



Agenda  
Joint Meeting  
Madison County Planning Commission &  
Madison County Board of Supervisors  
Wednesday, August 5<sup>th</sup>, 2020 7 p.m.  
Madison County High School's Auditorium  
68 Mountaineer Lane, Madison, Virginia 22727



## Planning Commission

Call to Order

### *Pledge of Allegiance & Moment of Silence*

- 1) Determine Presence of a Quorum
- 2) Approval of Agenda (Additions or Changes)
- 3) Review of Minutes from the July 1<sup>st</sup> , 2020 Joint Hearing
- 4) Public Hearings:

**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.

**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) Items from Public or Planning Commission

6) Adjournment

**Madison County Planning Commission  
Joint Meeting  
July 1, 2020**

The Madison County Planning Commission Joint meeting was called to Order by Chair, Mike Mosko, in the County Administration Building auditorium at 7:00 p.m. A quorum was established with all members present: Fay Utz, Françoise Seillier-Moiseiwitsch, Nan Coppedge, Peter Work, Mike Mosko, Mike Fisher, Steve Carpenter, Danny Crigler, and Pete Elliott. Also present were: Ligon Webb, County Planner; Sean Gregg, County Attorney; and Clay Jackson, BOS liaison.

All stood for the Pledge of Allegiance, followed by a moment of silence. Motion was made by Mike Fisher to accept the agenda, seconded by Fay Utz, and carried, with all members voting aye. Motion was made by Mike Fisher to approve the minutes of the June 3, 2020 as submitted, seconded by Danny Crigler, and carried, with all members voting aye.

**Case No. S-07-20-12:** Request by Scott and Katherine Devitt to subdivide an existing 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 acres. This land is zoned A-1 and located on Leon Road (Rt. 631) and identified as TM 43-2. The property has not been divided four times in the past 10 years, and all lots will be served by a 50' right-of-way, which will exhaust the number of users on this right-of-way. The request has VDOT and Health Dept. approvals. James Cabbage, Surveyor, was present to answer any questions. Motion was made by Pete Elliott to recommend approval by the BOS, seconded by Danny Crigler, and carried, with all members voting aye. Mike Fisher suggested beginning the practice of including declamations and covenants with subdivisions regarding rights-of-way.

**Case No. S-07-20-13:** Request by Robert and Allison Yeaman to subdivide an existing 82.7-acre parcel creating three new parcels with residue. The new parcels would contain 7.54 acres, 16.81 acres, 6.9 acres, and 46.56 acres, and a boundary adjustment of 4.89 acres to an adjoining lot also owned by the Yeaman's. This land is zoned A-1 and located on Beautiful Run Road (Rt. 621) and identified as TM 64-11B. A new right-of-way will be established to serve Lots 2, 3, 4, and parcel TM 64-11C. Robert Yeaman was present to answer questions. This will exhaust the number of users on the right-of-way. Motion was made by Pete Elliott to recommend approval by the BOS, seconded by Fay Utz, and carried, with all members voting aye.

**Case No. SU-07-20-14:** Special Use Permit by Crystallis LLC (Barbara Miller) for an event/venue located on seven parcels totaling 749.3 acres in Uno. The case was delayed for further required advertising, and will be discussed at the July 15 workshop meeting. Sean Gregg suggested allowing public comment from anyone present who did not know the case was going to be delayed. The Planning Commission recessed to allow the BOS to convene, and then reconvened. The following persons spoke:

- Doug Hill, adjoining land owner, has concerns about 12 big events per year, number of overnight guests, asked for more time to work with Ms. Miller
- Amy Neale, adjoining landowner, concerned about ending time of music, no limit on number of guests, traffic, ATV's, and that the SUP should stay with the applicant not the land
- Chris Hawke (virtually), PEC, asked for more time before the BOS decides
- Barbara Miller, applicant, cleared up some of misinformation, and considers herself an environmentalist
- Sue Miller, co-founder, stated the 6 glamping units could house 2-5 people, do not plan a hotel, do not plan rock concerts but craft and harvest festivals, the main focus is a teaching farm, plans will be built in phases, will be a cap on numbers of guests, and they plan to showcase Madison
- Chip Queitzsch (virtually) is concerned that the plans change every 2 weeks
- Justin Shimp, Engineer, Crescere is a very large property, and the buildings, land disturbance, and water will all be regulated.

Pages of emails and comments received in the Zoning Office regarding the Crescere application were included in the meeting packet. Peter Work asked Sue Miller to give her bullet points to Mr. Webb.

There being no further business, motion was made by Mike Fisher to adjourn the meeting at 8:10 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 5<sup>th</sup>, 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](http://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](mailto: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](mailto: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)**

**Madison County's FIRMs** – An essential component of the floodplain ordinance is the FIRM. This map indicates if a specific property is located in a floodplain; and construction of structures in identified floodplain areas would be required to follow floodplain construction building codes. Further, if mortgaged floodplain structures would require federally backed floodplain insurance.

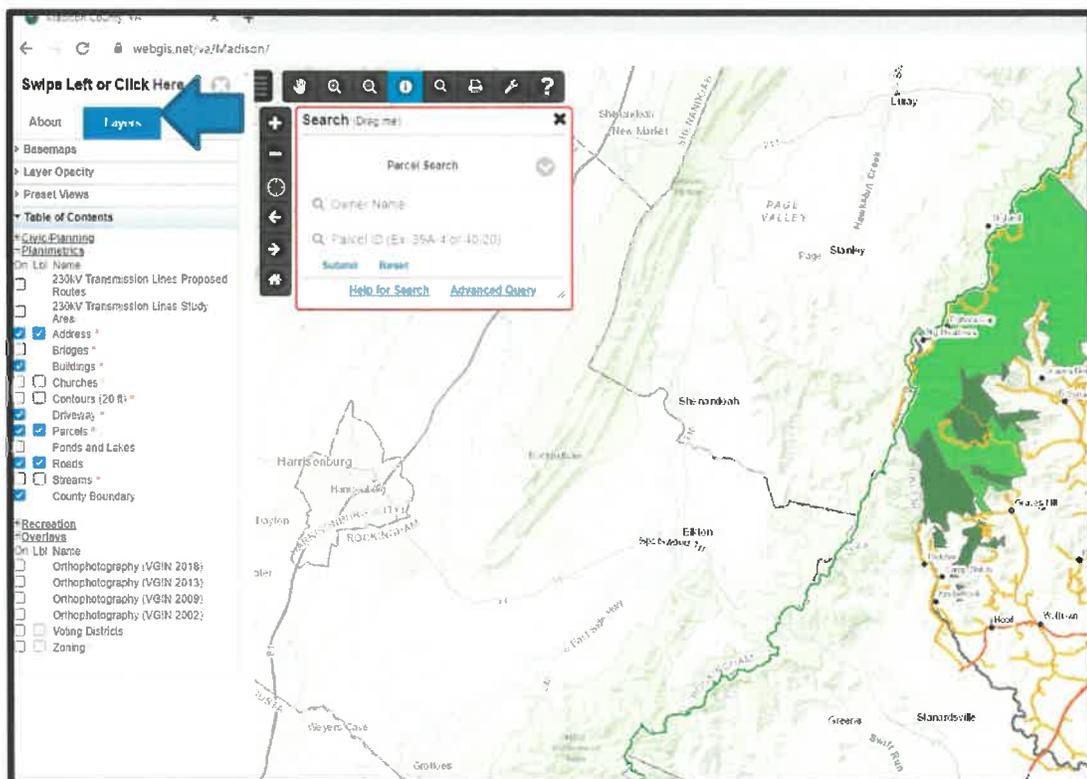
Madison's current FIRMs were established in 2007. The recent FIS was completed last year, and once the amended ordinance is adopted these new maps (and their associated boundaries) will become the County's new official FIRMs.

Generally speaking, the new Madison County FIRMs appear to expand identified floodplain areas compared to the 2007 FIRMs. It is unknown if, or how many, existing dwellings not located in a floodplain per the 2007 FIRMs are now (per the new FIRMs) located in a floodplain.

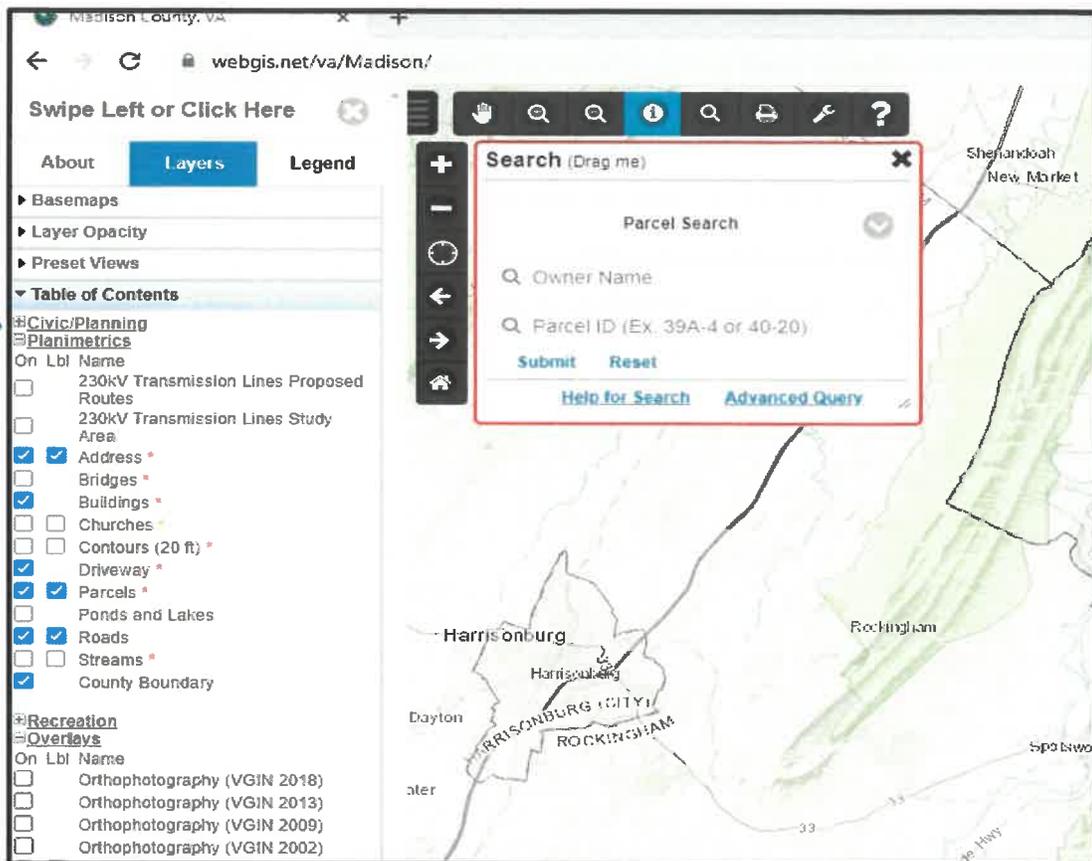
The boundaries of a FIRM may be challenged, but this is a very technically complicated process that requires an appeal to FEMA.

The Department of Building & Zoning has paper copies of all of the (2007 & 2019) FIRMs. However these maps may also be viewed online via the County's GIS website. Here is how to access these maps digitally:

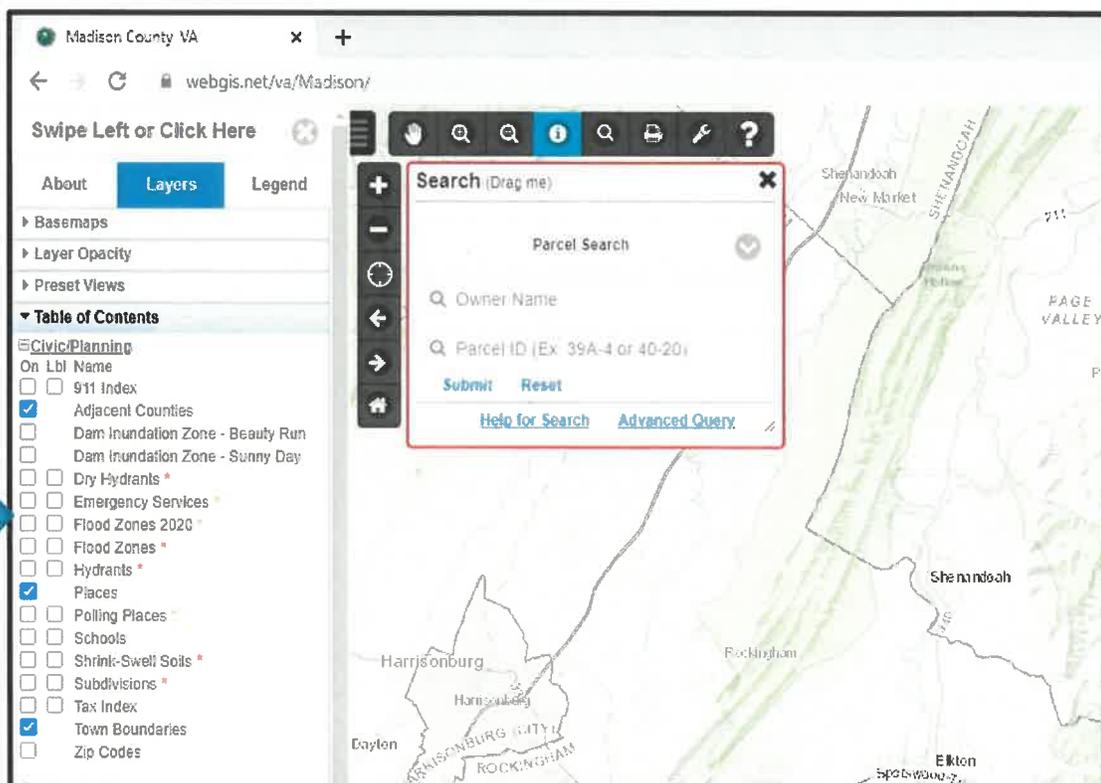
Go to the following website: <https://www.webgis.net/va/Madison/>



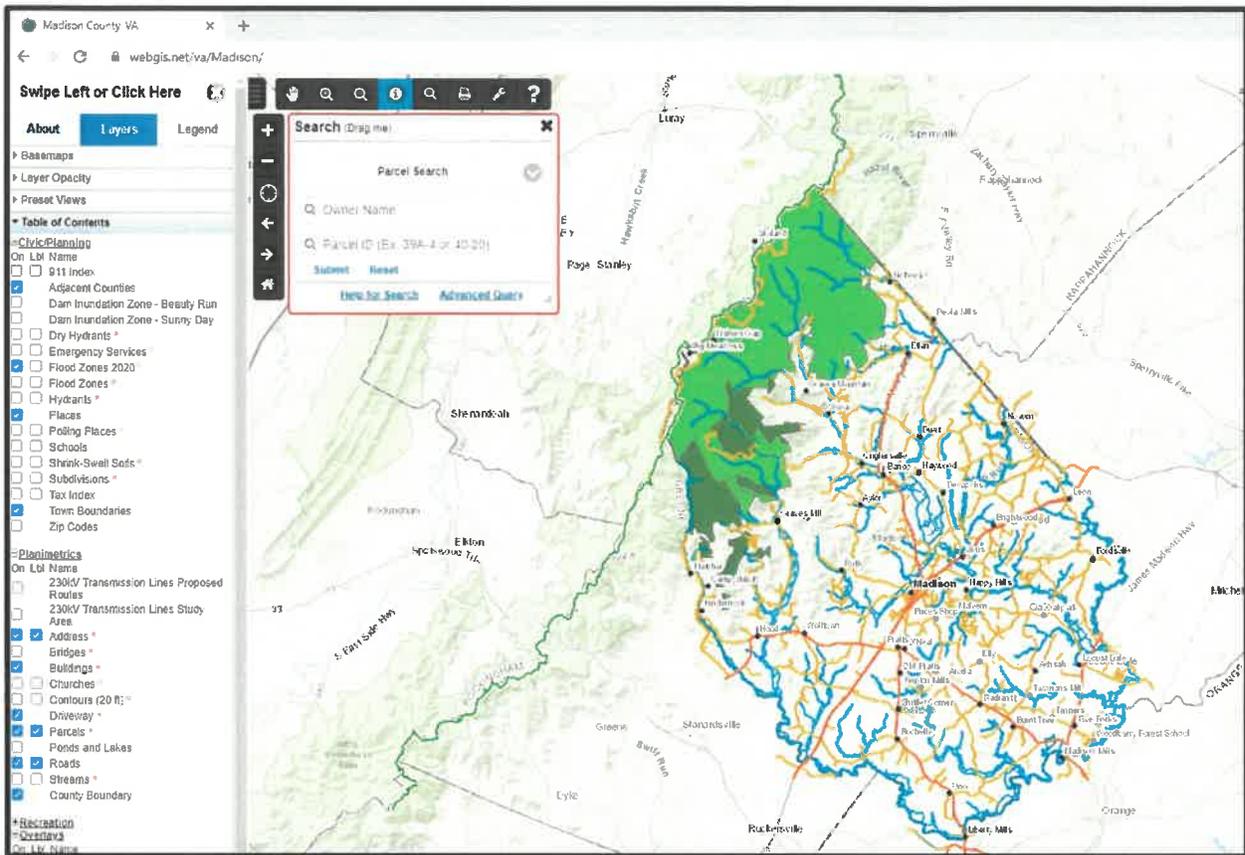
Once on Madison's GIS, click on the tab for "layers"



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 #OA 08-20-15*

**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 5<sup>th</sup> Day of August, 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@crescereresort.com

Applicant:

Name: Crescere Resort, LLC
Address: 5291 SCUFFLETOWN RD, BARBOURSVILLE, VA 22923
Phone No.:
E-Mail: barbara@crescereresort.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.

Signature of Owner or Agent (Handwritten signature)

Date: 5/15/2020

Print Name: Barbara Miller

Daytime phone number of Signatory: 917-570-0155

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

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

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

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](mailto:Kelsey@shimp-engineering.com) or by phone at 434-227-5140. You can also contact Justin Shimp at [Justin@shimp-engineering.com](mailto:Justin@shimp-engineering.com).

Best regards,

Kelsey Schlein  
Shimp Engineering, P.C.



**Conditions of a Special Use Permit (SUP) 07-20-14 for Crystallis, LLC to Operate an Event/Venue and Associated Agriculturally Exempt Activities on A1 (agricultural) Zoned Parcels Located in Madison County, Virginia.**

*Date: July 23, 2020*

*Revised: July 31, 2020*

**Prepared by:** Ligon Webb, County Planner & Sean Gregg, County Attorney

**A) Controlling Documents:** The special use permit's (aka, "the SUP" or "the project") controlling document shall be the conditions as set forth herein and the materials submitted to the grantor, Madison County (VA), by the grantee, Crystallis LLC as part of this special use permit.

**B) Parcels Identified/Covered by Special Use Permit:** Madison County Tax Maps: 64-71, 64-73, 64-73A, 68-1, 68-2A, 68-2 & 69-1; with a total acreage of roughly 749.3 acres. These parcels may be referred to herein as "the site" or "the project". The identified parcels are owned by Crystallis, LLC.

**C) Compliance:** The use and development of the subject property shall conform to the stated conditions listed herein and conform to all requirements of Madison County's zoning, subdivision and site plan ordinances; and all associated state and federal requirements shall be complied with. Failure to conform to, or comply, with stated

conditions herein could result in revocation of the SUP and therefore the ability to legally operate said activities from the subject site. Any failure on the part of the County in compliance with the development process shall not constitute a violation of the SUP or result in a revocation of the SUP.

**D) Uses and Activities Covered by SUP:** The “event venue” use is codified in Article 4 (agricultural, A-1), section 4-2 (special permit uses), section 4-2-24 (event venue) of Madison County’s Zoning Ordinance; further, event venue uses are subject to additional zoning ordinance provisions articulated in Article 14 (general provisions), section 14-18 (event venue), sections 14-8.1 through 14-18.4.

Per section 15.2-2288.6 (agricultural operations; local regulation of certain activities) of the Code of Virginia, the subject site enjoys local regulation exemptions for certain agritourism activities; section 3.2-6400 (definitions) of the Code of Virginia defines these activities as follows: *any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, horseback riding, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.*

The subject site shall be an event venue use for weddings, reunions, conferences, corporate retreats, trade/hobby groups, seasonal festivals and gatherings, concerts, “pick your own” fruits and vegetables activities, farm tours, spa treatments, team building activities and specialty entertainment events (i.e., karaoke, open mic nights, wine tasting, star gazing hikes, etc.) The site will offer dining and picnicking facilities, a bar, overnight lodging and camping/glamping facilities, hiking, cycling, fishing, canoeing, rafting, tubing, camping, wildlife observation shelters and boat landings/docks facilities. Other “by-right” agricultural uses as enumerated in Madison County’s zoning ordinance shall be deemed allowable site uses and activities.

**E) Development Process:** The project will be developed in multiple phases. Each phase shall require a formal Site Plan application demonstrating compliance to sections A1 – A10 of the Madison County Site Plan Ordinance. The Site Plan application will be submitted to County staff for review, presented to the Planning Commission for a

recommendation and forwarded to the Board of Supervisors for approval, denial or recommended modifications. County staff shall notify adjoining property owners via writing when a Site Plan submittal has been received; this notice shall be received by adjoining property owners a minimum of five (5) days before the scheduled hearing for the Site Plan. A public notice will also be placed in the local paper of record advertising the plans and providing notice of the Planning Commission and Board of Supervisors' review. This notice shall be placed in the local paper a minimum of two (2) consecutive weeks prior to the scheduled hearing. Public notice and advertising of plans shall adhere to sections 15.2-2204 and 15.2-2206 of the Code of Virginia. If the Site Plan is approved, subsequently the applicant will be required to submit erosions/sediment (E & S) and storm water management plans for land area(s) proposed to be disturbed which meets minimum permitting requirements; additionally building plans shall be submitted for all non-agriculturally exempt buildings/structures to be reviewed by the County Building Official. Other regulatory processes and review(s) may also be required. Any failure on the part of the County in compliance with the development process shall not constitute a violation of the SUP or result in a revocation of the SUP.

**F) Site Layout, Orientation & Buildings:** The project's overall layout and site orientation shall substantially conform to the Master Plan submitted as part of the special use permit application. This Master Plan is identified as page six (6) of nine (9) of the submitted Crescere Special Use Permit Concept Plan received by County staff on May 15, 2020, and revised on July 24, 2020. Minor deviations from the submitted Crescere Master Plan are acceptable, provided deviations are necessary in order to address unforeseen topographical anomalies (e.g. presence of underlying rock formations, to improve site drainage, achieve enhanced gravity flow for effluent, etc.); deviations from the submitted Master Plan (page 6 of 9) shall be noted on formal Site Plan submittals to the County (see the above item "E"). As deemed by the Board of Supervisors any significant changes and/or alterations between the Crescere Master Plan and a subsequent Site Plan submittal shall require a public hearing in accordance with section 15.2-2204 of the Code of Virginia.

As represented in a narrative and visually on the submitted Crescere Master Plan, the site's buildings shall be as follows:

A welcome center and restaurant (not to exceed 7,000 sq. ft. in area)

Event Center (not to exceed 12,000 sq. ft. in area)

Eight (8) Four Season Cottages (not to exceed 2,000 sq. ft. in area per unit) or eight (8) glamping Sites (but not both)

Spa Building (not to exceed 3,000 sq. ft. in area)

Open Air Pavilion (size to be proposed at Site Plan submittal)

Upgraded Existing Pavilions (existing structures)

Dam Bar (not to exceed 2,000 sq. ft. in area)

Farm Center (Agriculturally exempt building)

Lodge Building (not to exceed 3,000 sq. ft. in area)

Fourteen (14) Hilltop Glamping Sites (occupancy between 2- 6 guests per unit)

Twelve (12) Riverview Glamping Sites (occupancy between 2-6 guests per unit)

Eight (8) Family Campsites (occupancy between 2 – 6 guests per unit)

The total number of employee lodging units shall not exceed five (5) units. The size and total occupancy of employee lodging units will be proposed in future Site Plan submittals, and shall be constructed in accordance with Article four (4) of the Madison County Zoning Ordinance.

As shown on the Crescere Master Plan, the total number of permanent overnight lodging units (including camping/glamping units) shall not exceed forty-two (42) total units.

**G) Total Area of Site to be Developed:** A total of seventy (70) percent of the site shall be undeveloped and therefore remain in open space; in accordance with section A.3.1 of Madison County's Site Plan Ordinance "developed areas" shall mean, but are not limited to, areas located within the envelope/footprint of a structure and/or building, patios, decks, parking areas and roadways. Areas such as trails and agriculturally exempt buildings will not be considered developed areas.

**H) Development in Identified Floodplain Areas:** Unless a dock or pier, there shall be no development (or land disturbance) in areas identified in the 100 year floodplain. The development of a dock or pier will be required to conform to all building codes, and the total number of docks and/or piers shall not exceed two (2).

**I) Adherence to Virginia Department of Transportation (VDOT) Recommendations:** County staff shall forward Site Plan submittals to VDOT's Charlottesville Residency for review and a recommendation by the Resident Engineer, or by his/her designee. VDOT recommendations for improvements to the site's existing entrance on South Blue Ridge Turnpike (Rt. 231) shall be adhered to by the applicant; it is anticipated a left and right turning lane will be recommended at the site's entrance. The construction of turn lanes will be required once traffic volumes are determined to warrant such improvements. Other improvements, or studies, may also be required as recommended by VDOT. The cost for all VDOT recommended improvements shall be the sole responsibility of Crystallis, LLC, or its assignee.

**J) All Septic/Sewer and Potable Water (Wells) Systems Require Virginia Department of Health (VDH) Approval**

**K) Outdoor Lighting:** All site lighting of over 3,000 lumens shall be full cutoff fixtures and the maximum height of any light pole shall be 30 feet. Full cutoff lighting, as defined by the Engineering Society of North America (IESNA), is a lighting fixture that projects all of its light in a downward direction, emitting no upward component of light while providing precise, controlled illumination to the area. A lighting plan, in photometric format, will be provided with each site plan submittal to be reviewed by Madison County's Planning Commission and Board of Supervisors.

**L) Fireworks:** Fireworks displays will be limited to July 4<sup>th</sup> and New Year's Eve and will require the Madison County Fireworks Authorization Form be submitted and approved; any additional firework display shall require approval by the Madison County Board of Supervisors. The handling, storage and use of fireworks shall conform to all state code requirements.

**M) Total site overnight occupancy:** The total number of overnight occupancy shall not exceed two hundred thirty (230) total guests, or the number of cumulative guests allowable per the established occupancy of each lodging unit. Each lodging unit (including “glamping” sites) will be assigned a maximum occupancy by the Building Official.

**N) Type and Frequency of Events:** 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 group meetings, 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 event 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 a total of 1,000 on-site and off-site guests in aggregate. 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 exempt agritourism 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 a total of 1,000 on-site and off-site guests in aggregate. Major public events shall be conducted in accordance with Madison County’s Ordinance to Provide for the Control and Regulation of Musical and Entertainment Festivals of 1978 and 1982. Such events shall be limited to six (6) in any given calendar year, and any additional events over six (6) shall require approval by the Madison County Board of Supervisors.

A multiple day event, not to exceed three (3) consecutive days, shall be considered a single event and shall be required to adhere to all provisions/requirements of Madison County's Ordinance to Provide for the Control and Regulation of Musical and Entertainment Festivals of 1978 and 1982.

**O) Noise:** All outdoor electronic amplification of sound shall cease at 11:00 p.m. from Thursday through Saturday. From Sunday through Wednesday outdoor electronic amplification of sound shall cease at 10:00 p.m.; an exception shall be made for state or national holidays falling on a Sunday through Wednesday, in this case electronic amplification of sound may cease at 11:00 p.m. Annually three (3) major public events may electronically amplify sound until 12 a.m. (midnight) and these events shall adhere to all provisions/requirements of Madison County's Ordinance to Provide for the Control and Regulation of Musical and Entertainment Festivals of 1978 and 1982

**P) Transferability of the Special Use Permit:** In accordance with section 14-3 of the Madison County's Zoning Ordinance this special use permit is indefinite and shall be fully transferable and assignable. *The transferee or assignee shall be required to follow all conditions and requirements listed and articulated in this document.* A transferee or assignee desiring changes/alterations deemed significant to the conditions stated in this document, or to the submitted Crescere Concept Plan or subsequently approved site plan(s), shall require a formal public hearing as articulated in section 15.2-2204 of the Code of Virginia.

**Q) Recording:** This document shall be recorded by Crystallis, LLC in the land records of the Clerk's Office of the Madison County Circuit Court.

Signatures:

\_\_\_\_\_ Date: \_\_\_\_\_ Date \_\_\_\_\_

Crystallis, LLC By: Barbara Miller, Sole Member

Clay Jackson, Chairman Madison County Board of Supervisors

SUBSCRIBED AND SWORN TO, OR AFFIRMED, before on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Notary Public Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

SUBSCRIBED AND SWORN TO, OR AFFIRMED, before on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Notary Public Signature: \_\_\_\_\_

Registration Number: \_\_\_\_\_

Commission Expires: \_\_\_\_\_

**END OF DOCUMENT**

ORDINANCE TO PROVIDE FOR THE CONTROL AND  
REGULATION OF MUSICAL OR ENTERTAINMENT FESTIVALS

(1978)

WHEREAS. The Board of Supervisors of Madison County, Virginia, finds it necessary and proper to enact this ordinance in the interest of the public health, safety and general welfare, to provide for the control and regulation of musical or entertainment festivals conducted in the open and of groups or gatherings of persons for the purpose of listening to or participating in such festivals.

NOW, THEREFORE, Be it Enacted by the Board of Supervisors of Madison County, Virginia, that:

\* Revised 10/12/82

1. "Music or entertainment festival" defined. For the purposes of this ordinance, the term "musical or entertainment festival" shall mean any gathering of individuals, open to the public, with or without admission charge for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure.
2. Permit required. No person, firm, corporation or partnership shall stage, promote or conduct any musical or entertainment festival in Madison County, Virginia, unless there shall have been first obtained from the Board of Supervisors a special entertainment permit for such festival.
3. Application for permit. Applications for special entertainment permits shall be in writing, on forms provided for the purpose, and filed in duplicate with the county administrator at least thirty (30) days before the date of such festival, and at least twenty-one (21) days prior to a regular meeting of the Board of Supervisors, along with a filing fee of One-Hundred Dollars (\$100.00). Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this ordinance. The county administrator shall, without delay, notify each member of the Board of Supervisors of the filing of each application.
4. Action on application; grant or denial of permits. The Board of Supervisors shall act on such applications within ten (10) days from filing thereof. The Board of Supervisors may grant a permit upon those conditions which it deems necessary and proper to promote the public health, safety and general welfare, including, but not limited to, the posting of bond by the applicant in an amount established by the Board of Supervisors to ensure compliance with this ordinance, cleaning of the premises used so as to restore said premises to the same condition as they existed prior to the festival, and to ensure payment of any and all damages and legitimate nuisance claims which might arise from the conduct of said festival. If granted, the permit shall be issued in writing, on a form for the purpose, and mailed by the county administrator to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein, and mailed by the county administrator to the applicant at the address indicated.
5. Conditions precedent to grant of permits; plans, statements, approvals, etc., to accompany application of permit. No permit shall be issued under this ordinance unless the following conditions are met and the following plans, statements and approvals are submitted to the Board of Supervisors with the application for permit:

(a) The application for a special entertainment permit shall have attached to it a copy of the ticket or badge of admission to such festival, containing the date or dates and the time or times of the festival, together with a statement by the applicant of the total number of tickets to be offered for sale, the best reasonable estimate by the applicant of the number of persons expected to be in attendance, and the maximum number of persons who will be granted admission to such festival.

(b) A statement of the name and address of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival.

(c) A statement of the location of the proposed festival, the name and address of the owner(s) of the property on which the festival is to be held, and the nature and interest of the applicant therein.

(d) A statement of written permission from the owner(s) of the property on which the festival is to be held.

(e) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the county health officer.

(f) A plan for providing food, water and lodging for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the county health officer.

(g) A plan for adequate medical facilities for persons at the festival, approved by the county health officer.

(h) A plan for adequate parking facilities and traffic control in and around the festival area.

(i) A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations

(j) A statement specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.

(k) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.

6. Restrictions as to music and entertainment. Music shall not be rendered nor entertainment provided for more than eight hours in any twenty-four hour period, such twenty-four hour periods to be measured from the beginning of the first performance at any festival, and further, no music nor entertainment shall be provided between the hours of 1:00 A.M. and 10:00 A.M.

7. Enforcement provisions. No permit shall be issued under this ordinance unless the applicant shall furnish to the Board of Supervisors

written permission for the Board, its lawful agents or duly constituted law enforcement officers, to go upon the property at any time for the purpose of determining compliance with the provisions of this ordinance. The Board of Supervisors shall have the right to revoke any permit issued under this ordinance upon noncompliance with any of its provisions and conditions.

8. Violations and enalties; in'unctions. Any person who violates any provision of this ordinance, and upon conviction thereof, shall be punished by a fine not exceeding ~~One Thousand Dollars (\$1,000.00)~~ or by confinement in jail not exceeding thirty (30) days, or by both such fine and imprisonment. Each violation shall constitute a separate offense. The Board of Supervisors may bring suit in the Circuit Court of Madison County, Virginia to restrain, enjoin or otherwise prevent violation of this ordinance.

9. Validit . It is <sup>v</sup>declared to be the intent of this Board of Supervisors that if any section, subsection, sentence, clause, phrase or portion of this ordinance shall for any reason be held unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision and such holding shall not affect the validity of the remaining portions thereof.

Enacted this 7 day of July 1978

Chairman, Board of S; pervisors of  
Madison County, Virginia

Amended: October 12, 1982

ORDINANCE TO AMEND THE MUSICAL OR ENTERTAINMENT FESTIVAL  
ORDINANCE ADOPTED BY THE MADISON COUNTY BOARD OF SUPERVISORS ON MAY  
9, 1978.

Be it enacted by the Board of Supervisors of Madison  
County, Virginia, that the Musical or Entertainment Festival  
Ordinance of Madison County, Virginia, adopted May 9, 1978, be  
amended as follows:

(1) Change the definition of "Music or entertainment festival"  
to read as follows:

"Music or entertainment festival" defined. For the purposes  
of this ordinance, the term "musical or entertainment festival"  
shall mean any gathering of individuals, open to the public, with  
or without admission charge, for the purpose of listening to or  
participating in entertainment which consists primarily of  
musical renditions conducted in open spaces not within an en-  
closed structure.

Enacted this 12<sup>th</sup> day of October, 1982.

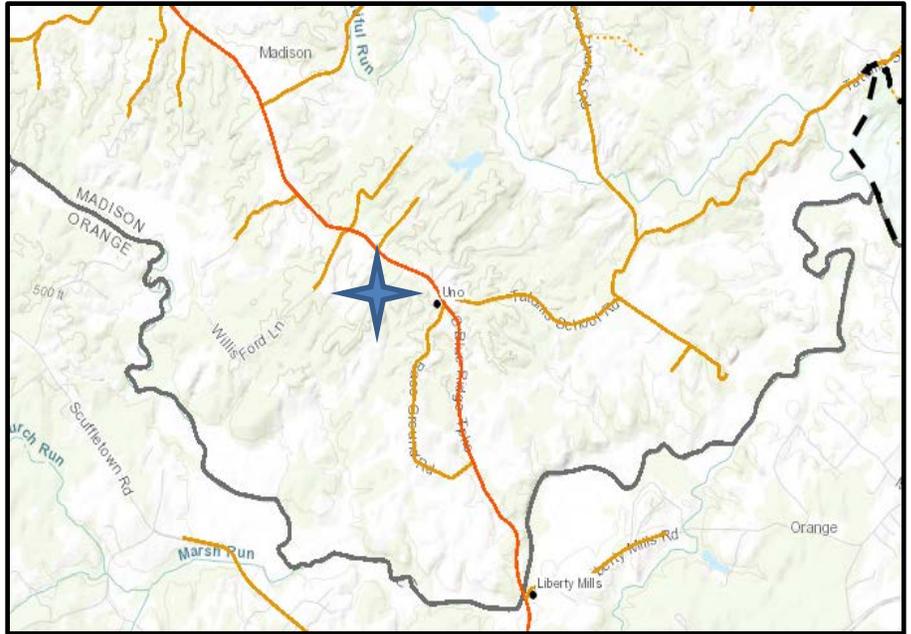
  
\_\_\_\_\_  
Chairman, Board of Supervisors of Madison  
County, Virginia

# 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 5<sup>th</sup>, 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 16<sup>th</sup> and July 23<sup>rd</sup>, 2020.

On June 30<sup>th</sup> 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.

**Recommendation: Approval**

**July 31, 2020**

The recommendation to approve is contingent upon concurrence by the Planning Commission, and ultimately by the Board of Supervisors, that submitted SUP conditions adequately address the myriad of potential impacts caused by this proposal. Generally speaking, public comments/concerns related to this SUP principally revolve around four (4) issues: traffic impacts, noise, the total number and nature of events, and transferability of the SUP. However, other concerns do exist.

Since Crystallis’ first condition letter was drafted roughly five (5) weeks ago, the SUP conditions have been significantly modified (and hopefully improved) in order to address potential adverse impacts. For several weeks the County Planner has worked directly with the applicant, members of the Planning Commission and Board of Supervisors, the Piedmont Environmental Council, and the general public in order to synthesize and address stated concerns. The hope is that as written the SUP conditions adequately address these concerns. Additional modifications to the SUP conditions may be recommend by the Planning Commission, and imposed by the Board of Supervisors at the upcoming public hearing.

**Additional comments related to areas of concern:**

**Traffic:** At 1,400 AADT (average annual daily trips) the traffic counts on S. Blue Turnpike (Rt. 231) are relatively low; and the highest “peak” hour is 145 vehicle trips, or roughly 2.4 trips per minute. Although S. Blue Ridge Turnpike currently has a relatively low AADT and a modest peak traffic hour, the proposed SUP would invariably increase both. As written, the conditions require Crystallis to adhere to VDOT recommendations for onsite (and potential offsite) improvements. These improvements will be phased and likely require left, and right, turning lanes into the site from S. Blue Ridge Turnpike; though unknown at this time, VDOT could require additional improvements be made and/or studies be completed. The idea of an additional access road to the site has been discussed – potentially an access road used exclusively by staff and/or emergency vehicles. Through a written correspondence to the County, VDOT has stated an in-depth analysis (and recommendations) regarding potential improvements can be reviewed during future Site Plan submittals.

**Noise/Events:** From the County Planner’s perspective, noise and events undeniably linked. The SUP categorizes events into three distinct categories: private events, minor events and major

events. Private events are of a lesser concern due to the nature of such events; however, minor and major events require more attention.

Several years ago, through bipartisan efforts the Virginia Legislature essentially liberalized agricultural land uses throughout the state thus allowing for exemptions for agritourism related activities; this made the broad category of agritourism exemptions “by right” on agriculturally zoned properties. And many of the minor events/activities described in this SUP would indeed be considered agriculturally exempt activities. Currently in Madison County (and other surrounding Counties) numerous breweries and wineries operate under this broad “umbrella” of agricultural exemptions. Further, many of these enterprises provide small scale musical entertainment and other similar events without approval or oversight from the jurisdiction. As written in the SUP conditions, in the County Planner’s opinion the minor event SUP conditions provide increased oversight than what is required of numerous existing (and somewhat similar) enterprises located in the County.

Major events are required to follow Madison County’s “Music and Entertainment Festival Ordinance” (adopted 1978); meaning major events will be required to adhere to the numerous provision listed in the ordinance. The principal regulatory mechanism of this ordinance requires major events to receive prior approval by the Madison County Board of Supervisors. It’s anticipated that annually (late winter/early spring) a list of major events would be presented to the Board of Supervisors for approval, where specifics of each even could be discussed. In addition, the SUP conditions limit major events to six (6) annually, this annual number of events is similar to Graves Mountain Lodge too. Additional major events over six (6) would require specific approval by the Board of Supervisors.

The proposed SUP conditions related to noise is not nearly as nuanced. The times proposed for ending electronic amplification are clearly stated, and the acceptability of these times is subject to the recommendations of the Planning Commission, and ultimately is the decision of the Board of Supervisors.

**Transferability:** As written, the SUP is “indefinite” and is fully transferable. In theory the site could be sold and another person and/or entity could move the project forward. However, the hypothetical new owner would be required to adhere to all stated conditions of the SUP.

In closing, as presented Crystallis’ SUP has potential to be a strong economic force in the Rochelle/Uno corridor of Madison County highlighting the region’s natural and scenic beauty. Over the past decade, with the assistance of state legislative actions, rural tourism has increased substantially. The proposed Crescere Resorts seeks to capitalize on this increased interest in rural tourism. The County Planner believes the submitted conditions provide a high

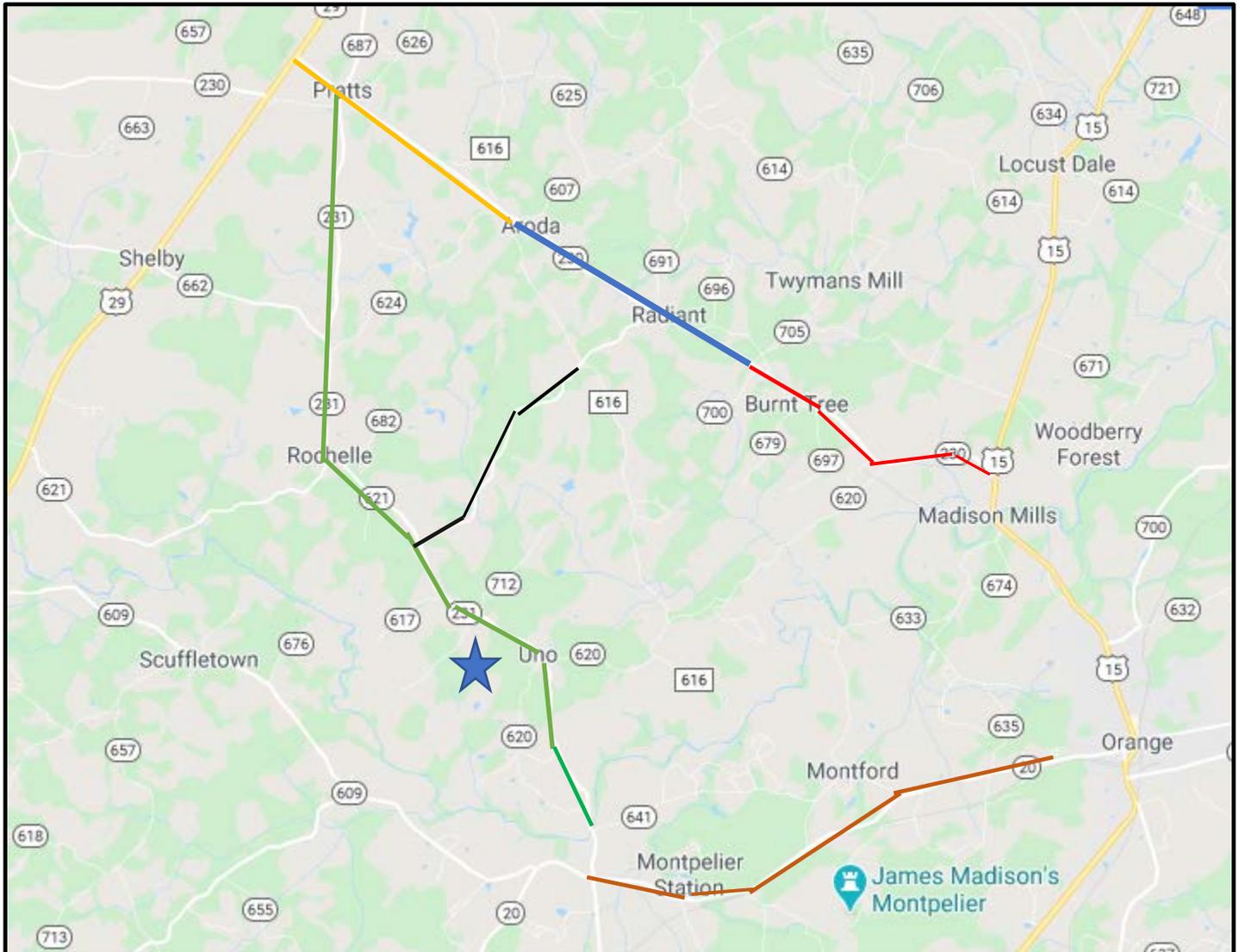
degree of predictability and assurance regarding the future development and use of the site; regardless of who moves the project forward. However, if this SUP is approved, a strong set of regulatory processes still remain; but if built-out as proposed the impacts of the proposal will change this area. Provided future regulatory processes and burdens are met, build-out is expected to be incremental and evolve slowly over the course of many years.

## 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, ad 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/night skies/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](#)

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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 1<sup>st</sup>, 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.<sup>1</sup> **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

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<sup>1</sup> "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

ORANGE COUNTY, VIRGINIA  
OFFICE OF THE COUNTY ADMINISTRATOR

THEODORE L. VOORHEES  
COUNTY ADMINISTRATOR

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PHONE: (540) 672-3313  
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MAILING ADDRESS:  
P. O. Box 111  
ORANGE, VA 22960

PHYSICAL ADDRESS:  
112 WEST MAIN STREET  
ORANGE, VA 22960

July 17, 2020

Jack Hobbs  
Madison County Administrator  
P.O. Box 705  
Madison, Virginia 22727

RE: Case No. SU-07-20-14

Dear Mr. Hobbs,

On behalf of the Orange County Board of Supervisors, we respectfully request that you consider rescheduling the public hearing for Case No. SU-07-20-14, to allow sufficient time for all concerned citizens to be better educated on the relevant issues. We understand this case has already been deferred once but we think it is desirable that everyone who wants to be engaged in this process can have that opportunity.

While we understand this decision is entirely within the Madison Board of Supervisors' legislative discretion, because the project will impact communities and roadways in both jurisdictions, we would like Orange County residents to have the time to share with you any relevant information that might be of use as you make a thoughtful and informed decision that best serves the interests of the community at large.

Thank you for your consideration of our request.

Sincerely,

Theodore L Voorhees  
County Administrator

**VIA EMAIL**

**July 30, 2020**

**To: Ted Voorhees, Orange County Administrator**

From: Ligon Webb, County Planner

RE: SUP Hearing 8/5/2020

Hello Ted –

Thanks for calling me back yesterday regarding the Crystallis, LLC's (Case no. SU-07-20-14) special use permit application for an event/venue use near Rochelle (VA) located in Madison County. And thank you for again for the letter (dated July 17, 2020) stating the concerns of Orange County's Board of Supervisors regarding this special use permit scheduled for a joint Planning Commission and Board of Supervisors meeting on August 5, 2020 at 7 p.m.

As I stated this proposed project has been discussed for well over a year in Madison. Here's some background: Per a request by the applicant (Barbara Miller) in the latter portion of 2018 on numerous occasions the Planning Commission and Board of Supervisors publically discussed amending the County's zoning ordinance in order to provide an avenue for Ms. Miller to apply for a special use permit for a "rural resort" use. In the spring of 2019 Madison County amended its zoning ordinance to include a rural resort as a use allowable by special permit. Also, in the early portion of 2020 the rural resort use was slightly modified, and this use was amended. It's now called the "event venue" use; again allowable by special use permit. This amendment hearing was highly attended by the public, and covered by local media...

Though I was not employed by Madison County at this time, it's my understanding the public hearing for the initial rural resort amendment was also highly attended by the public, and again numerous stories about the hearing (and ordinance amendment in general) appeared in local media. I think it's accurate to describe the impetus behind the amendment was Ms. Miller's anticipated SUP application, in early 2019 when the ordinance was amended specifics regarding Ms. Miller's forthcoming SUP were not fully developed. And since my employment began just over a year ago, it was communicated to me that a proposal similar to what was received in May of 2020 would be forthcoming...

Since receiving Ms. Miller's special use permit application on May 15<sup>th</sup> concerns communicated via your letter on behalf of Orange County's Board of Supervisors have also been also expressed by numerous members of the public. Specifically that the hearing process is moving at a rapid pace, and until recently many in the public appear to be unaware of the proposal (and its history).

To me, I believe some of the concerns regarding the "pace" of the proposed hearing are associated with Madison County's joint hearing process; in Madison land use applications (rezonings, SUPs, ordinance amendments, etc.) are done so via joint hearings between the Planning Commission and Board of Supervisors, which of course is allowable by the Code of Virginia.

Though this joint hearing process is somewhat of an anomaly for most jurisdictions, from my understanding Madison has instituted this process for many years. I'll admit when I started as the County Planner I was a bit apprehensive regarding the joint hearing process, but since I have come to appreciate this process and have found joint hearings to be efficient and effective.

Since receiving the SUP application on May 15<sup>th</sup>, Madison County officials have been working diligently to incorporate concerns raised by all stakeholders. Currently, I am working on revising a set of specific binding SUP conditions which I hope will address many of the concerns raised by the public. Generally speaking, I do believe both the Planning Commission and Board of Supervisors are supportive of this project provided the SUP conditions are acceptable.

Tomorrow on Madison County's website I will be posting numerous documents related to this SUP. Once posted, I will share with you the link for accessing these documents, and please forward as you see fit.

Ok, thanks again for your letter, and it was good talking to you yesterday. If you have any additional concerns or comments please feel free to email or call, thanks - Ligon

Ligon Webb

County Planner

Madison County

414 N. Main Street

Madison, VA 22727

(540) 478-2240 (Cell)

SPECIAL USE PERMIT

CONCEPT PLAN

SP NUMBER PENDING

# CRESCERE

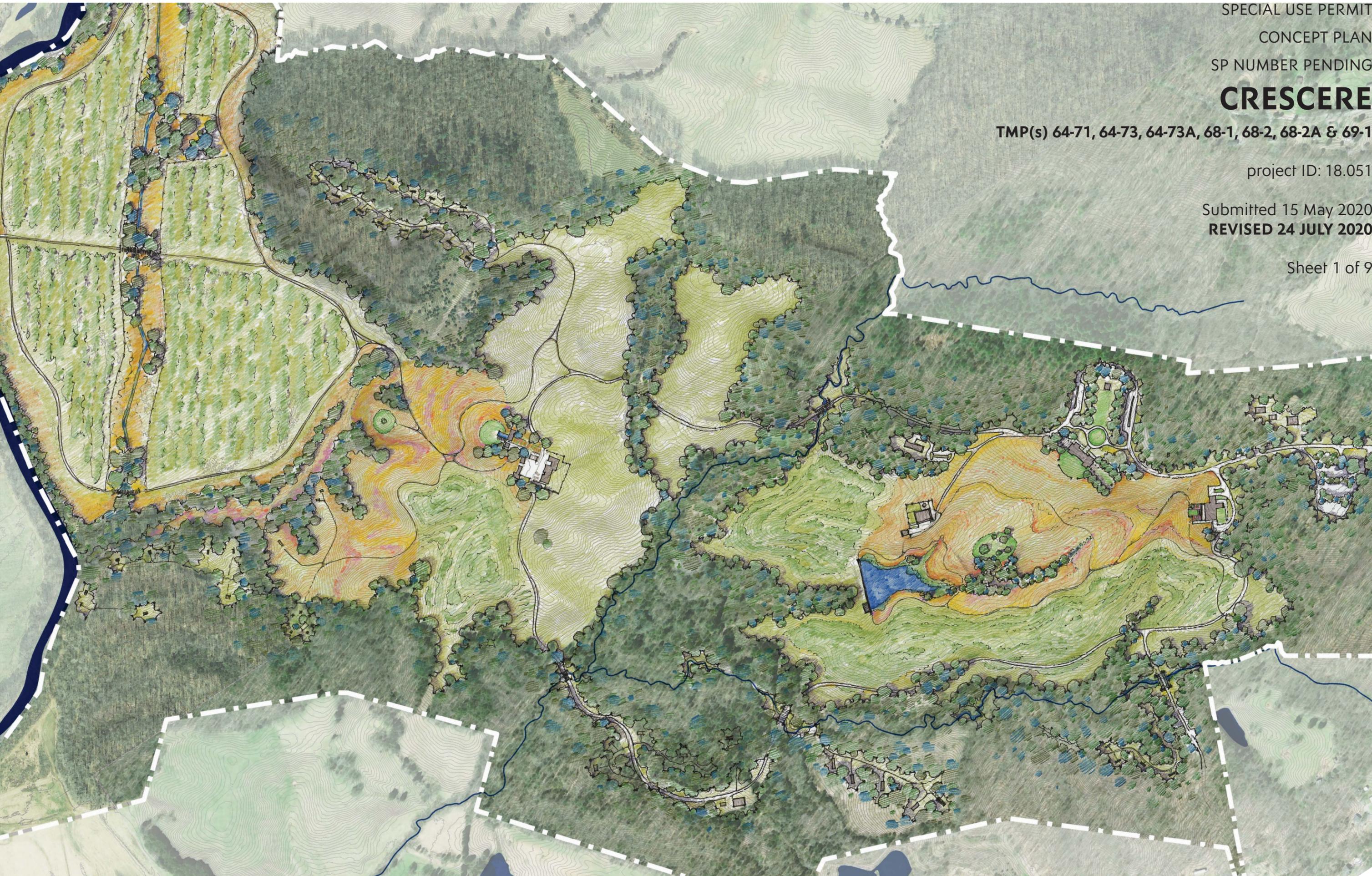
TMP(s) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

project ID: 18.051

Submitted 15 May 2020

**REVISED 24 JULY 2020**

Sheet 1 of 9



# CRESCERE SITE & SP DETAILS

## OWNER

Crystallis, LLC  
5291 Scuffletown Rd  
Barboursville, VA 22923

## DEVELOPER

Crescere Resort  
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, and boat landing/docks; administrative, utility service, laundry and construction facilities and staff living quarters. Approximately 60,000<sup>1</sup> sq. ft. of permanent and temporary structures are proposed on the property. Approximately 280,000<sup>1</sup> sq. ft. of the property entrance and new parking areas are proposed to be paved and nearly 9,000<sup>1</sup> 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, a vast majority 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 allow for safe movement, such as path lighting and on and around 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 or 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

## INDEX OF SHEETS

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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  
**REVISED 24 JULY 2020**

# CRESCERE

## SITE & SP DETAILS

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business and it is in the best interest of the resort to limit noise 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<sup>1</sup> sq. ft. of permanent and temporary structures, 280,000<sup>1</sup> sq. ft. of impervious pavement for entrance and parking improvements, and about 9,000<sup>1</sup> linear feet of widened roadways, which will impact the land disturbance on the property. A vast majority 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 minimal disturbance proposed out of the total 749 acres, impacts to environmental resources from erosion and sedimentation will be essentially, non-existent.

**Air Quality:** Since the majority 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.

### **NOTES**

1. Exact limits on square footages shall be determined by the conditions approved by the Board of Supervisors.

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

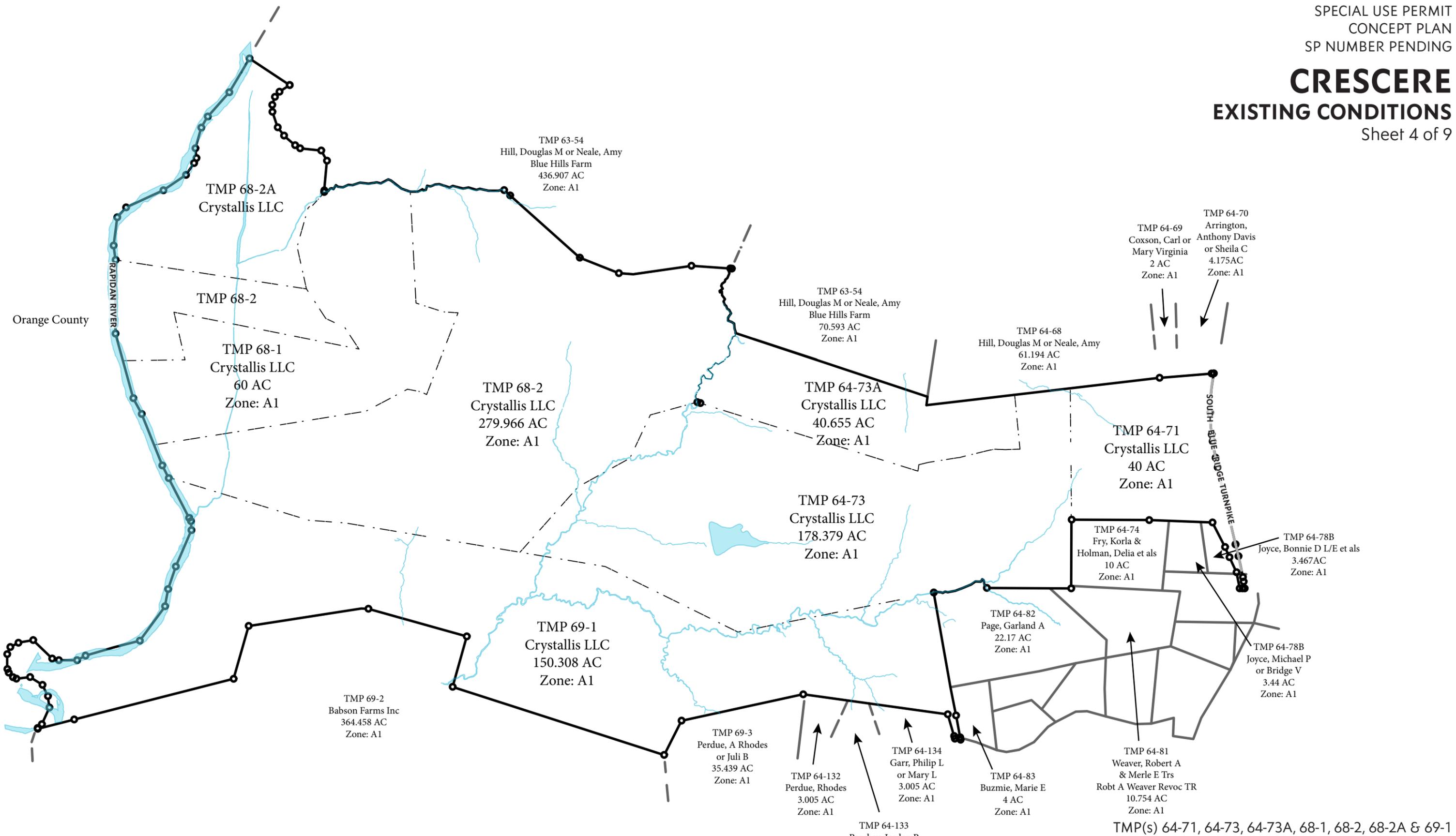
Submitted 15 May 2020  
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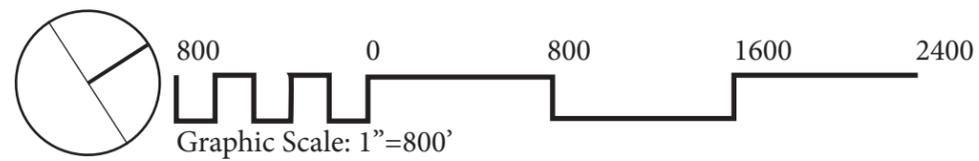
# CRESCERE

## EXISTING CONDITIONS

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



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

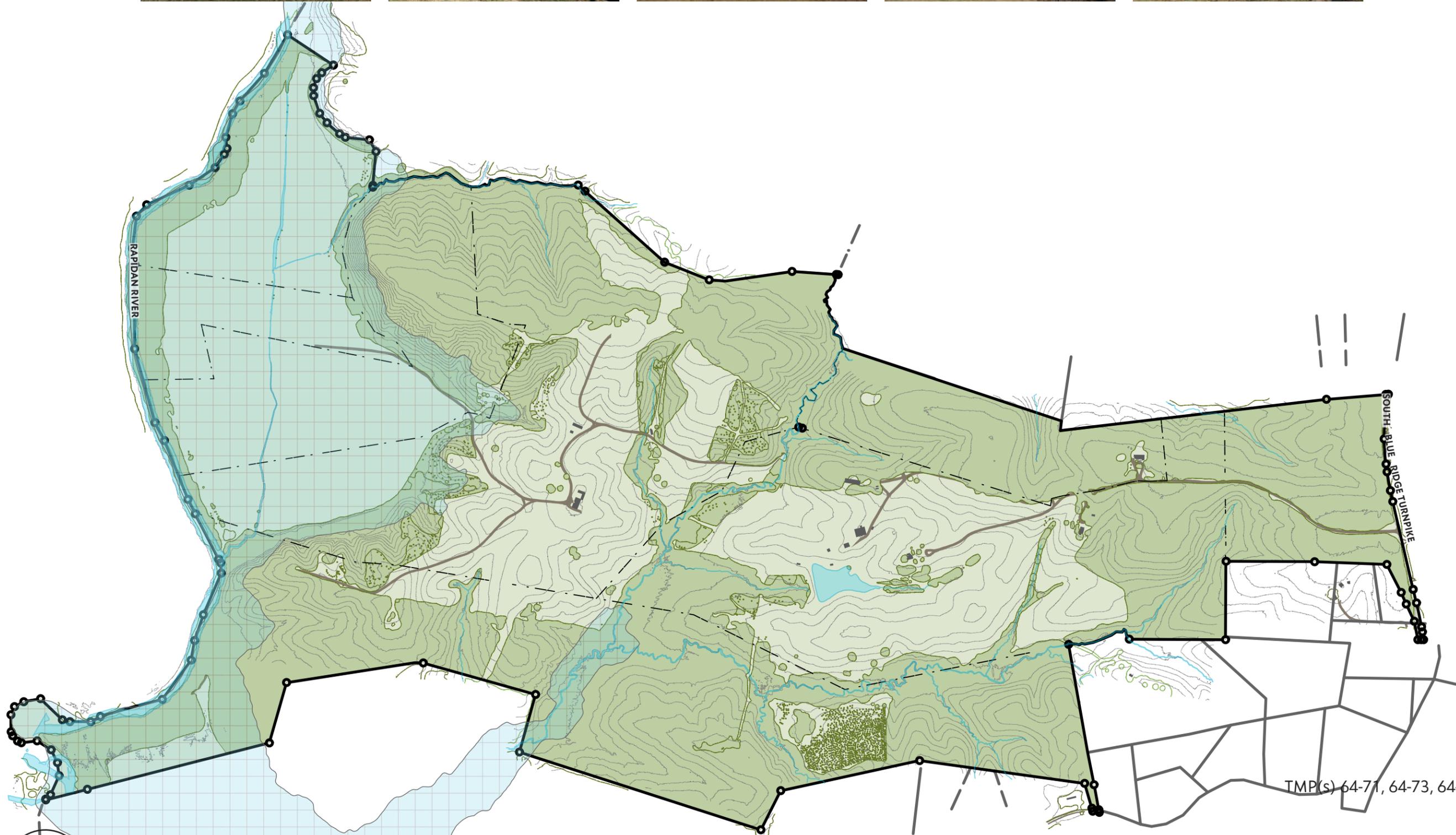


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CONCEPT PLAN  
SP NUMBER PENDING

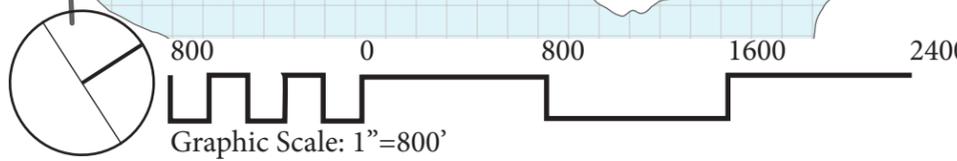
# CRESCERE

## EXISTING CONDITIONS

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**SHIMP ENGINEERING, P.C.**

# CRESCERE MASTER PLAN

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## 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
- 13 Employee Housing

## Notes

1. Open Space: A minimum of 80% (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.



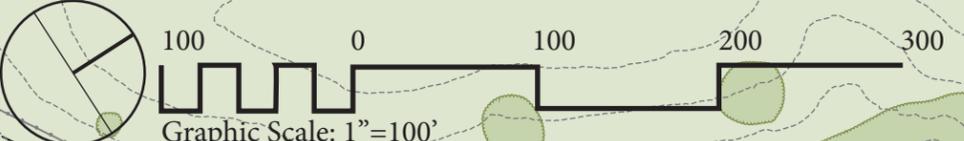
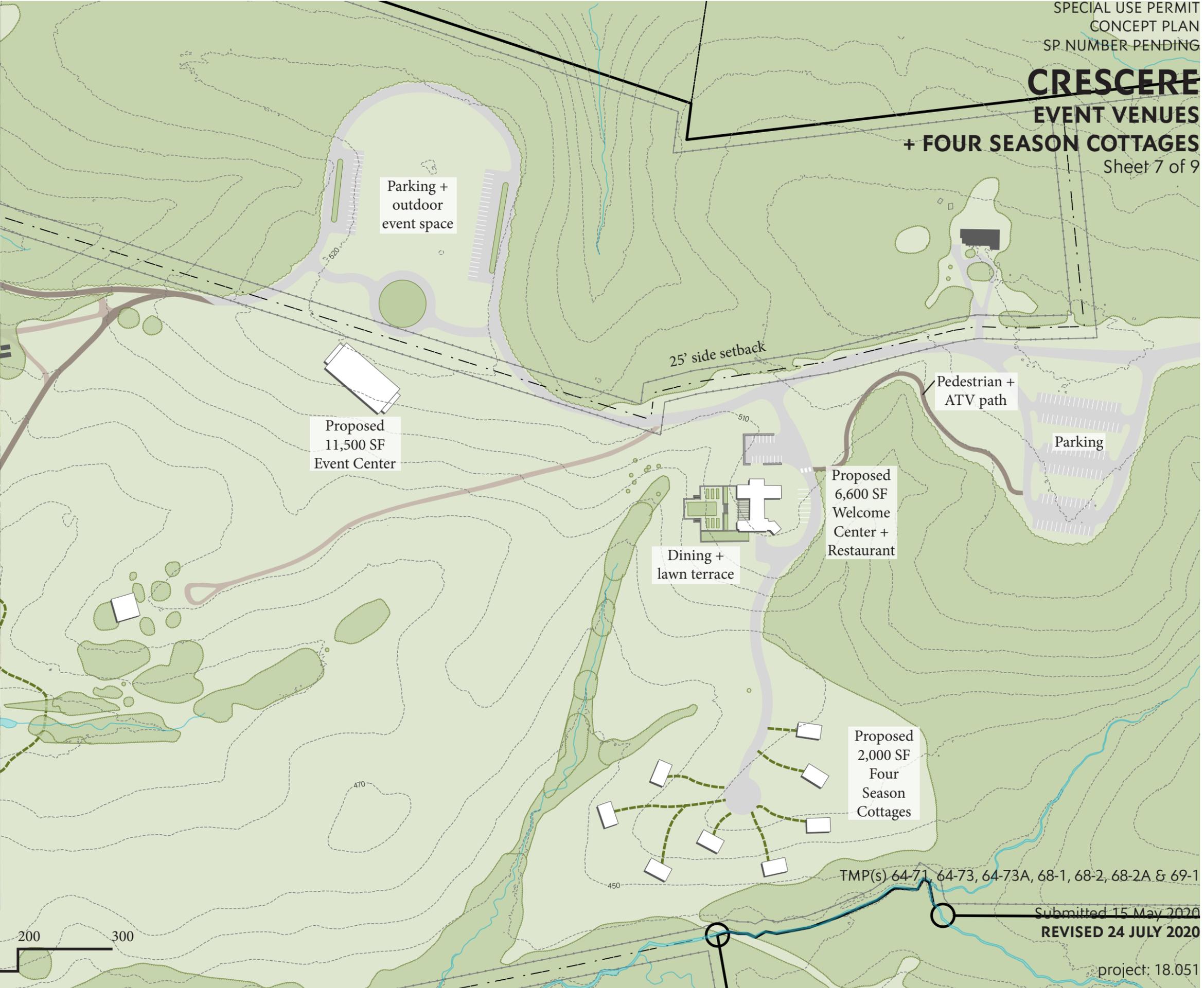
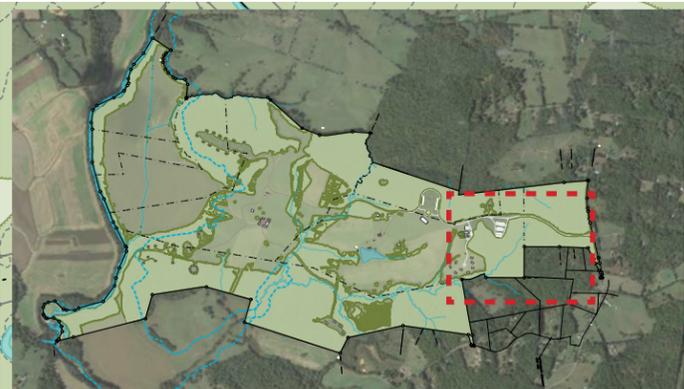
TMP(3) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

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# CRESCERE EVENT VENUES + FOUR SEASON COTTAGES

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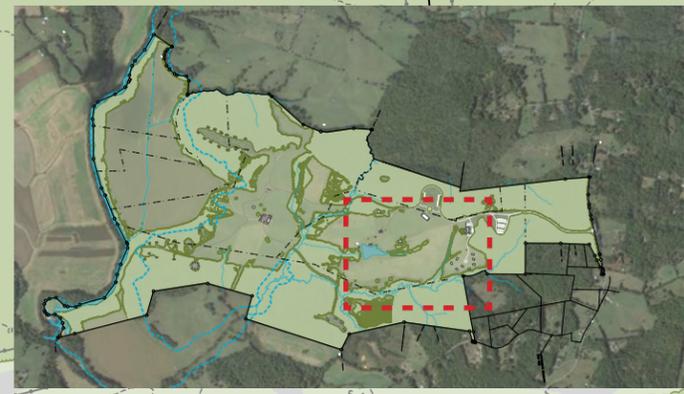
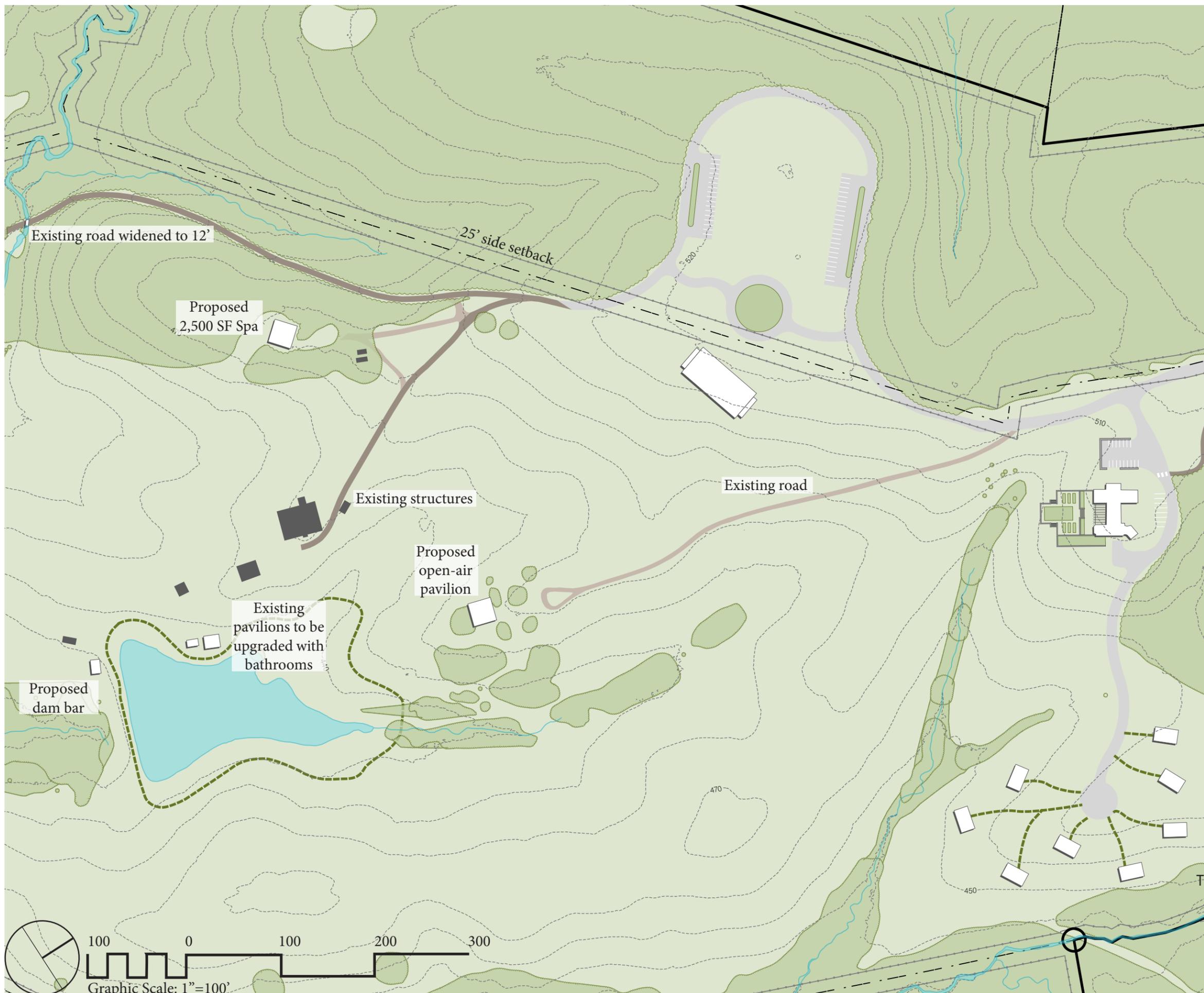


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# CRESCERE MEADOWLANDS

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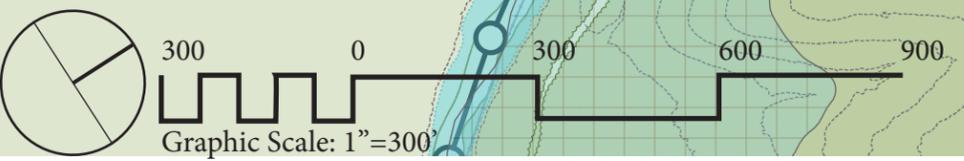
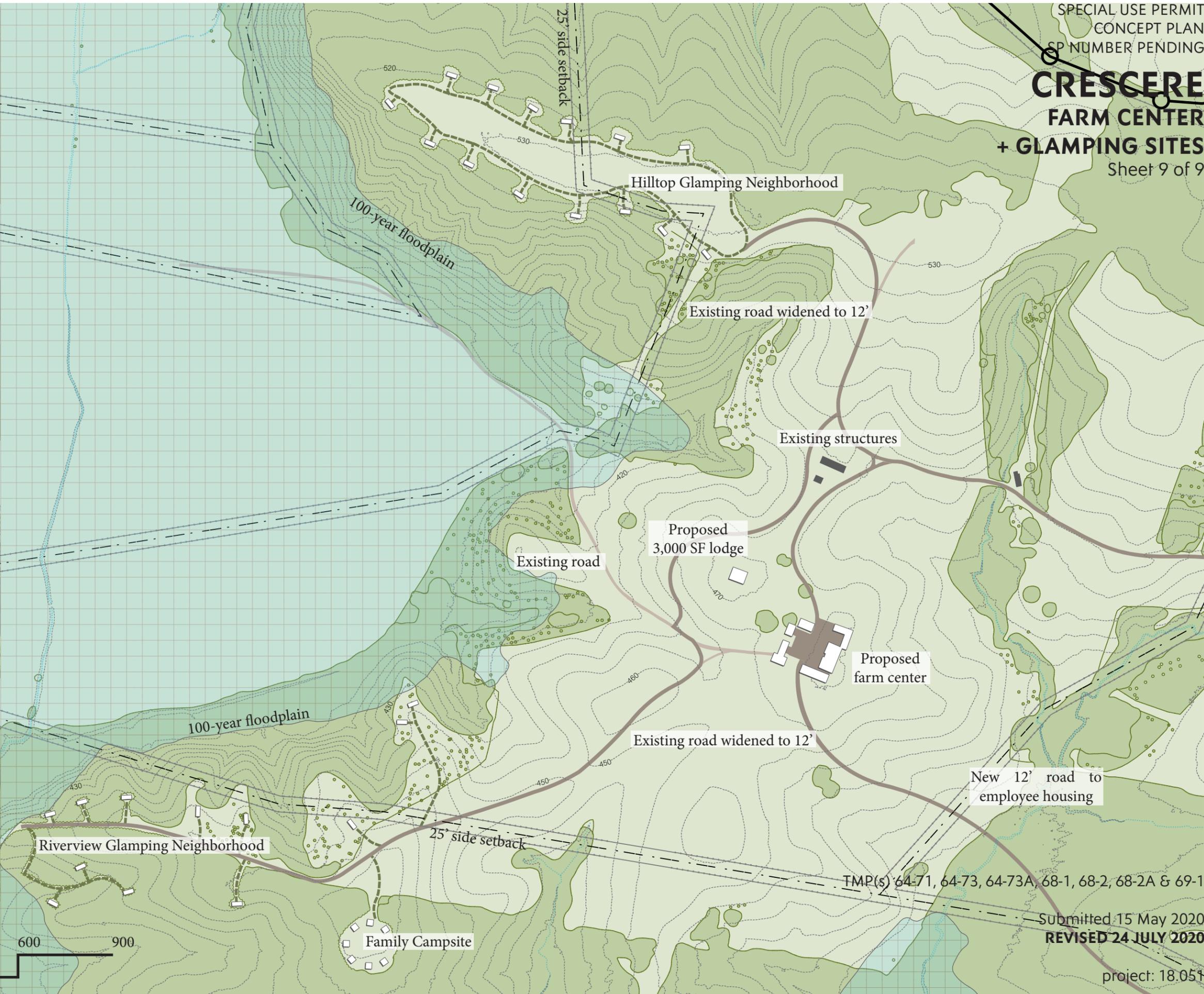
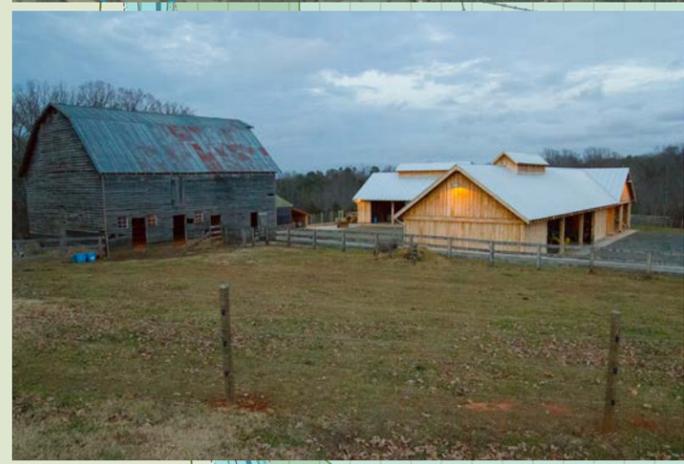
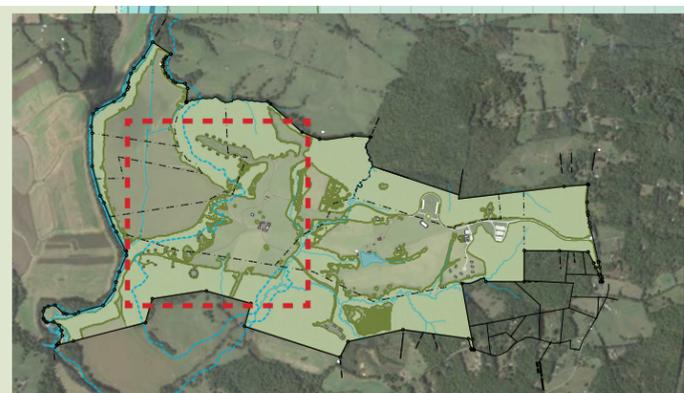
TMP(s) 64-71, 64-73, 64-73A, 68-1, 68-2, 68-2A & 69-1

Submitted 15 May 2020  
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# CRESCERE FARM CENTER + GLAMPING SITES

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