

**NELSON COUNTY PLANNING COMMISSION  
MEETING MINUTES  
February 22, 2017**

**Present:** Chair Philippa Proulx, Commissioners Mike Harman, Mary Kathryn Allen, Robert Goad and Tommy Bruguiera (Board of Supervisors Liaison)

**Absent:** Commissioner Linda Russell

**Staff Present:** Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary

**Call to Order:** Chair Proulx called the meeting to order at 7:00 P. M. in the General District Courtroom, County Courthouse, Lovingsston.

**Approval of Minutes – January 25, 2017:**

**Commissioner Harman made a motion that the meeting minutes of January 25, 2017 be approved; the vote 5-0.**

**1. Continued Review of Special Use Permits #2016-06; -07; -08; and -09 – “Devils Backbone” / Mr. Russ Orrison, PE, LS and Mr. Steve Crandall**

Mr. Padalino began his staff report presentation by noting that this was a continued review, that the applications had been thoroughly presented and discussed during last month’s meeting, and that he would therefore provide a condensed overview of the proposed project. Mr. Padalino then presented several slides and explained that the subject properties are located in Beech Grove, comprised of a total of seventeen (17) parcels, twelve of which are zoned Agricultural (A-1) and five of which are zoned Business (B-1) Conditional. He noted that the Site Plan has not been revised.

Mr. Padalino then provided project updates that occurred since last month’s Planning Commission (PC) meeting (January 25th). The updates included three examples of correspondence that were received by the County, as follows (details in Staff Report dated February 13, 2017 – see attached):

- Mr. Steve Crandall, Applicant, Founder/CEO – Devils Backbone Brewing Company: This letter provided the applicant’s responses to public comments that were received by the PC during the public hearing. There were seven topics addressed in the letter: future development of the property; groundwater and floodplain issues; “urban sprawl and an architectural mess”; development density; alcohol; noise; and other impacts to adjoining properties and neighbors.
- Mr. Russ Orrison, PE, LS, Co-Applicant: This correspondence provided a narrative summary as to why the applicant thinks this project is good for Nelson County.
- Ms. Maureen Kelly, Economic Development & Tourism Director: This memo provided economic development context to the proposed projects by summarizing Nelson County’s strategy to increase tourism, and to specifically increase transient lodging offerings.

Mr. Padalino also noted that the applicants have submitted a traffic study analysis (dated February 21<sup>st</sup>) prepared by Engineering & Planning Resources, P.C. He stated that the study evaluates the anticipated traffic impacts for the proposed projects (SUPs and by-right office building). The conclusion of that analysis is that a right-turn taper (12’ wide with a 48’ radius) is warranted at the existing entrance on Rt. 151 (Patrick Henry Hwy) for southbound traffic turning right into Devils Backbone.

Mr. Bruguiere asked if the right-turn taper is a requirement of Virginia Department of Transportation (VDOT). Mr. Padalino indicated that he has not received a response from VDOT regarding the study, as the analysis was submitted just one day prior. However, the traffic engineer consultant independently concluded that a right-turn taper is appropriate for the level of anticipated trips. He deferred to Mr. Orrison for further comments.

Mr. Padalino concluded by noting that the applicants submitted six (6) “proposed conditions” that were crafted in response to public comments at last month’s meeting, and as an attempt to mitigate potential future impacts that could be associated with the transient lodging and the event hall. He read the proposed conditions and provided his comments as follows:

1. *Applicant agrees to limit major special events to 4 per year. Major events are defined as multi-day camping and music venues.* Mr. Padalino added that it is important to note that the recently adopted “Temporary Events” amendments do not have any annual limit to temporary events. Therefore, he characterized this a “fairly significant” concession by the applicants.
2. *Applicant agrees to construct a fence along or near its southern property line in order to discourage patrons from leaving the site.* Mr. Padalino noted that this would clearly identify where boundary lines are, which would help patrons respect property boundaries and hopefully eliminate future trespassing.
3. *Applicant agrees to provide a 50’ buffer along its Agricultural zoned boundary, with no clearing of vegetation unless it is immediately replaced with a vegetative buffer of greater density.* Mr. Padalino noted that there is an existing requirement for a 20’ buffer for the side yard setback, and 50’ buffer for the rear yard setback – but those setbacks prohibit structures. This would go a step further to prohibit any vegetative disturbance, unless it is replaced with a greater density.
4. *Applicant agrees to provide a 100’ building setback along the south property line of its business zoned property.* Mr. Padalino noted that since the business zoned property abuts agricultural zoned properties, the ordinance requires a 10’ setback – but this increases the setback “ten-fold.”
5. *Applicant agrees to establish a policy of quiet time after 9 pm at the various campsites with the exception of Major Events.* Mr. Padalino believes this was crafted directly in response to concerns of neighbors and past experiences. He noted that establishing the policy would be a good step, but effective enforcement of the policy would be critical.
6. *Applicant agrees to a 10:00 curfew on music outside the event building with the exception of Major Events.* Mr. Padalino thinks it’s a good idea to consider the importance of minimizing night-time noise pollution in that part of the County. He also believes looking at the architectural details could be a detail worth exploring carefully, such as locating public access doors on sides of the building which face away from Rhue Hollow.

Following Mr. Padalino’s staff report presentation, the Commissioners<sup>2</sup> had the following questions/comments/concerns:

1. *Since there are four separate SUP, each have to be voted upon individually. Are the conditions placed on all the SUP? If not, how would they be separated?* Mr. Padalino indicated condition(s) #1, #2, #3, and #4 are “universal,” while condition #5 applies to the campground and condition #6 applies to the event hall. Mr. Padalino also noted that it is important to clarify that these proposed conditions are not the same as “proffers,” which are voluntary and legally-binding. The “proposed conditions” would not take effect unless the Board of Supervisors (BOS) were to enact them as part of any approval, as applicable.
2. *What recourse would the County have (if any) if the conditions were violated?* Mr. Padalino noted that Z.O. Article 12, Section 3 deals with SUPs and how the BOS can revoke previously-approved SUPs if the terms or conditions of approval are not upheld. He then noted that conditions of approval involving noise would technically be separate from the Noise Ordinance, because it would be property-specific and permit-specific conditions.

3. Chair Proulx noted that she is not comfortable with the word “approximate” on the applications, and prefers to use the phrase “no more than.” She noted that she mentioned this to the applicants, and they have no issues with making that change.
4. *What type of fence will be used?* Mr. Crandall noted that he had a meeting with the property owners regarding the type of fence. He is concerned with using a solid wood fence because of the floodplain and the impacts a board fence could have on the creek during floods. He believes the best idea for a fence is to use a high-tensile fence that would be electrified, and noted they would install the appropriate signage. He will also put up evergreen trees to serve as a buffer. The fence will be kept clean and maintained.
5. *Is the turn lane required by VDOT?* Mr. Orrison noted that this was warranted by the study they performed for the office building, but that it was just barely warranted.

Following the questions and discussion with the applicants, Chair Proulx stated that she is concerned with the amount of development in that area. She noted that her biggest concern is the camping (RV campground/tent camping), and the impact it would have on those that live nearby.

Commissioner Allen said she knows people are concerned with the amount of RV spaces and with having an increased number of them traveling along Rt. 151. However, she does not feel that a business owner should be punished because Rt. 151 can't keep up with the demand. She thinks that's what the County and VDOT are trying to work on. She further noted that VDOT needs to make sure the road accommodates what is needed in this County for growth, and believes that's what needs to change.

Commissioner Harman said that he feels the RVs would be a relief to the shortage of lodging in the area.

Commissioner Allen asked what the maximum space (30', 40', 50') for RVs in the area would be. Mr. Orrison noted that the spaces are based on the dimension standards regulated by the Virginia Department of Health (VDH). The primitive camping spaces were configured based on the state regulations.

Commissioner Goad suggested having a smaller number of RV camping lots. Commissioner Harman asked how large the RV area was. Mr. Crandall said it was located across what is currently two separate lots. Mr. Orrison added that it was between six (6) and ten (10) acres in size. He also noted that the proposed campground would include dump station, and it will be served by an advanced on-site sewage system.

**Special Use Permit #2016-06:**

**Commissioner Allen moved that the PC recommends approval to the Board of Supervisors for Special Use Permit #2016-06 for an Event Hall for 250-persons in the Agricultural (A-1) district with applicants, Mr. Steve Crandall and Mr. Russ Orrison, to include all the proposed conditions for Special Use Permits that Mr. Steve Crandall included, except #5, and with proposed condition #2 modified to include an electric fence, all in accordance with the drawing dated January 11, 2017. Commissioner Goad provided a second; the vote 5-0.**

**Special Use Permit #2016-07:**

**Commissioner Goad moved that the PC recommend approval of Special Use Permit #2016-07 to the Board of Supervisors for the use of a maximum of a 25-unit lodge for overnight guests and a maximum of ten stand-alone cabins per application dated November 18, 2016 and January 11, 2017 with conditions #1-6. Commissioner Harman provided the second; the vote 5-0.**

**Special Use Permit #2016-08:**

The applicants, Mr. Steve Crandall and Mr. Russ Orrison withdrew the application during the meeting.

**Special Use Permit #2016-09:**

Mr. Crandall noted that he would like to change the number of camping spaces for Special Use Permit #2016-09 to reflect 25 RV spaces (with hook-ups) and 25 spaces (without hook-ups).

**Commissioner Allen made a motion to recommend approval for Special Use Permit #2016-09 to the Board of Supervisors for a campground for RV and tents in the Agricultural (A-1) district. This request will allow for the construction operation of a primitive campground comprised of 26 individual tent camping sites, bathhouses, and administrative buildings for access and registration, as well as an RV campground. The RV campground is to include 25 RV spaces (without hookups) and an additional 25 RV spaces (with water and sewer hook-up) and a RV dump station for the RV sewage. This would also include the proposed conditions for this Special Use Permit #2016-09, #1, #2, #3, #4, #5, and #6. Condition #2 needs to be modified to include the electric fence, dated with the application and in accordance with application dated November 18, 2016 and the drawing from January 11, 2017. Commissioner Harman provided the second; the vote 4-1 with Chair Proulx voting against the motion.**

Mr. Padalino provided a draft of Phase II – Strategic Recommendations and a CD for the PC to review of the Rockfish Valley Area Plan (RVAP). He noted that while the plan isn't complete, they are at about 90-95% there. He asked that the PC review the materials and provide constructive feedback.

**Board of Supervisors Report:** Mr. Bruguere did not have anything to report.

Chair Proulx noted that Mrs. Stormy Hopkins' last day of employment with the County is Friday.

**Adjournment:**

Commissioner Allen made a motion to adjourn at 8:05pm; the vote 5-0.

Respectfully submitted,

Stormy V. Hopkins  
(Former) Secretary, Planning & Zoning

And



Emily Hjulstrom  
Secretary, Planning & Zoning