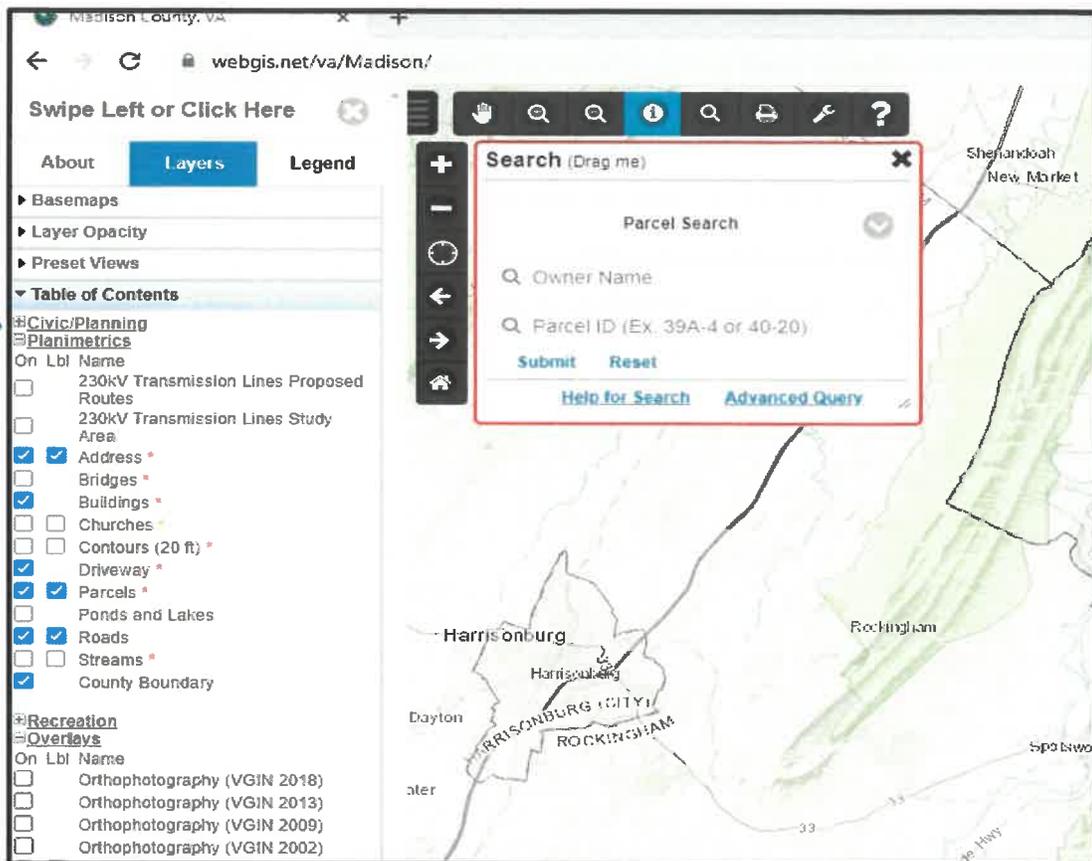
NFIP (National Flood Insurance Program) - A program created by the Congress of the United States in 1968 through the National Flood Insurance Act of 1968 (P.L. 90-448). U.S. Congress has the twofold purposes of the NFIP to share the risk of flood losses through flood insurance and to reduce flood damages by restricting floodplain development. The program enables property owners in participating communities to purchase insurance protection, administered by the government, against losses from flooding, and **requires** flood insurance for all loans or lines of credit that are secured by existing buildings, manufactured homes, or buildings under construction, that are located in the Special Flood Hazard Area in a community that participates in the NFIP. U.S. Congress limits the availability of National Flood Insurance to communities that adopt adequate land use and control measures with effective enforcement provisions to reduce flood damages by restricting development in areas exposed to flooding. **(Source: Wikipedia)**

FIS (Flood Insurance Study) – A Flood Insurance Study (FIS) is a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the NFIP, the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables. **(Source: FEMA)**

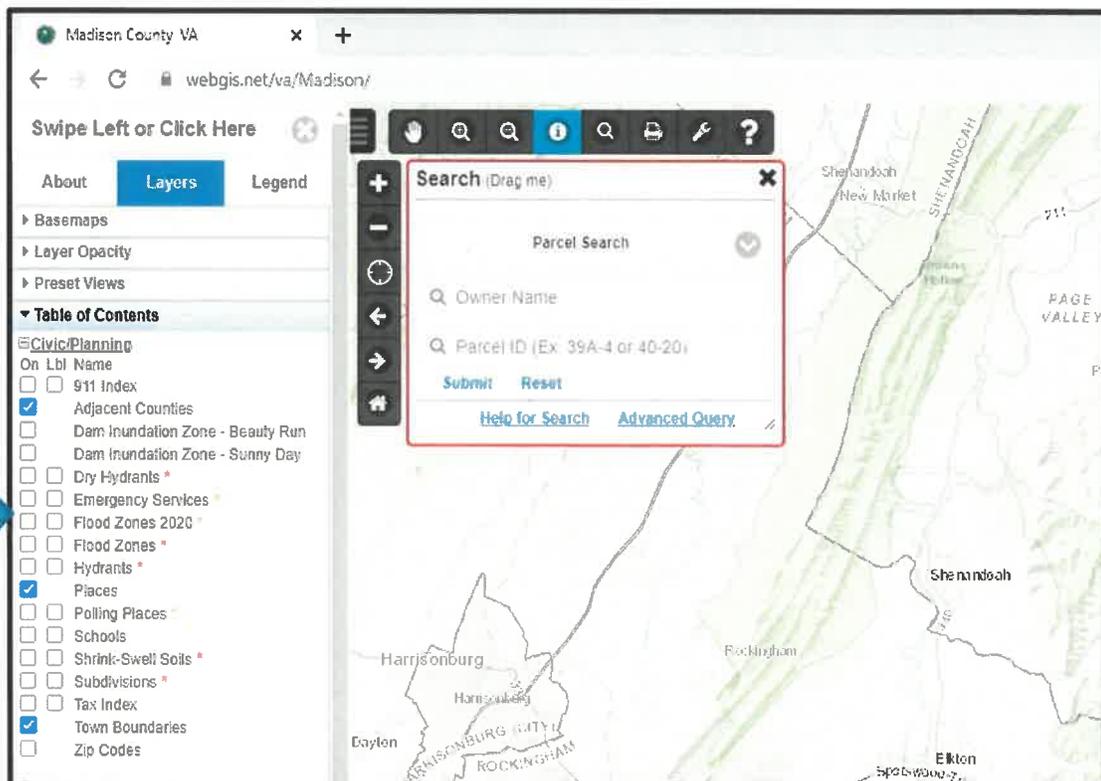
For more information on how floodplain maps are created via a FIS follow this link:

<https://pubs.usgs.gov/fs/2004/3060/>

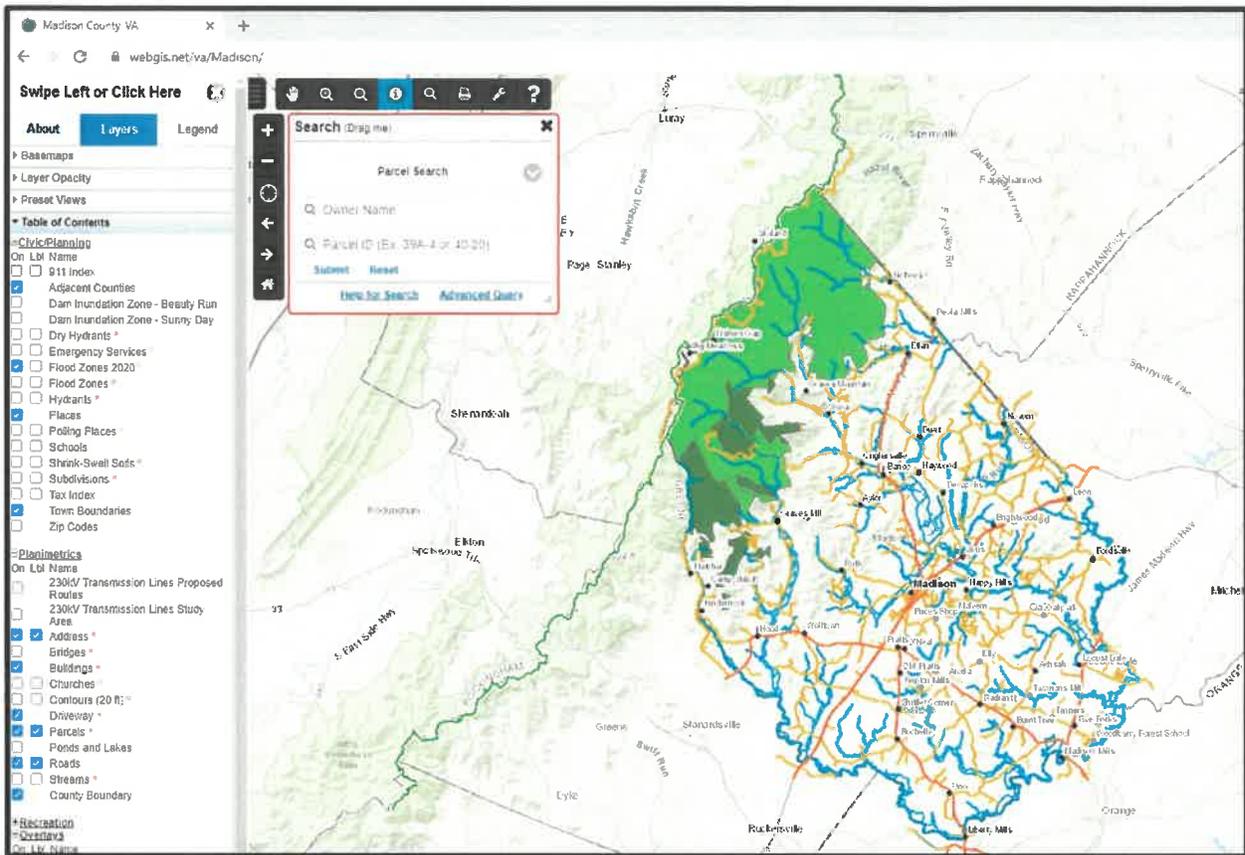
FIRM (Flood Insurance Rate Map) - Flood hazard areas identified on the Flood Insurance Rate Map are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood. SFHAs are labeled as Zone A, Zone AO, Zone AH, Zones A1-A30, Zone AE, Zone A99, Zone AR, Zone AR/AE, Zone AR/AO, Zone AR/A1-A30, Zone AR/A, Zone V, Zone VE, and Zones V1-V30. Moderate flood hazard areas, labeled Zone B or Zone X (shaded) are also shown on the FIRM, and are the areas between the limits of the base flood and the 0.2-percent-annual-chance (or 500-year) flood. The areas of minimal flood hazard, which are the areas outside the SFHA and higher than the elevation of the 0.2-percent-annual-chance flood, are labeled Zone C or Zone X (unshaded). **(Source: FEMA)**



Move cursor over the + symbol to the left of “civic/planning” in the table of contents, and click once



Click the empty box beside “Flood Zones 2020” to see new maps; or click “Flood Zones” to see 2007 map. Clicking on both boxes will display both maps together in order to view map expansions or contractions.



The light blue lines are the mapped 2020 floodplain areas; zoom to see specific parcels and boundaries.

Summary – As noted, in order for Madison County property owners to be able to purchase federal flood insurance policies, the County is required to adopt floodplain ordinances compliant with state and federal regulations. The proposed amendments to Madison County’s floodplain management ordinance - which is codified in the zoning ordinance - are mostly minor and pro forma in nature. However, an important and principal component of the floodplain ordinance is the FIRMs; these maps delineate which properties, or parts/portions of a property, are located in an identified floodplain. Structures may be built in a floodplain area, but must adhere to specific measures as required by the Virginia Uniform Statewide Building Code.

Article 11
FLOODPLAIN MANAGEMENT ORDINANCE
OF
MADISON COUNTY, VIRGINIA

ORDINANCE #2020-___

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF MADISON COUNTY, VIRGINIA, TO ESTABLISH FLOODPLAIN DISTRICTS, TO REQUIRE THE ISSUANCE OF PERMITS FOR DEVELOPMENT, AND TO PROVIDE FACTORS AND CONDITIONS FOR VARIANCES.

BE IT ENACTED AND ORDAINED BY THE Board of Supervisors of Madison County, Virginia (“the County”), as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Statutory Authorization and Purpose [44 CFR 59.22(a)(2)]

This ordinance is adopted pursuant to the authority granted to localities by Va. Code § 15.2 - 2280.

The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by

- A. regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;
- B. restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;
- C. requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,
- D. protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.**

Section 1.2 - Applicability

These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Madison County, and identified as areas of special flood hazard according to the **flood insurance rate map (FIRM) or included in the Flood Insurance Study (FIS) that are provided to Madison County, by FEMA.**

Section 1.3 - Compliance and Liability

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.
- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable**

engineering methods of study, but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

- C. This ordinance shall not create liability on the part of Madison County, or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 1.4 – Records [44 CFR 59.22(a)(9)(iii)]

Records of actions associated with administering this ordinance shall be kept on file and maintained by the Floodplain Administrator in perpetuity.

Section 1.5 - Abrogation [44 CFR 60.1(b)]

This ordinance supersedes any ordinance currently in effect in flood-prone districts. This ordinance shall take precedence over any less restrictive conflicting local laws, ordinances or codes. **These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.**

Section 1.6 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

Section 1.7 - Penalty for Violations [44 CFR 60.2(e)]

Any person who fails to comply with any of the requirements or provisions of this Ordinance or directions of the Floodplain Administrator shall be guilty of the appropriate violation and subject to the penalties therefore.

The VA USBC addresses building code violations and the associated penalties in Section 115. Violations and associated penalties of the Zoning Ordinance of Madison County, Virginia, are addressed in Section 19.3 of the Zoning Ordinance.

In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation of, or noncompliance with, this article shall not excuse the violation or noncompliance or permit it to continue; and all such persons shall be required to correct or remedy such violations within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this article may be declared by Madison County, to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this article.

ARTICLE II - ADMINISTRATION

Section 2.1 - Designation of the Floodplain Administrator [44 CFR 59.22(b)]

The Madison County Zoning Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. **The Floodplain Administrator may:**

- A. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the Madison County chief executive officer.
- B. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
- C. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.

Section 2.2 - Duties and Responsibilities of the Floodplain Administrator [44 CFR 60.3]

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- (A) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
- (B) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
- (C) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
- (D) Review applications to determine whether all necessary permits have been obtained from the Federal, State or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
- (E) Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE) and have submitted copies of such notifications to FEMA.
- (F) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (G) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
- (H) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
- (I) Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMS, including hydrologic and hydraulic engineering analyses prepared by or for the County, within six months after such data and information becomes available if the analyses indicate changes in base flood elevations.
- (J) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (1) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - (2) Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

(K) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

(L) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance and prepare a staff report.

(M) Administer the requirements related to proposed work on existing buildings:

1) Make determinations as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.

(2) Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.

(N) Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.

(O) Notify the Federal Emergency Management Agency when the corporate boundaries of the County have been modified and:

(1) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and

(2) If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

(P) Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.

(Q) It is the duty of the Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).

(R) Jurisdiction for this ordinance is the County of Madison. Any change in the boundary for the County of Madison would require action that is not governed by this ordinance. Furthermore, any change in the boundary of Madison County is extremely unlikely to occur.

Section 2.3 - Use and Interpretation of FIRMs [44 CFR 60.3]

The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:

(A) Where field surveyed topography indicates that adjacent ground elevations:

(1) Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of these regulations;

(2) Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.

(B) In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.

(C) Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.

(D) Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in FISs.

(E) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:

(1) Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.

(2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 3.1.A.3. and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.

(3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

Section 2.4 - Jurisdictional Boundary Changes [44 CFR 59.22, 65.3]

The County floodplain ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Emergency Management Agency and optionally the Virginia Department of Conservation and Recreation – Division of Dam Safety and Floodplain Management in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate

limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

Section 2.5 - District Boundary Changes

Jurisdiction for this ordinance is the County of Madison. Any change in the boundary for the County of Madison would require action that is not governed by this ordinance. Furthermore, any change in the boundary of Madison County is extremely unlikely to occur.

Section 2.6 - Interpretation of District Boundaries

Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Floodplain Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

Section 2.7 Submitting Technical Data [44 CFR 65.3]

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

Section 2.8 Letters of Map Revision

When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision.

Example cases:

- Any development that causes a rise in the base flood elevations within the floodway.
- Any development occurring in Zones A and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
- Alteration or relocation of a stream (including but not limited to installing culverts and bridges) *44 Code of Federal Regulations §65.3 and §65.6(a)(12)*

ARTICLE III - ESTABLISHMENT OF SPECIAL FLOOD HAZARD DISTRICTS

Section 3.1 - Description of Special Flood Hazard Districts (SFHA) [44 CFR 59.1, 60.3]

A. Basis of Districts

The various special flood hazard districts shall include the SFHAs. The basis for the delineation of these districts shall be the FIS and the FIRM for Madison County, prepared by the Federal Emergency Management Agency, dated **September 18, 2020**, and any subsequent revisions or amendments thereto.

The County may identify and regulate local flood hazard or ponding areas that are not delineated on the FIRM. These areas may be delineated on a "Local Flood Hazard Map" using best

available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

The boundaries of the SFHA Districts are established as shown on the FIRM which is declared to be a part of this ordinance and which shall be kept on file at the office of the Floodplain Administrator.

1. The **Floodway District** is in an **AE Zone** and is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined the above-referenced FIS and shown on the accompanying FIRM.

The following provisions shall apply within the Floodway District of an AE zone [44 CFR 60.3(d)]:

- a. Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies with the endorsement of the County for a Conditional Letter of Map Revision (CLOMR), and receives the approval of the Federal Emergency Management Agency.

If Article III Section 3.1 A 1 a is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 4.

- b. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

2. The **AE** on the FIRM accompanying the FIS shall be those areas for which one-percent annual chance flood elevations have been provided and the floodway has **not** been delineated. The following provisions shall apply within an AE zone [44 CFR 60.3(c)]*:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Madison County.

Development activities in AE, on the FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies – with the endorsement of Madison County for a Conditional Letter of Map Revision, and receives the approval of the Federal Emergency Management Agency.

* The requirement in 63.3(c)(10) only applies along rivers, streams, and other watercourses where FEMA has provided base flood elevations. The requirement does not apply along lakes, bays and estuaries, and the ocean coast.

3. The **A Zone** on the FIRM accompanying the FIS shall be those areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been approximated. For these areas, the following provisions shall apply [44 CFR 60.3(b)]:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted non-detailed technical concepts, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to no less than one (1) foot above the base flood level.

During the permitting process, the Floodplain Administrator shall obtain:

- 1) The elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
- 2) if the structure has been flood-proofed in accordance with the requirements of this article, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.

Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

Section 3.2 - Overlay Concept

The Floodplain Districts described above shall be overlays to the existing underlying districts as shown on the Madison County Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

If there is any conflict between the provisions or requirements of the Floodplain Districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

In the event any provision concerning a Floodplain District is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

ARTICLE IV - DISTRICT PROVISIONS [44 CFR 59.22, 60.2, 60.3]

Section 4.1 Permit and Application Requirements

A. Permit Requirement

All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a **Flood Zone Development Permit**. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and Madison County Subdivision Regulations. Prior to the issuance of any such permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Permit Applications

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information:

1. The elevation of the Base Flood at the site.
2. The elevation of the lowest floor (including basement).
3. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

Section 4.2 - General Standards

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be according to Section 3.1 of this ordinance and the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A H above, in all special flood hazard areas, the additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and the Federal Emergency Management Agency.
- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

Section 4.3 - Elevation and Construction Standards [44 CFR 60.3]

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 3.1 A 3, the following provisions shall apply:

A. Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A and AE with detailed base flood elevations shall have the lowest floor, including basement, elevated to no less than one (1) foot above the base flood level.

B. Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no less than one (1) foot above the base flood level. Buildings located in all **A and AE zones** may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Floodplain Administrator.

C. Space Below the Lowest Floor

In zones A and AE, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

1. not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
2. be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

- b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
- c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
- d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
- e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
- f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

- 1. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Article 4, section 4.2 and section 4.3.
- 2. All recreational vehicles placed on sites must either
 - a. be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or
 - b. meet all the requirements for manufactured homes in Article 4.3(D)(1).

Section 4.4 - Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and
- D. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty lots or five acres, whichever is the lesser.

ARTICLE V – EXISTING STRUCTURES IN FLOODPLAIN AREAS

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

- A. Existing structures in the Floodway Area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.

- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain areas to an extent or amount of less than fifty (50) percent of its market value shall conform to the VA USBC and the appropriate provisions of this ordinance.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with this ordinance and shall require the entire structure to conform to the VA USBC.

ARTICLE VI - VARIANCES: FACTORS TO BE CONSIDERED [44 CFR 60.6]

Variations shall be issued only upon (i) a showing of good and sufficient cause, (ii) after the Board of Zoning Appeals has determined that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) after the Board of Zoning Appeals has determined that the granting of such variance will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variations may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for variations, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Floodway District that will cause any increase in the one hundred (100)-year flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- L. The historic nature of a structure. Variations for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's

continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense; and will not (d) create nuisances, (e) cause fraud or victimization of the public, or (f) conflict with local laws or ordinances.

Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases the risks to life and property and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

GLOSSARY [44 CFR 59.1]

- A. Appurtenant or accessory structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. Base flood - The flood having a one percent chance of being equaled or exceeded in any given year.
- C. Base flood elevation - The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.
- D. Basement - Any area of the building having its floor sub-grade (below ground level) on all sides.
- E. Board of Zoning Appeals - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- F. Development - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- G. Elevated building - A non-basement building built to have the lowest floor elevated above the ground level by means of solid foundation perimeter walls, pilings, or columns (posts and piers).
- H. Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- I. Existing construction - structures for which the "start of construction" commenced before the effective date of the FIRM or before April 3, 1989 for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."
- J. Flood or flooding -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from
 - a. the overflow of inland or tidal waters; or,
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
 - c. mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
 2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
- K. Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- L. Flood Insurance Study (FIS) a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
- M. Floodplain or flood-prone area - Any land area susceptible to being inundated by water from any source.
- N. Flood proofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- O. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- P. Freeboard - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. When a freeboard is included in the height of a structure, the flood insurance premiums may be less expensive.
- Q. Highest adjacent grade - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- R. Historic structure - Any structure that is
 1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
 4. individually listed on a local inventory of historic places in communities with historic preservation

programs that have been certified either

- a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.
- S. Hydrologic and Hydraulic Engineering Analysis Analyses performed by a *licensed* professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the *base flood*, other frequency floods, *flood* elevations, *floodway* information and boundaries, and *flood* profiles.
- T. Letters of Map Change (LOMC) - A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective *Flood Insurance Rate Map* or *Flood Insurance Study*. Letters of Map Change include:
- Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *special flood hazard area*. A LOMA amends the current effective *Flood Insurance Rate Map* and establishes that a Land as defined by meets and bounds or *structure* is not located in a *special flood hazard area*.
- Letter of Map Revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood* elevations, *floodplain* and *floodway* delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.
- Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of *special flood hazard areas*. A CLOMR does not revise the effective *Flood Insurance Rate Map* or *Flood Insurance Study*.
- U. Lowest adjacent grade - the lowest natural elevation of the ground surface next to the walls of a structure.
- V. Lowest floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.
- W. Manufactured home - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days, but does not include a recreational vehicle.
- X. New construction - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after April 3, 1989, whichever is later], and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- Y. Post-FIRM structures - A structure for which construction or substantial improvement occurred on or after April 3, 1989.

- Z. Pre-FIRM structures - A structure for which construction or substantial improvement occurred on or before April 3, 1989.
- AA. Recreational vehicle - A vehicle which is
1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and,
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
- BB. Repetitive Loss Structure – A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
- CC. Severe repetitive loss structure - a structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.
- DD. Shallow flooding area A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- EE. Special flood hazard area - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.1 of this ordinance.
- FF. Start of construction - For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- GG. Structure - for floodplain management purposes, a walled and roofed building or a manufactured home.
- HH. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the

structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

- II. Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *repetitive loss* or *substantial damage* regardless of the actual repair work performed. The term does not, however, include either:
1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
 3. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- JJ. Violation - the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 3.7 B11, Section 4.3 B, Section 4.4 A, Section 4.5, and section 4.8 is presumed to be in violation until such time as that documentation is provided.
- KK. Watercourse - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE VII – ENACTMENT

ENACTED AND ORDAINED THIS ___ Day of September, 2020. This ordinance shall become effective upon passage.

Madison County Board of Supervisors

By: _____
R. Clay Jackson, Chair

–

	Aye	Nay	Abstain-Absent
R. Clay Jackson	___	___	___
Charlotte Hoffman	___	___	___
Amber Foster	___	___	___
Kevin Mc Ghee	___	___	___
Carlton Yowell	___	___	___

1. Statutory Authorization and Purpose (44 CFR 59.22(a)(2))

2. Va. Code Section 15.2 2280 Allows to be a part of the Madison County Zoning Ordinance

FOR OFFICE USE ONLY:

Zone:

Tax Map No:

By who?

Fee Amount:

Date Paid:

Receipt #:

Check #:



**MADISON COUNTY
APPLICATION FOR SPECIAL USE PERMIT**

Date: _____

The undersigned owner/applicant of the following described property hereby applies for a Special Use Permit as required by Article(s) 14 of the Zoning Ordinance of Madison County, Virginia.

Owner of Record:

Name: CRYSTALLIS LLC

Address: 5291 SCUFFLETOWN RD, BARBOURSVILLE, VA 22923

Phone No.: _____

E-Mail: barbara@crecsereresort.com

Applicant:

Name: Crescere Resort, LLC

Address: 5291 SCUFFLETOWN RD, BARBOURSVILLE, VA 22923

Phone No.: _____

E-Mail: barbara@crecsereresort.com

TAX MAP: 64-71, 64-73, 64-73A, 68-1, 68-2A, 68-2 & 69-1 _____ ZONE: 5 & 6

OF ACRES TO BE COVERED BY SPECIAL USE PERMIT: 749.308

LOCATION/ADDRESS OF PROPERTY FOR SPECIAL USE PERMIT: S BLUE RIDGE TPKE RT 231

Is this an amendment to an existing Special Use Permit? If yes, provide that SP Number: _____

PROPOSAL/REQUEST: _____

I hereby certify that I own the subject property, or have the legal power to act on behalf of the owner in filing this application. I also certify that the information provided on this application and accompanying information is accurate, true, and correct to the best of my knowledge.

Barbara Miller
Signature of Owner or Agent

5/15/2020
Date

Barbara Miller
Print Name

917-570-0155
Daytime phone number of Signatory

Have all the necessary statements, plats, plans and other pertinent information been submitted? Yes No

Reviewed by Planning Commissioner: _____ Date: _____
Conditions, if any: _____

Action Taken by Board of Supervisors: _____ Date: _____
Conditions, if any: _____

APPROVED: DENIED: Ligon Webb, Zoning Administrator Date: _____

SHIMP ENGINEERING, P.C.
Design Focused Engineering

May 15, 2020

Ligon Webb
County of Madison
414 N. Main Street
Madison, Virginia 22727

RE: Rural Resort Special Use Permit for Crescere (TMP 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1)

Dear Mr. Webb,

Please find the first submission of the special use permit application for Crescere, TMPs 64-71, 64-73, 64-73A, 68-1, 68-2A, 68-2, and 69-1 for review. Included in this submission are:

1. 15 (11x17) copies of the concept plan for review.
2. Project narrative (included with the concept plan)
3. SP Application

If you have any questions, please do not hesitate to contact me at Kelsey@shimp-engineering.com or by phone at 434-227-5140. You can also contact Justin Shimp at Justin@shimp-engineering.com.

Best regards,

Kelsey Schlein
Shimp Engineering, P.C.



AGRI-RESORT & SPA

ROCHELLE, VIRGINIA

June 30, 2020

Ligon Webb
County Planner
Madison County
414 N. Main St.
Madison, VA 22727

RE: Conditions of Crescere

Dear Ligon Webb:

Please include the following with Case No: SU-07-20-14 special use permit request by Crystallis LLC (Barbara Miller). The intent of the information provided is to provide community members with transparency regarding the objectives and potential phasing of our project. We have clarified and expanded upon some topics from the letter dated 6/26/2020. As the applicant, the voluntary terms and conditions written herein shall become binding to the special use permit application, be fully enforceable by the County and shall be fully transferrable.

Crescere Agri-Resort will be phased over the course of several years. A concrete timeline is not practical at this point, as the timing of each new phase will be dependent on several factors, including the state of the economy and demand for services in the post-Covid 19 world. Our hope is that Phases 1 and 2 will include the Restaurant/Welcome Center (open to the public), one to two glamping areas (10-20 units total), and structures for use by the glamping guests (such as; a rustic activities lodge, improved buildings around the pond area, an open air pavilion and other ancillary structures required for storage).

The mission of Crescere Agri-Resort is founded upon sustainability, conservation, education and providing guests with access to nature. Our restaurant is intended to double as a teaching facility, showcasing alternative energy usage, energy conservation as well as promotion of local products and businesses. Glamping sites will allow guests to safely interact with nature, learn about farming and conservation, and to relax in beautiful Madison County.



AGRI-RESORT & SPA

ROCHELLE, VIRGINIA

The anticipated number of lodging units to be built on site is anticipated to be approximately 41 units accommodating approximately 225 guests (assuming occupancy of 2-6 guests per unit). It is our hope to eventually be able to provide accommodations for the majority of guests for events such as a “destination wedding” or corporate retreat. We anticipate the majority of units will accommodate 2-5 people, but several units may accommodate larger families/groups with an occupancy of 12-15 people. We acknowledge lodging units/structure must conform to the Virginia Uniform Building Code, and the total occupancy of individual lodging units (and all buildings) will have a set occupancy limit.

The submitted Site Plan (page 6 of 9) does not show lodging units for employee housing. The total number of employee lodging units shall not exceed a total of five (5) units. The location of these employee lodging units is to be determined and will be addressed in future Site Plan submittals.

The proposal also includes, but is not limited to, the following (non-lodging) buildings and support structures: restaurant/welcome/learning center, farm store (part of restaurant building), spa cottage, boat house, bridal/groom suites, event center (wedding/conference venue), snack shacks, open air pavilions for outdoor activities, bar, farm center, storage, laundry, and a lodge for glamping guest gatherings.

Any land disturbance related to the construction of agriculturally exempt buildings will be excluded from the Site Plan regulations (as they are currently in the County code) but we acknowledge such development is not exempt from erosion/sediment control permits if said disturbance is greater than 10,000 square feet in area.

On property, guests may partake in recreational uses including but not limited to; dining, shopping for local goods in the farm store, attending educational seminars, cooking classes, crafting, enjoying indoor and outdoor music (with evening music restrictions outlined below), outdoor events/festivals (limited in quantity outlined below), spa treatments, weddings, corporate or industry conferences/conventions, team building activities, hiking, ATV, bird watching, kayaking, swimming, sun bathing, rafting, informal sports/games (i.e., yoga, volley ball, corn hole, softball, etc...), campfires, picnicking, farm tours, BBQ, specialty entertainment (i.e., karaoke, open mic nights, comedy, murder mystery, wine tasting, star gazing, etc...) and holiday celebrations.

Events will be categorized by three (3) distinct types. These events are as follows:

- 1) **Private Events** - private events shall mean there is no outside or public promotion/advertising of the event. As the name suggests, attendees shall be on-site for a common purpose and/or celebration. Examples of private events are weddings, reunions, corporate retreats, trade groups, common



AGRI-RESORT & SPA

ROCHELLE, VIRGINIA

interest hobby groups and other similar groups. There will be no restrictions on the size and number of attendees to such events, but it is understood building occupancy will be a limiting factor, and the total occupancy of structures (i.e. event center) will be limited per the Virginia Uniform Building Code.

- 2) **Minor Public Events** – a minor public events shall mean an event in which outside promotion/advertising is minimal. Attendees are expected to be on-site (overnight) guests and off-site (non-overnight) guests. These events will be expected to have a minimum of 25 guests, but not exceed 750 total off-site guests. These events shall be small scale music events, group hikes (e.g., hiking under the star), “pick your own” harvest, corn mazes, and other similar events and activities. There will be no limit on the number of such events; however, the majority of such events will take place from April to November.
- 3) **Major Public Events** – a major public event shall mean an event in which outside promotion/advertising is significant. Such events will be promoted regionally, and attendance is expected to exceed seven hundred fifty (750) off-site guests. A month prior to each event, a representative from Crescere will meet with the representatives from the County’s Sheriff’s and Zoning Office to discuss event details and traffic management plans. Such events shall be limited to six (6) in any given calendar year, and any additional event over six (6) shall require approval by the Madison County Board of Supervisors; in addition, any event anticipated to draw more than 2,000 guests shall require specific approval by the Madison County Board of Supervisors.

After midnight all outdoor music shall cease or be moved inside.

Employment will vary from low to high season. We estimate employment for Phases 1 & 2 to be approximately 65 with a mix of full-time employment (approx. 20), and part-time hourly employment (not including extra catering staff and outside vendors required for private events). We also anticipate outsourcing to local businesses for tasks we don’t intend to do in-house or for needs that are variable in nature (ex. spa service providers, laundry services, extra staffing for events, entertainment, maintenance...).

This SUP submission adheres to all pertinent zoning and statutes adopted by the County including:

- The project’s entrance will conform to VDOT recommendations and requirements; with the understanding that improvements would likely be phased as the project is built-out.
- Substantial changes or revisions to the site’s layout or services/activities would necessitate amending the special use permit and require a public hearing.



AGRI-RESORT & SPA

ROCHELLE, VIRGINIA

- All non-farm related structures will meet the Virginia Uniform Statewide Building Code.
- No permanent structures will be located/constructed in an identified floodplain.
- All necessary permits and insurance for events will be attained prior to events.
- Adequate on-site parking will be made available for guests, staff and owners.
- The Virginia Department of Health will be responsible for review and approval of all wells for human use and septic systems on the site.

Sincerely,

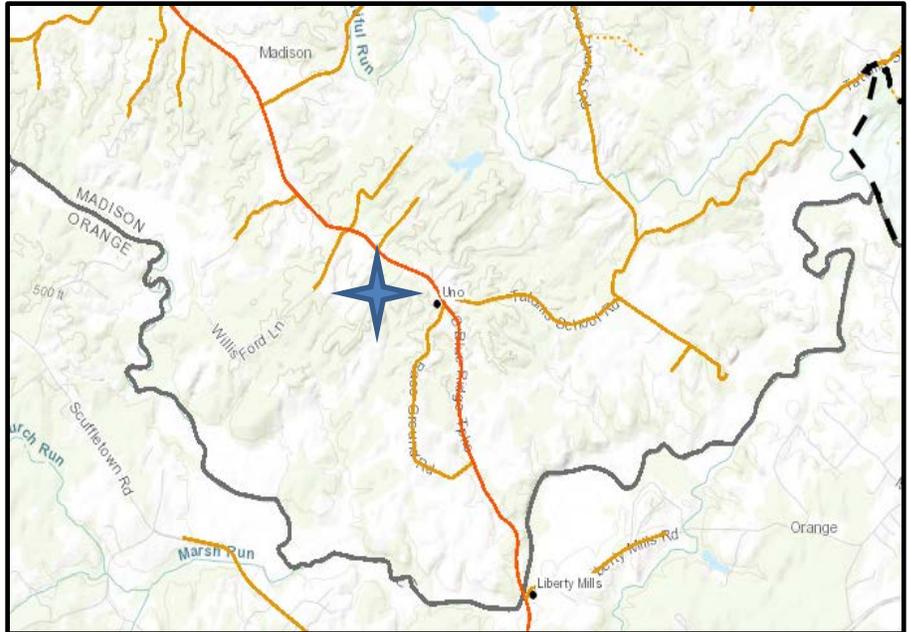
Barbara Miller

Special Use Permit Request by Crystallis, LLC (Barbara Miller)

for a

Event/Venue Use on A1 Zoned Properties

Background: The proposed Crescere Agri-Resort is an event/venue and recreational resort located on multiple parcels in Madison County totaling roughly 749 acres. The subject parcels are zoned A1 (agriculture) and in this district the proposed use of the property requires a special use permit. Per the submitted project narrative the proposed uses include the following: 1) a welcome center & restaurant, 2) an event center, 3) numerous “glamping” and lodging areas, 4) a spa, and 5) other additional support buildings (dam bar, farm center, open air pavilion). In addition, the site’s development would include the redevelopment and expansion of existing site roadways and construction of several parking areas.



As described in the project narrative the development would provide (and offer) “conference and retreat facilities; educational and entertainment facilities; dining and picnicking facilities; camping and glamping facilities; hiking, cycling, fishing, canoeing, rafting, tubing, wildlife observation shelters, boat landings/docks, and equestrian trails and facilities...Approximately 60,000 sq ft of permanent and temporary structures are proposed on the property. 280,000 sq ft of the property entrance and new parking area are proposed to be paved and nearly 9,000 linear feet of existing dirt roads will be widened to 12’ to ensure safer circulations throughout the site and adequate road surface improvements to serve any emergency vehicles.”

Proposed Site Facilities: The applicant's submission shows the following facilities:

A welcome center and restaurant (proposed 6,600 sq ft)

Event Center (proposed 11,500 sq ft)

Eight (8) Four Season Cottages (proposed 1,500 sq ft per unit)

Spa Building (proposed 2,500 sq ft)

Open Air Pavilion (unknown proposed size)

Upgraded Existing Pavilions (unknown size)

Damn Bar (unknown proposed size)

Farm Center (unknown proposed size)

Lodge Building (proposed 2,000 sq ft)

Fourteen (14) Hilltop Glamping Sites (unknown proposed size)

Nine (12) Riverview Glamping Sites (unknown proposed size)

Eight (8) Family Campsites (unknown proposed size)

The site plan (page 6 of 9 of packet submitted by applicant) shows a total of forty-two (42) overnight accommodations and eight (8) ancillary or support buildings/structures.

Several proposed buildings/structures are of unknown size; the County Planner does not consider this to be of significant concern at this juncture.

The submitted site plan also shows the development of internal vehicle travel lanes and hiking trails.

Per the submitted site plan the County Planner estimates the 42-over-night accommodations could accommodate roughly 126 guests on site.

Development Process & Requirements: The subject property is proposed to be developed in multiple phases, with each phase requiring a site plan submittal to be reviewed (and recommended) by the Planning Commission and approved by the Board of Supervisors. During the site plan submittal(s) specifics details regarding road surfacing, parking considerations and building/design details can be reviewed detail.

Subsequently, as each phase is constructed, the applicant will be required to obtain erosion/sediment control permits and building permits. Regarding erosion/sediment controls: the post development runoff is required to be the same (or less) as the pre-development runoff; each phase's erosion/sediment plan is required to be completed by a state licensed engineer.

Prior to the construction of any proposed phase, the County will require an engineered E/S plan for the entire site.

Septic and Water Considerations: The County Planner estimates the site would likely require a minimum of seven (7) to potentially twelve (12), or more, individual septic systems to accommodate the proposed build-out. And depending on flow rates, the site could also require a similar number of individual drilled wells to supply water to the proposed structures.

The applicant is required to submit soils tests, septic designs and well logs to the Virginia Department of Health (VDH) for review and approval. Building permits will not be issued until VDH has approved septic and well sites.

Entrance, Traffic Impacts & Analysis (See Traffic Count Segment Map on Subsequent Pages) The site is proposed to have one entrance on S. Blue Ridge Turnpike (Rt. 231). VDOT has completed an initial review of the site plan and has stated that a detailed entrance design review can be undertaken during the site plan submittal phase. In addition, the proposed entrance has good site distance. However, a right and left turn lane will likely be necessary at some juncture as the site develops. Attached to this report is a letter from VDOT.



VDOT's 2019 traffic counts estimated the 9.6 mile segment of S. Blue Ridge Turnpike (Rt. 231) has a AADT (annual average daily traffic) of 1,400; further, the K factor (Vehicles Per Hour During Peak Hour) is 145. Overall, the segment of Blue Ridge Turnpike appears to be functioning well under the road's design capacity, and there are no significant "surges" (k factor) in traffic at any given time. *The proposed entrance's site distance to the north and south on Rt. 231 is good..*

The nature of this proposed facility will result in higher “surges” (see k factor) during events, both public and private. Many of the events will be private in nature, and surges will likely be below (or near) the roads existing k factor of 145. For instance, a private event with 500 attendees (using three attendees per vehicle which is likely low) would result in a surge of 167 vehicles entering or exiting the site in an hour.

However, larger public events with 1,000 (or more) attendees would result in surges of 300/400 vehicles entering/exiting in an hour, or more, which is significantly higher than the Blue Ridge Turnpike’s existing k factor of 145. Turing lanes would help to manage such surges, and “normal” traffic (non-surge) to and from the site will invariably increase the traffic on this road.

In summary, presently this segment of Blue Ridge Turnpike has a significantly lower AADT than many nearby roads with similar design capacities. This road can accommodate increased traffic, but traffic surges are a concern; and will fluctuate depending on the number and size of events. Improving the site’s entrance is a given but may be done so incrementally as this site develops.

Analysis of Applicant’s Proffer/Conditions Letter – The applicant submitted a signed voluntary proffer letter (attached). If the special use permit is approved as submitted, this letter would become “binding” and become another “layer” of the site’s zoning; and deviations from the proffers would be handled as a zoning violation. Changes to the proffered conditions would require public hearings before the Planning Commission and Board of Supervisors. The proffers would also be transferrable too. Important highlights from the proffer letter is as follows:

- 1) Phasing Plan – the proffer letter makes mention of a phasing plan, and the County Planner believes it meets the intent of the event/venue ordinance. A project this size has many variables which make estimating a highly detailed phasing plan difficult; however, it is anticipated the site will develop in multiple phases, and each phase will require a site plan submittal to the County.
- 2) The proffer letter states the number of overnight lodging units to be “approximately 50”; by the County Planner’s count the submitted site plan (page 6 of 9 of the applicant’s submittal) shows 41 overnight units. Also, the applicant states the lodging units “would accommodate 225 guests.” Given that there appears be a disconnect between the site plan and the proffer letter regarding the total number of lodging units, the total number of overnight guests is higher than expected too.

- 3) Number of public events & noise: The applicant has proffered “the number of annual large public events will be no more than 12; and any additional event over 12 would require specific approval by Madison County Board of Supervisors. A large public event would be defined as an advertised event or gathering in which the general public is invited (regardless if a fee is collected or not) where the group exceeds 1000 people over the course of the event. We plan to adhere to an outdoor music cut-off time of 12 a.m.”
- 4) The letter provides eight “bullet points” which reiterate adherence to required processes or reviews; these points range for VDH and VDOT approvals to required site plan submittals. Although these processes require adherence, clearly listing them is beneficial.

The County Planner’s critique of the submitted proffer letter:

- It is recommend the submitted site plan be a proffered condition of the special use permit. Currently, it appears to be inconsistencies between the site plan and the submitted proffer letter, namely the total number of lodging units; and at build-out the total number of potential overnight guess appears to be significantly higher than anticipated.
- The proffer letter makes no reference to the size and number of private events, which the County Planner believes is acceptable; private events by nature are smaller in size and intensity. However, it is believed the conditions placed on the definition of what constitutes a public event (1,000 or more people), the annual allowable number of public events (12 per year), noise (outdoor music cutoff at midnight) lacks specifics and is ambiguously written (e.g. “plan to adhere to”).

Comprehensive Plan – The County’s comprehensive plan contains general aspirational goals of preserving the County’s agricultural lands while promoting tourism as a means for economic development. It is believed the subject proposal would indeed meet these goals, provided stated concerns are met.

Site Visuals:



Recommendation: Table**June 27, 2020**

The site provides ample acreage to accommodate the proposed uses. It is believed to be consistent with the County's comprehensive plan to promote economic development through tourism while preserving agricultural lands. The County Planner believes the project has tremendous potential. In addition, there are many regulatory processes which will ensure the site will be developed in an orderly and consistent manner in compliance with all County and state regulations; if built-out as proposed the site would overwhelmingly remain in open space and still remain viable for agricultural uses.

However, questions remain specifically regarding the number of lodging units, the annual number and definition of public events. In the opinion of the County Planner the proffered conditions related to these issues are vague and need improvement. If tabled, and the applicant is agreeable, the County Planner will work with the applicant to clarify and improve these conditions to the satisfaction of all.

Update:**July 10, 2020**

The County Planner delayed/withdrew Crescere's public hearing scheduled for 7/1/2020; as required by the state code an official notice was not sent to the "Chief Administrative Officer" of an adjoining municipality which is located within in a mile of the proposal (Orange County). The public hearing has been re-advertised for Wednesday, August 5th, 2020, and notices to adjoining (and adjacent) property owners have been mailed. Notices via certified mail were sent to the Town of Orange's Town Manager, Orange County's County Administrator and Green County's County Administrator. Notice of the public hearing will appear in the Madison Eagle on July 16th and July 23rd, 2020.

On June 30th the applicant submitted a revised draft condition letter. In the opinion of the County Planner the (revised) condition letter still leaves some concerns and is somewhat "opened ended" regarding several key concerns: namely noise and the size and nature of site events.

Recently a member of the Board of Supervisors pointed out that the state code provides municipalities with a high degree of discretion regarding *imposing* conditions on a special use permit application (but the opposite is true regarding a rezoning request). However, before imposing any condition(s) there must be a clear (and logical) established connection between the condition(s) and the identified concerns which the condition(s) hope to address. The County Planner recognizes the applicant's need/desire for flexibility in order to advance such

an ambitious project; and to-date the applicant has been agreeable to modifying conditions based upon feedback and concerns. Ideally, common ground can be found without “imposing” conditions.

Please see the subsequent page for comments and analysis related to the most recent project condition letter submitted by the applicant on June 30, 2020.

July 10, 2020

To: Planning Commission & Board of Supervisors

From: Ligon Webb, County Planner

RE: Crescere, LLC Conditions Letter – Items to Consider and Recommendations

On June 30, 2020 Barbara Miller submitted a revised condition letter for the special use permit application known as “Crescere Agi-Resort”.

Copied below are pertinent excerpts from the condition letter (*italicizes*) and below each excerpt are the County Planner’s comments and thoughts in **bold**.

A) Please include the following with Case No: SU-07-20-14 special use permit request by Crystallis LLC (Barbara Miller). The intent of the information provided is to provide community members with transparency regarding the objectives and potential phasing of our project. We have clarified and expanded upon some topics from the letter dated 6/26/2020. As the applicant, the voluntary terms and conditions written herein shall become binding to the special use permit application, be fully enforceable by the County and shall be fully transferrable.

This is a good opening statement and relatively clear; however, it would be preferable if the statement was a bit more direct, it is recommended that the following language be considered and potentially incorporated into a revised condition letter: “*in order to clarify and expand upon some of the topics discussed in the condition letter dated on (enter date here), this letter is presented to Madison County and shall supersede all prior special use permit condition letters. The terms and conditions written herein shall fully enforceable by the County and shall be fully transferrable...*”

Also, it has been brought to the County Planner’s attention that the transferability of the proposed special use permit (SUP) should be evaluate and discussed. If approved, the SUP could be transferred/sold/assigned to another individual or entity; this individual/entity would be bound to the conditions of the SUP. However, considerations related to if the SUP should “run with the land” vs. “run with the applicant” are important. Generally speaking, most SUPs indeed “run with the land”, but limiting a SUP to “the applicant” does have merit and should be discussed, but it is believed “running with the land” is appropriate provided the SUP’s conditions are clear and satisfy stated concerns.

B) Crescere Agri-Resort will be phased over the course of several years. A concrete timeline is not practical at this point, as the timing of each new phase will be dependent on several factors, including the state of the economy and demand for services in the post-Covid 19 world. Our hope is that Phases 1 and 2 will include the Restaurant/Welcome Center (open to the public), one to two glamping areas (10-20 units total), and structures for use by the glamping guests (such as; a rustic activities lodge, improved buildings around the pond area, an open air pavilion and other ancillary structures required for storage).

Uncertainty regarding the project’s phasing plan is understandable, and there are not significant concerns associated with not having a definitive phasing plan. Regardless, each phase would require a detailed Site Plan submittal that would be reviewed by County staff, recommended by Planning Commission and approved (or denied) by the Board of Supervisors. It is anticipated that during the Site Plan review process exact building sizes, locations, construction materials, parking, road/parking surfacing, water/septic needs, etc. would be discussed and reviewed in detail. It’s expected that the location and size of structures and development areas would conform to the plans and visuals presented as part of the SUP approval.

However, a statement in this portion of the condition letter would bring clarity to the above mentioned item. Such a statement could read as follows: *“Though the location and size of proposed buildings, structures and development areas could change due to topographical and site related issues, subsequent Site Plan(s) submitted to Madison County for review and approval shall substantially conform to the site master plan (page 6 of 9) presented as part of this special use permit application. Deviations from this site master plan shall be noted in all submitted Site Plan(s). If the Board of Supervisors considers potential changes/deviations from the master site plan to be substantial, a public hearing will be held where the SUP can be amended in order to reflect such changes.”*

C) The anticipated number of lodging units to be built on site is anticipated to be approximately 41 units accommodating approximately 225 guests (assuming occupancy of 2-6 guests per unit). It is our hope to eventually be able to provide accommodations for the majority of guests for events such as a “destination wedding” or corporate retreat. We anticipate the majority of units will accommodate 2-5 people, but several units may accommodate larger families/groups with an occupancy of 12-15 people. We acknowledge lodging units/structure must conform to the Virginia Uniform Building

Code, and the total occupancy of individual lodging units (and all buildings) will have a set occupancy limit.

As written the total number of lodging units and total occupancy is not definitive. For example: “The anticipated number of lodging units....” Obviously, having less than 41 lodging units would not be a conflict; however, “anticipated” leaves some doubt ...and the 41 lodging units is based upon the number of lodging units shown on the site master plan (page 6 of 9)...and the same can be said for overnight occupancy too. A better statement that could provide a bit more flexibility (and clarity) might state: “*The number of lodging units shall not exceed 44 total units; and the total number of overnight guests shall not exceed 230 in any given night.*”

D) The submitted Site Plan (page 6 of 9) does not show lodging units for employee housing. The total number of employee lodging units shall not exceed a total of five (5) units. The location of these employee lodging units is to be determined and will be addressed in future Site Plan submittals.

There are no significant issues with this statement; however, it is expected that during a Site Plan submittal the location and size of employee house units would be presented in detail. It is recommended a maximum number of employees (living in employee housing) be established. “The total number of employees accommodated/living in employee lodging units shall not exceed (enter number here).”

E) On property, guests may partake in recreational uses including but not limited to; dining, shopping for local goods in the farm store, attending educational seminars, cooking classes, crafting, enjoying indoor and outdoor music (with evening music restrictions outlined below), outdoor events/festivals (limited in quantity outlined below), spa treatments, weddings, corporate or industry conferences/conventions, team building activities, hiking, ATV, bird watching, kayaking, swimming, sun bathing, rafting, informal sports/games (i.e., yoga, volley ball, corn hole, softball, etc...), campfires, picnicking, farm tours, BBQ, specialty entertainment (i.e., karaoke, open mic nights, comedy, murder mystery, wine tasting, star gazing, etc...) and holiday celebrations.

A concern related to the use of ATVs (all-terrain vehicles...“four wheelers”) has been noted; given the noise generated ATVs and the impact on terrain, limiting ATV use to staff should be considered. Also, this brings up a good question, will guests be able to drive their vehicles on the site? If a guest is staying in a “glamping” lodge at the far end of the property, would they park at the glamping spot? Walk in? Be transported by staff?

F) Events will be categorized by three (3) distinct types. These events are as follows:

- 1) *Private Events* - private events shall mean there is no outside or public promotion/advertising of the event. As the name suggests, attendees shall be on-site for a common purpose and/or celebration. Examples of private events are weddings, reunions, corporate retreats, trade groups, common interest hobby groups and other similar groups. There will be no restrictions on the size and number of attendees to such events, but it is understood building occupancy will be a limiting factor, and the total occupancy of structures (i.e. event center) will be limited per the Virginia Uniform Building Code.
- 2) *Minor Public Events* – a minor public events shall mean an event in which outside promotion/advertising is minimal. Attendees are expected to be on-site (overnight) guests and off-site (non-overnight) guests. These events will be expected to have a minimum of 25 guests, but not exceed 750 total off-site guests. These events shall be small scale music events, group hikes (e.g., hiking under the star), “pick your own” harvest, corn mazes, and other similar events and activities. There will be no limit on the number of such events; however, the majority of such events will take place from April to November.

It is anticipated that minor public events will be small scale in nature, and not produce large “spikes” in traffic for said event(s). For example, attendees for a “pick your own” activity will likely “trickle in” sporadically during daylight hours. A good example would be Graves Mountain Lodge; Graves Mountain routinely holds minor events (solo musical performances for example), and it is believed this model could be followed at Crescere too.

However, a clear limitation could be placed on a ticketed and/or fee based event featuring a band/music group, artists and/or performer(s). Such events shall be considered a “major public event” and be required to follow associated conditions related to such events (see below).

- 3) *Major Public Events* – a major public event shall mean an event in which outside promotion/advertising is significant. Such events will be promoted regionally, and attendance is expected to exceed seven hundred fifty (750) off-site guests. A month prior to each event, a representative from Crescere will meet with the representatives from the County’s Sheriff’s and Zoning Office to discuss event details and traffic management plans. Such events shall be limited to six (6) in any given calendar year, and any additional event over six (6) shall require approval by the Madison County Board of Supervisors; in addition, any event anticipated to draw more than 2,000 guests shall require specific approval by the Madison County Board of Supervisors.

In the County Planner's opinion the "major public events" conditions again attempt to mimic Graves Mountain's "major" events which are estimated to be roughly six (6) in a calendar year. And multiple day events, up to three (3) continuous days, shall be considered a single event.

G) After midnight all outdoor music shall cease or be moved inside.

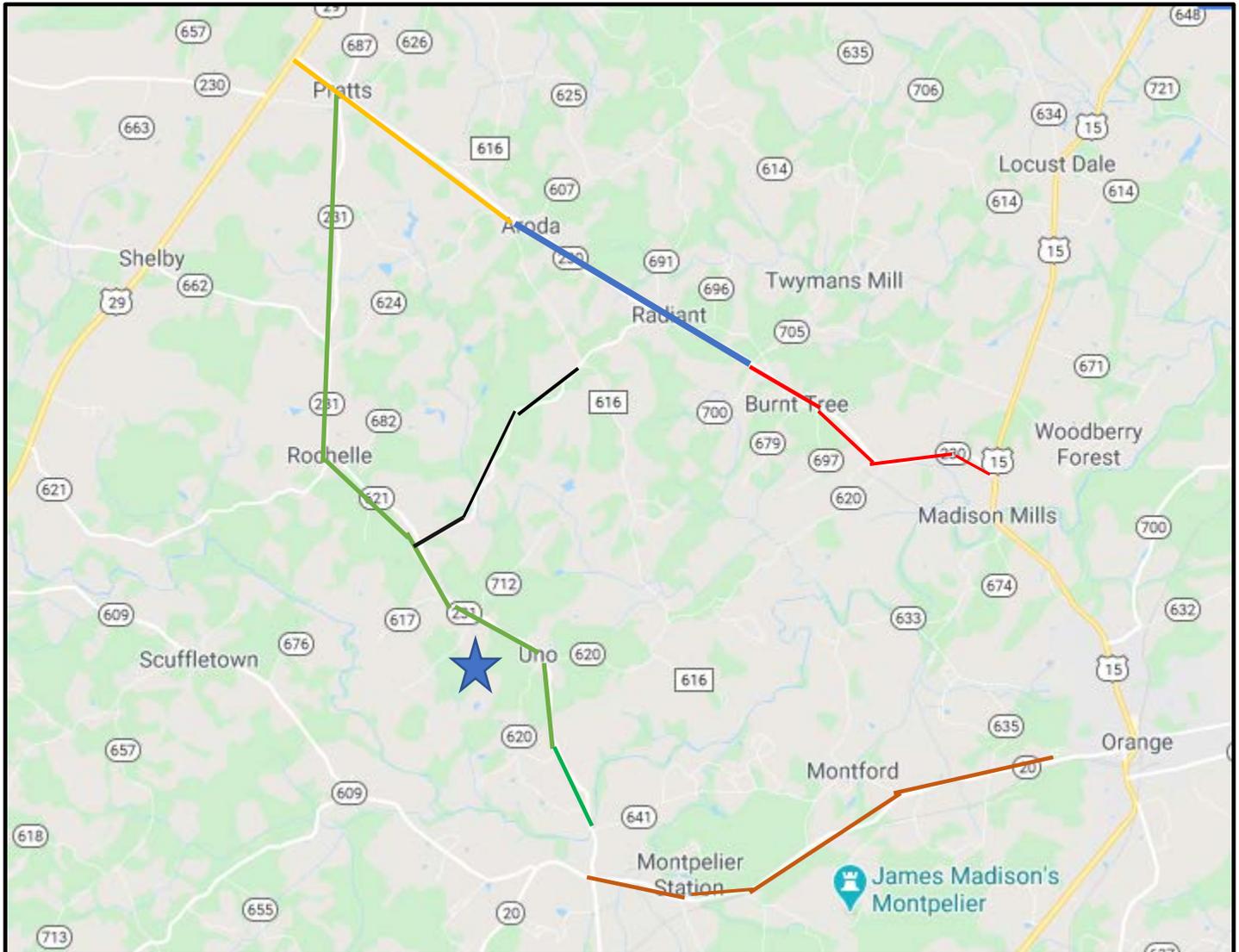
The County Planner believes this condition is too opened ended and lenient. It is believed a statement similar to this would be an improvement: "The electronic amplification of sound shall end at 10:00 p.m. and all music and/or performances shall be moved inside.." Other thoughts provided by Commissioner Work to consider: (1) limiting the number of events at which there can be any amplified sound, (2) cutting off amplified sound, when permitted, at 10:00, (3) requiring that the event promoter measure decibel levels, observe stated maximum levels, and report on same to the appropriate County official, (4) moving all noise-producing activities indoors at 11:00.

Selected 2019 Road Segment Traffic Counts

Source: VDOT

AADT = Average Annual Daily Traffic

K Factor = Vehicles Per Hour During Peak Hour



US 29 to Elly Road (2.53 mi): 3,600 AADT; K Factor: 316

Elly Rd to Twymans Mill Rd (2.86 mi): 3,100 AADT; K Factor: 282

Twymans Mill Road to US 15 (3.16 mi): 6,300 AADT; K Factor: 592

US 231 to Good Hope Church Rd: 190 AADT; K Factor (no data)

Orange Road (Rt. 230) to Orange County Line – Rt. 231 (9.6 mi): 1,400 AADT; K Factor: 145

US 231 (Gordonville Turnpike) to Town of Orange Line (5.76 mi): 4,300 AADT; K Factor: 382



June 3, 2020

To: Barbara Miller, Owner & CEO; Sue Miller, EVP Business Development; Justin Shimp, Shimp Engineering

From: Ligon Webb, County Planner

RE: Special Use Permit – Crescere Agri-Resort: Project Overview, Ordinance Requirements & Project Consideration

Project Overview: The proposed Crescere Agri-Resort is an event/venue and recreational resort located on multiple parcels in Madison County totaling roughly 749 acres. The subject parcels are zoned A1 (agriculture) and in this district the proposed uses of the property requires a special use permit. Per the submitted project narrative the proposed uses include the following: 1) a welcome center & restaurant, 2) an event center, 3) numerous “glamping” and lodging areas, 4) a spa, and 5) other additional support buildings (dam bar, farm center, open air pavilion). In addition, the site’s development would include the redevelopment and expansion of existing site roadways and construction of several parking areas.

As described in the project narrative the development would provide (and offer) “conference and retreat facilities; educational and entertainment facilities; dining and picnicking facilities; camping and glamping facilities; hiking, cycling, fishing, canoeing, rafting, tubing, wildlife observation shelters, boat landings/docks, and equestrian trails and facilities...Approximately 60,000 sq ft of permanent and temporary structures are proposed on the property. 280,000 sq ft of the property entrance and new parking area are proposed to be paved and nearly 9,000 linear feet of existing dirt roads will be widened to 12’ to ensure safer circulations throughout the site and adequate road surface improvements to serve any emergency vehicles.” Our

recent discussions, and the project's narrative, indicate the proposed venue would host private events and possible public events too.

Ordinance Requirements: As you are aware in May of 2019 the Rural Resort ordinance was adopted by the Madison County Board of Supervisors; and being that Barbara advocated for this ordinance as related to this site, the public hearing(s) associated with the adoption of this ordinance (essentially) served as a de facto hearing for this proposal. However, the adoption of the Rural Retreat ordinance simply provides an avenue for this proposal, or other similar proposals, to apply for a special use permit for the uses described in the Rural Resort ordinance.

In the spring of 2020 Madison County's Board of Supervisors amended the Rural Resort ordinance and subsequently changed its name to "Event Venue" ordinance; other changes were made, but mostly minor revisions.

The submitted site plan and narratives appear to satisfy all requirements under Article 14-18 (Event Venue) of the Madison County Zoning Ordinance. However, it is recommended the following item be addressed:

14-18.4 Application Requirements:

B. The anticipated installation timetable or phasing plan.

Per our conversations, if approved potential build-out would be unpredictable. However, developing a simple timetable is required. Of course site plans would be required for new construction/development as the project advances. Therefore it is recommended a narrative be developed addressing potential phasing plans, with the understanding phasing timelines are often fluid.

Project Considerations: From a planning perspective the proposal's predictability moving forward is key; and (in my opinion) ensuring predictability can be achieved through a proffer/condition letter which accompanies the submittal. A signed letter detailing voluntary project conditions would be helpful and provide increased certainty regarding the project's development; and in some instances conditions could simply reiterate existing code requirements. However, as discussed, submitted proffers are voluntary in nature, and would become "binding" and be fully transferable; and changes/revision to proffered conditions would require a public hearing. Regardless, submitting such a letter would be helpful, but doing so does not ensure project approval or that all potential concerns have been met. It is

my opinion that the following items should be considered (in no particular order):

- The project's entrance will conform to VDOT recommendations and requirements; with the understanding that improvements could likely be phased as the project is built-out (see VDOT email dated 6/3/2020).
- Per the Madison County Site Plan Ordinance, each phase of the project's construction/development would require a formal site plan submittal to be reviewed by the Planning Commission and approved by the Board of Supervisors.
- The submitted site plan (sheet 6 of 9) is recommended to be the project's proffered layout; and any potential changes thereto will be minimal in nature and would be discussed/reviewed during site plan submittals.
- Substantial changes or revisions to the site's layout or services/activities would necessitate amending the special use permit and require a public hearing. (e.g. additional lodging units, new structures in direct support of the event and venue components, or expansions of existing structures)
- The total number of lodging units located on the site; and the total maximum number of overnight guests.
- Acknowledge all non-farm related structures must meet the Virginia Uniform Statewide Building Code.
- No structures will be located in an identified floodplain, unless a dock or pier.
- The site's external lighting will substantially adhere to the "Night Skies Best Practices" as recommended by the National Park Service (NPS).
<https://www.nps.gov/subjects/nightskies/practices.htm>
- Clearly define/state a cut-off time for outdoor activities and music.
- Consider limiting the number of annual public events to two (2); and any additional public events above this number (2) would require specific approval by the Madison County Board of Supervisors. A public event would be defined as an advertised event or gathering in which the general public is invited regardless if a fee is collected or not.

- Consider placing a maximum limit on the number of guests/attendees for private events.
- Acknowledge the Virginia Department of Health will be responsible for review and approval of all wells and septic systems developed on the site.

From: [Ligon Webb](#)
To: [Moore, Adam](#); "[Bedsaul, Willis](#)"
Bcc: [April Clements](#); [Jamie Wilks](#); [Jack Hobbs](#); "[Sean Gregg](#)"; "[Carty Yowell](#)"; "[Michael Mosko](#)"; [Clay Jackson](#)
Subject: re: Special Use Permit - Entrance Requirements
Date: Wednesday, June 3, 2020 11:37:09 AM
Attachments: [Crescere-SitePlan.pdf](#)

Hello Adam & Willis –

Madison County recently received a special use permit application from Crescere Resort, LLC (Barbara Miller) to develop portions of a 749 site (made up of multiple parcels) located in Uno off Route 231. I have attached the project's site plan too....the proposed resort would provide various overnight accommodations and event/venue space for special events (weddings, reunions, retreats, etc....)...The number and frequency of these special events is unknown at this moment but it is assumed that during the "season" (April – November ?) the site would be active, naturally mostly during weekends.

The attached site plan provides a detail narrative of the proposed development, but here's an overview: the proposed event/venue site (with overnight accommodations) is anticipated to be developed in multiple phases, and at build-out the site (as presented) would contain 1) 40 lodging sites, with capacity of 80-100 overnight guests, 2) a welcome center & restaurant(6,600 sq ft proposed), 3) an event center (11,500 sq ft proposed), 4) a spa (2,500 sq ft proposed) & bar (unknown sp ft), and 5) various other support and accessory structures...in total the project narrative states it would contain 60,000 sp ft of permanent & temporary structures "under roof" ...

In conjunction with overnight guests, the event center is proposed to have an occupancy of 300 people...large scale events (say weddings) could likely accommodate 500 guest (utilizing outdoor space too), with (again) the potential for 100 guest to be accommodated on site in the various lodging components.

I have discussed a potential phasing plan with the applicants, and at this moment there is no true phasing plan; however, the applicants acknowledge potential build-out could take many years. The first phase would likely be items number 1 (welcome center restaurant), 2 (Event Center) and 3 (Four Season Cottages) as described on sheet six (6) of the site plan.

However, if the SUP is approved as presented any subsequent construction/development, which is anticipated to be done so incrementally, would be required to submit a site plan for review by County staff and Planning Commission and approved by the Board of Supervisors...County staff would engage VDOT during these site plan submittals too.

Regarding the entrance at Rt. 231, the applicants understand the entrance design/type is under the purview and review of VDOT, and ultimately the design/type of entrance will be dependent upon existing traffic counts on Rt. 231, and the estimated traffic counts generated by the proposed uses on the site. I indicted to the applicants at build-out I imagine a right-taper lane and a left turn lane would likely be required. However, I also believe entrance improvements could likely be phased, and review could be coordinated between VDOT and County staff during each site plan submittal(s)...

Anyhow, given that I just received this SUP several weeks ago, and we (tentatively) have a joint Planning Commission and Board of Supervisors hearing scheduled for this on Wednesday, July 1st, I wanted to get your thoughts on this project regarding VDOT's entrance review timeline and potential recommendations, with the understanding that (if approved) future site plan submittals will provide opportunities for additional entrance review, recommendations and requirements...

Ok, thanks again for your time and attention to this matter, thanks - Ligon

Ligon Webb
County Planner
Madison County
414 N. Main Street
Madison, VA 22727
(540) 478-2240 (Cell)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

Stephen C. Brich, P.E.
Commissioner

1401 East Broad Street
Richmond, Virginia 23219

(804) 786-2701
Fax: (804) 786-2940

June 10, 2020

Madison County Zoning
Attn: Ligon Webb
P.O. Box 1206
Madison, Virginia 22727-1206

Re: Special Use Permit – Barbara Miller-Crescere Resort, LLC
Rte. (Route 231), Uno, Madison County, VA

Dear Mr. Webb:

The Department of Transportation, Charlottesville Residency Transportation and Land Use Section has reviewed the above-referenced special use permit/conceptual plan dated May 15, 2020 as prepared by Shimp Engineering, and offer the following comment:

1. Specific entrance elements like turn lanes, would determine at the site plan stage but both right and left turn lanes may be required. If phased improvements are desired then there must be a trigger with the County to require a new plan. Otherwise VDOT may not be aware when additional buildout occurs.

If you have further questions, please contact Willis Bedsaul at (434) 422-9866.

Sincerely,

Adam J. Moore, P.E.
Area Land Use Engineer
VDOT - Charlottesville Residency



June 30, 2020

Madison County Planning Commission
Madison County Board of Supervisors
% Ligon Webb, County Planner
PO Box 1206
414 N. Main Street
Madison, Virginia 22727
(Transmitted via email)

Re: SU-07-20-14 Crystallis LLC Special Use Permit for Crescere Rural Resort

Dear Mr. Webb (Ligon), Planning Commission, and Board of Supervisors,

The Piedmont Environmental Council (PEC) respectfully submits this letter in response to the application identified as SU-07-20-14 submitted by Crystallis LLC on [May 15](#) and revised [June 26](#) for the Crescere Rural Resort (Crescere) located on Tax Map IDs 64-71, 64-73, 64-73A, 68-1, 68-2A, 68-2 and 69-1.

PEC requests that the SUP be denied in its current form, or that the public hearing process be tabled until July 28 (at the earliest) to allow for full review and analysis of the application by the county's residents, particularly as the application was substantially revised on June 26.

PEC understands the importance of tourism, especially the economic benefits it brings to Madison County. At the same time, PEC raises the importance of protections to mitigate environmental impacts, Madison citizens' peaceful enjoyment of their community, and the likely traffic impacts.

The citizens of Madison County deserve to have their resources protected. Similarly, without the protection of the county's natural resources, beauty, and quiet atmosphere, tourists would not view the county as a destination worth visiting. This SUP should not negatively impact the public health, safety, or welfare nor the county's natural resources. **The SUP should not be approved as currently submitted.**

In order to address these potential impacts, the SUP should be updated to include the staff recommendations provided in the Special Use Permit – Crescere Agri-Resort: Project Overview, Ordinance Requirements & Project Consideration letter submitted to the applicant on June 3, 2020.

The Applicant submitted supplemental updates to the SUP on June 26, only three (3) business days prior to the public hearing. These substantial changes (discussed further below) support PEC's request to deny the current application and extend the public hearing so that the citizens of Madison County have an appropriate amount of time to review and comment.

- **Increased Public Annual Events:** The original SUP requested two (2) annual, public events per year. The supplemental updates requested 12 annual, public events per year (**a 400% increase**). Each of these events would allow for over 1,000 guests to attend. It is PEC's understanding that public events with less than 1,000 guests would not be included as one of the 12 public events per year, meaning an unlimited amount of events with less than 1,000 guests could be held.¹ **PEC does not support the attendance allowed for this amount of public events, and suggests an upper limit be included for the maximum number of guests for public events.**
- **Private Events:** The supplemental updates include no language specific to the number of private events allowed per year; nor do they address the amount of guests allowed per private event. Both of these allowances need to be included in the permit. Without this clarity, transportation, noise, and environmental impacts could potentially exceed those of public events. PEC does not support private events having more guests allowed than public events.
- **Environment:** Given the increased amount of estimated overnight guests (250) requested in the supplemental updates, with no given maximum on the amount of overnight guests, the potential for environmental impacts is much greater than originally anticipated. The increased amount of overnight guests, coupled with the unrestricted amount of guests for both public and private events, has resulted in **incalculable needs/requirements for septic and potable water use**. The Rapidan River is an important resource that not only provides clean drinking water to our community, but also serves as a water source for agriculture and habitat for plants and animals. Septic and potable water use are both

¹ "A large public event would be defined as an advertised event or gathering in which the general public is invited (regardless if a fee is collected or not) where the group exceeds 1000 people over the course of the event." (Supplemental Updates submitted by Crystallis LLC on June 26, 2020)

dependent on environmental conditions at the site. Without having the proper testing done upfront, the capacity for these utilities is unknown. Therefore, environmental site conditions should be analyzed, with the results used as a formal means to determine appropriate attendance capacities.

- **Noise and Quiet Hours:** The supplemental updates requested a music cut-off time of 12 am. This requested cut-off time will be detrimental to the public health, safety, and welfare of both adjoining and nearby residents and livestock. PEC recommends the county require a music cut-off time of 9 pm, in addition to limiting the number of music events allowed per year. **As currently written, the SUP would allow for music to play until midnight for 365 days per year with no restriction on noise levels.**
- **Transportation:** More clarity is needed to better understand potential transportation impacts, especially as it relates to Fire and Emergency Medical Service (EMS) response times and capacities. Given the unlimited number of guests allowed for during each of the 12 public events, there are obvious transportation impacts that could not only cause road congestion but could result in difficulty for Fire and EMS to appropriately respond to future calls on the property and throughout the entire county. An analysis of Route 231's capacity for safe driving conditions, coupled with Fire and EMS recommendations for safe attendance maximums, should be utilized to determine the appropriate number of maximum guests allowed on site at any given time.
- **Unspecified Building Footprints:** Both the supplemental and original applications discuss the inclusion of support buildings, including a dam bar, farm center, and open air pavilion. It is important to note that these support buildings have unspecified building footprints. The square footage of each of the buildings should be included, in order to better understand the potential impacts and average daily guests.
- **Perpetual SUP:** It is PEC's understanding that the current SUP runs with the land, and would allow for future property owners to rely upon the approved permit for Crystallis LLC. The county must recognize that future property owners may have different environmental and business ethics than the current applicant. For this reason, the SUP should provide the clarity and protections necessary to preserve the rural character of Madison County for perpetuity, regardless of the land owner's intentions.



Thank you for taking the time to review PEC's thoughts on this important matter. Please include this letter in the county's public submission forum, read it aloud on my behalf during the public hearing, and feel free to contact me with any questions or requests for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hawk". The signature is written in a cursive style with a large, circular initial "C".

Christopher Hawk
Land Use Representative - The Piedmont Environmental Council
(804)337-6716

SPECIAL USE PERMIT
CONCEPT PLAN
SP NUMBER PENDING

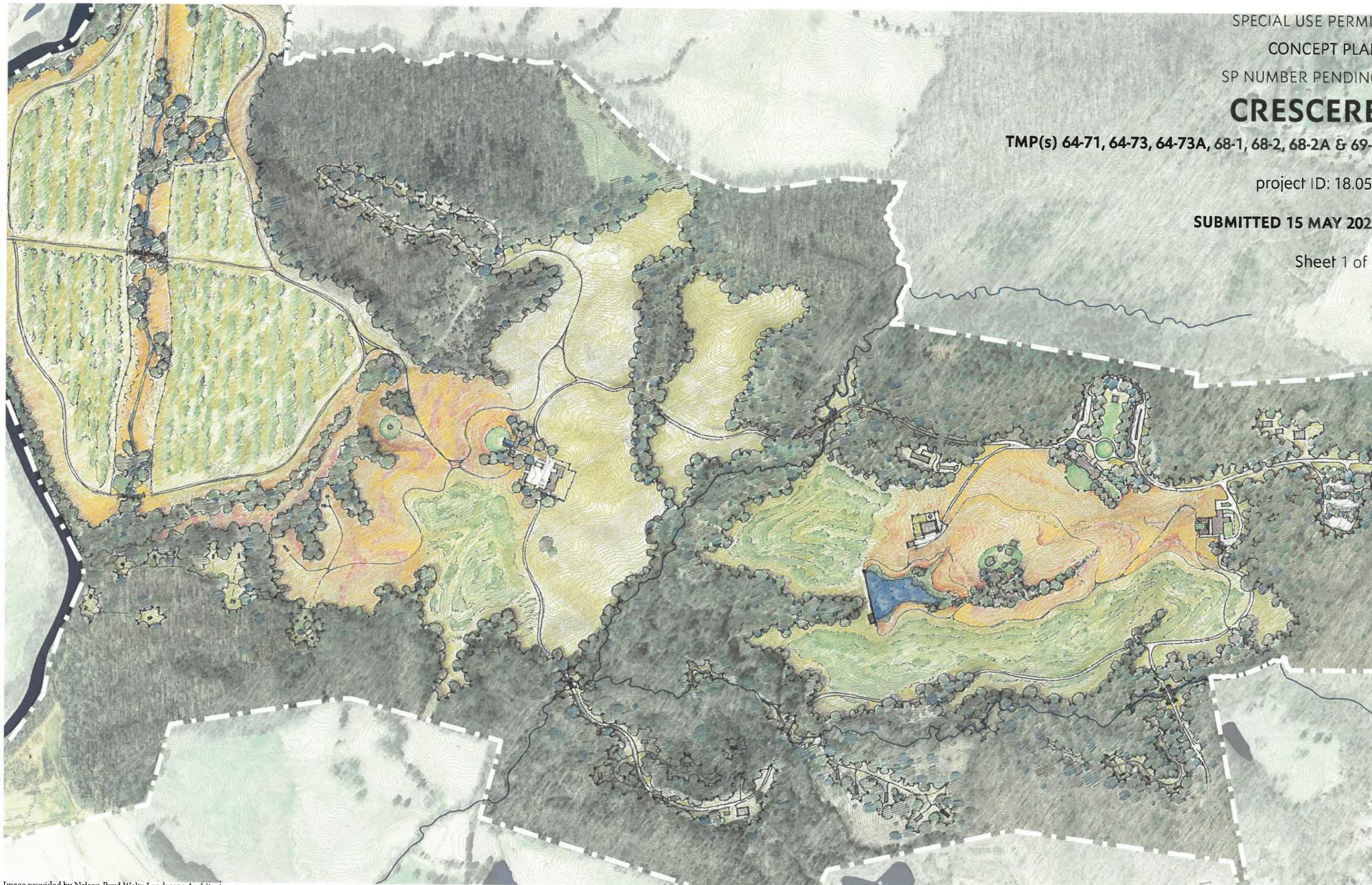
CRESCERE

TMP(s) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

project ID: 18.051

SUBMITTED 15 MAY 2020

Sheet 1 of 9



CRESCERE SITE & SP DETAILS

OWNER

Crystallis, LLC
5291 Scuffletown Rd
Barboursville, VA 22923

DEVELOPER

Crescere Resort, LLC
5291 Scuffletown Rd
Barboursville, VA 22923

TMP(s)

64-71, 64-73, 64-73A, 68-1, 68-2A, 68-2 & 69-1

ACREAGE

749.308

DISTRICT

Rochelle

SOURCE OF BOUNDARY & TOPOGRAPHY

Boundary plat prepared by: Parker & Burke Surveyors, PLC, on April 15, 2007. Two (2) foot contour interval topography from aerial survey by McKenzie Snyder, Inc on April 3, 2019.

FLOODZONE

According to the FEMA Flood Insurance Rate Map, effective date January 5, 2007 (Community Panel 51113C0307C), this property does lie within a Zone A 100-year flood plain.

WATER AND SANITARY SERVICES

Provided by private well & septic

USE

EXISTING: Agricultural
PROPOSED: Rural Resort

ZONING

EXISTING: A1 - Agricultural
OVERLAY: Floodplain

PROJECT NARRATIVE

Crystallis LLC (the "Applicant") is the owner of tax map parcels 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A and 69-1 (collectively, the "property") located in Madison County (the "County") Together, the parcels are approximately 749.308 acres. The property is located between Route 231 South Blue Ridge Turnpike and the Orange County Line. The property is minutes away from James Madison's Montpelier and six miles from Route 29. The Applicant requests special use permit approval of an Event Venue use for rural resort development and operations on the property, which is zoned A-1 Agricultural. The rural resort will be known as "Crescere." The property is surrounded by other A-1 uses and borders on the Rapidan River which is the Madison/Orange County Line. Cow pastures, horse pastures, and crop areas are currently on the property. Agricultural functions will continue with the integration of the rural resort use on the property. The development of this rural resort will contribute to County goals of encouraging agri-tourism while promoting and protecting the natural beauty and rural character of Madison County. A rural resort on this property will help to attract tourist activity, support industry growth, and encourage conservation and stewardship.

Rural resort development and operations proposed with this application include conference and retreat facilities; educational and entertainment facilities; dining and picnicking facilities; camping and glamping facilities; hiking, cycling, fishing, canoeing, rafting, tubing, wildlife observation shelters, boat landing/docks, and equestrian trails and facilities; administrative, utility service, laundry and construction facilities and staff living quarters. Approximately 60,000 sq. ft. of permanent and temporary structures are proposed on the property. 280,000 sq. ft. of the property entrance and new parking areas are proposed to be paved and nearly 9,000 linear feet of existing dirt roads will be widened to 12' to ensure safe circulation throughout the site and adequate road surface improvements to serve any emergency vehicles. Overall, 98% of the property will remain undisturbed as open space, preserving the rural and agricultural character of the property and ensuring development on the property will not pose a threat to environmental resources.

DEVELOPMENT IMPACT ANALYSIS

The following development impact analysis is provided in accordance with Sec. 16-2 of the Madison County Zoning Ordinance:

16-2.1 Population:

This request does not propose increased density or residential development and therefore, there is no anticipated impact on the population of Madison County.

16-2.2 Public and Private Services:

Crescere will be served by private well and septic and will not have an impact on public water and sewer. Crescere is envisioned as an ecological retreat and as an ecological retreat, intends to keep trash production significantly low by providing guests with reusable canteens and discouraging use of non-compostable picnic products on the property. Crescere will be served by local emergency services, in the event of an emergency. The proposed internal road improvements will make it easier for emergency vehicles to access the site in the event of an emergency. There are no proposed residences and so there will be no impact to schools from the development. The entrance to the site from publicly maintained roads will be reviewed by VDOT at the site plan state and so any necessary and required entrance improvements will be made in accordance with VDOT standards to ensure there are safe points of ingress and egress to and from the site that do not create conflicts with existing background traffic on the public roads.

16-2.3 Environmental Impact:

Lighting: Lighting of the property will not have substantial impact on neighboring parcels. Lighting will be limited to permanent and temporary structures and such structures comply with the setbacks and yard regulations outlined in the Madison County Zoning Ordinance Section 4-4 and 4-6. Rural resort operations will largely take place during the day, so outdoor lighting is expected to be minimal. In accordance with Sec. 14-4-2(d), any onsite outdoor lighting will be sited to not hinder the use or discourage the appropriate use and development of adjacent land and buildings our impair the value thereof.

Noise: Noise produced by the use of the property is not anticipated to have a negative impact on neighboring parcels given the distance between proposed new structures and neighboring properties. The majority of the existing treeline will be maintained, supporting a natural buffer against traveling noise. Excessive noise will be controlled by the business and it is in the best interest of the resort to limit noise

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2	- Site & SP Details
3	- Site & SP Details
4	- Existing Conditions
5	- Existing Conditions
6	- Crescere Master Plan
7	- Event Venues + Four Season Cottages
8	- Meadowlands
9	- Farm Center + Glamping Sites

TMP 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

SUBMITTED 15 MAY 2020

project: 18.051

CRESCERE SITE & SP DETAILS

Sheet 3 of 9

for all guests that visit the facilities so that guests may partake in peaceful enjoyment of the rural resort property.

Stormwater Management and Erosion & Sediment Control: The application proposes 60,000 sq. ft. of permanent and temporary structures, 280,000 sq. ft. of impervious pavement for entrance and parking improvements, and about 9,000 linear feet of widened roadways, which will impact the land disturbance on the property. 98% of the property will remain as open space, which substantially mitigates new stormwater run-off and does not require excessive engineering for the increased impervious area. Any impacts caused by construction of the glamping sites, restaurant, and other structures, will be minimal and will be mitigated with E&S measures. The proposed construction in conjunction with the mitigation measures which may include sediment traps, silt fencing, and the like will be overall, less impactful on erosion and water quality than some traditional agricultural activities that is permitted by-right on the site, such as cattle cultivation. With only 8 acres of disturbance proposed out of the total 749 acres, impacts to environmental resources from erosion and sedimentation will be essentially, non-existent.

Air Quality: Since 98% of the site will remain as open space, there is no impact to air quality. The vegetation on the site will continue to contribute to good air quality as an overwhelming majority of the existing vegetation will remain.

16-2.4 Generation of Local Tax Revenue:

Crescere is anticipated to generate local tax revenue predominantly from real estate tax and transient occupancy tax. According to Madison County GIS, the property value is approximately \$5mm. The improvements to the property in the near term are expected to be a few million, which will increase the assessed value and taxes generated. The transient occupancy tax, which is 5% of net rent, is also expected to generate local tax dollars. There are expected to be 42 glamping, camping, and cottage sites that will each rent for several hundred dollars per night.

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TMP 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

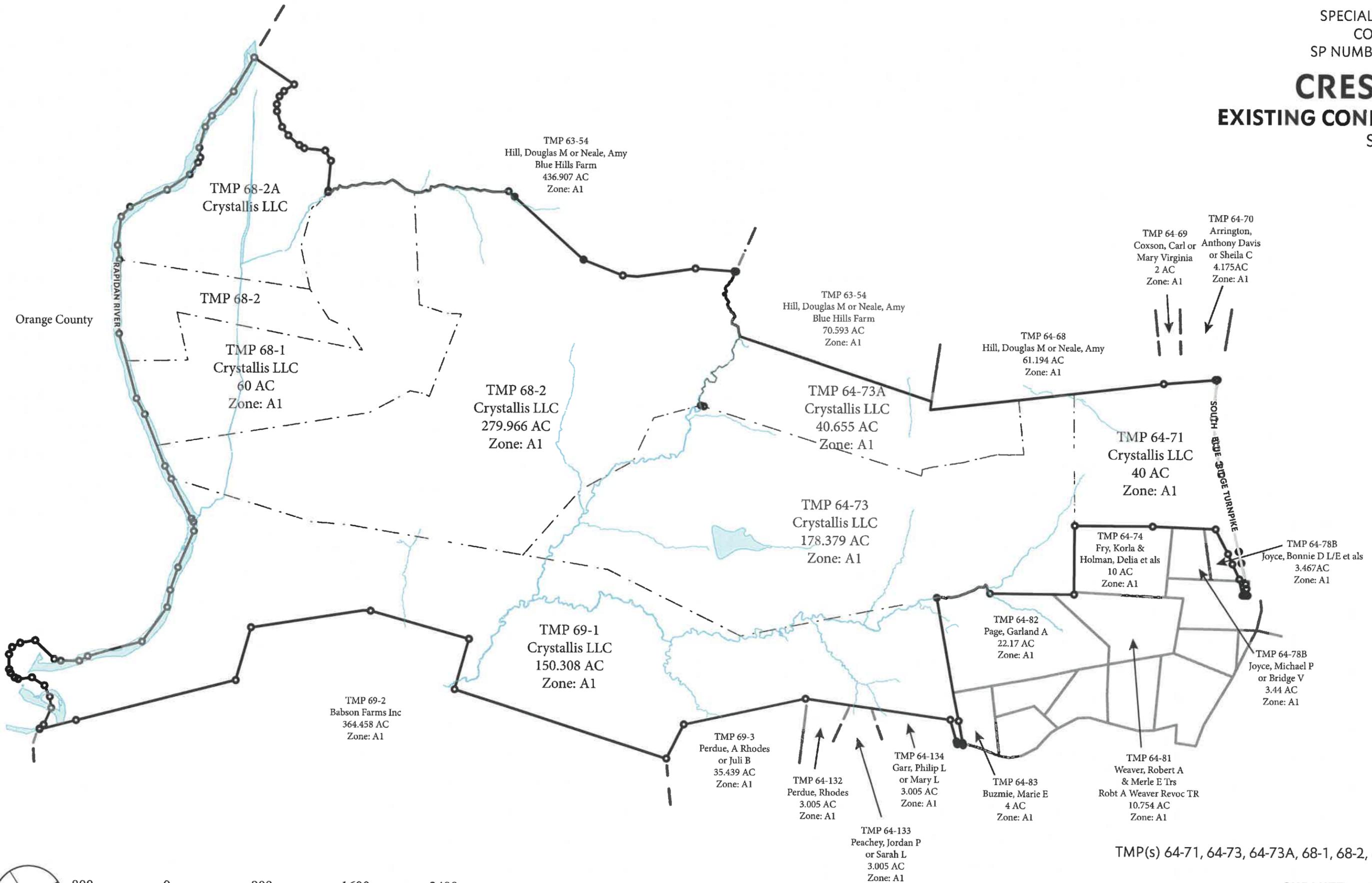
SUBMITTED 15 MAY 2020

project: 18.051

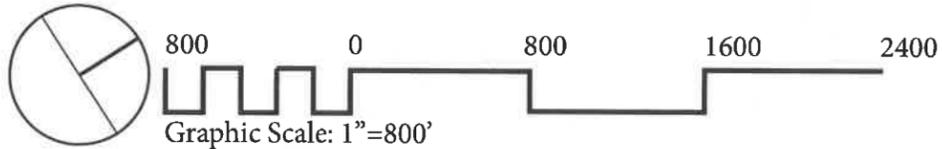
CRESCERE

EXISTING CONDITIONS

Sheet 4 of 9



TMP(s) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1



SUBMITTED 15 MAY 2020

project: 18.051

SHIMP ENGINEERING, P.C.

- Legend**
-  Buildings
 -  Road
 -  Treeline
 -  Active Pasture
 -  Water
 -  Floodplain



SPECIAL USE PERMIT
CONCEPT PLAN
SP NUMBER PENDING

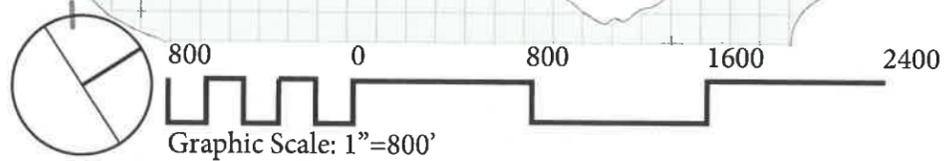
CRESCERE

EXISTING CONDITIONS

Sheet 5 of 9



TMP(s) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1



SUBMITTED 15 MAY 2020

project: 18.051

SHIMP ENGINEERING, P.C.

CRESCERE MASTER PLAN

Sheet 6 of 9



LEGEND

- 1 Welcome Center + Restaurant
- 2 Event Center
- 3 Four Season Cottages
- 4 Spa
- 5 Open-Air Pavilion
- 6 Upgraded Existing Pavilions
- 7 Dam Bar
- 8 Farm Center
- 9 Lodge
- 10 Hilltop Glamping
- 11 Riverview Glamping
- 12 Family Campsite

Notes

1. Open Space: A minimum of 50% (percent) of the site shall remain as open space. (See Article 20-133)
2. Building Height: No new building shall exceed 48 feet (4 stories) in height from the grade to the highest roof beams or a flat roof, or the mean level of the highest gable or slope of a gable, hip, or other roof.
3. Lodging: All lodging, dining, and other facilities for guests use must comply with local and State building codes and Health Department regulations.
4. Parking & Loading: Parking and loading at event venues will be subject to the requirements set forth in Article 14-9 and 14-10.



TMP(s) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

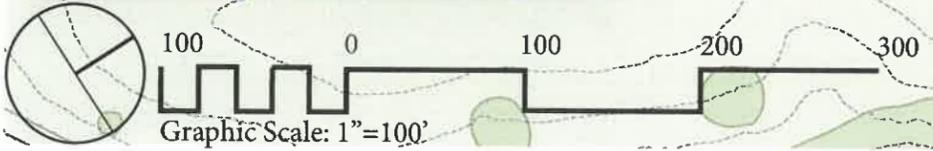
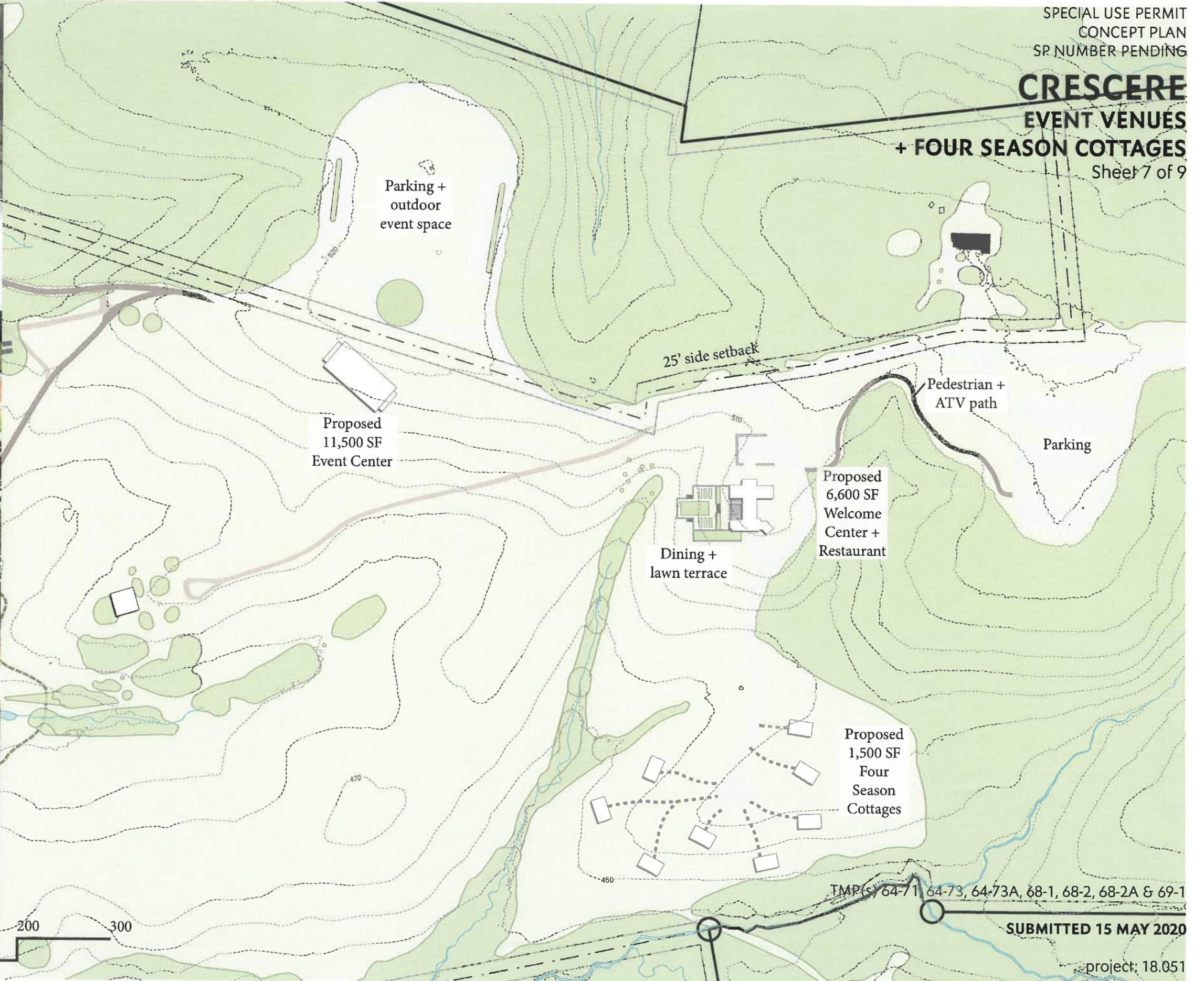
SUBMITTED 15 MAY 2020

Project: 18-051

CRESCERE EVENT VENUES

+ FOUR SEASON COTTAGES

Sheet 7 of 9

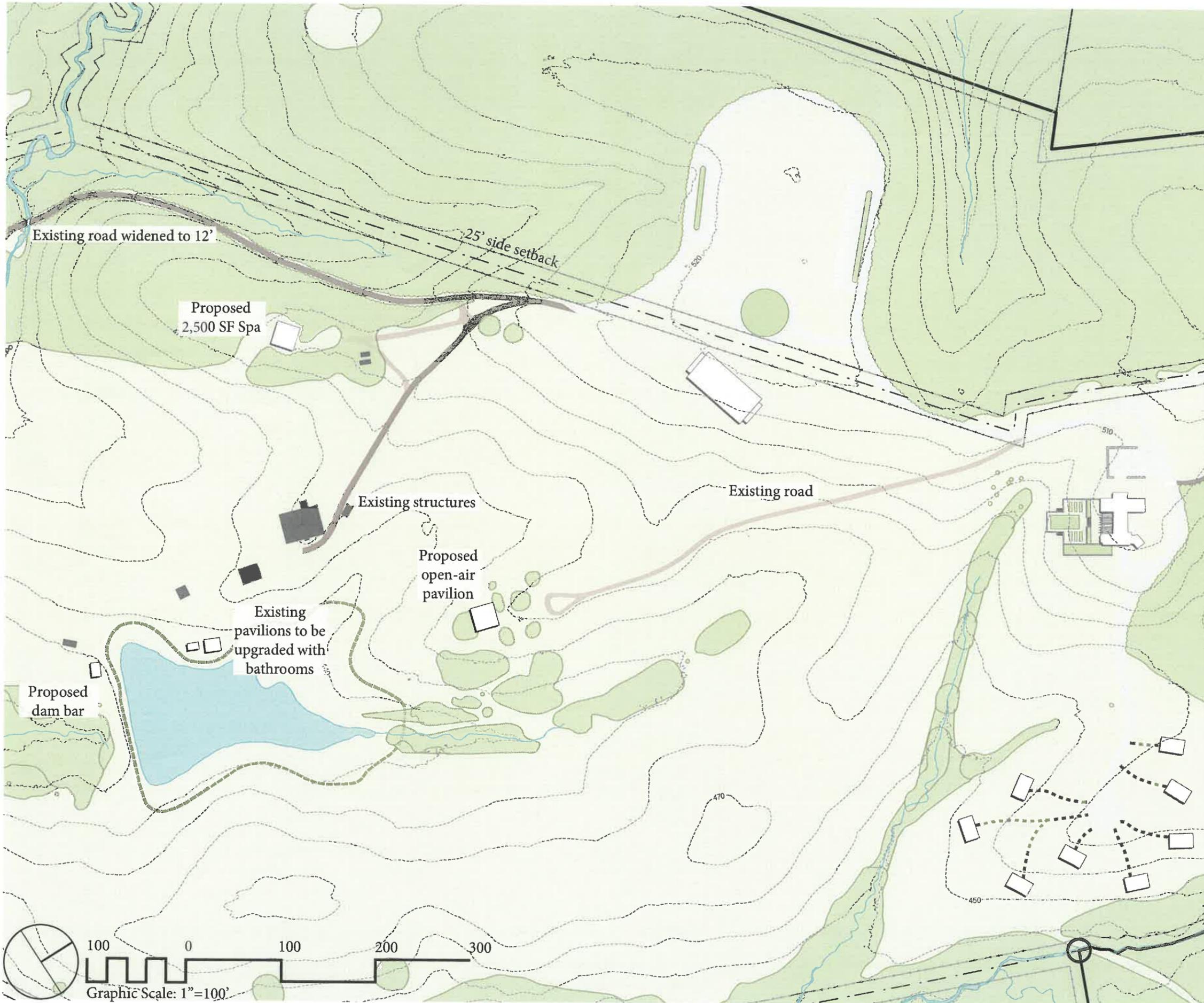


SUBMITTED 15 MAY 2020

project: 18.051

CRESCERE MEADOWLANDS

Sheet 8 of 9



TMP(s) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

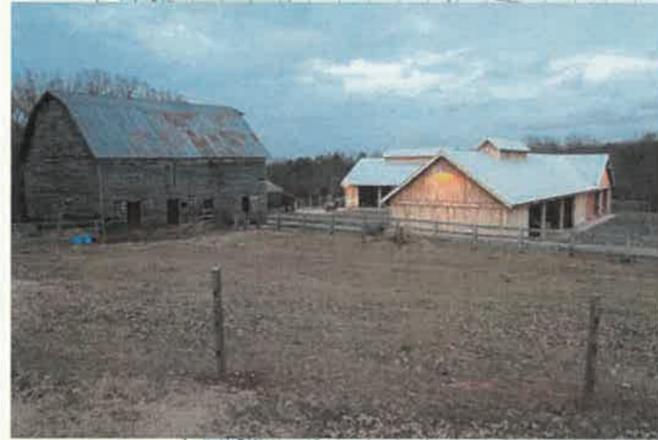
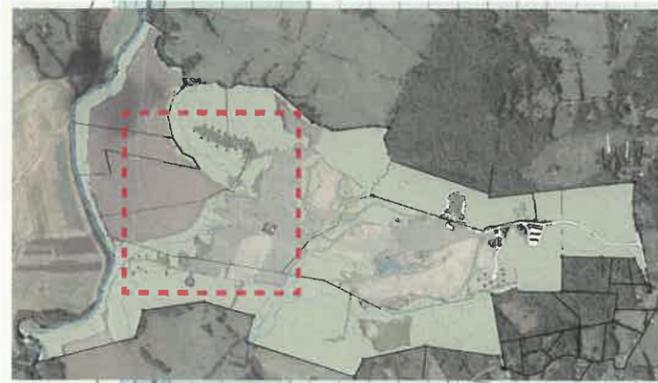
SUBMITTED 15 MAY 2020

project: 18.051

SPECIAL USE PERMIT
CONCEPT PLAN
SP NUMBER PENDING

CRESCERE FARM CENTER + GLAMPING SITES

Sheet 9 of 9



TMP(S) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

SUBMITTED 15 MAY 2020

project: 18.051

SHIMP ENGINEERING, P.C.

Suggested Changes for By-Laws

Red for words to be removed. Italics for new wording.

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
July 15, 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”, ***hereinafter referred to as the 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 **Planning** 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 **Planning** Commission or is absent from any four (4) meetings of the **Planning** 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 **Planning** Commission may approve such requests if budgetary funds are available.

ARTICLE 3 – OFFICERS AND THEIR SELECTION

- 3-1 The officers of the **Planning** Commission shall be a **chairman Chairman** and a **vice-chairman Vice-Chairman** elected annually from the membership of the **Planning** Commission, whose duties are outlined in Article 4. At any meeting where both the **chairman Chairman** and **vice-chairman Vice-Chairman** are not present, the members shall select from their number a **chairman Chairman** pro tem to preside over such meeting and certify the minutes of such meeting. The **Planning** 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 Chairman** at the regular meeting in December, and shall report its nominations to the **Planning** 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 **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 **Vice-Chairman** shall be a member of the Commission and shall:

- 4-2-1 Act in the absence or inability of the chairman **Chairman** to act.
- 4-2-2 Have the powers to function in the same capacity as the chairman **Chairman** in cases of the chairman's **Chairman's** inability to act.

4-3 The secretary shall be a resident of Madison County and shall:

- 4-3-1 **Keep a Submit written and tape recorded **electronic** records, **including minutes**, of all business transacted by the Commission at its meetings **to the county I.T. specialist.****
- 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 **4-3-2** Keep a file of all official records and reports of the Commission, certifying same.
- 4-3-4 **4-3-3** Attend to the correspondence of the Commission, as it designates, necessary for the execution of its duties and functions, utilizing telephone and **telegraph e-mail** 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 ~~4-3-4~~ Maintain the roll, and make quarterly reports to the Board of Supervisors of each member's attendance and compensation due.

ARTICLE 5 – COMMITTEES

- 5-1 Special Committees may be appointed by the ~~chairman~~ **Chairman**.
- 5-1-1 Reports by Committees of the **Planning** Commission shall be submitted in written form when necessary.
- 5-1-2 A minimum of three **Planning** 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~~ **Chairman** 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 ***The Planning Commission shall meet at least every two months. Unless otherwise specified by the Chairman, the Planning Commission shall meet twice each month. One such meeting shall be a Regular Meeting to be followed immediately by a meeting of the Board of Supervisors. The other meeting shall be a Workshop Meeting. 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~~ **rescheduled**. A ~~workshop or regular~~ meeting may be canceled 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 of the public to attend the meetings. Meetings canceled due to weather or other hazardous conditions ~~may be held on the next business day on which County office are open~~ **shall be rescheduled**.
- 6-2** ~~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.

6-3 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.

6-4 6-2 Special meetings shall be called at the request of the **chairman Chairman** or at the written request of two (2) members of the **Planning Commission**, such request being made to the **secretary Secretary**. Notice of all special meetings shall be in accordance with the requirements of the Virginia Freedom of Information Act.

6-5 6-3 All meetings, hearings, records and accounts shall be open to the public, except as permitted by the Virginia Freedom of Information Act.

6-6 6-4 ***A quorum for the transaction of business at meetings shall consist of one-half of the Planning Commission members then in office*** 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.

6-7 6-5 Each person speaking before the hearing shall be asked to state name and address, and a record shall be kept.

6-8 ***During times of local, state, or national emergency, the Planning Commission may conduct its meetings through electronic communication, when meeting in person is unsafe or impractical(Virginia Code 2.2-3708.2).***

6-9 ***The Madison County Planning Commission may conduct any meeting in which public business is discussed or transacted through electronic communications if, on or before the day of the meeting, a member of the Planning Commission notifies the Chairman of the Planning Commission that they are unable to attend the meeting for any of the following reasons:***

- a. Due to a temporary of permanent disability or other medical conditions that prevents that member's personal attendance.***
- b. The member is unable to attend the meeting due to a personal matter, and the member provides a description of the specific nature of the personal matter to the Chairman.***

No member of the Planning Commission shall be entitled to rely on this provision more than twice in any calendar year.

If the Chairman of the Planning Commission approves the electronic participation set forth in this Section, The Planning Commission shall record in its minutes the fact that a member participated remotely through electronic communications and specific the remote location from which the member participated electronically. The Planning Commission shall also include in its minutes the reason(s) the member participated remotely.

If the Chairman denies participation from a remote location, the basis for such disapproval shall be recorded in the minutes with specificity.

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 *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 *Approval*** of the minutes.
 - 7-1-7 **Report of the chairman.**
 - 7-1-8 **Report of the secretary.**
 - 7-1-9 **7-1-7** Report of special committees.
 - 7-1-10 **Unfinished business.**
 - 7-1-11 **7-1-8** Adjournment.
- 7-2 Motions shall be restated by the **chairman *Chairman*** or **secretary *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 *electronic records*** 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.
- 7-4-2¹ All minutes must be signed by the secretary **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 **Planning** Commission may, at its discretion, hold public hearings when it **decides** ~~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 **Planning** Commission or the purpose of the hearing shall be summarized by the ~~chairman~~ **Chairman** or other designated member of the **Planning** 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 **By-Laws** rules may be ~~changed~~ **amended** by a recorded two-thirds (2/3) vote of the entire ~~membership~~ **Planning Commission** if notice of such change is ~~mailed~~ **distributed** at least five (5) days before the meeting. However, should notice of proposed rule changes be ~~mailed~~ **distributed** 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 **By-Laws** rules by a unanimous vote of the members present, provided a quorum is in attendance.