

March 21, 2017

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.

Note: Pursuant to adopted resolution R2017-01, the regular meeting was rescheduled from March 14, 2017 due to inclement weather.

Present: Constance Brennan, Central District Supervisor
Thomas H. Bruguiera, Jr. – Vice Chair
Larry D. Saunders, South District Supervisor
Thomas D. Harvey, North District Supervisor – Chair
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
Phillip D. Payne, IV, County Attorney

Absent: Allen M. Hale, East District Supervisor

I. Call to Order

Mr. Harvey called the meeting to order at 2:00 PM, with four (4) Supervisors present to establish a quorum and Mr. Hale being absent.

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

II. Consent Agenda

Mr. Saunders asked for an explanation from staff regarding item D. Mr. Carter explained that the resolution pertained to an application for a matching grant through the Virginia Commission of the Arts on behalf of Wintergreen Performing Arts. He added that the grant provided \$5,000 and the County provided the other \$5,000 to fund cultural events throughout the county; not just at Wintergreen. He noted that these funds were typically included in the budget and were not finalized until the Board adopted the budget for next fiscal year. Ms. McGarry and then Ms. Brennan added that Wintergreen Performing Arts provided for programs (music and theater) in the elementary schools as well. Mr. Saunders stated he just wanted to confirm that their programs benefitted the whole county.

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Mr. Bruguiere then moved to approve the consent agenda and Ms. Brennan seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the following resolutions were adopted:

A. Resolution – **R2017-08** Minutes for Approval

RESOLUTION R2017-08
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MEETING MINUTES
(February 7, 2017 and February 14, 2017)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meeting conducted on **February 7, 2017 and February 14, 2017** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

B. Resolution – **R2017-09** FY17 Budget Amendment

RESOLUTION R2017-09
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2016-2017 BUDGET
NELSON COUNTY, VA
March 14, 2017

BE IT RESOLVED by the Board of Supervisors of Nelson County that the Fiscal Year 2016-2017 Budget be hereby amended as follows:

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account</u>	<u>Expenditure Account</u>
\$6,483.00	3-100-009999-0001	4-100-071020-3022
<u>\$3,000.00</u>	3-100-002404-0018	4-100-021010-1009
\$9,483.00		

II. Transfer of Funds (General Fund)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$36,500.00	4-100-999000-9901	4-100-033010-6001
\$456,186.00	4-100-999000-9905	4-100-091050-9999
\$2,568.00	4-100-999000-9905	4-100-032010-8300
<u>\$300.00</u>	4-100-999000-9905	4-100-032010-5411
\$495,554.00		

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C. Resolution – **R2017-10** VDOT National Work Zone Awareness Week

**RESOLUTION R2017-10
NELSON COUNTY BOARD OF SUPERVISORS
APRIL 3-7, 2017 WORK ZONE AWARENESS WEEK**

WHEREAS, April 3-7, 2017 is National Work Zone Awareness Week; and

WHEREAS, Work Zone Awareness Week began in 1997 in the Commonwealth of Virginia; and

WHEREAS, National Work Zone Awareness Week was established in 1999, with a national kick-off event at Springfield, Virginia; and

WHEREAS, the Virginia Department of Transportation, its contractors and other roadside workers put their lives on the line for the citizens of the Commonwealth of Virginia each and every time they work on our roadways; and

WHEREAS, the VDOT Workers Memorial on Afton Mountain bears the names of 134 Virginia Department of Transportation employees who gave their lives in service to Virginians;

NOW, THEREFORE, BE IT RESOLVED, That the Nelson County Board of Supervisors hereby expresses its appreciation for the work undertaken by the Virginia Department of Transportation, its contractors and other roadside workers by declaring April 3-7, 2017 Work Zone Awareness Week in Nelson County.

D. Resolution – **R2017-11** FY17-18 VCA, Local Government Challenge Grant

**RESOLUTION R2017-11
NELSON COUNTY BOARD OF SUPERVISORS
VIRGINIA COMMISSION OF THE ARTS
2017-2018 LOCAL GOVERNMENT CHALLENGE GRANT**

BE IT RESOLVED, by the Nelson County Board of Supervisors that said Board endorses the County's submission of an application for 2017-2018 Local Government Challenge Grant funding to the Virginia Commission of the Arts.

BE IT FURTHER RESOLVED, said application includes a local match of \$5,000.00 to be confirmed upon formal adoption of Nelson County's Fiscal Year 2017-2018 Budget by the Board of Supervisors.

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E. Resolution – **R2017-12** Local Government Education Week (April 1-7, 2017)

**RESOLUTION R2017-12
NELSON COUNTY BOARD OF SUPERVISORS
LOCAL GOVERNMENT EDUCATION WEEK
APRIL 1-7, 2017**

WHEREAS, since the colonial period, the Commonwealth of Virginia has closely held the institutions of local government; and

WHEREAS, local governments throughout the Commonwealth provide valuable services to the citizens of the communities they serve; and

WHEREAS, citizen services such as, law enforcement, public health and safety, recreational opportunities, and educating local children, are most often delivered at the local level; and

WHEREAS, in recognition of the work performed by local governments, the Virginia General Assembly, on February 29, 2012, designated the first week in April as Local Government Education Week in Virginia; and

WHEREAS, April 2, 1908 was the creation of the Council-Manager form of government in the City of Staunton thereby making the first week in April appropriate for this designation.

NOW, THEREFORE, BE IT RESOLVED by the Nelson County Board of Supervisors that April 1-7, 2017 is hereby designated as Local Government Education Week.

III. Public Comments and Presentations

A. Public Comments

1. Ben Cunningham, Afton resident and Friends of Nelson Member

Mr. Cunningham submitted for the record a steep slope study of the pipeline route prepared on behalf of Friends of Nelson. He then read aloud the following prepared statement:

“When Dominion did soil studies in the National Forest, the USFS found their work to be inadequate and demanded that much more detailed studies be undertaken and more specific stabilization and mitigation plans be developed, a process which is still underway. Because of fear that similar shortcuts had been taken in our County, FoN commissioned a steep slopes soil study here in Nelson. We are presenting a copy of it to the Board today.

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The author of the report, Blackburn Consulting Services, LLC, was contracted to assess, and comment on information submitted by Dominion to the FERC, pertaining to soils/soil structure and slope stability, as well as the associated geo-hazards and erosion/water quality concerns that the ACP project raises for Nelson County.

As part of their work, they developed a series of predictive maps to better identify concave/colluvial landforms both along and adjacent to the proposed ACP pipeline route. These landforms are areas where soil has collected over time in geographic depressions, having been moved there either by gravity or water. Concave/colluvial landforms, particularly when associated with steep slopes and a storm event, are known to be sites that are at high risk of debris flows/landslides. To ground-truth their model, the scientists then spent three full days in Nelson County traveling to 17 sites along the pipeline route.

Let me read you some of their conclusions:

“Our conclusion from this work is that the potential for debris flows in the very steep mountainous portions of Nelson County are underestimated by the reports submitted to FERC by Dominion.”

“Dominion’s filings with FERC do not appear to fully take into account the potentially dangerous conditions that the project poses to Nelson’s slopes and residents. Dominion’s findings are based on regional data sets that are inadequate to meaningfully assess the site-specific risks within Nelson County or the effect that the proposed pipeline installation has on those risks.

“Our study, and the resultant predictive model demonstrates a need for more detailed mapping and a thorough examination of the soils and topography on, *and adjacent to* the route of the proposed pipeline, its related work areas and access roads. Without site-specific investigation of the terrain and debris flow potential surrounding the pipeline right-of-way within Nelson County it will be impossible to adequately design stabilization and water management strategies to address erosion and sedimentation controls or protect these landforms from factors that may increase the risk of catastrophic slope failure. In Dominion’s filings it is commonly indicated that they will address these concerns during the construction process. We recommend that these additional examinations be performed — and that appropriate, site-specific stabilization plans be developed and made available for stakeholder comment — BEFORE the pipeline is approved by FERC. “

We hope that the BOS will read this report, consider the soil scientists’ recommendations and weigh in with FERC on the issue before the end of the DEIS comment period. The slopes and waterways in the Monongahela and George Washington National Forests have the US Forest Service to speak up to protect them. Nelson County residents need you to do the same.

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Mr. Cunningham then reiterated the need for more detailed mapping along the route and he hoped the Board would read the report, consider its recommendations, and weigh in with FERC before the April 6th deadline.

2. Joyce Burton, Friends of Nelson

Ms. Burton distributed pictures and presented a steep slope model. She noted that she had gone with soil scientists to do site visits along the pipeline route and had learned a lot. She advised that instead of running the pipeline alongside the steep slopes, they run it along the top of the mountain and in order to get a 125 foot Right of Way, they have to take off the top of the mountain. She noted that this then becomes an issue for erosion and sediment control. She then noted that there were shallow depths to hit bedrock and Dominion would have to do blasting. Ms. Burton then noted they were concerned about what happened when water was diverted out of the pipeline right of way over the sides of the steep slopes and to concave bowls of colluvial soils. She added that Dominion had not mapped this kind of information, had not gone out to the sides, and did not know what was there. She noted therefore, they could not mitigate it if they had not done these studies and they did not know how many of these bowls were out there. She concluded by noting that these could be studied more and she hoped the Board would weigh in with FERC on it.

3. Victoria Jenkins, Afton

Ms. Jenkins noted her appreciation for the re-opening of the Rockfish re-use shed and read aloud the following prepared statement:

Greetings Board Members:

On behalf of all the people who signed the petition, to re-open the Shed at Rockfish, I pass along to you our heartfelt thanks and appreciation. We also appreciate the fact that the topic was put on the agenda at the last meeting. Seeing the progress of the shed being moved yesterday was really heartening. Many thanks for getting the ball rolling.

With my new experience of running a petition, and getting involved in the workings of this county, I have learned a lot!!! I feel like I have a finger on the pulse of the community. Rockfish Valley is my community, not just people at RVCC. This is a countywide issue. I've talked to a lot of people, including staff at all the sites, and I know what everyone is saying about the shed. This is not a simple issue.

We were very excited last month to hear the news that it would be re-opened, but there was no date given. We are also aware, that unless some major changes have happened recently, the same staff and management who closed it will still run the shed. It's no secret that it has not been supported 100%, from the very beginning. The shed is just the tip of the iceberg.

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In 2006, when the first collection site was built at Rockfish, the "Keep Nelson Beautiful" Council purchased the first of 4 sheds, and started the Re-Use program with full support from the Board. K.N.B, also produced a newsletter to educate and encourage people to recycle. The photograph shows the newsletter distribution box that is still on the exit gate at Rockfish. The sign says, "Nelson County Collection Center News, Take One."

Keep Nelson Beautiful has the potential for being recreated. We've already had our first meeting with 8 attendees. Our mission, as before, will be is to encourage people from this county, using education, to reduce, reuse and recycle.

What I am reading to you right now is actually a formal letter. I'm speaking to you on behalf of over 1000 people who signed the petition. We are respectfully requesting written confirmation that all of the staff at Rockfish be "on board" regarding their duties before the shed re-opens. We are concerned that opening the shed without adequate preparation will only ensure its failure. We are not interested in failure due to a lack of adequate planning. We would like your answer in writing, and if by chance the shed opens today, we are still requesting confirmation.

4. Charlie Wineberg, Ennis Mountain Road, Afton

Mr. Wineberg expressed his surprise to hear that the County needed new office space and he hoped the Region Ten project moved forward and was successful.

Mr. Wineberg then stated that the County needed to get a handle on economic development before issuing Special Use Permits (SUPs). He added that it was the Board's Responsibility to do that and he saw a similarity between these and the pipeline. He then noted that his pet peeve was the overloaded roads and it was time for the Board to call a moratorium on SUPS until they got a handle on it. He added that there was a lot to be done to accommodate what was already here. Mr. Wineberg then questioned how many guest beds were needed in the county and how many beds were already out there. He also questioned the collection of lodging taxes from Airbnbs and noted that the Board needed to have the time to consider all aspects of this.

5. Fred Terry, Davis Creek

Mr. Terry noted that he was in the County when Hurricane Camille came through. He added that the mountains have been tested and there were no slides in the areas of the proposed pipeline.

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6. Beth Cunningham, Victim Witness Program Coordinator

Ms. Cunningham reported that last year she had targeted serving 160 victims of crime and she had served 197. She noted that her job consisted of assisting clients with protective orders, accompaniment to court and hospital visits, and filing for state crime victims' funds. She added that she worked closely with other agencies in the County and that all community services were wraparound services. Ms. Cunningham noted that she has also attended training such as the basic advocacy academy, victim witness management, and she would be attending a conference in April.

Ms. Cunningham noted that last year, the county participated in hosting a national event for Domestic Violence Awareness Month by holding a candlelight vigil at the Courthouse; which was a great way to raise awareness. She then noted that April was National Crime Victims awareness month and she invited the Board to a luncheon to be held at noon on April 3rd at her office.

Ms. Cunningham advised that she has spoken with Dr. Comer about going into the schools to educate kids about cyber safety. She noted that in partnering with the Commonwealth Attorney, they would teach them about the legal consequences of things they were doing. She also noted that she would be starting a program about teen dating violence and she was proud of the program's accomplishments over the past year.

In response to questions about the candlelight vigil, Ms. Cunningham noted another one would be held in October.

7. David Collins, Nellysford

Mr. Collins noted he was speaking regarding the Draft Environmental Impact Statement for the pipeline. He advised that he had looked at erosion and sediment control in section 4 and noted that he would be sending a letter to FERC and he hoped the Board would comment to FERC as the Board. He noted that they had a lot to lose as a county. He noted the water impoundment mentioned in the report that would be 2.5 Million gallons with the source being the Rockfish River. He added that they would build a 300 ft. diameter tank along that area to hold the water and he was not sure where that would sit along the Rockfish. Mr. Collins noted he was a civil engineer and when he does a site plan, an erosion and sediment control plan is required if 10,000 square feet or more is to be disturbed.

Mr. Collins then commented on the proposed horizontal drilling through the mountain at Wintergreen; noting that it would take millions of gallons of water for the drilling and testing. He added that according to the Environmental Impact Statement, the water would be trucked in from the James River; however it did not speak to how it would be caught to be desilted etc. He added that there were many loose details and they should have site specific

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drawings and designs. He noted that he hoped the Board would weigh in on this and that the damage coming would not make up for whatever taxes etc. the County was supposed to get. He then implored the Board to please sign the letter to FERC.

8. Debbie McCann, Director of Finance and Human Resources

Ms. McCann then introduced new employees, Emily Hjulstrom new Planning and Zoning secretary who has an Associate's degree from Mountain Empire College and excellent computer skills. She then introduced Beth Morgan, Information Systems Specialist who is a JMU graduate who is certified in GIS. Finally, she introduced Judy Seraphin, part time Finance Technician who has a Bachelor's degree in Business Administration and extensive Human Resources and Accounts Payable experience.

B. VDOT Report

1. FY 17/18 - FY 23/24 Secondary Six Year Plan and Priority List

Mr. Don Austin reported the following:

Mr. Austin reported that the Roseland speed study was in pending status.

Mr. Harvey noted that he and Mr. Saunders had met with VDOT on Route 151 to discuss the issues, potential projects, and speed limits. Mr. Austin noted he was aware they were looking at intersections and would provide them with a response.

Mr. Austin reported that the turn lane going into Route 664 was tentatively scheduled for 2019; however if they were able to go ahead with the public hearings etc. they may be able to expedite it to 2018. He clarified that there was only one property affected and that may make things quicker.

Mr. Austin reported that they have started erecting the temporary signal light at the intersection of Route 151 and Route 250; however it was slow going.

Mr. Austin noted that he had not gotten any requests from the Board to add anything or shift any priorities for the Secondary Six Year Plan and priorities. He noted that there were enough funds to cover what was already in the plan. He noted the Board could still make changes at the April meeting in preparation for a public hearing in May.

Mr. Austin noted his appreciation for the passage of the Work Zone Safety Awareness resolution and would appreciate the County publicizing it as VDOT was starting to do a lot of work outside.

Supervisors then discussed the following VDOT issues:

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Mr. Saunders had no VDOT issues.

Ms. Brennan:

Ms. Brennan noted her appreciation for the resolution on work zone safety that was bringing awareness to this.

Ms. Brennan then asked what would be done about inadequate bridges when ACP work happened. It was noted that if the inadequacy was related to weight, Dominion would have to get SUPs and observe weight limits. Mr. Austin noted that VDOT/DMV would provide them with a list of all structures and their weight limits and they would have to get SUPs. Mr. Austin assured Supervisors that VDOT was involved if they had to make modifications to any structures to allow for higher weights and what they did had to be VDOT approved. He added that this was well controlled and most of their road crossings would be bored and there would be only a few open cuts that would be reviewed.

Ms. Brennan then questioned them doing the work and paying VDOT for a permit for boring and Mr. Austin advised that they would probably get a statewide permit to cover all of the permits for each VDOT District. He added that they paid permit fees and paid fees if VDOT had to go out to their job. He noted however, that they would not go out and monitor the boring on a daily basis. He noted that VDOT was involved in the whole process and it was all very common practice.

Mr. Saunders mentioned the 72" bore happening in Lynchburg at Liberty University.

Ms. Brennan then noted that a bank needed to be cut back as you were coming south before getting to Buck Creek Lane.

Ms. Brennan asked what was being done on Route 29 between Shady's Place and Lovington and Mr. Austin noted that they were working on shoulders and guardrail. Mr. Harvey added that something was being done in the median on the southbound side and Mr. Austin noted he was unsure what that was.

Ms. Brennan then asked if access roads for the pipeline would have to be built to any standards and Mr. Austin noted that erosion and sediment control would be part of those permit responsibilities and they would have to build a construction entrance with large stone. Mr. Harvey noted that this would be similar to a logging operation and Mr. Austin noted it was part of the VDOT process. He added that the permit would be issued and local area land use groups would oversee the permit work. He noted that they could require a full time person to stay with them; however, he did not see that happening. He added that Contractors paid for the inspectors and monitoring etc. and the County would not be

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responsible for that. Mr. Austin added that bonds would be in place and would be called if any restoration work etc. was not done.

Mr. Austin then explained that if loads weigh a lot, the trucks would have extra lengths on the trailers so that all of the load was not at one point. Mr. Saunders added that concrete trucks were heavy and short.

Mr. Bruguere:

Mr. Bruguere asked when VDOT could replace the culvert at Dickie Road where the creek went through. He added that sediment stopped up the culvert there and the creek was flowing onto another property and the culvert was collapsing. He noted this issue could cut that road off for a couple of days. Mr. Austin noted he would check on the plan for replacement.

Mr. Bruguere then asked about Cub Creek Road speed limits; noting that he knew the Rural Rustic part would be 35mph. He noted his concern was the lower part on the Route 56 end and he would like to reduce it to 35mph since it was used as a shortcut. Mr. Austin noted he would check with the call center to see if any requests for this had been made. He added that speed limits were already 35mph on unmarked unpaved roads per the Board's resolution that was adopted a year ago.

Mr. Bruguere then noted that the bridge in Massies Mill that crossed the Tye River needed work as the bridge was chipping up at the expansion joints. Mr. Austin advised he would check with the bridge section; noting that they had been doing some inspections.

Mr. Harvey:

Mr. Harvey asked Mr. Austin to look at dropping the speed limit to 35 mph at the construction area near Route 6 and the power station. He noted that it felt very narrow through there and they had the northbound lane blocked that day hauling out debris. He added that the issue was with people who wanted to turn onto Route 635 and others behind them look back to see what was going on and a car was stopped in front of them. He noted that they were flagging; however there was not much room to work with having cones on the edge of the road. He then confirmed they were using flaggers and not a pilot vehicle.

Supervisors then agreed by consensus to hold the public hearing on the Secondary Six Year Plan and Priorities at the May Board meeting.

IV. New Business/ Unfinished Business

A. Discussion Regarding CSX Owned Buildings in Gladstone

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Mr. Saunders summarized things to date noting that he and staff had a meeting with CSX and had a conference call with them in January about them wanting to get rid of the depot and old YMCA building in Gladstone. He noted that they had proposed donating the buildings and land to the County. He added that they would only donate to a nonprofit and the Senior Center was not a nonprofit right now. Mr. Carter clarified that they would rather donate it to the County and not to a non-profit.

It was noted that the Senior Center would like to have the main part of the YMCA building and demolish the rest of it; CSX would pay the cost to move the depot building.

Mr. Saunders then asked the Board what they would like to do. Ms. Brennan noted that she would like to go inside the old depot building and Mr. Saunders and Mr. Hale advised that they had been inside it. They noted it would be expensive to move it or demo it and rebuild it.

Mr. Bruguire noted he was not sure that the seniors would be able to take care of the building and it needed roof work now. Mr. Saunders then questioned the responsibility of the County to take the building back if the seniors accepted it and then did not want it in the future.

Mr. Carter then confirmed that CSX wanted the properties off of the tax rolls and no longer wanted the liability.

Mr. Harvey then noted that he would rather not spend any more money on those properties and he thought the liability in taking the land there would be tremendous.

Ms. Brennan then asked if the Board could table action for another month in order for her to go look at the depot building.

Mr. Saunders stated that if they demolished the YMCA building, the seniors would not have a meeting place; however he was not sure that the Board would be doing them a favor in giving them the building. He added that there was a lot of maintenance needed; however on the other hand, they had done work on it and he hated to take it away from them. Mr. Harvey noted that the County had paid for most of the work done there and the group was older with no one under seventy (70) years old. He questioned if there would be anyone to take it over when they were all gone.

Mr. Bruguire then questioned if it would be possible for the seniors to use the Gladstone EMS building; noting it would be safer etc.

Mr. Saunders reiterated that the seniors had done a good job making improvements to the building and Mr. Harvey advised he was willing to help the seniors but not at that

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location.

Supervisors then agreed by Consensus to table action until the April Board meeting.

Mr. Fred Terry in attendance was recognized by the Chair to comment on the matter. He noted his comments on the old depot building the previous month and added that the concrete building down there that housed the restrooms, kitchen and lounge area showed no signs of leakage. He added that the seniors did not want the dormitory area and he believed the seniors could maintain the building. He added that he recommended not getting involved with the depot building.

Mr. Saunders suggested that somebody from the senior center come next month to speak on it; he noted he was concerned about what happened there in ten (10) years.

Mr. Harvey then advised that he thought the seniors would be better off going into an already maintained building such as the rescue squad and fire dept. building or one of the several churches around there. He added that he thought the better use of County funds would be to help them with meals etc. rather than maintaining the building.

Introduced: Letter to FERC on Draft Environmental Impact Statement

Ms. Brennan then introduced a letter to FERC on the Draft Environmental Impact Statement (DEIS) document. She noted having sent an email to Supervisor about the DEIS; which was very lengthy. She advised that she had asked Friends of Nelson and others to pull out things that would impact Nelson in particular and they came up with a document that was basically a letter to FERC asking them to pay attention to specific things. She added that the DEIS document was very controversial.

She noted she was asking the Board approve it so they could send FERC the letter from the County. She reiterated the letter asked for things to protect the county.

Mr. Harvey noted that it was ironic that property owners would not let surveys be done to see what was on their property and now they were saying that Dominion did not know what was there.

Mr. Bruguere noted that the mapping of soil types in the county was public record and Mr. Saunders noted that there was an operational pipeline going up Wintergreen Mountain now and that was one of the steepest slopes in the county. Mr. Bruguere stated he was not sure that Nelson had the most steep slopes and he suspected that Highland County had more. He added that he thought the state would hold them accountable and Ms. Brennan noted that they would not and they have said that they do not have the manpower and Dominion would monitor themselves.

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Ms. Brennan reiterated that they were only asking them to pay attention to specific things and she thought the Board should say something. Mr. Saunders stated he did not see the need to say everything that was in the multiple page letter; and he further noted that the letter was not from the County but was rather from a specific group. He added that he had laid pipe for many years and the demonstration earlier in the meeting as to how boring through mountains was addressed was inaccurate. Ms. Brennan advised that Dominion told her that was how they would do it and then they try to build the mountain back the way it was; which was absurd. She added that Dominion was not required to take their trash away from the work areas and they would not even replant the right of way areas unless asked to by the owner.

Mr. Saunders stated that the ditch line was not 125 feet wide and he was not agreeable to the letter as written.

Ms. Brennan noted that the Board had until April 6th and she would send the letter in as a member of the Board; not representing the Board; however she noted it was important for her to send something in.

Mr. Bruguere then stated he was invited to a Friends of Nelson meeting and he was bothered by their being non-Nelson County people involved and running things.

Mr. Harvey noted he thought it was a mistake to not let the surveying be done. He added he did not think the pipeline would be stopped and he noted there were no politicians on the side of the residents.

Ms. Brennan reiterated her position that there was no need for the pipeline and there was no benefit from it to the County; that it was all for Dominion's profit. Mr. Saunders then questioned whether or not she thought it was safer to haul it on the highways in trucks and Ms. Brennan noted she did not think natural gas could be hauled without liquefying it.

Ms. Brennan then moved to send the draft letter along to FERC indicating that Nelson cared a lot about those particular issues and wanted them to pay attention to those issues that were pulled out of the DEIS.

Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted (3-1) by roll call vote to not approve the motion with Mr. Saunders, Mr. Harvey, and Mr. Bruguere voting No and Ms. Brennan voting Yes.

Ms. Brennan then advised that she and Mr. Hale would be sending the letter on to FERC signed by only them.

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Introduced: Possible Closed Session for Legal Advice

Mr. Carter referenced an issue with the Circuit Courtroom restoration and suggested that it be discussed with Mr. Payne in closed session. In response to the Board's concerns, Mr. Carter noted it was their right to discuss legal advice in closed session if they wanted to.

Supervisors then decided by consensus that a closed session was not necessary and the issue could be resolved by the Courthouse Committee.

V. Reports, Appointments, Directives, and Correspondence

A. Reports

1. County Administrator's Report

1. Courthouse Project Phase II: The project's substantial completion date of 5-27-17 and final completion on 6-23-17 are still current. Staff of the Circuit Court Clerk has relocated into new office areas (but construction continues in this area). Architectural Partners' current project report is attached hereto for review.

2. Broadband: Project closeout with DHCD will be completed by 3-31-17.

Mr. Carter noted that the RFP for Network Operator was issued and one response was received. He added that an agreement was being finalized and the Authority would give notice to Ting in the next thirty days.

3. BR Tunnel Project: A concerted effort (VDOT, Woolpert & County) to have the project approved by not later than 4-30 is proceeding well and can be attained.

4. Lovington Health & Rehab Center: Region Ten & County staff are working to complete the CDBG application to DHCD (submission is by 3-23). The second of two required public hearings on the CDBG application is scheduled for the Board's 3-14 meeting. Region Ten has been awarded a \$1.0 million grant for the project from the Department of Behavioral Health & Development Services. Region Ten staff have also advised that the agency is able to obtain loan funding to provide for the purchase of the property from the County.

5. 2018 General Reassessment: A status report from Wampler-Eanes is attached hereto.

Mr. Carter noted there was still much work to be done and they would provide monthly updates.

6. FY17-18 Budget: In process. BOS work sessions proposed to begin the week of 3-20.

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7. Region 2000 Service(s) Authority & Solid Waste/Recycling: The Authority's strategic planning project continues to be in process.

8. Rt. 29 Corridor Study – Project completion and reporting to the Board is now scheduled for the April 11, 2017 regular session.

9. EMS and Fire Study: This subject is pending and will be re-scheduled following the employment of an Emergency Services Coordinator.

Supervisors asked Mr. Carter to make sure the EMS Council is notified about what was going on with this position and the study.

10. Maintenance Facility: Building renovation is completed.

Ms. Brennan asked for the total costs spent on this facility and Staff noted that they thought the cost of the improvements was approximately \$71,000 and did not include the purchase price of the building.

11. Surplus Property Auction: Scheduled for May 6, 2017.

12. Personnel: New employees – Emily Hjulstron, Planning and Zoning Secretary 3 (began work on 3-6). Recruitment for the vacant Emergency Services Coordinator is in process with interviews of prospective candidates anticipated the week of 3-20.

Mr. Carter noted that in recruiting for the EMS Coordinator, internal candidate interviews would be conducted the following week and staff was screening down external candidates in order to complete the majority of interviews over the next two weeks. He added that the County was looking for an outstanding candidate and it looked like there were a few.

Mr. Carter added that recruitment had begun for a new Planning and Zoning Director following Mr. Padalino's resignation. He added a few applications had been already received.

13. Staff Reports: Included with the meeting agenda.

Added:

Rockfish Re-use Shed: Mr. Carter reported that the Rockfish re-use shed had been relocated and the new signs were up. He added that the Goodwill containers had been removed for refurbishing and the shed would likely open the following day or Thursday. He advised that staff was working on the parking area and a stoop had to be constructed for entry into the

building. He commented that the signage was large and easily read, Attendants had been instructed again on the rules and compliance and were fine with it. He added that Mr. Massie would also follow up with the Attendants and they would see how it goes.

2. Board Reports

Ms. Brennan had no report.

Mr. Bruguiere noted his attendance of the Planning Commission meeting where they discussed the Devil’s Backbone Special Use Permits. He noted that one application had been withdrawn by the applicants and the Board would be considering three that night.

Mr. Saunders reported meeting with Mr. Harvey, staff and VDOT on the Route 151 issues. He also advised that he had not attended that month’s TJPDC meeting.

Mr. Harvey reported attending the monthly Service Authority meeting where the Board decided against allowing T-Mobile to attach to the water tower on the mountain.

B. Appointments

<u>(1) New Vacancies/Expiring Seats & New Applicants :</u>					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant (Order of Pref.)</u>
James River Alcohol Safety Action Program Policy Board	3/18/2017	3 Years	James E. Hall	Y	
<i>*Seat Has Not Yet Been Advertised</i>					

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<u>(2) Existing Vacancies:</u>					
<u>Board/Commission</u>	<u>Terms Expired</u>	<u>Term & Limit Y/N</u>	<u>Number of Vacancies</u>		
Board of Building Appeals	6/30/2016	4 Years/ No Limit	Shelby Bruguiere	N	None

Ms. McGarry reported that the James River Alcohol Safety Action Program Policy Board vacancy has been advertised on the County's website and had been in the previous week's paper with no other interest aside from Mr. Hall. She noted that Mr. Hall was very interested in being reappointed and that James River ASAP wanted Mr. Hall to return as he was an excellent representative for the County.

Ms. Brennan then moved to re-appoint Mr. James Hall to the James River Alcohol Safety Action Program Policy Board and Mr. Bruguiere seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the appointment.

C. Correspondence

Ms. Brennan noted having gotten a lot of emails asking the Board to respond to the pipeline DEIS.

Mr. Saunders noted no correspondence aside from receiving two or three emails regarding the DEIS.

Mr. Bruguiere noted he had received several emails regarding the Devil's Backbone project and he noted they would hear from those people at the evening session.

Mr. Harvey had no correspondence to report.

D. Directives

Mr. Harvey had no directives.

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Mr. Carter noted the Board needed to schedule a continued meeting for the budget introduction and it was noted that Mr. Hale would return on March 28th. He added that they could have a called meeting if necessary.

Mr. Carter added that staff was waiting for cost figures on a couple of proposed studies and it would be up to the Board to decide on those when working through the budget. He noted that staff put together the budget and he, Ms. McCann, and Ms. McGarry had worked through it to put together a list that would help the Board.

Ms. Brennan asked if County Departments would be allowed to come and speak to their requests and Mr. Carter advised they could be invited to come preferably after the first meeting introducing the budget.

Mr. Saunders referenced the reassessment report on new building occurring in Wintergreen which he noted was good.

Mr. Bruguere asked whether or not the Board needed to discuss Mr. Payne's memo regarding the Circuit Courtroom issue and it was agreed that it would probably be a good idea to meet with the Judge on it.

Ms. Brennan asked about presentation of the personnel study and Mr. Carter advised that staff was ready to present that with during work on the budget.

VI. Recess and Reconvene Until 7:00 PM for the Evening Session

At 4:45 PM, Ms. Brennan moved recess and reconvene until 7:00 PM and Mr. Bruguere seconded the motion. There being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the meeting adjourned.

EVENING SESSION 7:00 P.M. – NELSON COUNTY COURTHOUSE

I. Call to Order

Mr. Harvey called the meeting to order at 7:00 PM with four (4) Supervisors present to establish a quorum and Mr. Hale being absent.

II. Public Comments

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

III. Public Hearings

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- A. **DHCD-CDBG Grant Application for Lovingston Assisted Living Facility:** Public input is requested on the proposed Community Development Block Grant (CDBG) grant proposal to be submitted to the Virginia Department of Housing and Community Development by Nelson County in conjunction with Region Ten Community Services Board for the Lovingston Assisted Living Facility Project. (R2017-13 Resolution Endorsing CDBG Grant Application)

The following Fact Sheet was provided to public hearing attendees:

**COUNTY OF NELSON PUBLIC HEARING #2 March 14, 2017
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT (DHCD)
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2017 COMMUNITY IMPROVEMENT GRANT (CIG) FUNDS**

PROJECT FACT SHEET

Proposed Project: Lovingston Assisted Living Facility (2017 Community Improvement Competitive Grant Fund)

The County proposes to utilize \$700,000 in available funds for a Community Service Facility. These funds will be used to renovate the former Lovingston Health and Rehabilitation Center located on Front Street in Lovingston; in order to provide an assisted living facility for Nelson County residents and clients of the Region Ten Community Services Board. Services to be provided at the facility include: Room and board, psychiatric services, daily medication/pharmacological services, individual/group problem resolution counseling, intensive case management to address eligibility, housing, medical needs, etc., symptom/behavior management, and treatment coordination/discharge planning.

Program Income: No Program Income will be generated by the project.

Availability of Funds and Range of Activities for Community Economic Development Fund Grant Projects:

Up to \$700,000 per project is available for Community Service Facilities which are physical facilities targeting the provision of important services to low-and-moderate-income persons and the greater community. Such facilities include day care facilities, facilities for protected populations such as the elderly and disabled, community centers, health clinics, hospitals, and skill-building facilities for youth and the unemployed.

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Benefit to Low-to-Moderate Income (LMI) Persons:

The National Objective to be achieved through this funding is activities benefitting low-and-moderate-income families. The proposed activities will provide benefits such that at least 51% of the benefits are provided to low-and-moderate-income (LMI) persons.

Displacement:

There will be no displacement of citizens during or because of the project.

Comments:

Citizens may provide comments on this document via email to cmcgarry@nelsoncounty.org; fax: (434) 263-7004, or in person at the public hearing to be conducted on March 14, 2017 at 7:00 PM, General District Courtroom, Courthouse in Lovingson; 84 Courthouse Square.

Mr. Carter advised that this was the second of two required public hearings to establish the County's eligibility for CDBG funding granted by DHCD. He added that the Board had previously authorized staff to work with Region Ten for re-use of the former Lovingson Healthcare Center that was conveyed to the County last March. He noted that Region Ten proposed to the Board the application for grant funding to rehabilitate the property for an assisted living facility that they would eventually own and would operate. He reiterated that the County had conducted a first public hearing and this was now the second and Region Ten staff was there to present the project.

Mr. Carter then advised that the grant application was for \$700,000 and Region Ten had received a \$1 Million grant from the State that should provide them the funds to renovate the building. He added that there was no displacement by the project and the CDBG National objective to be achieved was benefitting low-to-moderate income families such that 51% of the benefits would be provided to these persons. Mr. Carter then advised that it was anticipated that the LMI benefit would be over 80% if the grant was successful.

He then noted that Region Ten would speak to the application which had to be submitted by that Thursday and he hoped the Board would look favorably on it.

Ms. Karen Osterhaus, Grants Director at Region Ten addressed the Board and circulated the following project information:

393 Front Street

393 Front Street was built in 1984 for use as a nursing home. The CDBG grant in combination with a \$1,000,000 grant from the Department of Behavioral Health and Developmental Disabilities would allow for the renovation of the Front Street property into an Assisted Living Facility (ALF) that serves low to moderate income persons, those on disability, and/or those receiving auxiliary grants living in Nelson County and/or the surrounding area. There are other ALFs in the surrounding counties; however, there is a crucial need for more facilities that serve low to moderate income persons, those on disability and/or those receiving auxiliary grants. An auxiliary grant is an income supplement for individuals who receive Supplemental Security Income (SSI) and certain other aged, blind, or disabled individuals who reside in a licensed ALF.

The renovation of the Front Street property will provide safe, affordable assisted living services to persons currently unable to access this type of service due to income limitations. The previous owner kept the property in good repair and the building itself is in good condition. Renovations to the building will allow the building to continue to function as an anchor community service facility at the southern entrance to Lovingson, adjacent to the 29 corridor.

393 Front Street will be renovated into an ALF for the elderly and disabled. The facility has the capacity for 60 residents. The ALF will provide the following services: room/board, central dining that includes three meals a day, emergency call systems in public and private areas, exercise activities, transportation arrangements, laundry services, daily living assistance with personal care, e.g., bathing, dressing, health/pharmacological services, and organized recreational activities.

The renovation of the former nursing home will establish the Nelson county Assisted Living Facility as an anchor institution in the county seat. This renovation will not only improve the building and grounds and provide a needed service it will add significant resources back to the tax base. This will positively impact future economic development and the current economic strategy of developing projects along the 29 corridor. The addition of the ALF enhances the quality of life for Nelson County residents in need of this service and helps the county maintain and encouraging a diverse and vibrant local economy in designated development areas compatible with the county's size and rural character. The provision of this critical service to those in need will assure their comfort and stability in a supportive environment while also alleviating the stress on loved ones who are unable to provide this level of support.

Ms. Osterhaus stated that they saw this as a great project for Lovingson and Region Ten and that renovating the property to an ALF would be a wonderful option for those who were LMI in Nelson and the surrounding area. She reiterated that they had received a \$1 Million

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dollar grant from the Department of Behavioral Health and have been working on completing the CDBG application for \$700,000 for the renovation. She noted that they had provided the Board with the Preliminary Architectural Report and a summary highlighting renderings to show what the renovated property would look like.

In response to questions, Ms. Osterhaus noted that the facility would serve sixty (60) with forty-eight (48) being LMI or Auxiliary Grant recipients (Medicaid).

Ms. Brennan stated she had looked at the project carefully, it was a good design, and she was excited about providing jobs in Nelson to replace those that were lost when the nursing home relocated to Albemarle. Ms. Osterhaus then noted that they had estimated that the facility would provide between 20-30 jobs.

Mr. Harvey then commented that he thought the Lovingson Assisted Living Facility was a different program. Ms. Osterhaus noted that they were calling it the Nelson ALF and Mr. Carter advised that the purpose of the facility was assisted living. Mr. Harvey iterated he thought the facility would deal with mental health, treatment, and housing those receiving those services there.

Ms. Marcia Becker of Region Ten noted that it would be a combination of the two; but would meet assisted living needs. She added that some residents would be Region Ten consumers; however they were hoping to get some residents from the community that needed that level of care. She reiterated that they would have a total of sixty (60) beds and they were hoping to designate one wing of ten (10) beds for private pay people. She added that they could expand that if the need was there.

In response to questions, Ms. Becker advised that they would take anyone with Auxiliary grants. She noted that these come from the residents' County of origin and it was an entitlement that subsidized their costs. Mr. Carter added that the Auxiliary grants would be federally funded and it was noted that Nelson County has not provided these in the past. Mr. Carter noted that if there was any local share through the Department of Social Services, it would be very small in relation to state or federal funding and Ms. Brennan supposed that would be a decision made by the Board.

Mr. Harvey then questioned how many residents would be coming from the County. Region Ten staff noted that their survey showed the potential for seventeen (17) LMI coming from the County and sixty-two (62) from surrounding counties. They noted that their facility would provide housing just like a regular ALF and residents may go to their Lovingson Counseling Center for other services.

There being no further questions, Mr. Harvey opened the public hearing and the following persons were recognized:

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1. Heather Goodwin, Arrington

Ms. Goodwin noted she was adamant there was a need for an assisted living facility in the community and the closure of the nursing home has had a negative impact on those using those services. She also stated that Nelson citizens should have first priority there.

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

Mr. Carter noted to the Board that the CDBG application process was very extensive and he thought the prospect for success was favorable. He added that the Board should recall from the previous meeting that the project hinged on grants and he strongly encouraged the Board to give the application favorable consideration.

Ms. Brennan then reiterated that she strongly agreed that Nelson residents should get priority at the facility and Ms. Becker stated that Nelson was the priority, they were setting aside rooms for this and would designate more if they needed to.

Mr. Bruguere stated he had a hard time with CDBG and that with them being competitive grants, Nelson could use these funds somewhere else. He added he had no problem with Region Ten getting the grant. Mr. Carter then advised that the County was the only eligible entity to apply for this grant funding. Mr. Bruguere stated that he said before they should get other financing. Ms. Becker noted that the CDBG funds were funds that Nelson could pull down and they could apply if the funds existed next year. She reiterated that they had gotten the \$1 Million from the State and could move forward with that; however that would prevent them from doing the best job they could. She emphasized that with the CDBG funding, they could have a facility that Nelson could be proud of and she encouraged them to act favorably for the citizens of the County.

Mr. Bruguere expressed concern that getting these grant funds could affect future grant consideration and he would like to have more money for Broadband.

Ms. Brennan noted that the funding streams were different for Broadband and Mr. Carter added that the County could hold up to \$2.5 Million in grants at any one time, and even with this grant, the County would be way below that. He added that the applications were due Thursday and another one could be submitted this time next year.

Staff then noted that the Local Innovation Grant (LIG) funds for Broadband were under open submission guidelines and the County could apply anytime, the funding was limited to \$200,000 and there was a local match; whereas there was no matching requirement for these funds.

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Ms. Brennan suggested they consider the issue once all of the funding was received or not and Mr. Carter advised that they had secured the funds to purchase the property immediately if the grant went through.

Mr. Saunders stated that it seemed to him that the purpose of the facility had changed from providing Region Ten services to an assisted living facility and he wondered what would happen once it became operational. He added that Region Ten was saying Nelson County people had first priority, however he doubted that they would put other people out in order to bring in Nelson people.

Ms. Becker stated she was not sure where the confusion has come in but the facility project has always been an assisted living facility project and it would be licensed by the Department of Social Services as an ALF. She added that Region Ten had an ALF in Charlottesville previously; which was smaller and was subsequently closed; however they did have a number of residential facilities in town.

Mr. Harvey also noted that he thought Region Ten's primary purpose there was to expand mental health services. Ms. Becker noted that purpose still existed and the facility was for dual purposes; noting that it would serve the whole community in Nelson and have some folks that needed that level of care and that needed this type of facility. Mr. Harvey stated that assisted living facilities was not their business and their goal was to provide mental health care. Ms. Becker refuted this and stated their goal was to provide an assisted living facility with some housed there that would need those services. She reiterated that they were reserving a Nelson wing and could add more if needed. She added that their clinic up the street provided clinical care and some residents in the assisted living facility would receive services through the Region Ten clinic.

Ms. Brennan then reiterated that when the nursing home closed, the County sought out someone to provide assisted living services. She noted that no one but Region Ten would come in to provide these services and they had made it clear that it would be an assisted living facility. She added that it would be licensed only as an assisted living facility; whereas their clinic and counseling center was under a different license. She added that there would be some clients coming out of facilities that needed this type of assisted living facility.

In response to concerns that Region Ten would do this short term, Mr. Carter advised that if the CDBG grant application was successful, the County would have an obligation to maintain the building as an assisted living facility for a minimum of twenty (20) years.

Ms. Brennan then noted that there would be an economic multiplier effect from the residents being there and Mr. Harvey reiterated that this was a totally different project than what was previously presented.

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Ms. Brennan then stated that the Board was simply endorsing the application for the grant and the understanding was to let them get their funding and then see what happened.

Ms. Brennan then moved to approve resolution **R2017-13**, Endorsement of Community Development Block Grant Application for Community Service Facility Grant, Lovington Assisted Living Facility Project.

Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted (3-1) by roll call vote to not approve the motion with Mr. Harvey, Mr. Saunders, and Mr. Bruguere voting No and Ms. Brennan voting Yes.

Mr. Carter then asked if the Board was willing to remove the endorsement provision so that they could proceed with the application without the Board's endorsement. He advised that the Board voted down both the grant endorsement and the grant submittal.

Ms. Brennan then moved to authorize the submittal of the CDBG grant application for the Lovington Assisted Living Facility project but not endorse it.

Ms. Brennan reiterated the purpose of allowing them to apply for the CDBG funds and if they did not get them, they could revisit what to do with the building. She then added that the County would not have to accept the funding.

There was no second, no further discussion, and Mr. Harvey called for the vote. Supervisors voted (3-1) by roll call vote to not approve the motion with Mr. Harvey, Mr. Saunders, and Mr. Bruguere voting No and Ms. Brennan voting Yes.

- B. **Special Use Permits #2016-06; -07; and -09 – “Devils Backbone” / Mr. Russ Orrison, PE, LS and Mr. Steve Crandall:** Three (3) Special Use Permit (SUP) applications which request County approval to establish multiple proposed new land uses, as follows:

SUP #2016-06 for an event hall for 250 persons, submitted pursuant to Zoning Ordinance §4-1-4a (“Banquet hall”);

SUP #2016-07 for a lodge for overnight guests containing approximately 20 units, as well as approximately 7 stand-alone cabins, submitted pursuant to Zoning Ordinance §4-1-25a (“Motels, hotels”); and

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SUP #2016-09 for a campground for RVs, tents, and supporting accessory structures, submitted pursuant to Zoning Ordinance §4-1-10a (“Campground”).

The subject property(s) are located in the Beech Grove area, and include Tax Map Parcels #31-10-1, -2, -3, -4, -5, -6, -7, -8, -9, 10, -11, and -12 which are all zoned Agricultural (A-1). The total size of the subject property(s) is 67.4 acres.

Mr. Harvey advised that Mr. Padalino would present the applications, they would take comments from the applicants, then would conduct public hearings on all three applications, and finally the Board would vote on them separately.

Mr. Padalino provided the following overview of all three applications:

Summary of Application(s)	
Site Location:	Beech Grove Road / Beech Grove area of West District
Tax Parcel(s):	#31-10-1, -2, -3, -4, -5, -6, -7, -8, -9, 10, -11, and -12
Zoning:	All 12 parcels zoned Agricultural District (A-1), with General Floodplain Overlay (FP) along Reids Creek
Parcel Size:	67.4 acres
Applicants:	Anheuser-Busch LLC c/o Mr. Steve Crandall (owner) and Mr. Russ Orrison, PE, LS (agent)
Request:	Recommendation for Approval of Special Use Permits #2016-06, #2016-07, and #2016-09

- *Completed Applications Received On:* November 18th, 2016

On November 18th, 2016, the Department of Planning & Zoning received four (4) Special Use Permit (SUP) applications and supporting materials from Anheuser-Busch, LLC c/o Mr. Steve Crandall (Owner) and Mr. Russ Orrison, PE, LS (Agent). At the February 22nd, 2017 PC meeting, the co-applicants withdrew their application for SUP #2016-08 (seeking approval for a Campground in the B-1 Business District).

Therefore, the SUP application materials for BOS review, public hearing, and consideration include the following remaining submittals:

- Three (3) Special Use Permit applications, as follows:

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– **SUP #2016-06** for an “event hall for 250 persons in the Ag. (A-1) District,” submitted pursuant to Zoning Ordinance (Z.O.) §4-1-4a (“Banquet hall”).
– This requested SUP would allow for the construction and operation of “an assembly space for up to 250 persons, full kitchen, bathrooms, and assorted meeting areas.” The project narrative states that “amplified music (live or recorded) will not be permitted outside the facility between midnight and 9 a.m.” for this “Barn.”

– **SUP #2016-07** for a “lodge for overnight guests containing approx. 20 units in the Ag. (A-1) District,” as well as approx. seven (7) stand-alone cabins for accommodating additional transient lodgers, submitted pursuant to Z.O. §4-1-25a (“Motels, hotels”).

– This requested SUP would allow for the construction and operation of “an approximately 20 unit lodge ... which will provide rooms by the day or week” and “approximately seven (7) two- bedroom cabins ... which will provide rustic accommodations by the day or week. The cabins will likely have running water and bathrooms.”

– **SUP #2016-09** for “a campground for RVs and tents in the Ag. (A-1) District,” submitted pursuant to §4-1-10a (“Campground”).

– These requested SUPs would allow for the construction and operation of a primitive campground with individual tent-camping sites, bathhouses, and an administrative building for access and registration; as well as a RV campground with 48 spaces for RVs, an additional 25 spaces for RVs with water and sewer hookups, and a dump station for RV sewage.

- **Minor Site Plan:**

– These drawings, dated January 11, 2017 and prepared by Mr. Russ Orrison, PE, LS of Perkins & Orrison, portray the proposed configuration of the multiple special uses. The Minor Site Plan includes the following sheets:

- Sheet 1 – Cover Sheet
- Sheet 2 – Overall Plan (1” = 100’ scale)
- Sheet 3 – Enlarged Plan (1’ =50’ scale): Campground
- Sheet 4 – Enlarged Plan (1’ =50’ scale): Campground and Office (by right use)
- Sheet 5 – Enlarged Plan (1’ =50’ scale): Hotel/Motel
- Sheet 6 – Enlarged Plan (1’ =50’ scale): Banquet Hall

- **Project Narrative:**

– Please carefully review this one-page narrative (dated 1/12/2017) which explains the proposed uses and structures shown on the Minor Site Plan.

- **Supplemental Correspondence (submitted after PC public hearing):**

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- Mr. Steve Crandall, Applicant, Founder/CEO – Devils Backbone Brewing Company: In a letter dated February 6, Mr. Crandall provides updated commentary in response to the Planning Commission’s public hearings conducted in January.
- Mr. Russel H. Orrison, PE, LS, Applicant, CEO – Perkins & Orrison: In a letter dated January 26, Mr. Orrison provides comments on the Planning Commission’s public hearing as well as the proposed project(s).
- Ms. Maureen Kelley, Economic Development & Tourism Director – Nelson County: In a letter dated February 13, Ms. Kelley provides commentary on Nelson County’s economic development strategy, tourism plan, and transient lodging industry.

- Voluntarily Proposed Conditions:

- This letter (signed February 22) specifies “proposed conditions” that Mr. Crandall and Mr. Orrison are voluntarily subjecting their SUP applications to. This list was created after Mr. Crandall conducted a private meeting with concerned neighbors, and contains potential solutions for mitigating the perceived impacts associated with their proposed projects at the existing “Devils Backbone Basecamp Brewpub and Meadows” in Beech Grove.

- Please note that these “proposed conditions” would only take effect if the BOS were to approve the SUP(s) and explicitly establish these as conditions within the motion(s) of approval(s), as may be applicable.

- The applicants’ proposed conditions are as follows:
 - Applicant agrees to limit major special events to 4 per year. Major events are defined as multi- day camping and music venues.
 - Applicant agrees to construct a fence along or near its southern property line in order to discourage patrons from leaving the site.
 - Applicant agrees to provide a 50’ buffer along its Agriculture zoned boundary, with no clearing of vegetation unless it is immediately replaced with a vegetative buffer of greater density.
 - Applicant agrees to provide a 100’ building setback along the south property line of its business zoned property.
 - Applicant agrees to establish a policy of quiet time after 9 pm at the various campsites with the exception of Major Events.
 - Applicant agrees to a 10:00 curfew on music outside the event building with the exception of Major Events.

Subject Property Location, Characteristics, and Comprehensive Plan Designation:

The “subject property” for these three remaining SUP applications total 67.4 acres, and is comprised of a total of twelve (12) parcels: #31-10-1, -2, -3, -4, -5, -6, -7, -8, -9, 10, -11, and -12 (all zoned Agricultural A-1). There is also a relatively small area of General Floodplain Overlay (FP) zoning along Reids Creek on Tax Map Parcel #31-10-5.

The subject property(s) are currently a mixture of uses. Tax Map Parcels #31-10-1, -2, -3, -4, -5, -6, -7, -8, -9, 10, -11, and -12 (zoned Ag A-1) were previously approved as the “Glen Mary” subdivision, which was only partially built and which now contains two single-family dwellings and a private road.

Adjoining Tax Map Parcels #31-12-1, -3, -4, -5, and -6 (zoned Business B-1 Conditional), which are also owned by Anheuser-Busch LLC but which not part of the three (3) remaining SUP applications, are the location of the previously approved “Village at Glen Mary” (Major Site Plan #2007-003), which was originally approved to contain a mixture of uses in multiple buildings totaling 35,100 SF of development. Currently, those five (5) parcels contain Devils Backbone Brewing Company brewery, restaurant, beer garden, performance stage, multiple accessory buildings, and a distillery (under construction). *Please see maps on pages 7-9.*

With regards to the “Future Land Use Plan” in the *Nelson County Comprehensive Plan*, there is very little information about the Beech Grove area. For example, VA-664 / Beech Grove Road is not even shown on the Future Land Use Map. This omission is notable due to the fact that this area functions as the gateway and de facto entrance corridor to Wintergreen Resort, which is accessed further up Beech Grove Road.

The closest entries to the Beech Grove area contained in the “Future Land Use Plan” are:

- “Nellysford,” which is identified as a “Mixed Use Village Development Model” that “allows for a variety of uses” and which “fulfill[s] the diverse needs and interests of nearby residents and visitors to the county;” and
- “Wintergreen/South of Nellysford,” which is designated a “Rural Residential District Model” that “would allow low density residential and compatible non-residential uses in rural areas where agriculture is not the predominant use.”

Please note that the “Future Land Use Plan” and Comp Plan were adopted in 2002, prior to the diversification and steady growth of the tourism industry in Beech Grove and (more broadly) the Rockfish Valley. Accordingly, those recommendations from 2002 are partially based on existing conditions that have since changed significantly. Staff recommends that the BOS thoughtfully consider the Comp Plan’s “Future Land Use Plan” designations, and also carefully consider more recent trends and conditions.

Site Plan Review Committee Meeting:

The Site Plan Review Committee reviewed the Minor Site Plan (dated 11/18/2016) for the original four (4) SUP applications on December 14th. Initial review comments were provided, as follows:

Mr. Jeff Kessler, PE of VDOT noted that “traffic analyses are required,” and encouraged the preparation of a single traffic analysis for all currently proposed DB projects, which includes an office building being proposed for the B-1 portion of the properties near VA-151. (The office building is a “by right” project). Mr. Kessler also provided the following review comments:

o “Address the trip generation/distribution, turn lane analysis for the entrances, and evaluation of the existing entrances’ adequacy (geometric and pavement structure).”

o “Address the neighboring co-owned development and the ongoing site plan amendment for the office building; identify all interconnecting roadways.”

o Note: The applicants have engaged Mr. Bill Wuensch, PE, PTOE, of Engineering & Planning Resources to conduct a traffic analysis. That report (dated 2/21/2017) determined that the only “warranted” transportation improvement would be the construction of a right-turn taper into the existing DB entrance for southbound traffic on VA-151. However, the memo also states that, “This memo focuses on the RV campground, lodge, cabins, and office space. The wedding event center and tent camping areas will be addressed with a special use permit separately.”

Mr. Tom Eick of the Virginia Department of Health (VDH) provided the following review comments:

o “An OSE +/- or PE will need to be involved in the planning, design and inspection of sewage facilities for the banquet hall, lodge, sewer RV sites, dump station and campground bathhouses.”

o “The Office of Drinking Water (ODW) will need to be the permitting agency for the development of new waterworks to service the proposed development.” (Class II-C well)

o Note: The applicants have indicated their intent to install a high-tech on-site wastewater treatment facility, in proper coordination and permitting with VDH.

Additionally, an Erosion & Sediment Control Plan will need to be reviewed and approved by Thomas Jefferson Soil & Water Conservation District (TJSWCD); and a Stormwater Management Plan will need to be reviewed and approved by the Virginia Department of Environmental Quality (DEQ).

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Please note that each and every SUP application requires the submittal of a professionally-prepared Minor Site Plan (per Z.O. §12-3-4-c-1). However, such a Minor Site Plan should be considered a “rough draft” – it is valuable and useful for reference by County officials during the SUP review process, but it would need to be replaced and superseded by a Major Site Plan (if the SUPs are approved by the BOS). Therefore, a full Major Site Plan review process will occur only if the SUPs are approved, and if the applicants prepare and submit such a plan pursuant to the SUPs. The applicants understand the regulatory process, and will be prepared to appropriately address everything during the Major Site Plan process (if the 3 remaining SUPs are approved by the BOS). More specifically, both applicants have previously demonstrated their competence and commitment to compliance through previous project applications, approvals, and implementation in Nelson County.

Staff Evaluation:

Per Zoning Ordinance Article 12, Section 3-2, the following criteria (A-D, below) must be evaluated when reviewing all requests for Special Use Permits. Please review these criteria, as well as the commentary from the Director of Planning & Zoning:

A. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate.

B. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property.

C. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities.

D. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Overall, the Beech Grove area includes commercial establishments, home occupations, transient lodging venues, and private residential land uses. The Planning & Zoning Director believes the proposed development would be highly complementary to the existing business (es) in Beech Grove and the Rockfish Valley – and also recognizes that the proposed development could potentially produce undesirable changes for nearby residents. As a result, the Planning & Zoning Director emphasizes the need for all County officials to listen closely to all comments provided by members of the public during this review process, and develop their positions with sensitivity to the applicants’ aspirations as well as to the neighbors’ concerns.

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Please also note that the BOS has the authority to consider the necessity and value of establishing “conditions of approval” as may be applicable, in order to ensure that the proposed development – if approved – would “*not affect adversely the use of neighboring property.*” As such, please carefully consider the conditions and modifications that have developed throughout this process.

Planning Commission Review & Recommendation(s):

The Planning Commission conducted a review of the SUP applications and Minor Site Plan, inclusive of a properly-advertised public hearing, on January 25th, 2017. During the public hearing, 18 members of the public addressed the PC; 13 voiced opposition to the proposed project(s). The PC deferred any decision until the following month.

At the next PC meeting on February 22nd, the PC continued their review and discussed new application materials that were submitted by the applicants in between the two meetings (including the “proposed conditions”).

During this continued review, the applicants affirmatively agreed to the Planning Commission’s proposed modifications, such as:

- specifying a maximum number of 25 rooms in the proposed lodge (instead of the original request for approximately 20 rooms);
- specifying a maximum number of 10 stand-alone cabins (instead of the original request for approximately 7 cabins);
- reducing the number of “dry” RV spaces without hookups (from 48 to 25); and
- specifying an “electric” fence, which was a specification suggested by Steve Crandall.

At the conclusion of the PC’s review, the Planning Commission recommended approval of SUPs #2016-06, -07, and -09, as follows:

- **SUP #2016-06** submitted pursuant to Zoning Ordinance (Z.O.) §4-1-4a (“Banquet hall”):
 - o The PC voted 5-0 to recommend approval, inclusive of applicants’ proposed conditions #1, 2, 3, 4, and 6, with proposed condition #2 being modified to specify an “electric fence” per applicants’ presentation.
- **SUP #2016-07** submitted pursuant to Z.O. §4-1-25a (“Motels, hotels”):
 - o The PC voted 5-0 to recommend approval for a maximum of 25 rooms in a lodge and a maximum of 10 stand-alone cabins, inclusive of applicants’ proposed conditions #1, 2, 3, 4, 5, and 6.

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- **SUP #2016-08** – [withdrawn by applicant(s) during meeting]
- **SUP #2016-09** submitted pursuant to §4-1-10a (“Campground”):
 - o The PC voted 4-1 to recommend approval for a campground comprised of a maximum of 25 “wet” RV spaces with hookups, and a maximum of 25 “dry” RV spaces without hookups, and a maximum of 26 tent campsites, inclusive of applicants’ proposed conditions #1, 2, 3, 4, 5, and 6 (see below), with proposed condition #2 being modified to specify an “electric fence” per the applicants’ presentation.

Mr. Padalino then showed the location of the parcels involved in the SUPs, noting they were in the West District. He briefly discussed the area referenced in the future land use plan as noted in the staff report and stated that the area functioned as a gateway up to Wintergreen Resort. Mr. Padalino noted that while the Comprehensive Plan was adopted in 2002 before diversification has occurred in the area, he recommend the Board consider these land use designations referenced in the staff report.

Mr. Padalino then showed the lots and parcels involved; comprising 67 acres and formerly known as the Glen Mary Subdivision. He also showed site photos of existing conditions and the overall site plan with proposed use locations shown.

Mr. Padalino described the supplemental correspondence noted in the staff report, from applicants Steve Crandall and Russ Orrison and also a memo from Tourism and Economic Development Director, Maureen Kelley.

Mr. Padalino described the due diligence done by the applicants and referenced a traffic analysis memo that reported that a right turn taper into the existing Devil’s Backbone entrance was warranted but not required and that coordination with VDOT would be ongoing.

He referenced the preliminary design that had been done for a waste water management system prepared by Aqua Nova Engineering for an advanced onsite sewage system.

Mr. Padalino then reiterated that six (6) proposed conditions had been crafted by the applicants after meeting with concerned neighbors; which would only take effect if these were explicitly established within the Board’s motions of approval.

He reiterated these to be:

- Applicant agrees to limit major special events to 4 per year. Major events are defined as multi- day camping and music venues.

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- Applicant agrees to construct a fence along or near its southern property line in order to discourage patrons from leaving the site.
- Applicant agrees to provide a 50' buffer along its Agriculture zoned boundary, with no clearing of vegetation unless it is immediately replaced with a vegetative buffer of greater density.
- Applicant agrees to provide a 100' building setback along the south property line of its business zoned property.
- Applicant agrees to establish a policy of quiet time after 9 pm at the various campsites with the exception of Major Events.
- Applicant agrees to a 10:00 curfew on music outside the event building with the exception of Major Events.

Mr. Padalino overviewed the review done by the Planning Commission as noted in the staff report and reiterated that the Applicants had agreed to the following four (4) Planning Commission modifications:

- specifying a maximum number of 25 rooms in the proposed lodge (instead of the original request for approximately 20 rooms);
- specifying a maximum number of 10 stand-alone cabins (instead of the original request for approximately 7 cabins);
- reducing the number of “dry” RV spaces without hookups (from 48 to 25); and
- specifying an “electric” fence, which was a specification suggested by Steve Crandall.

He advised that thirteen (13) of eighteen (18) people that spoke at the public hearing expressed opposition to the permits. He then related that Planning Commission's recommended approvals as shown in the staff report.

Mr. Padalino concluded by noting that the project's location included a mixture of uses, commercial, home occupations, private land uses and would be highly compatible; however it could present problems for neighbors nearby as well so he encouraged the Board to consider all of this.

Ms. Brennan asked if the zoning of the property as is was a subdivision and Mr. Padalino noted that the zoning would not change and would remain A-1. He added that the applicants were considering removal of all interior parcel boundaries and the property would be considered twelve (12) parcels until that was done. He noted this could make sense when applying setback requirements. Mr. Padalino advised that if the lines were kept, they could pursue other by right uses.

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Mr. Harvey invited the applicant to speak and Mr. Steve Crandall stated the following:

Mr. Crandall noted they were excited about the prospects of the project. He added that they intended to abandon interior property lines and they could add this into the conditions. He then assured the Board that no additional development would be done on the property. .

Mr. Crandall then stated that they valued the adjoining property owners and wanted to support their concerns while operating their business in a way that was helpful to the business.

Mr. Crandall noted that the north end of the property was near Route 664, the west side was undeveloped property, and the southern property was flood plain. He noted that he had two adjoining neighbors who had concerns over noise and security to be addressed and he felt like the security issue could be addressed with an electric fence along the southern border. He noted that wandering off of the property happened when they had large events and he did not want to see that happen. He added that the noise concern was occurring on the existing property where they currently had two major events per year. He noted that The Festy outgrew the site and became Hoopla; which the neighbors were more pleased with. Mr. Crandall advised that the SUPs did not pertain to music except for the concern that the additional development might accelerate events held on the property; and these were limited to four per year and they would not have any on Memorial Day or Labor Day weekends.

He then addressed concerns about increased traffic on Route 151 and noted that if he had developed the property as originally intended, he thought the trips generated would have been more than what would be generated by the new proposal.

He then noted there were water quality concerns and he reported that Aqua Nova Engineering had developed the onsite sewage system that produced very little nitrogen going into the soil, less than what was generated by one household. He noted that the system was a \$300,000 system and would be monitored on a daily basis. He added that they would also have a supervision station for the RV area and eventually one at the Lodge.

Mr. Crandall then advised that the event space was shielded by a berm from the highway and cottages and there was no intention for things to be seen from the road. He noted that they may plant some more buffer. He noted that the cottages would be sitting in the woods and they did not want those to be seen from higher up. He added that he has hired an agritourism person to look at maintaining native plants and growing vegetables on site for the restaurant. He noted that they also had a 3K trail that would continue to be used and they would like it to be connected to Peter Agelasto's trail if at all possible.

Ms. Brennan then asked about the electric fence being more dangerous in the floodplain and Mr. Crandall advised that the fence cannot electrocute anyone Ms. Brennan indicated she

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was concerned about kids walking into it. Mr. Crandall noted that the fence was 1/3 of a mile away from the nearest house. He added they were only concerned about this from where the campground was when they had a major event. He added that they would put signage up and he noted there were thorny shrubs up there already as a deterrent.

Ms. Brennan questioned how they would monitor the length of stay to two weeks at the campground and Mr. Crandall advised that they were not trying to create a permanent camp space and Mrs. Crandall added that they would have a check-in/out process.

Ms. Brennan then inquired about them putting in a vestibule for soundproofing in the event center. Mr. Crandall noted that soundproofing would be done and they may face the doors to the north. He added that they were thinking about ways to minimize the sounds escaping. Mr. Crandall then reported that they had close to 500 Appalachian Trail hikers that they allowed to camp for free and that had not caused any problems. He added that the campground was centrally located.

Ms. Brennan then asked how many jobs they expected to create and Mr. Crandall advised approximately twenty to thirty jobs including the distillery and office building they were building. Mr. Harvey asked if these were additional jobs from Devil's Backbone and Mr. Crandall noted they were. Mr. Saunders then asked if they would be full time or part time and Mr. Crandall stated full time and Mrs. Crandall added most would be full time with benefits.

There being no further questions for the applicants, Mr. Harvey opened the public hearings on all three Special Use Permits and the following persons were recognized:

1. Heather Goodwin, Attorney Representing Affected Landowners

Ms. Goodwin noted she represented affected landowners who were concerned about the mass public not abiding by the rules. She noted they had an understanding for the need for jobs etc.; however they wanted conditions placed on these approvals so that they were not negatively impacted by: traffic, noise, lighting, security, and property damage. She added that there were two large water impoundments near the borderline of the Devil's Backbone property. She related that there was also a creek running through the vegetation where people have defecated and bathed in during their events. She added that pathways had been made there crossing through to the neighbor's property. She then noted that there was a barbed wire fence there that has not been a deterrent and people have crossed over to defecate rather than waiting in line at the port-o-pottys.

Ms. Goodwin further noted that there had been unsupervised toddlers crossing onto neighboring properties and near the ponds; which would be easy to drown in and that created a liability for the neighbors.

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She noted that they were proposing fencing and barricades to ensure the safety of their guests and creating visual barricades from the masses and there needed to be some type of vegetation as an extra deterrent. She added all of this was to ensure that the neighbors in the area were not having issues with the choices of their neighbors.

Ms. Goodwin noted concern regarding the floodplain issue and she noted that if the fence material was a privacy fence there may be a compliance issue; however, a chain link fence running parallel would alleviate that problem. She added that a fence of adequate height would eliminate many of these issues.

Ms. Goodwin then related that they wanted a couple of limitations on noise and lights due to the fact that the lights have been coming through the neighbor's bedroom at night. She stated that they would like the event lighting projected in the opposite direction from their space. Ms. Goodwin noted that the limit on noise was for the outside music and they would request that any music at the event barn be interior only.

She concluded by stating that these were basic considerations for the neighbors and she asked the Board to consider the both the applicants' proffers and the neighbors' requests.

2. Eleanor Amidon, Afton

Ms. Amidon expressed her concern that the County's Zoning Ordinance did not address camping areas. She noted that Augusta County has RV Districts in theirs and she thought that the Planning Commission should develop this for Nelson since there were many other potential sites for these. She added that it made more sense to have one set of regulations than having to consider multiple special use permits and there should be a clear minimum standard to ensure that the County, RV hosts, visitors, and neighbors all had a safe clean enjoyable environment. She then noted she thought it would be wise for the Board to deny the campground special use permit at this time and develop a long term plan for the County.

3. Allan Addell, Roseland

Mr. Addell stated he lived .7 miles south of Devil's Backbone and he noted that at the Planning Commission meeting, the neighbors expressed emotional concerns about living next to the operation. He added that he was surprised that the neighbors were against growth and progress. He noted he was not against growth, but was pleased to see adjustments had been made to the plans and that they had listened to the neighbors to address their concerns. He noted that he was unaware that there had been resistance to the original brewery operation and what he noted that what was being proposed may be beyond what fit into the Comprehensive Plan now.

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Mr. Addell also noted that there had been changes at the operation from the first couple of Festys and he believed that to be due to the rain. He added that now the Festy was gone and they now had Hoopla; which was not a bad experience this year. He related that they had four or five minor events this year and Hoopla was a four day event. He noted that he could hear it outside clearly; however it did not intrude inside the house. Mr. Addell noted he was not happy about the expansion but he could work with it. He then noted that monitoring and controlling the sound levels was good; but he was concerned about what would happen down the road when Mr. Crandall was not around. He noted he appreciated them limiting the major events; but reiterated that Mr. Crandall would not be there forever. Mr. Addell concluded his remarks by noting that having four major events per year was almost one per month in the summer and that was asking the neighbors to deal with a lot and he would like to see this reduced to two.

4. Elise Lauterbach, Nellysford

Ms. Lauterbach distributed and read aloud the following prepared statement:

Dear Nelson County Board of Supervisors,

I write to express my concern over the proposed special use permit Special Use Permits #2016-07, -08, and -09 for the property owned by Anhauser-Busch, the Devil's Backbone Basecamp.

I live across from this property. Highway 151 and a hayfield separate it from my home. The development permitted along Highway 151 has, so far, been permitted by the county without a clear master plan for the area. As a county, we need to pause and strategize. The growth of Nelson's tourist economy is a success-- we've done a great job-- but to continue to permit, unchecked, projects without planning for the increase in traffic, water run-off, and noise, is hasty.

Development changes neighborhoods and impacts neighbors-- our community will feel more confident that projects like this would improve our quality of life, rather than compromise it, if we knew the county had a plan to handle the stress development puts on our infrastructure. And our county will grow in a smarter, more strategic way, if we pause and plan.

Because I do feel that this proposal will compromise my property and family. The intersection of Glenthorne Loop/664 and 151 is already crowded, and the influx of tourists staying at the proposed RV park, campground, lodge, and banquet hall will increase traffic. And frankly, the drivers leaving the property are not always driving as cautiously as drivers who have not spent the day at a brewery.

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I am also concerned that the proposed new buildings, especially their water use, will further stress the drainage in the area, especially where Reeds Creek passes under Glenthorne Loop/664. A permanent creek existed on the north side of Glenthorne Loop/664, but after Backbone was constructed, a new, permanent creek formed on the south side of Glenthorne Loop/664, also feeding into Reeds Creek. The county needs to carefully examine the drainage proposals in the site plans so that the southern intersection of Glenthorne Loop and 151 doesn't begin to flood, as the northern intersection of these two roads already regularly does. The Ski Bam was not permitted to add extra bathrooms because of the county's concerns about drainage in this very area. What has changed? This affects more than the property owned by Anhauser-Busch-- it affects small local landowners.

Finally, too often, music from Devil's Backbone overwhelms our time spent outside. I understood moving near the property that music would be an issue at permitted festivals, but it is an annoyance that happens often-- sometimes many weekends in a row.

But what really troubles me is how county is granting special-use-permits helter-skelter. We need to consider how and where we want the county to develop. If we don't we're going to face expensive problems in the future, and we will lose much of the character that tourists seek.

Ms. Lauterbach then noted that the proposed conditions made her feel better than she did at the Planning Commission meeting and she agreed with a two major event limit. She added that the noise issue was related to intrusive music being played during the day on the weekends. She reiterated that she was concerned about the sewage system and bringing more ground water out since there had been increased flooding in her last four years of residence. She added that she was concerned that the County did not yet have the final Rockfish Valley Area Plan and she thought they should wait to have that before considering these requests. She noted she loved the idea of developing an Ordinance for RVs.

Ms. Lauterbach concluded by stating that she liked having Devil's Backbone there and she wanted Route 151 to grow in a really thoughtful way and not turn into a DC-like road. She added that the County had the resources to figure out how to keep that from happening.

5. Shelby Bruguire, Stoney Creek

Ms. Bruguire noted that she spoke at the Planning Commission's public hearings in detail. She stated that she thought the Crandalls had been very agreeable and easy to work with. She noted that she had not heard concerns until that meeting and they had taken significant action to address those. Ms. Bruguire concluded by noting that she supported the applications and she thought the Board needed to thoughtfully move in that direction.

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6. Jennifer Huggard, Nellysford Resident and Adjoining Property Owner- 1st neighbor next to Devil's Backbone

Ms. Huggard stated that the idea of an electric fence was not adequate. She stated that they needed a more solid fence that would help reduce traffic noise, light, and unsightliness at their events. She added that she thought reinforcing the fence with significant landscaping was a good idea. She noted there were berms up screening the site from the highway; however there was no screening for the neighbors which would also help. She noted that the fence could be moved closer out of the floodplain.

Ms. Huggard then noted she did not like there being an event space in A-1; which would allow weddings and music every weekend. She added that she was concerned about outside music until 10pm every weekend and they would be best served to move all music inside and to use sound cancelling technology. She noted that the event venue was close to their property and they could not enjoy it. She noted that their windows still rattled during Hoopla and they could not watch TV because it was so loud. She supposed that Hoopla would also grow and she asked them to consider limiting those types of events to two and to keep the event hall music inside with added soundproofing.

7. Ron Bush, Rhue Hollow Road - Across from Devil's Backbone

Mr. Bush related that he purchased his property in 1998 and built his house in 2000. He noted that his grandkids came to visit every summer. He noted that he had issues with the property lines and has fenced his property in with cattle fence. He related that he had spoken with Mr. Crandall on the issues with event scheduling and trespassing. He described an incident where a ten year old boy showed up on their dock in the pond and they escorted him back to Devil's Backbone. He noted his concern was securing his property at this point. He added that the scope and size of the proposed enterprise should warrant fencing the entire southern border and the Huggard's property side. He noted that people still tried to sneak in to events and he thought maybe they should fence more around the corner.

8. Heidi Crandall, Applicant

Ms. Crandall stated she would like to address some inaccurate facts. She noted that the Festy event was hosted by third party and the main festivals were controlled by them now. She acknowledged that the Festy had outgrown itself but that was deliberate and it was moved from their site.

Ms. Crandall advised that their 91.5 acres was a large tract of land and could support the infrastructure they were proposing. She added that the like businesses on Route 151 sat on much smaller parcels. She added that the County Noise Ordinance existed and they abided by it. She also noted that she advocated the use of down lighting and did not anticipate

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having lamppost lighting in the back of the property. She noted what was there was minimal and was down lighting and they planned to continue to be on the darker side.

Ms. Crandall added that native plants would be used and planted so that the land and structures encompassed the feel of Nelson County. She noted that they had been long term residents for thirty years and that was important to them. She added that clean water was also important to them and they had a Safety Compliance officer overseeing this.

Ms. Crandall then explained that the Appalachian Trail Conservancy (ATC), oversaw the Appalachian Trail and Nelson was an ATC community that was supposed to support hikers. She noted that Appalachian Trail through hikers did come down to Devil's Backbone and they were allowed to stay on the property. She noted they provided port-o-johns because they were not set up otherwise yet, they offered a minimal cost breakfast, and they shuttled them back up.

Ms. Crandall also noted that they hosted the Wounded Warriors that do a six month hike and they now partnered with ATC in funding the total volunteer organization.

9. Andy Hickman, Beech Grove Road Nellysford

Mr. Hickman stated that Devil's Backbone has been a great asset to Beech Grove. He added that they had seventy employees and 90% of them were from Nelson County. He noted that they were adding one new employee every twelve days and they would add more with the majority coming from Nelson. He added that the County would benefit from the taxes and spin off revenues they generated.

Mr. Hickman noted he had spoken with the closest residents and they had no complaints about noise, traffic or lights. He noted that they were concerned with water quality and he thought they should be more concerned about the house on the opposite corner with airstreams painted orange.

Mr. Hickman concluded by noting he has never been disturbed by Devil's Backbone activities and he fully supported the application for the benefits it would bring to the county.

10. OJ Wade, Nellysford

Mr. Wade quoted Walter Hoffman former Supervisor "Nelson County will not be static, it is going to progress". Mr. Wade stated that in the 1970s, the Crandalls came to Nelson to live and start a business. He noted they had started a business like no other and were hardworking business people and had created more jobs than anyone but Wintergreen. He noted they had paid taxes to support the County and had complied with all requests from the Planning Commission. He noted his personal opinion was that loud music could be

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controlled and the camping location and property fencing should not be a problem. He added the he would be providing 24/7 security for him on this piece of property and they would not get a complaint about intruders again. Mr. Wade reiterated that they would do everything to comply with the concerns of the community. Mr. Wade noted that local businessman Andy Hickman had succeeded because of Devil's Backbone and Wintergreen.

Mr. Wade then addressed the traffic concerns noting that the traffic was there before Devil's Backbone existed. He asked the Board to consider what they were doing and that Nelson had something that no other county in the state had in Devil's Backbone. He then implored the Board not to do anything that would put them on another path.

11. William Smith, Faber

Mr. Smith stated he supported the applications. He noted that people were struggling to find jobs that would keep them in the county and Devil's Backbone provided good jobs in the County. He stated that this was a great opportunity for Nelson County and they should want to be easy to work with for Anhauser Busch and tell them that "this County is for you".

12. Tony Jorge, Devil's Backbone Director of Hospitality

Mr. Jorge stated that in the three years he has worked there, Devil's Backbone had increased their labor force by 30%. He noted that many workers there were residents of Nelson and they derived their livelihood from Devil's Backbone. He added that employees recommended others for work and they got hired. He added that Devil's Backbone was more than just an employer, they were a family community. He noted he appreciated Nelson County and the citizens' appreciation. He noted that the project added tremendous value to the County, with no less than thirty (30) full time employees and another fifteen (15) Part time event workers. Mr. Jorge stated that he believed that what they contributed to the tax base would likely double and that would go back into County infrastructure. He reiterated that Devil's Backbone targeted the community for employees.

Mr. Jorge noted that Mr. Crandall was a man of his word and as CEO he was living his vision and was not walking away from his community. He added that they would put policies in place to preserve this when he decided to move on. He noted that they were willing to meet with anyone anytime and wanted to be good neighbors and he thought this was evident. Mr. Jorge then related that when the Crandalls sold the business, they provided \$1 Million dollars back to the employees based on seniority. He added that they supported the local food bank, the RVCC Skate Park, and the Chesapeake Bay Foundation.

Mr. Jorge concluded by stating he would appreciate the Board's vote in favor of the applications and that it would improve Nelson County.

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

Mr. Harvey stated he thought they were very close to coming up with a full solution on the issues and he did not think that could be finalized that night. He noted that they could come up with a document that included all of the proffers and conditions so that everyone could be on the same page. He added that he understood the concerns of the nearby neighbors and he thought the Crandalls would keep those in check. He noted that there were no guarantees of tomorrow and he wanted to nail these down so that no matter who owned the property, it was what they thought they were getting.

Ms. Brennan suggested waiting to act until the April Board meeting and Mr. Harvey concurred. He noted that it would take a little time to put everything together. He added that this was one of the best projects to be accomplished with compromise and he thought staff could devise a single document that addressed everything.

Mr. Saunders stated he heard concerns regarding the fencing and a thirty day delay in construction could be critical. He added that the Crandalls had done everything asked of them by the Planning Commission.

Mr. Harvey stated that nothing has been satisfied on the fence; both the neighbors and the Crandalls did not want an electric fence. Ms. Brennan stated she did not like the electric fence either. She added she thought the use of down-lighting would be good and not opening the doors of the event center letting noise out would also be a good thing.

Mr. Harvey reiterated that he wanted to see everything in one document to consider.

Supervisors and staff then briefly discussed the fence being in the floodplain. Mr. Bruguere stated that a chain link fence would catch as much debris in a flood as a board fence. He noted that they had just learned of the 24/7 security force that would alleviate many of the security issues. He added that unless they were maintained, fences could be ugly. Mr. Padalino advised that with regard to fences being in the floodplain, if they were installed in the floodplain, they must be installed parallel to the waterway and had to be a hanging fence if it crossed it perpendicularly. He added that it was unclear if that would require a SUP from the Board of Zoning Appeals (BZA) or not. He stated that the fairest thing was to say that all fences in the floodplain required a BZA variance. Mr. Padalino noted that this was one place where the higher standards in the current Floodplain Ordinance caught these smaller projects in requiring the higher process of going to the BZA. He suggested they could explore putting the fence outside of the floodplain.

Mr. Harvey noted that the location of the fence in the floodplain would be parallel to the flow. He noted that the neighbors preferred a black chain link fence. Mr. Crandall advised that they looked at the fence option pictures provided by neighbors. He noted he would plant

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trees along the fence and thought that would do the job. He noted that the creek was low and they would still be able to see over the fence from their homes.

Mr. Harvey reiterated that some things still needed to be worked out and Ms. Heather Goodwin noted that the fence issue for the neighbors was not visual but rather the fence would provide them security.

Mr. Harvey then suggested that the Board come back into session sooner than April 11th. Mr. Carter advised that staff could craft a resolution based on all of the comments and the Board could adjourn to another day.

Mr. Saunders noted there was nothing left to work out if they could agree on the fence.

Supervisors and staff then discussed when a Budget Work Session could be held and suggested this could be done then also.

Mr. Padalino noted that there were multiple things in play including the Planning Commission recommendations and conditions and he was hearing they needed resolution to the issue of fencing to create security, lighting in connection with events (deal with organizers) and another question was the request for fewer number of events (4 to 2) by the neighbors.

Mr. Carter reiterated that staff could draft a resolution siting all permits and conditions and anything else the Board wanted to adjust. Mr. Saunders stated he did not agree with reducing the number of major events from four to two.

Supervisors briefly discussed a continued meeting and agreed by consensus to meet Wednesday the 29th at 2:30 in the Courthouse, with the exact place to be determined. They agreed to also get a brief budget introduction at the meeting.

IV. Other Business (As May Be Presented)

There was no other business considered by the Board.

V. Adjournment

At 9:30 PM, Mr. Saunders moved to adjourn and continue the meeting until Wednesday, March 29, 2017 at 2:30 PM in the Courthouse in Lovingston. Mr. Bruguere seconded the motion and there being no further discussion, Supervisors voted unanimously (4-0) by roll call vote to approve the motion and the meeting adjourned.