

April 14, 2015

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 2:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston Virginia.

Present: Constance Brennan, Central District Supervisor
Allen M. Hale, East District Supervisor – Vice Chair
Thomas H. Bruguire, Jr. West District Supervisor
Larry D. Saunders, South District Supervisor – Chair
Thomas D. Harvey, North District Supervisor
Stephen A. Carter, County Administrator
Candice W. McGarry, Administrative Assistant/Deputy Clerk
Debra K. McCann, Director of Finance and Human Resources
Tim Padalino, Director of Planning and Zoning

Absent: None

I. Call to Order

Mr. Saunders called the meeting to order at 2:05 PM, with all Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance – Ms. Brennan led the pledge of Allegiance

II. Consent Agenda

Mr. Bruguire moved to approve the consent agenda and Mr. Hale seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolutions were adopted:

- A. Resolution – **R2015-25** Minutes for Approval

RESOLUTION R2015-25
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(March 10, 2015, March 19, 2015, March 26, 2015, and March 31, 2015)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 10, 2015, March 19, 2015, March 26, 2015, and March 31, 2015** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

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B. Resolution – **R2015-26** FY15 Budget Amendment

**RESOLUTION R2015-26
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2014-2015 BUDGET
NELSON COUNTY, VA
April 14, 2015**

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2014-2015 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$6,602.00	3-100-003303-0030	4-100-091030-5630

C. Resolution – **R2015-27** April is National Government Month

**RESOLUTION R2015-27
NELSON COUNTY BOARD OF SUPERVISORS
APRIL 2015 IS NATIONAL COUNTY GOVERNMENT MONTH
COUNTIES MOVING AMERICA FORWARD: THE KEYS ARE
TRANSPORTATION AND INFRASTRUCTURE**

WHEREAS, the nation’s 3,069 counties serving more than 300 million Americans provide essential services to create healthy, safe, vibrant and economically resilient communities; and

WHEREAS, counties move America forward by building infrastructure, maintaining roads and bridges, providing health care, administering justice, keeping communities safe, running elections, managing solid waste, keeping records and much more; and

WHEREAS, Nelson County and all counties take pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways; and

WHEREAS, through National Association of Counties President Riki Hokama’s “Transportation and Infrastructure” initiative, NACo is encouraging counties to focus on how they have improved their communities through road projects, new bridges, building new facilities, water and sewer improvements and other public works activities; and

WHEREAS, in order to remain healthy, vibrant, safe, and economically competitive, America’s counties provide transportation and infrastructure services that play a key role in everything from residents’ daily commutes to shipping goods around the world;

NOW, THEREFORE, BE IT RESOLVED, the Nelson County Board of Supervisors do hereby designate April 2015 as National County Government Month.

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D. Resolution – **R2015-28** Recognition of JABA’s 40th Anniversary

RESOLUTION R2015-28
NELSON COUNTY BOARD OF SUPERVISORS
RECOGNITION OF JEFFERSON AREA BOARD FOR AGING’S (JABA’S)
FORTIETH (40TH) ANNIVERSARY IN 2015

WHEREAS, the Jefferson Area Board for Aging (JABA) has, for 40 years, served the people of Nelson County by being a tireless advocate for healthy aging in community; and

WHEREAS, JABA has provided services that include an extensive information and assistance and options counseling network, socialization and nutrition at community centers, adult daycare services, health insurance counseling, and health services, home delivered meals, ombudsmen, and volunteer recruitment and coordination; and

WHEREAS, JABA had the vision to develop accessible and affordable senior housing, including Park View, Woods Edge, Ryan School Apartments and Timberlake Place; and

WHEREAS, JABA recognized the importance of intergenerational programming at our Adult Care Centers co-located with preschools and joint programming at its community senior centers; and

WHEREAS, JABA has been recognized by numerous local, state and national organizations for their innovative work and achievements on behalf of the elderly and people of all generations;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors takes great pride and pleasure in recognizing and expressing profound gratitude to JABA for their vision, leadership and exemplary record of service on the occasion of their 40th Anniversary, and extends to JABA sincere best wishes for continued success.

E. Resolution – **R2015-29** April is Child Abuse Prevention Month

RESOLUTION R2015-29
NELSON COUNTY BOARD OF SUPERVISORS
APRIL IS CHILD ABUSE PREVENTION MONTH

WHEREAS, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when people find themselves in stressful situations, without community resources, and don’t know how to cope; and

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WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community.

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors do hereby recognize April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and neglect and strengthening the communities in which we live.

F. Resolution – **R2015-30** April is Fair Housing Month

**RESOLUTION R2015-30
NELSON COUNTY BOARD OF SUPERVISORS
APRIL 2015 IS FAIR HOUSING MONTH**

WHEREAS, April is Fair Housing Month and marks the 47th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988); and

WHEREAS, the Fair Housing Act provides that no person shall be subjected to discrimination because of race, color, national origin, religion, sex, disability, or familial status in the rental, sale, financing or advertising of housing (and the Virginia Fair Housing Law also prohibits housing discrimination based on elderliness); and

WHEREAS, the Fair Housing Act supports equal housing opportunity throughout the United States; and

WHEREAS, fair housing creates healthy communities, and housing discrimination harms us all;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors supports equal housing opportunity and seeks to affirmatively further fair housing not only during Fair Housing Month in April, but throughout the year.

G. Resolution – **R2015-31** Authorization to Execute Piedmont Workforce Network, Chief Local Elected Official Agreement

**RESOLUTION R2015-31
NELSON COUNTY BOARD OF SUPERVISORS**

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**AUTHORIZATION TO EXECUTE NEW PIEDMONT WORKFORCE NETWORK
CHIEF LOCAL ELECTED OFFICIALS AGREEMENT**

RESOLVED, by the Nelson County Board of Supervisors that Larry D. Saunders, Piedmont Workforce Network Council member, is hereby authorized to sign the revised Chief Local Elected Officials Agreement that will become effective July 1, 2015 on behalf of Nelson County.

III. Public Comments and Presentations

A. Public Comments

1. Mary Anthony Brown, Schuyler

Ms. Brown noted that she would like for the JAUNT bus to pick up seniors for days when the senior center was open. She noted she had heard the bus would stop coming and that was the only way that many of them could get out and socialize as they needed help with transportation.

2. Odessa Thompson, Schuyler

Ms. Thompson noted that the JAUNT bus was the only way she could get to the senior center and she noted that some needed the bus desperately. She added that she did not have a car and if they did not have the JAUNT bus; she would not get out. She noted that she hoped that they would continue to have JAUNT service.

3. Alan Jamison, CASA Supervisor for Nelson County

Mr. Jamison thanked the Board for adopting the resolution making April child abuse prevention month. He then invited the Board to attend a ceremony that Thursday at Noon at the Library honoring the Judge.

4. Reverend Rose, Wingina

Reverend Rose thanked the Board for its opposition to the Atlantic Coast Pipeline. He noted that he had lived in New York and had come to Nelson County to get some peace and quiet. He added that he wanted to save his property for his children to come to and the pipeline wanted to disrupt that now. He noted he was concerned that Dominion wanted to dictate what he could do with his property; which was unfair and he would fight against it. He then asked the Board to continue to oppose it and make the citizens of Nelson happy by preserving the peace.

5. Eleanor Amidon, Afton

Ms. Amidon thanked the Board for its support of the opposition to the Atlantic Coast Pipeline.

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6. Sarah Ray, Nellysford

Ms. Rhea thanked the Board for its help in keeping the Atlantic Coast Pipeline out of the County. She added that they should do whatever it took to make sure that their water supply was not destroyed. She noted that she was afraid the County would lose its clean water supply and she asked for any position the Board could take on this.

B. VDOT Report

Mr. Don Austin gave the following report:

1. Noted that the Primary Six Year Plan public hearing was going to be at 6:00 pm the following Wednesday at the Holiday Inn downtown Lynchburg. He added that they would be taking comments on HB2 then also.
2. Noted that they would be starting work on the shoulders of Route 29 north of Route 6 towards Albemarle County.
3. Noted that the SSYP would be updated soon and he passed out the Rural Rustic list from last year. He noted that he had added Aerial Drive; which had been discussed earlier in the year. He reiterated that it was the same list as last year with the addition of Aerial Drive. Mr. Hale advised that he understood this road was east of Glade Road towards the River. Mr. Austin noted that the plan was to have the public hearing on this at the May meeting. He added that the Board could develop anything new if they wanted. He noted that there were more roads on the list than funding that was available and he added that the previous year, they had funded down through Greenfield Road. Mr. Austin advised that these funds were reduced drastically the previous year; so they weren't even able to get Lodebar Estates fully financed and they were hoping to get that one built this year. Mr. Austin noted that they were projecting spending \$200,000 per year and that they would get one done and would start financing Cedar Creek. He then advised the Board that if they wanted to change any of the priorities, this would need to be done before funds were attached to them. Mr. Saunders indicated that he got calls often regarding Cedar Creek Road.

The Board then discussed the following VDOT issues:

Ms. Brennan noted that there had been another serious accident at Buck Creek Lane; the car crossing over to head southbound, the previous day. Ms. Brennan then asked for the number of accidents at that intersection and suggested that a dangerous intersection sign be installed.

Ms. Brennan then asked if VDOT cleaned out culverts in the right of way and Mr. Austin noted that they did when they could.

Mr. Bruguiere asked about funds for fixing secondary paved roads and Mr. Austin noted that there was no extra money for maintenance. Mr. Bruguiere advised that St. James Church Road was getting bad and Mr. Austin noted that they were trying to catch roads that would

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be resurfaced this year so they were ready to go. He added that he could provide a list of roads to be resurfaced.

Mr. Hale reported that Route 639 had a culvert issue; noting that it had caved in at the shoulder and the cone was now gone. He added that this was about two miles north of Shipman and the pavement was falling off there.

Mr. Harvey reported that coming down Coon Hill, just past Sunrise Drive, the guardrail had pulled away from the bank and was hanging there. He added that there was also a place past his house where the bank was about to wash out underneath the road.

Mr. Harvey then reported that he had filed the permits with VDOT on the Afton Overlook project.

Mr. Saunders then inquired as to the status of the Laurel Rd. intersection and Mr. Austin noted that they were looking at it now. He noted that it appeared that when they did the railroad project back in the early '90s, the Y was created and he added that it looked like it would be best if they only used what had been paved. Mr. Hale noted that he thought they should leave the Y because it depended on which way one was traveling for the best sight distance.

1. Abandonment of Segments of Route 641, Dutch Creek Lane

Mr. Austin noted that this process was cleaning up roads that had not been in existence for a long time. He noted the break-down of the sections of roads that the Board needed to take action on as follows:

Route 641 (Dutch Creek Lane)
From: 2.72 Mi. NW Route 640
To: 3.57 Mi. N. Route 640 (South P/L McSwain/Bridgewater)
Length 0.85 Mi. (**Discontinue**)

Route 641 (Dutch Creek Lane)
From: 3.57 Mi. NW Route 640 (South P/L McSwain/Bridgewater)
To: 5.05 Mi. N. Route 640 (North P/L McSwain/Wilhelm)
Length 1.48 Mi. (**Abandon Road**)

Route 641 (Dutch Creek Lane)
From: 5.05 Mi. NW Route 640 (North P/L McSwain/Wilhelm)
To: Route 641 (Eades Lane- 0.96 Mi. E. Route 29)
Length 0.07 Mi. (**Discontinue**)

It was then clarified that when a road was discontinued, the right of way was maintained and when it was abandoned, the right of way was removed.

It was also noted that Mr. McSwain would have access to his property where the road was discontinued.

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Mr. Austin then noted that the process would be for the Board to pass a resolution of intent to abandon or discontinue the roads and post this for 30 days; then afterwards they could take action.

Ms. Brennan asked for further clarification of the difference between discontinuing and abandoning a road. Mr. Austin noted that with abandonment, the road and right of way went away and with discontinuance, the right of way stayed but the road was not state maintained.

Mr. Austin advised that one could not even tell that a road was there in some parts as it was grown up etc. He added that Mr. McSwain had spoken with all property owners and they were agreeable to this.

Mr. Carter noted the next step was to do a resolution of intent to abandon and discontinue and he noted this could be introduced if the Board continued for a budget work session to move it along.

The Board agreed by consensus to move forward with this.

Mr. Hale then asked if the stream there still supplied water to Lovington and Mr. McSwain noted that the spring boxes were located near the Wilhelm property and these would be part of the abandonment. Mr. Hale indicated that his only concern was abandoning access to those spring boxes and Mr. McSwain advised that these were full of dirt and no water.

C. Presentation – Sturt Property Study, Wintergreen Nature Foundation
(D. Coleman)

Mr. Doug Coleman, of the Wintergreen Nature Foundation gave a Power Point presentation and noted that a year ago, they were asked to do an environmental study of the Sturt Property.

He noted that the property was in the general area of Shipman and they had studied it for a year through the seasons and found that the Piedmont region had a tongue that protruded into Nelson. He added that this was a province based on geology and elevation; which made the area biologically interesting.

He noted that the second interesting thing was the historic value of the area. He noted that while it was in a remote section of the county, in 1750-1780 it was the busiest part of the county. He noted that Findlay's Gap was there and six (6) colonial roads connected the area to the James River. He added that the James River was known then as the Fluvanna River, Wingina was known as Hardwicksville, and Norwood was known as Newmarket. Mr. Coleman then noted that there was also a Jefferson connection to the area; as he had crossed Findlay's Gap within a quarter of a mile of the Sturt property. He then noted that the area would have been Goochland until 1744 and then Little Albemarle and then Amherst/Nelson; with the first Amherst court being held there. Additionally, the meeting of the first militia of the revolution was at Keys Church and Sam Cabell mustered troops there and marched to Williamsburg.

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He then noted that if the County wanted to do a historic and natural area park, these things would provide basis for this.

Mr. Coleman then showed a map of forest types on the property; noting that the largest stands were loblolly pines and were ready for thinning. He noted that they found little indication of farming and noted the poor soil quality that was eastern hardpan. He did note that there were plant species there not found anywhere else in Nelson County.

Mr. Coleman then noted that they did not do a complete wildlife study; however they saw obvious tracks and scat from bear, bobcats, and deer. He noted that they instead focused on atypical wildlife. He noted that there were all kinds of puddles and naturally occurring wetlands there. He noted that they looked at those and found species not found as far east of the Piedmont; such as several amphibians, one being the spotted salamander that came there to breed and lay eggs. He added that the marbled salamander was listed as critical and endangered in some parts of the country but not there.

Mr. Coleman advised that the Sturt family was interested in establishing a hiking park with historical and cultural elements. He then showed an overlay of proposed hiking trails on old road beds and he noted that they looked at other trails that could be walking trails. He noted that up and back was three to four (3-4) miles and there could be an extensive network. He added that these could be maintained by volunteers and it would be easy to do a parking area along the road for access.

Mr. Coleman concluded by noting that no hazardous materials were found. He stated that because the property was in an isolated part of the County he would encourage people to not hike alone. Additionally, he noted that the area had a lot of ticks and chiggers during the months of April through June; however he thought this would be different if there were established and maintained trails.

Mr. Coleman then took questions from the Board as follows:

Mr. Hale inquired about the pines in the northeast corner of the property and Mr. Coleman noted that this stand was about ninety (90) acres. Mr. Hale noted that the County should look into this a little more for timbering to get some funds to put into the property.

Mr. Hale then supposed that the long range plan would be to convert away from a Pine monoculture on the property. Mr. Coleman noted he would agree in places where they were fifteen (15) years old; however in the Piedmont section, he would take some of them out so they would not take it over but would protect the central portion. Mr. Coleman noted that there were certain species that only occurred in wet areas; even puddles and the property was historically significant.

Ms. Brennan inquired if there were organizations that would do a park plan and inquired as to how one would go about doing this. Mr. Coleman noted he was not sure, as he was not sure if it would take a landscape architect to do it. He noted that there was no budget

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included here; however they could take this and develop it. Mr. Coleman suggested that the property was worthy of at least two (2) historical markers there. One being that Jefferson crossed there on his escape from Tarleton. He suggested that this could be put together with Parks and Recreation and he noted that they would not need a formal parking area etc.

Ms. Brennan then inquired as to any grant opportunities for this and Mr. Coleman suggested that the County look for a school with graduate students that would want to do it. He noted that if the Board decided to go that route; he would help and he would encourage others to help also.

IV. New Business/ Unfinished Business

A. Establishment of 2015 Tax Rates (R2015-32)

Ms. McCann noted that the resolution maintained the current tax rates for 2015 and noted that the draft budget had been based on the current tax rates.

Ms. Brennan questioned whether or not staff was confident in the projected Real Estate tax revenues to recommend this and Mr. Carter noted they were absolutely confident.

Mr. Hale then noted that the Machinery and Tools tax had been recently attacked and that upon further study, he realized that eliminating it would not be a good idea. He noted this was because there was the potential effect of increasing it by moving it to Tangible Personal Property and he no longer wanted to eliminate it.

Staff then noted that the Machinery and Tools tax rate was set by the Board and that the Code of Virginia was not entirely clear about what it covered and the Commissioner of Revenue had a fair amount of latitude on this. It was noted that the bulk of the revenues from this tax came from the breweries and California Sidecar and if it were shifted to Tangible Personal Property, this would cost them more.

Mr. Bruguiere then moved to approve resolution **R2015-32**, Establishment of Tax Rates and Mr. Hale seconded the motion.

Mr. Hale then noted that he thought that the County was in a good position not to be faced with increasing taxes and meeting its needs. He added that the Real Estate tax rate was one that was in line with the Region and was perhaps less.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

**RESOLUTION R2015-32
NELSON COUNTY BOARD OF SUPERVISORS
ESTABLISHMENT OF TAX RATES**

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RESOLVED, by the Nelson County Board of Supervisors, pursuant to and in accordance with Section 58.1-3001 of the Code of Virginia, 1950, that the tax rate of levy applicable to all property subject to local taxation, inclusive of public service corporation property, shall remain as currently effective until otherwise re-established by said Board of Supervisors and is levied per \$100 of assessed value as follows:

Real Property Tax	\$0.72
Tangible Personal Property	\$3.45
Machinery & Tools Tax	\$1.25
Mobile Home Tax	\$0.72

B. Establishment of 2015 Personal Property Tax Relief (**R2015-33**)

Ms. McCann noted that the 39% proposed tax relief amount was the same as 2014 and that no change was proposed.

Ms. Brennan then moved to approve resolution **R2015-33**, 2015 Personal Property Tax Relief and Mr. Harvey seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2015-33
NELSON COUNTY BOARD OF SUPERVISORS
2015 PERSONAL PROPERTY TAX RELIEF

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code § 58.1-3524 has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly; and

WHEREAS, the Nelson County Board of Supervisors has adopted an Ordinance for Implementation of the Personal Property Tax Relief Act, Chapter 11, Article X, of the County Code of Nelson County, which specifies that the rate for allocation of relief among taxpayers be established annually by resolution as part of the adopted budget for the County.

NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors does hereby authorize tax year 2015 personal property tax relief rates for qualifying vehicles as follows:

- Qualified vehicles with an assessed value of \$1,000 or less will be eligible for 100% tax relief;
- Qualified vehicles with an assessed value of \$1,001 to \$20,000 will be eligible for 39% tax relief;

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- Qualified vehicles with an assessed value of \$20,001 or more shall be eligible to receive 39% tax relief only on the first \$20,000 of assessed value; and
- All other vehicles which do not meet the definition of “qualifying” (business use vehicle, farm use vehicle, motor homes, etc.) will not be eligible for any form of tax relief under this program.

BE IT FINALLY RESOLVED that the personal property tax relief rates for qualifying vehicles hereby established shall be effective January 1, 2015 through December 31, 2015.

C. Lovington Health Care Center Building Status

The following status report was provided by Staff to the Board:

Nelson County was advised in the summer of 2011 by the VA Department of Health (Office of Licensure & Certification - Division of Certificate of Public Need) of the application for a Certificate of Public Need by Albemarle Health Care Center, LLC (understood to be a subsidiary of Medical Facilities of America/MFA) for a new facility (presently under construction) in Albemarle County. Approval by VDH of the COPN would also result in the closing of MFA’s Lovington Health and Rehabilitation Center in Nelson County, leaving the County (Nelson) without any “local” nursing home facility. The County intervened in the COPN process to endeavor to block the approval of the COPN. However, in the ensuing interactions with VDH staff the County recognized that it could not prevent the loss of the LHRC. In its efforts to address the County’s intervention in its COPN application for the proposed center in Albemarle County, MFA offered to transfer ownership of the LHRC to the County following the completion and operational startup of its Albemarle center. Recognizing the inability to prevent the closing of the LHRC, Nelson County entered into agreements with MFA (September 2011) for the LHRC to be donated to the County.

Since the 2011 donation agreement, Nelson County has been working to identify new ownership of the LHRC and, because of state regulation that will not enable the Lovington Center to be re-licensed as a health and rehab (nursing home) center, the County also undertook in partnership with the Jefferson Area Board for Aging the commissioning of a market study to determine the feasibility of the LHRC to be licensed and viably operated as an assisted living center inclusive of a memory care (dementia/Alzheimer’s) facility. A Maryland based consultant, Evelyn Howard and Associates was retained to complete the feasibility study and the firm issued its report in November 2012.

Using the report and its experience with operating similar facilities, JABA staff were able to work with an architectural firm, Jones and Jones to complete a preliminary floor plan for an expansion of the LHRC and JABA staff also completed a pro forma financial projection for the operation of an expanded LHRC as an assisted living and memory care facility with the premise that a partner entity would be identified to work with JABA and/or the work completed by JABA could be used by the County to assist with securing new ownership and operation of a re-licensed LHRC for assisted living and memory care. Subsequent to this work, an update of the market study was completed (March 2014) by E. Howard and

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Associates with the study's emphasis being memory care with an assisted living component based upon the premise that there may be a greater demand for memory care services and, therefore, operational viability for a re-licensed LHRC.

Unfortunately, to date, the efforts made by the County and JABA have not resulted in the identification of a new owner and operator of the LHRC. JABA has previously advised the County that it would no longer be able to be a partner in the project but that it would continue to assist the County in locating new ownership. County staff has contacted several companies to seek interest in ownership and operation of the Center, including providing them with the two market studies, facilitated tours of the LHRC, etc. but, to date, there have been no tangible outcomes. **A second effort to maintain the LHRC as a license nursing home was completed in the past two weeks but VDH staff responded to County staff that the Center could not and would not be re-licensed as a nursing home center and the prospect of this occurring in the future was also likely remote.**

The exception to possible new ownership and operation of the LHRC has been the Region Ten Community Services Board, which has communicated its interest in negotiating with the County to own and operate the Center as an assisted living center. To date, negotiations with Region Ten have not been conducted but as recently as April 9th (2015), Region Ten's administrative staff have directly communicated the CSB's interest to the Board of Supervisors in ownership and operation of the LHRC and willingness to negotiate an agreement with the County to do so.

A next step proposed by Supervisor Brennan to the Board has been the formation of a citizens committee to further study this subject and subsequently report its findings and recommendations to the Board. Action on establishing the committee was deferred during a Board work session on 4-9, per consensus that the Board had previously not discussed this subject in depth and such a review needed to be done prior to any next steps being determined.

From staff's participation in this project (from the intervention in 2011 to the present) the information developed to date provides for the following conclusions:

1. Expansion of the LHRC is required to enable an assisted living and memory care facility to be operated successfully. However, the capital cost for an expansion (which would likely require financing) combined with the Center's operational expenses result in concern for the financial viability of a re-licensed LHRC.
2. The E. Howard market study's take rate (i.e. ability to attract use of the Center) is based upon a region encompassing Nelson, Amherst, Appomattox, Albemarle and Buckingham counties, and the Wintergreen Community. Industry operators have advised the County that the projected take rate is significantly overstated and should be re-assessed.
3. A re-licensed LHRC may have significant difficulty in attracting a sufficient number of "private pay" users in addition to "auxiliary grant" (Medicaid) users of the Center. Industry operators have advised the County that the above stated expansion and/or significant

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renovation of the LHRC to provide more private pay beds is necessary, otherwise, the Center could not be operated in a financially viable condition.

4. There has been no definitive interest from any of the operational entities that have been contacted other than the Region Ten CSB. A Harrisonburg, VA based company has recently been provided the two E. Howard studies and the work developed by JABA and has asked to tour the Center (pending) but this is the only other “lead” related to a new owner/operator of the Center.

5. MFA’s new Albemarle center is projected to be open by the end of 2015, which will result in the closing of the LHRC, including the loss of approximately 80 local jobs.

6. The LHRC cannot obtain a COPN from VDH to continue to operate as a nursing home.

7. The Center has also been considered for use as a County office facility but this too would likely require a capital cost to renovate the facility for this use and the County is currently in process with a Courthouse Renovation Project that is projected to cost \$7.2 million.

8. Staff has concern with appointment of a Citizens Committee unless the scope of the Committee’s task(s) is well defined, including a short operational period (90 days or less), as the project is now 3+ years in progress with no real progress being made towards new ownership.

9. Region Ten CSB has stated its definitive interest in ownership and operation of the Center, including use of the Center as is and no expression of concern with operational viability.

Recommendation: Begin negotiations with Region Ten while exploring the lead with the Harrisonburg based company and any other companies that can be identified during the period of negotiations with Region Ten. Endeavor to make a final decision by not later than August-September 2015 (sooner, if possible) to afford minimum lead time for Region Ten, if negotiations are successful or another owner/operator to assume ownership and undertake responsibility for the LHRC.

Mr. Carter referenced the above report and questioned what the next step was.

He reiterated that MFA had confirmed again that they would open their new center in Albemarle by the end of the year and they had six to eight (6-8) months before the current facility was closed.

He noted that the concern was what mix of private pay and auxiliary grants (Medicaid) would be optimal and he noted there was also the question of the capital investment required to attract these consumers. He added that the studies done showed that the take rate was unlikely to come from surrounding areas.

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Mr. Carter then reported that a Harrisonburg company was interested in touring the facility and Bruce Hedrick of MFA had suggested another company for the County to contact in Christiansburg. He reiterated that Region Ten was interested in owning and operating the facility as is.

Ms. Brennan noted that she had proposed a citizens committee to work on this. She noted that she and staff had met with a lot of people and had toured the facility. She reiterated that it was definite that the assisted living facility was being explored. She then asked Mr. Carter to find out what was going on with the old Johnson Senior Center and noted that this building could be looked at. She then noted that she did not want Nelson to be the only county in the area that did not have access to assisted living. She noted that perhaps it was time to hear from Region Ten in more depth. She added that she would like the opportunity to have the Board's approval to look at this further. She further noted that it would be good to still have a business there with jobs and paying taxes etc. and she noted that there were eighty (80) jobs there now and most of the employees did not want to go to Charlottesville.

Mr. Saunders suggested that the entire Board weigh in on this and he noted that he thought Ms. Brennan was heading in the right direction with it.

Mr. Bruguiere noted that if Ms. Brennan and the group could find someone else interested, he thought that would be great. He added that he thought VDH should not be in the nursing home business and he did not like the fact that they controlled nursing home beds.

Mr. Hale noted he would like to see negotiations with Region Ten get down to details.

Mr. Saunders suggested that Ms. Brennan's committee could do this and could also follow up with the other two (2) interested companies.

Mr. Hale reported that he had spoken to Ms. Kelley regarding the possibility of the building being sold and she noted it was not a property with much market potential; however they should not exclude the possibility of selling it or auctioning it.

Mr. Carter reiterated that MFA confirmed that they would be vacating the building at the end of the year.

The Board then agreed by consensus to have Ms. Brennan establish a committee and report back next month.

Mr. Harvey noted he did not think assisted living would work and that the building would be a nice School Board office.

Mr. Carter then noted that the County would have to negotiate the taxes with Region Ten and he noted that JABA paid taxes on the Ryan School Apts. because they were not a public entity like Region Ten was.

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D. South Rockfish Valley Historic District - Nomination Funds Request

The following status report was provided by Staff to the Board:

In 2014 the Board of Supervisors approved, per the request of the Rockfish Valley Foundation, Nelson County being the applicant for a cost share grant proposal to the VA Department of Historic Resources. The purpose of the application was to complete a survey (inventory) of historic resources within a defined area of the Rockfish Valley for the subsequent establishment of a South Rockfish Valley Historic District, including formal state and federal recognition of the district through a nomination application to VA-DHR and subsequently to the federal Department of the Interior. The RVD included in its request for the County's sponsorship of the grant application, which only local governments are eligible to apply for, the Foundation's commitment to complete the application to DHR and to pay the \$5,000 in matching funds required of successful grant applicants.

The grant application to DHR was successful. The project is in process and being administered by VA-DHR, per new administrative processes the Department has previously established. DHR staff has advised County staff (4-8-15) that the project (survey) will be completed by 6-30-15 and that there will be sufficient historic resources to establish a South Rockfish Valley Historic District.

The ensuing step for formal recognition of the SRVHD is completion of the nomination (application) to DHR and the Department of the Interior. The current cost share grant did not include funding for the nomination(s) only the survey work. As such the RVF has requested (via email communications) the County's consent to submit a second cost share grant application to VA-DHR for funding to complete the nomination of the proposed historic district for formal state and federal recognition, which can bring with it the ability for property owners within the proposed district to seek state and federal historic tax credits for renovation/rehab work at their properties (in conformance with state/federal standards with the use of historic tax credits being discretionary not obligatory upon property owners).

The projected expense of the nomination project is \$6,000 - \$10,000. The cost would be shared equally by DHR and the applicant and the Foundations' request for the County's sponsorship of the application includes the County providing up to the \$5,000 local match requirement. Applications are due to DHR by 4-24-15.

Included with this summary is a summary of the County's past financial support of other historic district projects that have been completed pursuant to the cost share grant program with DHR.

DHR staff has confirmed eligibility for grant funding for the nomination work and it is understood that the project has a significant ability to be funded.

Recommendation: Approve the County's sponsorship of the cost share grant application to VA-DHR (with the application to be completed by RV) and the County's commitment to

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provide up to \$5,000 in local funding to match an approved cost share grant by DHR. Justification includes the completion of the survey work, the ability of the proposed historic district to be formally recognized (state and federal) but not so without the nomination being completed, the use of grant funds to support this initiative, the County's past support, including funding for several historic district projects including project sponsorship by the County and the ability for residents in the district to pursue historic tax credits once the district is officially recognized should they decide to do so and there being no local restrictions incumbent upon property owners in the proposed historic district following official recognition unless the Board of Supervisors enacts historic district zoning restrictions which is not proposed to be done.

Mr. Carter noted that the Board had authorized the County to apply to DHR to do a survey report of the proposed historic district in the South Rockfish Valley; which would eventually be registered with DHR and the Federal Department of the Interior.

He noted that DHR had changed the process and they now administered the projects. He noted that the survey had been done and the next step was the nomination of the District to the DHR Board and then to the Feds. He added that they had noted that they would receive the study by the end of the year; however the grant applications were due the following week. He added that the Foundation had requested that the County submit this application and provide up to \$5,000 towards the cost of the nomination; which would be 50/50 cost share with the state. He noted that for the survey part, the Rockfish Valley Foundation had provided the match. He then noted that historically, the County had provided funding support for other districts.

Mr. Peter Agelasto of the Rockfish Valley Foundation addressed the Board and showed them a picture board of the proposed district. He noted that work on this had been ongoing since 2009. He reported that one hundred and six (106) historic properties were studied in the proposed district. He then noted that the consultant had a deadline of June 5th and things were coming along well. He noted that DHR had a smaller pot of money for these projects this year; however grant approval was pretty certain. He noted that the amount needed was indeterminate but should be between \$3,000 and \$6,000. He noted that the exciting thing was that it led to interest in other areas of the county. He added another exciting thing was that a group of UVA students had come to the old grist mill at Wintergreen and worked on pulling the kudzu there and exposed the old mill trace that ran through the area and served a series of old mills. He noted Jean Hughes was present in support of the project as was Lou Southard and because they had been rooting around in this area, they had found some other unique things that may not exist elsewhere in the state.

Mr. Jean Hughes noted that he has spent a lot of time in the area and he knew the Wintergreen grist mill area well and he thought it should be preserved if possible.

Mr. Southard noted that there was a great deal of history in the area and that he owned River Bluff across from Mr. Agelasto. He noted that he thought that the residents of the area were looking forward to designating the area as historical. He added that he thought it was good

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to let others know that Nelson County was interested in its historic assets and he encouraged a positive vote on this.

Mr. Carter noted that if the district was nominated and recognized then property owners would be eligible to apply for historic tax credits to restore their properties. He added that there was usually concern about the government telling them what to do; however until the Board enacted a local ordinance, which to date had not been considered, it would not be a concern.

Ms. Brennan noted she was amazed by the historical resources of the county and thought that it was critical to preserve them and she noted her excitement about this.

Mr. Carter then reiterated that the Board's consideration was for the County to be the applicant and to partner with them to apply for an additional cost share grant and secondly to provide the local match of up to \$5,000.

Mr. Hale then moved that Nelson County sponsor a cost share grant application to DHR and commit to providing up to \$5,000 in local funding to match an approved cost share grant with DHR.

Ms. Brennan seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Agelasto then thanked the Board and noted that his friend Carl Campbell used to be afraid of the historic designation because of the thought of losing control over his property but now he understood. He added that he would not think a Board of Supervisors in his lifetime would adopt an ordinance placing controls on the property.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

Mr. Carter reported the following:

1. Courthouse Project Phase II: Architectural Partners is in process with final project design. A projected bid date is now late June to mid July 2015. County staff are working towards a final decision on a summer or fall application to VRA for project financing.

Mr. Carter noted that a committee meeting may be needed in the next two weeks to review things. He added that staff was leaning towards a fall VRA pool application; however there was some concern over rising interest rates that could be 25 basis points but would not be a significant impact.

2. Broadband: A. LIG Grant - VA-DHCD and County staffs met on April 8th for the initial meeting on the Local Innovation Grant Project. As an outcome of the meeting, County staff are working to complete the pre-contract requirements (federal/state) to enable a project contract to be executed with DHCD. Two critical steps include: fast tracking the

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required environmental review to less than 60 days and, use of CCTS (current outside plant contractor) to complete the project's construction. **B. Network Operations:** County staff met on March 17 with Ms. Monica Webb, Government Relations of Ting Networks, which has recently acquired Blue Ridge Internetworks. The meeting was informational. Ms. Webb indicated that BRIW would continue to provide network operation services be an ISP on the County/NCBA network.

3. BR Tunnel and BR Railway Trail Projects: a) **BRRT** – Project close out by VDOT is in process with advisement pending from the Department on the balance of project funds, as applicable, that the County can request be transferred to the BRT Project. b) **BRT** – Completion of Phase 1 is projected to be the first of May. Development of Phase 2 is in process. A decision on the County's Phase 3 TAP grant application is pending. County staff conducted a tour of the Tunnel and project area on March 20 with the administrator and seven staff of the Shenandoah National Park. A related consideration was the Park's sponsorship of a Federal Land Assistance Program (FLAP) application by the County to seek additional funding for the BRT Project. However, this consideration has not been addressed by the SNP staff and the FLAP application deadline expires on April 17th. c) **Crozet Tunnel Foundation** – The Foundation is sponsoring, as a funding raising opportunity, the ABC license for the initial spring Lockn Bowl Concert on April 18. Proceeds from the sponsorship will be used to assist the BRT Project.

a. Mr. Carter noted that the roll-over funds could be as much as \$27,000.

c. Mr. Carter further explained that LOCKN's license did not become effective until July and they needed a nonprofit organization to hold the license for the LOCKN Bowl concert. He noted that all of the proceeds were to go to the BRT Foundation. He noted that they would have a beer truck and would sell canned beer from local breweries with the Foundation volunteers manning the beer sales in the beer garden. He added that this was considered a separate event. He noted that the County would benefit because it would receive 1% of the 5.3% sales tax collected.

Mr. Carter related that the difficulty in all of this had been maintaining the Foundation's tax exempt status with the IRS. He noted that staff had received the letter from the IRS noting the effective date of its tax exempt status and Mr. Hale added that ABC could ask for proof of this status. It was noted that the IRS did not tell staff what had happened just that the status had changed.

4. Radio Project: The project is operational. County, Motorola and RCC staffs have recently completed additional field testing of the network with result analysis pending from Motorola. Motorola is scheduling a Systems Technician for a field visit(s) to further analyze the network with respect to enhancing operability. Use of paging capabilities has been facilitated for Wintergreen Fire, EMS, and Police. Tower alarm installations to be completed in 30 - 60 days.

5. Lovingson Health Care Center: This subject is an agenda item for the 4-14 Board meeting.

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6. Solid Waste - Region 2000 Service Authority: The Authority is proceeding with a state required update of its Solid Waste Management Plan. The public hearing on the SWP will be conducted in Campbell County at the Authority's Livestock Road facility on 4-22 at 7:30 p.m. Authority staff are also in process permitting a lateral expansion of the Livestock Road Landfill.

Mr. Carter noted that the new SWP was also necessary to recognize that Bedford City was no longer an Authority member. He added that the newly permitted area would give the Authority until 2027.

Ms. Brennan asked if there would be more capacity now without Bedford City and Mr. Carter noted that it would be minimal, less than 6,500 tons per year. He added that they had paid \$100,000 to dissolve their membership.

Added: Mr. Carter noted that Maintenance staff was working on Library painting etc. and it should be done by Saturday. He noted that the Library had been closed while painting. He then added that Mr. Truslow was looking at the siding of the building with Architectural Partners to get advice on its replacement.

7. FY 15-16 Budget: In process with the next budget review meeting proposed for April 16th

8. Department Reports: Included with the 4-14-15 BOS agenda.

2. Board Reports

Mr. Bruguere had no report.

Ms. Brennan noted that she had attended a Nelson 151 business meeting where they passed a resolution requesting that FERC extend its comment period.

Mr. Hale with input from Mr. Saunders reported on Phase II of the Blue Ridge Tunnel and noted that as presently laid out, Phase II started work inside the tunnel but did not complete the work. He added that there were a lot of uncertainties on what could be included and he noted that using some of the Phase III money would be helpful and was being looked into. He noted that this was all caused by the fact that the project had to be done in phases based on the grants and the County had to deal with what was given. He reported that they had removed the mud and pooling at the east portal, the poor drainage had been resolved, and the final trail surface was being done from the mouth out to the Tyler Law office. Mr. Hale then reported that the Project Manager, Kirsten Tynch was no longer with Woolpert and that was another wrinkle. He concluded by stating that this was a challenging project; however there was a lot of enthusiasm and support for it.

Mr. Hale then inquired as to whether or not FERC was going to respond in writing to the questions submitted by elected officials. He noted he had not received a response to his written questions given to them in January and he would like to know the answer to this. He added that if they did not have to respond, he would like to know.

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He then reported that he had looked up data on a survey done thirty-five (35) years ago at Jarmon's gap that contained a 300 foot wide Dominion easement and followed it. He noted that there were two (2) parallel series of towers in the easement that crossed US 29 at Red Hill and continued on through Albemarle, north of Scottsville entering Fluvanna at Antioch. He noted that at this location there was an existing Transco compressor station on their pipeline and that went on to Bremono Bluff to their existing power plant. He noted he did not know if this power plant had been converted from coal to gas; however his conclusion was why had this not been considered as an alternate route for the pipeline. He added that Dominion had said that it was because these were high power transmission lines etc. which was not a sufficient reason to him. He then advised that the calculated acreage of clear-cut on the proposed route was over 500 acres that would be removed. He added that if they used the existing easement, that would not be the case.

Ms. Brennan then advised that the route Mr. Hale spoke of was being proposed as a potentially viable alternate route. She added that Dominion had built pipelines next to electric transmission lines before and this was documented.

Mr. Saunders then noted that the explosion in Appomattox was caused by a leak in the pipeline that was next to an electric transmission line.

Mr. Hale reiterated that his opinion was that the pipeline should be placed in their existing easement.

Mr. Harvey then reported that he had turned in paperwork to close off the Afton overlook while work was being done. He noted that the cutting would be done first and then they would try to get plans together to fix it up.

Mr. Saunders reported his attendance of Blue Ridge Tunnel and Budget meetings.

B. Appointments

Ms. McGarry reported that the seat previously held by Clarence Craig on the Local Board of Building Appeals remained vacant with no applications having been received. She then noted that no applications had been received for the BZA Alternate seat that had expired and further noted that the incumbent, Ronald Moyer had indicated he wished to be reappointed. She noted that this seat had only been advertised for one week and asked the Board for direction on further advertisement. She then noted that the resignation letter from JAUNT Board member, Mercedes Sotura had been received and this position would also be advertised. In response to questions, Ms. McGarry advised that these seats were typically advertised for between two weeks and one month. The Board then took no action on appointments.

Supervisors briefly discussed the status of Mr. John Bradshaw who also serves on the Board of Zoning Appeals.

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C. Correspondence

Mr. Harvey noted having received a phone call from Bill Keene wanting to nominate Mary Lee Embrey for a TJEMS award. He noted that Mr. Keene had sent the County the information and the resolution and that a letter accompanying these would need to be written by staff. Mr. Harvey then distributed a draft resolution for the Board's consideration nominating Ms. Embrey for the TJEMS award.

Ms. Brennan then moved to approve resolution **R2015-35**, Endorsement of the Nomination of Mary Lee Embrey for TJEMS Regional Award for Outstanding EMS Administrator and Mr. Bruguiere seconded the motion.

Ms. Brennan then noted that Ms. Embrey had done an amazing job and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following resolution was adopted:

RESOLUTION R2015-35
NELSON COUNTY BOARD OF SUPERVISORS
ENDORSEMENT OF THE NOMINATION OF MARY LEE EMBREY
FOR
TJEMS REGIONAL AWARD FOR OUTSTANDING EMS ADMINISTRATOR

WHEREAS, In 1964, Ms. Mary Lee Embrey was a founding member of the Nelson County Rescue Squad and initially served as an Advanced First Aid provider and subsequently served as an EMT for the next thirty (30) years responding to such catastrophes as Hurricane Camille in 1969 and the Southern Crescent train wreck in 1978; and

WHEREAS, Ms. Embrey has served as the only Treasurer and only President of the Auxiliary to date; effectively administering their finances and coordinating fundraising activities; and

WHEREAS, through her service on the Board of Directors, Ms. Embrey has managed the Nelson County Rescue Squad's operations and growth for the past fifty (50) plus years, with the organization evolving from the provision of EMS services via a single station wagon containing rudimentary medical supplies to a state-of-the-art rescue agency delivering Advanced Life Support prehospital care utilizing four (4) ambulances stationed at two (2) crew halls; and

WHEREAS, Ms. Embrey surpasses the criteria to be awarded the Thomas Jefferson EMS Council Regional Award for Outstanding EMS Administrator as an individual who has demonstrated the ability to organize, conduct, manage, problem solve, and evaluate within his or her organization and, by exemplary leadership and administrative skills, improve the effectiveness, response, and delivery of emergency medical services,

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NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors does hereby honor Ms. Mary Lee Embrey for her lifelong significant and outstanding service to the citizens of Nelson County and categorically endorses her nomination for Regional Award of Thomas Jefferson EMS Council Outstanding EMS Administrator.

Supervisors discussed getting the letter to Bill Keene the next day and Ms. Brennan noted she could do the delivery. Mr. Carter confirmed that the letter was to accompany the resolution.

D. Directives

Mr. Harvey and Mr. Hale had no Directives.

Mr. Bruguere noted he would like to have the Board endorse having a Nelson County Broadband Authority website. He suggested that staff check with the RANA to see if the Authority could duplicate theirs.

Mr. Harvey then questioned why BRI would hire a new salesperson if they were not going to be out selling the network. Mr. Carter noted that BRI would be out selling their services and they were trying to make the point that the NCBA was jointly responsible for marketing the network and they were responsible for marketing their services. He added that staff had encouraged BRI to market the existing fiber routes more. Mr. Harvey related that someone needed to be responsible for packaging multiple connections together. He then noted that as an example, Hebron church needed a fiber connection for its security system and it would cost them \$3,800 for installation which they could not afford; however there were other connections around that could be made and the cost shared.

Mr. Hale questioned whether or not they could use the tower and Ms. Brennan asked why a fiber couldn't be run to a tower to be used for service. This was briefly discussed and Mr. Carter noted that the last mile cost was the barrier to connecting. Mr. Harvey noted he thought that the Authority needed to also work with Mr. Stewart on the towers and Mr. Bruguere noted he wished that the County had more wireless providers to work with. Mr. Carter then noted he did not understand why the wireless provider was extending its services out to five (5) other counties.

Mr. Harvey then referenced what was going on in Franklin County and Mr. Carter suggested that Nelson was more similar to Rockbridge County; however they had Rockbridge, Lexington, and Buena Vista involved in their network. He added that they also had the involvement of Washington and Lee University and had built a telecomm center to serve their network. The areas of Edgehill and Duncan Hollow Loop were discussed and Mr. Carter then reiterated that along Route 6 and 29, the last mile cost was unavoidable and Mr. Harvey noted it cost \$5.00 per foot to run.

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Ms. Brennan:

1. Ms. Brennan inquired as to the status of the Wild Wolf pump and haul situation and Mr. Carter noted that he would catch up with VDH; however he thought they have had a meeting but he had not heard what the next steps were. He added that they had indicated that Wild Wolf would get a temporary pump and haul permit for the next year; but he would check.
2. Ms. Brennan then inquired if Mr. Banks was coming in May to report on the Floodplain Management and insurance program and Mr. Carter noted he would confirm this.
3. Ms. Brennan inquired as to the status of the Wingina-Norwood Historic District and Mr. Carter noted he would check and he thought its nomination may be on the DHR Board's schedule for this month.

Mr. Saunders:

Mr. Saunders then inquired as to paving the Gladstone collection site and Mr. Carter noted that Mr. Truslow had gotten one vendor quote of \$28,000 so far. He added that he would need to get two (2) more however that was a good barometer of where it would come in.

Mr. Harvey suggested that they authorize staff to proceed with the paving with the County to comply with its procurement rules. It was noted that the price quote was for paving from Route 60 into the site and everything within the fence. Mr. Carter and Mr. Saunders confirmed that the site was fenced with staff opening it and closing it daily.

Supervisors then agreed by consensus to proceed as noted by Mr. Harvey.

Mr. Saunders then reported that a volunteer from Dixie Baseball had called him and said that the bridge at the Lions field was unsafe to walk on. He noted that the bridge flooring was the problem and Mr. Carter noted that the County had replaced the beams last year. It was noted that the bridge was the one near the back fields where the younger ages played. Mr. Carter reported that the current lease had not been signed because the wording said that the Lessee would have to remove everything and restore the site if the lease were terminated. Ms. Brennan then asked who would be liable if something happened with the bridge and Mr. Bruguiere noted that he thought the Dixie Youth League had insurance.

Supervisors then discussed Parks and Recreation looking at it and fixing it and Mr. Carter advised that the department had not noted this to be a problem in developing the program this year.

VI. Adjourn and Reconvene for Evening Session

At 5:45 PM, the Board agreed by consensus to adjourn and reconvene the meeting at 7:00 PM.

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EVENING SESSION

7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Saunders called the meeting to order at 7:05 PM, with all Supervisors present to establish a quorum.

II. Public Comments

There were no persons wishing to be recognized for public comments.

III. Public Hearings and Presentations

A. Public Hearing – Proposed Ordinance to Repeal and Re-Enact Article V, Agricultural and Forestal Districts, Sections 9-150 through Sections 9-154 and Sections 9-200 through Sections 9-207 of the Code of Nelson County, Virginia to Include new state Provisions. (O2015-01)

Mr. Padalino introduced the item and noted that the consideration was repeal and replacement of Article V, Agricultural and Forestal Districts of the County Code, not the Zoning Ordinance. He added that the State Code was amended in 2011 and this proposed language would align the County Code with the State Code in regards to Ag Forestal Districts.

He added that the new language would establish a Program Administrator which would simplify the process by removing one (1) month from the application processing timeline and the application process would also be modernized to allow for using GIS vs. VDOT maps to be included with the application. Mr. Padalino then noted that the mileage distance from the core changes would make more properties eligible because it was more permissive than the previous code requirement.

Mr. Bruguieri inquired as to the minimum distance one could be located away from the core of the district and Mr. Padalino noted that core must be 200 acres and the minimum distance from that was 1.5 miles with the property being eligible if it contained agriculturally and/or forestally significant land. He added that would be evaluated on a case by case basis. He reiterated that there was no acreage minimum because the parcel would be treated as a satellite parcel and not a core parcel. Mr. Bruguieri noted that he thought there should be a minimum size and Mr. Padalino advised that the Board could factor this into the new language.

Mr. Padalino noted that there was a parcel in Bryant that was significant but was very small, being 3-5 acres.

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Mr. Padalino reiterated that with the re-enactment as proposed, it would be a more streamlined process since he would see if an application was eligible and if so, would forward this to the Advisory Committee and then it would go to the Planning Commission.

There being no other questions for staff, Mr. Saunders opened the public hearing and the following persons were recognized:

1. Susan McSwain, Shipman resident, Dutch Creek AFD Member, and Secretary of the AFD Advisory Committee

Ms. McSwain noted that putting land into an AFD did not mean the land automatically got land use taxation; she noted the parcel must meet those minimum requirements set by the state on this. She added that the smaller tracts must be significant and did not automatically qualify for Land Use unless they met the requirements.

There being no other persons wishing to be recognized, the public hearing was closed.

Ms. Brennan then moved to approve Ordinance **O2015-01**, The Repeal of Sections 9-150 Through 9-154 and Sections 9-200 Through 9-207 of Article V, Agricultural and Forestal Districts of the Code of Nelson County Virginia, and The Enactment of Replacement Sections.

Mr. Bruguiere seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and the following Ordinance was adopted:

**ORDINANCE O2015-01
NELSON COUNTY BOARD OF SUPERVISORS
THE REPEAL OF SECTIONS 9-150 THROUGH 9-154
AND SECTIONS 9-200 THROUGH 9-207 OF ARTICLE V,
AGRICULTURAL AND FORESTAL DISTRICTS
OF THE CODE OF NELSON COUNTY VIRGINIA, AND
THE ENACTMENT OF REPLACEMENT SECTIONS AS FOLLOWS:**

BE IT HEREBY ORDAINED, that the Nelson County Board of Supervisors does hereby repeal Sections 9-150 through Sections 9-154 and Sections 9-200 through Sections 9-207 of Article V, Agricultural and Forestal Districts of the Code of Nelson County, Virginia and re-enacts replacement Sections 9-150 through 9-154 and 9-200 through 9-207 as follows:

ARTICLE V. - AGRICULTURAL AND FORESTAL DISTRICTS

DIVISION 1. - GENERALLY

Sec. 9-150. - Purpose and intent.

Sec. 9-151. - Definitions.

Sec. 9-152. - Districts may be created, modified, renewed, continued and terminated.

Sec. 9-153. – Application forms, maps, and required notice.

Sec. 9-154. - Advisory committee established; powers and duties.
Secs. 9-155—9-199. - Reserved.

DIVISION 2. - PROCEDURE

Sec. 9-200. - Minimum size and location of district.
Sec. 9-201. - Creation of district.
Sec. 9-202. - Effect of district creation.
Sec. 9-203. - Addition of land to district.
Sec. 9-204. - Review of district; continuation, modification or termination.
Sec. 9-205. - Withdrawal of land from district.
Sec. 9-206. - Fees.
Sec. 9-207. - Mailing of notices.
Secs. 9-208—9-210. - Reserved.

DIVISION 1. - GENERALLY

Sec. 9-150. - Purpose and intent.

- (a) The policy of the county is to conserve, protect, and encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural or forestal products. It is also the policy of the county to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for improvement of air quality, watershed protection, wildlife habitat, and aesthetic benefits for residents and visitors.
- (b) It is the purpose and intent of this chapter to provide a means for a mutual undertaking by landowners and the County to protect and enhance agricultural and forestal land as a viable segment of the economy, and as an important economic and environmental resource.
- (c) This ordinance enables the use of Agricultural and Forestal Districts as one of four tools itemized in the Nelson County Comprehensive Plan that should be utilized for land use planning.

State law reference— Va. Code § 15.2-4301

Sec. 9-151. - Definitions.

As used in this article, unless the context requires a different meaning:

Advisory committee means the agricultural and forestal districts advisory committee.

Agricultural products means crops, livestock and livestock products, including but not limited to: field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, furbearing animals, milk, eggs and furs.

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Agricultural production means the production for commercial purposes of crops, livestock and livestock products, and includes the processing or retail sales by the producer of crops, livestock or livestock products which are produced on the parcel or in the district.

Agriculturally and forestally significant land means land that has recently or historically produced agricultural and forestal products, is suitable for agricultural or forestal production or is considered appropriate to be retained for agricultural and forestal production as determined by such factors as soil quality, topography, climate, markets, farm structures, and other relevant factors.

Application means the set of items a landowner or landowners must submit to the board of supervisors when applying for the creation of a district or an addition to an existing district.

District means an agricultural, forestal, or agricultural and forestal district.

Forestal production means the production for commercial purposes of forestal products and includes the processing or retail sales, by the producer, of forestal products which are produced on the parcel or in the district. *Forestal products* include, but are not limited to, saw timber, pulpwood, posts, firewood, Christmas trees and other tree and wood products for sale or for farm use.

Landowner or owner of land means any person holding a fee simple interest in property but does not mean the holder of an easement.

Program administrator means the local governing body or local official appointed by the local governing body to administer the agricultural and forestal districts program.

State law reference— Va. Code §15.2-4302.

Sec. 9-152. - Districts may be created, modified, renewed, continued and terminated.

The board of supervisors may create, modify, renew, continue and terminate agricultural and forestal districts and authorize the withdrawal therefrom, as provided in Chapter 43 of Title 15.2 of the Code of Virginia. The board of supervisors may promulgate application forms and may charge a reasonable fee for each application submitted pursuant to this chapter.

State law reference— Va. Code § 15.2-4303.

Sec. 9-153. - Application forms, maps, and required notice.

The program administrator shall prescribe *application forms* for districts that include but need not be limited to the following information:

1. The general location of the district;
2. The total acreage in the district or acreage to be added to an existing district;

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3. The name, address, and signature of each landowner applying for creation of a district or an addition to an existing district and the acreage each owner owns within the district or addition;
4. The conditions proposed by the applicant pursuant to Virginia Code § 15.2-4309;
5. The period before first review proposed by the applicant pursuant to Virginia Code § 15.2-4309; and
6. The date of application, date of final action by the local governing body and whether approved, modified or rejected.

The application form shall be accompanied by *maps or aerial photographs*, or both, that clearly show the boundaries of the proposed district and each addition and boundaries of properties owned by each applicant, and any other features as prescribed by the board of supervisors.

For each *notice* required by this chapter to be sent to a landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the planning commission shall make affidavit that such mailing has been made and file such affidavit with the papers in the case.

State law reference— Va. Code § 15.2-4303.

Sec. 9-154. - Advisory committee established; powers and duties.

An advisory committee is hereby established, as provided herein:

- (1) The committee shall consist of ten (10) members appointed by the board of supervisors. The committee shall be comprised of four (4) landowners who are engaged in agricultural or forestal production, four (4) other landowners of the county, the commissioner of revenue, and one (1) member of the board of supervisors.
- (2) The members of the committee shall serve at the pleasure of the board of supervisors.
- (3) The members of the committee shall serve without pay, but the board of supervisors may, at its discretion, reimburse each member for actual and necessary expenses incurred in the performance of his duties.
- (4) The committee shall elect a chairman, vice-chairman and secretary at the first meeting of the committee each calendar year. The secretary need not be a member of the committee.

- (5) The committee shall advise the planning commission and the board of supervisors on matters that it considers pursuant to this article, and shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within a district and the relation of those resources to the county.
- (6) The committee shall advise the planning commission and the board of supervisors on matters pertaining to the rural areas of the county which may affect agriculture or forestry.

State law reference— Va. Code § 15.2-4304.

Secs. 9-155—9-199. - Reserved.

DIVISION 2. – PROCEDURE

Sec. 9-200. - Minimum size and location of district.

Each agricultural and forestal district shall have a core of no less than two hundred (200) acres in one (1) parcel or in contiguous parcels. A parcel not part of the core may be included in a district (i) if the nearest boundary of the parcel is within one (1) mile of the boundary of the core, (ii) if it is contiguous to a parcel in the district, the nearest boundary of which is within one (1) mile of the core, or (iii) if the board of supervisors finds, in consultation with the advisory committee or planning commission, that the parcel not part of the core or within one mile of the boundary of the core contains agriculturally and forestally significant land. The land included in such a district may be located in more than one (1) locality provided that the requirements of Virginia Code §15.2-4305 for such districts are satisfied. All included tracts shall be shown as separate parcels in the county real estate records.

State law reference— Va. Code §15.2-4305.

Sec. 9-201. - Creation of district.

Each agricultural and forestal district shall be created as provided herein:

- (1) *Application.* On or before June first of each year, an owner or owners of land may submit an application to the planning department for the creation of a district. An application shall be signed by each owner of land to be included within the district. Parcels of land owned by sole owners, co-owners, partnerships, trusts or corporations shall be eligible for inclusion in a district so long as all involved owners sign the application indicating their desire that the parcel be included in the district.
- (2) *Initiation of application review.* Upon receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee. The *advisory committee* shall review and make recommendations concerning the application or modification thereof to the planning commission.

The *planning commission* shall:

1. Notify, by first-class mail, adjacent property owners, as shown on the maps of the locality used for tax assessment purposes, and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain (i) a statement that an application for a district has been filed with the program administrator pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the board of supervisors; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the planning commission within thirty days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application within thirty days from the date of the notice or, with the consent of the board of supervisors, at any time before the public hearing the board of supervisors must hold on the application; (v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the board of supervisors, at any time before the board of supervisors acts, pursuant to Virginia Code § 15.2-4309; and (vi) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter;
2. Hold a public hearing as prescribed by law; and
3. Report its recommendations to the board of supervisors including but not limited to the potential effect of the district and proposed modifications upon county planning policies and objectives.

(3) *Evaluation criteria.* The following factors should be considered by the planning commission and the advisory committee, and at any public hearing at which an application is being considered:

- a. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
- b. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
- c. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
- d. Local developmental patterns and needs;
- e. The comprehensive plan and, if applicable, zoning regulations;

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f. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and

g. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

(4) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application as provided by law, and, after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.

a. The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4309, and shall be subject to section 9-202(1). Virginia Code § 15.2-4309 provides, in part:

Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four (4) years but not more than ten (10) years from the date of its creation. In prescribing the period before the first review, the local governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.

b. The board of supervisors shall act to either adopt the ordinance creating the district, with or without modification, or reject the application, no later than one hundred eighty (180) days from the date by which the application was received.

c. Upon the adoption of an ordinance creating a district or adding land to an existing district, the board of supervisors shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the state forester, and the commissioner of agriculture and consumer services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the board of supervisors shall identify such parcels on the zoning map, where applicable and shall

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designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

State law reference— Va. Code §§15.2-4303 through 15.2-4309.

Sec. 9-202. - Effect of district creation.

The land within an agricultural and forestal district shall be subject to the following upon the creation of the district.

(1) *Prohibition of development to more intensive use.*

- a. The board of supervisors may require, as a condition to creation of the district, that any parcel in the district shall not, without the prior approval of the board, be developed to any more intensive use or to certain more intensive uses, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. The board of supervisors shall not prohibit as a more intensive use, construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, or for one (1) dwelling unit for the purpose of a guest cottage, or divisions of parcels for such family members, unless the board finds that such use in the particular case would be incompatible with farming or forestry in the district.
- b. To further the purposes of this chapter and to promote agriculture and forestry and the creation of districts, the board of supervisors may adopt programs offering incentives to landowners to impose land use and conservation restrictions on their land within the district. Programs offering such incentives shall not be permitted unless authorized by law.

(2) *Applicability of comprehensive plan and zoning and subdivision ordinances.* The comprehensive plan and the zoning and subdivision ordinances shall apply within each district to the extent that the ordinances do not conflict with conditions of creation or continuation of the district, or the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia.

(3) *Limitation on restricting or regulating certain agricultural and forestal farm activities.* The county shall not unreasonably restrict or regulate by ordinance farm structures or agricultural and forestal practices in a manner which is contrary to the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia unless such restriction or regulation is directly related to public health and safety. The county may regulate the processing or retail sales of agricultural or forestal products, or structures therefore, in accordance with the comprehensive plan and any county ordinances.

(4) *Consideration of district in taking certain actions.* The county shall take into account the existence of a district and the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia in its comprehensive plan, ordinances, land use planning decisions, and administrative decisions and procedures affecting parcels of land adjacent to the district.

(5) *Availability of land use-value assessment.* Land within a district and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia (§58.1-3229 et seq.), if the requirements for such assessment contained therein are satisfied. Any ordinance adopted pursuant to § 15.2-4303 shall extend such use-value assessment and taxation to eligible real property within such district whether or not a local ordinance pursuant to § 58.1-3231 has been adopted.

(6) *Review of proposals by agencies of the Commonwealth, political subdivisions and public service corporations to acquire land in district.*

- a. Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the state corporation commission, provided that the proposed acquisition from any one (1) farm or forestry operation within the district is in excess of one (1) acre or that the total proposed acquisition within the district is in excess of ten (10) acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures, shall at least ninety (90) days prior to such action notify the board of supervisors and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body. Notice to the board of supervisors shall be filed in the form of a report containing the following information:
 1. A detailed description of the proposed action, including a proposed construction schedule;
 2. All the reasons for the proposed action;
 3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures are to be constructed;
 4. An evaluation of anticipated short-term and long-term adverse impact on agricultural and forestal operations within the district and how such impact is proposed to be minimized;

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5. An evaluation of alternatives which would not require action within the district; and
 6. Any other relevant information required by the board of supervisors.
- b. Upon receipt of a notice filed pursuant to subsection a., the board of supervisors, in consultation with the planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impact on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the director of the department of conservation and recreation, or his designee, may advise the board of supervisors on the issues listed in clauses (i), (ii) and (iii) of this subsection.
- c. If the board of supervisors finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of one hundred fifty (150) days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the board of supervisors usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the board of supervisors shall issue a final order on the proposed action. Unless the board of supervisors, by an affirmative vote of a majority of all the members, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the board of supervisors, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the state corporation commission, an appeal shall be to the state corporation commission.

(7) *Parcel created by division remains in district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

State law reference— Va. Code §§15.2-4309, 15.2-4312, 15.2-4313.

Sec. 9-203. - Addition of land to district.

One (1) or more parcels may be added to an existing agricultural and forestal district. The procedure for adding such parcels shall be as provided for the creation of a new district. Such additions shall be reviewed at the time previously established for the review of the district to which they are added.

State law reference— Va. Code §15.2-4310.

Sec. 9-204. - Review of district; continuation, modification or termination.

Each agricultural and forestal district may be reviewed as provided herein:

- (1) *Review period.* Each district may be reviewed within the period set forth in the ordinance creating the district, which period shall not be less than four (4) years nor more than ten (10) years from the date of its creation, and may thereafter be reviewed within each such subsequent period.
- (2) *Initiation of district review.* If the board of supervisors determines that a review is necessary, it shall begin such review at least ninety (90) days before the expiration date of the period established when the district was created. In conducting such review, the board of supervisors shall ask for the recommendations of the advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the Board of Supervisors at any time before it acts to continue, modify or terminate the district.
- (3) *Advisory committee review.* Upon referral of the district by the board of supervisors, the advisory committee shall review the district and report to the planning commission its recommendations as to whether to terminate, modify or continue the district.
- (4) *Planning commission review.* Upon receipt of the report of the advisory committee on a district, the planning commission shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. Notice of the public meeting shall be provided to the owners of the land within the district as required by Virginia Code § 15.2-4311. The planning commission shall report to the board of supervisors its recommendations, together with the advisory

committee's recommendations, as whether to terminate, modify or continue the district.

- (5) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the district as provided by law.
- (6) *Action on review.* After the public hearing, the board of supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the board of supervisors, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created. If the board of supervisors determines that a review is unnecessary, it shall set the year in which the next review shall occur.
- (7) *Effect of failure to complete review by review date.* A district shall not terminate by the failure of the board of supervisors to take action pursuant to paragraph (6) by the review date set forth in the section of this chapter pertaining to the district.

State law reference— Va. Code §15.2-4311.

Sec. 9-205. - Withdrawal of land from district.

- (1) At any time after the creation of a district, any owner of land lying in such district may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause.
 - a. *Procedure.* The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the local governing body. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to clause (v) of subdivision 1 of § 9-201 (2) or § 9-204 (2).
 - b. *Criteria for Review.*
 1. The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district;

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2. The proposed new land use is consistent with the comprehensive plan;
 3. The proposed land use is consistent with the public interest of the county in that it promotes the health, safety, or general welfare of the county rather than only the proprietary interest of the owner; and,
 4. The proposed land use was not anticipated by the owner at the time the land was placed in the district and there has been a change in circumstances since that time,
- (2) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this Article, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in Virginia Code § 58.1-3237. Sale or gift of a portion of land in a district to a member of the immediate family as defined in Virginia Code § 15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.
 - (3) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of § 9-202.
 - (4) Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the Board of Supervisors and the commissioner of the revenue within two years of the date of death of the owner.
 - (5) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the Board of Supervisors shall submit a copy of the ordinance or notice of withdrawal to the commissioner of revenue, the State Forester, and the State Commissioner of Agriculture and Consumer Services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the Board of Supervisors shall delete the identification of such parcel from the zoning map, where applicable.
 - (6) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to § 9-204.

State law reference—Va. Code § 15.2-4314

Sec. 9-206. - Fees.

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The following fees for actions related to an agricultural and forestal district are hereby established. The fees shall be paid at the time the application is filed, and shall be in the form of cash or of a check payable to the "County of Nelson." A fee shall not be charged for the addition of land to a district or for the review of a district.

- (1) Application to create a district pursuant to section 9-201: Three hundred dollars (\$300.00) or the costs of processing and reviewing the application, including notice publication costs, whichever is less.
- (2) Requests to withdraw land from a district pursuant to section 9-205: Three hundred dollars (\$300.00) or the costs of processing and reviewing the application, including notice publication costs, whichever is less.

State law reference — Va. Code §15.2-4303.

Sec. 9-207. - Mailing of notices.

For each notice required by this chapter to be sent to the landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application or on the current real estate tax assessment books or maps. A representative of the planning commission or the board of supervisors shall make affidavit that such mailing has been made and file such affidavit with the papers in the proceeding.

State law reference— Va. Code §15.2-4307.

Secs. 9-208—9-210. - Reserved.

BE IT FURTHER ORDAINED, that this Ordinance becomes effective upon adoption.

B. Public Hearing – Proposed Amendments to Appendix A, Zoning Ordinance, regarding the proposed provision of a new type of land use. The proposed new land use, “artist community,” would be permissible as a special use in the (A-1) Agricultural District. **(O2015-02)**

Mr. Padalino noted that the proposed Zoning Ordinance amendment was initiated by the Planning Commission. He noted that they were approached by Mr. Smith who said that the VCCA was looking for possible relocation options. He noted that Staff found that there were no Ordinances out there addressing this type of use and staff worked with Mr. Smith and the Planning Commission to draft the proposed language.

Mr. Padalino then advised that the amendment contained three (3) proposed new definitions: Artist Community, Resident Artists, and Artist Community Residencies as noted below:

Artist Community: A facility that provides resident artists with artist community residencies in a rural setting. An artist community includes art studio(s), exhibition and presentation space(s), and temporary lodging accommodations for resident artists; and includes the

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accompanying office(s), kitchen and food service(s), communal space(s), and maintenance area(s) to service the resident artists and staff. An artist community shall be a not-for-profit organization governed by a Board of Directors, managed by a professional staff, and focused on a specific mission.

Artist Community Residencies: time and space scheduled for resident artists to create work not at the artists' home base; residencies are applied for on a competitive basis, selected through a peer review process, documented in a written contract, and scheduled for a period not to exceed ninety-five (95) consecutive days.

Resident Artists: professionals who create new work in literary, visual, musical, theatrical, dance, and other forms, as evidenced by their education in said fields, training, and expenditure of time in their studio endeavor, regardless of whether they make their living by it.

Mr. Padalino noted he understood that the current residencies at VCCA were twenty-one (21) days. He added that this use was proposed as a Special Use in A-1 not a by right use that the Board could consider on a case by case basis. Mr. Padalino then noted that the amendment included six (6) limiting factors as follows:

- Minimum property size of 20 acres;
- Maximum floor area of 40,000 square feet (cumulative / all facilities);
- Maximum of 25 resident artists at any time with each resident artist being limited to a maximum duration of ninety-five (95) consecutive days;
- Maximum of 15 public events per year (monthly Open Houses/Open Studios and infrequent fundraising events);
- Existing structures are adaptively reused (as applicable) and new structures are designed to be compatible with rural character of surrounding area;
- Restrictions on future division of the property

Mr. Greg Smith - Executive Director of VCCA then addressed the Board and noted the following:

Mr. Smith noted that he concurred with Mr. Padalino's summary and noted that they were not currently part of Sweetbriar's main campus and had been leasing their property for \$1 per year for the past thirty-seven (37) years. He noted that the VCCA artists provided advisement to college faculty. He added that they had begun the process of talking to them on how to stay there as well as investigating other options.

Mr. Smith reported that they had gone through a similar process with Albemarle County and had found that in both counties there was nothing in their Ordinances to address this and so they have been pursuing the text amendments. He then related that he had been approached by a property owner wanting to donate their property to them and they were exploring this. He added that they were also considering buying property; however that was contingent upon there being the use allowed in the Zoning Ordinance.

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Mr. Bob Satterfield, County Resident and VCCA Board Member then addressed the Board. He noted that the VCCA was an outstanding arts community and they were interested in Nelson County because there was a welcoming attitude for artists and crafts people here. He added that their space needed to be inspirational, serene, and quiet so their artists could perform their work and he noted they also needed to be in a welcoming community. He then noted his appreciation for the Board's time and consideration.

Mr. Bruguere noted he thought this concept was similar to the conference center definition and inquired if this could be applied in this case. Mr. Padalino noted that the staff review of this was a year ago and he could not speak to each reason not to consider this. He added that the difference between this and a Conference Center was a Conference was more temporary and lasted for a couple of days whereas this would be more permanent and would last up to ninety-five (95) days.

Mr. Carter noted that Staff and the County Attorney agreed that the County needed special provisions for this.

Mr. Smith of VCCA noted that they had a process of allowing anyone to apply for residency, then applications were reviewed by a panel of the same trade. The applications were then scored and they provided only 45% of these with a residency ranging from two weeks to three months. He noted that they had some overseas residents that would usually stay longer because of the travel. He added that the benefit was mostly to the artists; however in the long run, their products went out into the world and Society benefitted.

Ms. Brennan inquired if this was like Penlon in North Carolina and Mr. Smith noted that it was similar; however VCCA residents were not teaching classes like at Penlon. He noted that the best known Artist Community was called McDowell Colony in Petersburg, NH.

Ms. Brennan then inquired as to the opportunity for artists to work in the schools at all and Mr. Smith noted that this could be explored; however right now they had a relationship or affiliation with a college and if they did not in the future, he thought they could examine this type of arrangement.

Ms. Brennan then inquired if the residents were fed and Mr. Smith noted that they were provided three (3) meals a day for seven (7) days a week. He added that this was part of the experience and that they purchased food locally for the meals.

Ms. Brennan then inquired as to the kind of staff that they would have and Mr. Smith noted that they currently had six full time and twelve part time employees. He noted that the full time positions were in administration and the part time were in grounds and food services. He added that they did draw their employees from the local population.

Mr. Saunders inquired as to whether or not they had applied for this language amendment in Amherst and Mr. Smith noted that there, the property was zoned A-1. He added that their top choice was to stay in Amherst. Mr. Saunders asked if there was an ordinance in Amherst

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and if they had to leave Sweetbriar could they relocate in Amherst. Mr. Smith supposed that they would have to go through the same process of a zoning text amendment there. He added that they were not sure they had to leave yet.

Mr. Bruguere noted he had trouble including the "not for profit" language in the definition and he thought this status should not make a difference. He added he had no issues with what they wanted to do, however he would like the "not for profit" designation removed. Mr. Harvey supposed that if they were a non-profit, they would not need to have a Board of Directors either.

There being no further questions for staff or the applicant, the public hearing was opened and the following persons were recognized:

1. Melanie Cash, Roseland

Ms. Cash noted that she hoped that if the Board were changing the Zoning Code it would be for more than just the VCCA. She added that she agreed with Mr. Bruguere that there was not reason to limit what type of organization could have this.

There being no other persons wishing to be recognized the public hearing was closed.

Mr. Bruguere reiterated that the term "not for profit" should be removed from the definition.

Mr. Harvey then suggested that action be deferred to allow staff and the Board to work out some kinks and give them time to go over it.

Mr. Hale then noted he was unclear about their current location and Mr. Smith clarified it was owned by the college; however the property was not on the main campus. He noted that they were waiting to see how they handled their unrestricted assets. He added that they did have a fifteen year lease that was renewable and it counted down on March 1st and then automatically went back up fifteen (15) years unless it was terminated. He noted that there was an early termination clause that allowed Sweet Briar to terminate with five (5) years notice; however they would have to pay them the depreciated value of improvements made to the property. He added that they could give them six (6) months' notice.

Mr. Hale and Ms. Brennan noted that they were in favor of helping them relocate to Nelson County.

Mr. Smith then noted that the "not for profit" language came from the fact that they have a non-profit organizational structure and some of the limiting factors suggested also came from how they operated.

Mr. Bruguere noted that they would welcome VCCA to the County and eliminating that language would not affect how they did business; however if a person wanted to do this for profit they would be prevented from doing so if it were included.

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Mr. Carter suggested that the Board could strike the whole last sentence of the definition and Mr. Bruguere agreed noting that it did not matter how they operated internally.

Mr. Hale then noted that if the Board were going to make this change, there were a few others he thought they should take a look at; such as the language that residencies were applied for on a competitive basis. Mr. Harvey agreed that it needed to be cleaned up before it was put in place since the language was derived based upon one organization.

Mr. Harvey then moved to defer consideration of the amendment until it was cleaned up and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

Mr. Hale then stated that it was the aim of the Board to make the definition work for the VCCA even if they had to work with the language.

IV. Other Business

A. Agricultural and Forestal District (AFD) Applications to Expand the Davis Creek AFD and the Dutch Creek AFD and to Create a new Greenfield AFD. (Authorization for Public Hearing R2015-34)

Mr. Padalino noted that applications had been received for the expansion of the existing Dutch Creek AFD and for the Davis Creek AFD and then the creation of a new Greenfield AFD.

Mr. Padalino then noted that the recently adopted Ordinance would not remove the Board from the process and that "Program Administrator" was a title in the state code and required that one be appointed. He added that the Board was the only body that could take action on these and that only one initial step was removed. He added that the application procedure was set up by the State Code and they had modified the County code to match that.

Mr. Padalino then gave the following summary of the applications:

AFD Application #2015-01: Addition to Davis Creek AFD (Bolton)

– *Date received:* 1/12/2015 (modified and resubmitted on 1/20)
– *Total size of proposed expansion:* originally 137.99 acres (modified total = 216.89 acres)
– *Parcels and property owners in proposed addition:* 6 total property owners / 7 total parcels.

- Tax Map Parcel #44-A-28 – Earnest John Fritschi – 37.86 acres
- Tax Map Parcel #44-A-30A – Bernard F. Haxel – 18.61 acres
- Tax Map Parcel #44-A-26C – Jeanne Shreves – 10.0 acres
- Tax Map Parcel #44-A-26A – Jeanne Shreves – 15.69 acres
- Tax Map Parcel #44-A-30 – James R. Bolton & Marcia G. Gibbons – 37.22 acres
- Tax Map Parcel #44-A-30B – Carol Scott Life Estate – 18.61 acres

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- Recent modifications / additional parcels: Tax Map Parcel #44-1-2 – Helen Chapman – 78.9 acres

– *AFD Advisory Committee Recommendation*: The committee unanimously voted to recommend to the Planning Commission and the Board of Supervisors that they approve the addition of all parcels to the Davis Creek AFD.

– *Planning Commission Recommendation at 3/25 Public Hearing*: No comments were received from members of the public. The Planning Commission (PC) voted to recommend that the Board of Supervisors (BOS) approve AFD #2015-01 to add these seven (7) total parcels to the existing Davis Creek AFD.

AFD Application #2015-02: Addition to Davis Creek AFD (Derdeyn)

– *Date received*: 1/9/2015

– *Total size of proposed expansion*: 11.04 acres

– *Parcels and property owners in proposed addition*: 2 total property owners / 3 total parcels

- Tax Map Parcel #45-A-10H – Virginia Anne Evans Trustee – 5.34 acres
- Tax Map Parcels #45-A-15; #45-A-15A – Derdeyn Revocable Trusts – 5.7 acres

– *Advisory Committee Recommendation*: The committee unanimously voted to recommend to the Planning Commission and the Board of Supervisors that they approve the addition of all parcels to the Davis Creek AFD.

– *Planning Commission Recommendation at 3/25 Public Hearing*: No comments were received from members of the public. The PC voted to recommend that the BOS approve AFD #2015-02 to add these three (3) total parcels to the existing Davis Creek AFD.

AFD Application #2015-03: Addition to Dutch Creek AFD (Wright)

– *Date received*: 1/15/2015 (modified and resubmitted prior to 2/12 Advisory Committee review)

– *Total size of proposed expansion*: originally 731.87 acres (modified total = 746.74 acres)

– *Parcels and property owners in proposed addition*: 4 total property owners / 12 total parcels

- Tax Map Parcels #69-A-38; #69-A-38D – John & Jonna Clarkson – 49.84 acres
- Tax Map Parcel #58-A-102A – Robert & Susan McSwain – 278.78 acres
- Tax Map Parcels #58-A-45; #68-A-137; #68-A-138; #68-A-139A; 68-A-139C; 69-A-1;
- 69-A-38A; #69-A-38F – John E. & Ruth S. Purvis – 403.25 acres
- Recent modifications / additional parcels:
- Tax Map Parcel #69-14-6 – Barbara & Jon R. Green – 14.87 acres

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– *Advisory Committee Recommendation:* The committee unanimously voted to recommend to the Planning Commission and the Board of Supervisors that they approve the addition of all parcels, totaling 746 acres, to the Dutch Creek AFD.

– *Planning Commission Recommendation at 3/25 Public Hearing:* No comments were received from members of the public. The PC voted to recommend that the BOS approve AFD #2015-03 to add these twelve (12) total parcels to the existing Dutch Creek AFD.

AFD Application #2015-04: Creation of Greenfield AFD (Burton)

– *Date received:* 1/16/2015 (modified and resubmitted on 2/6/2015)

– *Total size of proposed new district:* originally 2,304 acres (modified total = 2,343.7 acres)

– *Parcels and property owners in proposed addition:* 40 total property owners / 64 total parcels

- Tax Map Parcels #13-4-2; #13-A-67 – Shannon Farm Association – 518.3 acres
- Tax Map Parcel #13-A-67A – Marion Kanour & Barbara Heyl – 15.06 acres
- Tax Map Parcel #13-10-7 – Marc Chanin – 43.98 acres
- Tax Map Parcel #13-10-2 – Thomas Michael & Jean L. McConkey – 2.5 acres
- Tax Map Parcel #13-10-4 – Deborah Ann Harkrader – 7.68 acres
- Tax Map Parcels #13-A-21G; #13-A-23C – Ellwood R. Hood II – 22.83 acres
- Tax Map Parcels #13-A-21; #13-A-24A – Arthur T. Goodloe – 26.52 acres
- Tax Map Parcel #13-A-25 – James W. Carter Jr. & Diane M. – 75.25 acres
- Tax Map Parcel #13-2-1A – William & Lynn Stevenson – 6.61 acres
- Tax Map Parcel #13-A-76 – Curtis M. Pleasants Jr. & Alexandra – 102.38 acres
- Tax Map Parcel #23-1-4A – Lois S. Patkin – 125.11 acres
- Tax Map Parcel #13-9-B – Victor Stefanovic – 90.88 acres
- Tax Map Parcels #13-A-23; #13-A-21E; #13-A-20; #13-A-21C; #13-A-21D – Rita Mae Brown – 100.66 acres
- Tax Map Parcel #24-4-A – John Nelson & Elizabeth Greenleaf – 38.5 acres
- Tax Map Parcel #13-A-69A – Clarence G. Nicklas Jr. & Rita S. – 22.79 acres
- Tax Map Parcel #13-A-63 – Meadowbrooke Associates Inc. – 20.95 acres
- Tax Map Parcel #13-A-63A – Meadowbrooke Partners – 28.30 acres
- Tax Map Parcels #12-A-131C; #12-A-131E – Jeffrey & Christy Howe – 17.73 acres
- Tax Map Parcel #12-A-131 – Cynthia Chandler – 27.33 acres
- Tax Map Parcel #12-A-17 – Karen Kartheiser – 41.42 acres
- Tax Map Parcel #12-A-27 – Neal Showstack & Toni Ranieri – 23.82 acres
- Tax Map Parcel #12-A-27A – Thomas Michael & Jean L. McConkey – 23.82 acres
- Tax Map Parcels #12-A-72A; #12-A-19 – Brian & Amy Webb – 25.42 acres
- Tax Map Parcels #13-1-2A; #13-1-2B – Bonnie C. Cady – 9.13 acres
- Tax Map Parcels #13-1-1A; #13-1-3; #13-1A-11A – Charlotte L. Rea – 29.51 acres
- Tax Map Parcel #13-1-1 – Joanna Salidis & Galen Staengl – 17.31 acres
- Tax Map Parcel #13-A-6 – Samuel A. Young – 44.6 acres
- Tax Map Parcel #13-A-4B – George & Esperanza Wulin – 39.77 acres
- Tax Map Parcels #13-A-1; #13-A-1A; #7-A-87; #7-A-88; #7-A-93A; #6-A-158B – James & Joan Klemic – 196.38 acres

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- Tax Map Parcels #23-A-45; #23-A-8 – Samuel Bloom & Constance Visceglia – 45.35 acres
- Tax Map Parcel #23-A-10 – David & Barbara Thomas – 20.00 acres
- Tax Map Parcels #22-A-68A; #22-A-68D – David Thomas – 23.08 acres
- Tax Map Parcel #23-A-6A – Henry & Bridget Sprouse – 1.76 acres
- Tax Map Parcel #23-A-8A – Steve Bliley – 6.42 acres
- Tax Map Parcels #23-A-9A; #23-A-2 – Paukert Irrevocable Trust (Edwin Paukert) & Maria C. Gaticales-Paukert – 159.46 acres
- Tax Map Parcel #23-A-4 – Barton W. Biggs & Corry C. Andrews – 170.02 acres
- Tax Map Parcel #23-A-19 – Peter & Karen Osborne – 101.2 acres
- Tax Map Parcel #23-A-4D – James Wright – 14.69 acres
- Tax Map Parcel #23-A-4A – John Wright – 18.13 acres

Recent modifications / additional parcels:

- Tax Map Parcels #24-A-1; #24-1-1A; #24-1-1B; #24-1-3A – William E. & Wendy R. Hess – 30.20 acres
- Tax Map Parcel #7-A-86E – Virginia Lee & Richard E. Staron – 9.50 acres

– *Advisory Committee Recommendation*: The committee unanimously voted to recommend to the Planning Commission and the Board of Supervisors that they approve the creation of the Greenfield AFD, including both the 2,304 acres in the original application as well as the 40 acres in the subsequent application, for a total of 2,344 acres.

– *Planning Commission Recommendation at 3/25 Public Hearing*: Mrs. Joyce Burton of Shannon Farm was the only member of the public to provide comments during the public hearing. She spoke in favor of the creation of the Greenfield AFD. The PC then voted to recommend that the BOS approve AFD #2015-04 to create a new Greenfield AFD comprised of these sixty-four (64) parcels.

Mr. Padalino then reviewed the following County Code Requirements for Reviewing AFD Applications: “Evaluation Criteria”

All AFD applications are to be reviewed and evaluated using the the following factors, as contained in Nelson County Code Section 9-201, “Creation of District.”

(5) Evaluation criteria. The following factors should be considered by the planning commission and the advisory committee, and at any public hearing at which an application is being considered:

a. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;

b. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;

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- c. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
- d. Local developmental patterns and needs;
- e. The comprehensive plan and zoning regulations;
- f. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
- g. Any other matter which may be relevant.

In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.

Mr. Padalino then noted the County Code requirements for reviewing AFD applications: “Review Process” and noted that the review process for all AFD applications required the following steps (below) as prescribed by Nelson County Code Section 9-201, “Creation of District.”

[Summary of overall AFD review process with status updates]:

- Planning Commission (PC) initiates application review process:
 - PC “accepts” applications and refers them to the AFD Advisory Committee for review and comment
 - PC directs staff to provide legal notice of the applications to adjoining property owners
 - Status: COMPLETED (1/28)
- AFD Advisory Committee receives applications via PC referral:
 - Advisory Committee conducts review of applications
 - Advisory Committee provides Planning Commission with recommendations
 - Status: COMPLETED (2/12)
- Planning Commission (PC) receives Advisory Committee recommendations:
 - PC directs staff to proceed with advertising legal notice for public hearing
 - Status: COMPLETED (2/25)
- Planning Commission (PC) conducts review of applications:
 - PC conducts public hearing on the applications and Advisory Committee recommendations
 - PC provides the Board of Supervisors (BOS) with recommendations
 - Status: COMPLETED (3/25)
- Board of Supervisors (BOS) conducts review of applications:

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- BOS conducts public hearing
- BOS takes action to:

Create (or expand) a district (as applied for) or (with any modifications it deems appropriate); or reject the application, no later than one hundred eighty (180) days from the date the application was received

- Status: PENDING

Mr. Padalino then reviewed the County Code excerpt of BOS responsibilities when reviewing AFD applications as follows:

(8) Hearing by board of supervisors. After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application as provided in Virginia Code §15.2-4309.

(9) Action on application. After a public hearing, the board of supervisors may by ordinance create a district as applied for or with any modifications it deems appropriate, as provided herein.

a. The ordinance shall be adopted pursuant to the conditions and procedures provided in Virginia Code § 15.2-4309, and shall be subject to section 9-202(1). Virginia Code § 15.2-4309 provides, in part:

Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four (4) years but not more than ten (10) years from the date of its creation. In prescribing the period before the first review, the local governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.

b. The board of supervisors shall act to either adopt the ordinance creating the district, with or without modification, or reject the application, no later than one hundred eighty (180) days from the date by which the application was received.

c. Upon the adoption of an ordinance creating a district or adding land to an existing district, the board of supervisors shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the state forester, and the commissioner of agriculture and consumer services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the board of supervisors shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

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Mr. Padalino then noted the summary of the effect of the AFD creation as follows:

- 1) Prohibition of development to more intensive use.
- 2) Applicability of comprehensive plan and zoning and subdivision ordinances.
- 3) Limitation on restricting or regulating certain agricultural and forestal farm activities.
- 4) Consideration of district in taking certain actions.
- 5) Availability of land use-value assessment. Land within a district and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia (§58.1-3229 et seq.), if the requirements for such assessment contained therein are satisfied.

He added that the creation or expansion of the AFDs did not affect or otherwise limit neighboring property owners. He noted that the Board could conduct a review of these between four and ten years and in the past had used five years.

Mr. Carter then noted that the consideration was to authorize the public hearing and the Board could look at this in detail at the public hearing.

Ms. Brennan then moved to approve resolution **R2015-34**, Authorization for a Public Hearing on an Ordinance to Expand the Existing Davis Creek and Dutch Creek Ag Forestal Districts and to Create the Greenfield Ag Forestal District and Mr. Hale seconded the motion.

Mr. Bruguiere then asked if the Davis Creek additions were already in the AFD or if these were new owners and Mr. Padalino noted that it was a split some were and some were not. He noted that the nature of these was weird, and that the State Code said that the applications could be modified up until the Board made a decision after the public hearing and that had been happening.

There being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion and following resolution was adopted:

RESOLUTION R2015-34
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
ORDINANCE TO EXPAND THE EXISTING DAVIS CREEK AND DUTCH CREEK
AGRICULTURAL AND FORESTAL DISTRICTS AND TO CREATE THE
GREENFIELD AGRICULTURAL AND FORESTAL DISTRICT

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WHEREAS, pursuant to §15.2-4309 of the Code of Virginia 1950 as amended and Article V of the Code of Nelson County, Virginia, the Planning Commission has completed its review, held a public hearing, and has made its recommendation to the Board of Supervisors regarding applications to expand the existing Davis Creek Agricultural and Forestal District and the existing Dutch Creek Agricultural and Forestal District and to create a new Greenfield Agricultural and Forestal District,

NOW THEREFORE BE IT RESOLVED, that pursuant to §15.2-1427, §15.2-2204, and §15.2-4309 of the Code of Virginia 1950 as amended, the County Administrator is hereby authorized to advertise a public hearing to be held on **Tuesday, May 12, 2015 at 7:00 p.m.** in the General District Courtroom in the Courthouse in Lovingston, Virginia to receive public input on an Ordinance proposed for passage to expand the existing Davis Creek Agricultural and Forestal District and the existing Dutch Creek Agricultural and Forestal District and to create a new Greenfield Agricultural and Forestal District within the County of Nelson, Virginia.

V. Adjourn and Continue Until _____ for the Conduct of an FY16 Budget Work Session

Supervisors and staff discussed the next work session proposed for Tuesday, April 21st at 5pm until. Mr. Carter noted that staff was waiting on dates for the 2x2 meetings.

Supervisors discussed also having one on the 23rd at 5pm to finalize the budget and schedule the public hearing for the evening session of the May meeting.

Supervisors noted they were having the 2x2s with the School Board members on capital improvements and then they would report back before meeting with full boards. Mr. Harvey added that they did not have to visit the facilities and they could just discuss it.

At 8:00 PM, Mr. Hale then moved to adjourn and continue the meeting until Tuesday, April 21st at 5pm and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously by voice vote to approve the motion and the meeting adjourned.