

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

**AGENDA
NELSON COUNTY BOARD OF SUPERVISORS
SEPTEMBER 10, 2024
THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE
GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON**

- I. CALL TO ORDER**
 - A. Moment of Silence
 - B. Pledge of Allegiance
- II. PUBLIC COMMENTS**
- III. CONSENT AGENDA**
 - A. Resolution – R2024-63 Minutes for Approval
 - B. Resolution – R2024-64 Budget Amendment
 - C. Resolution – R2024-65 Tax Refund
- IV. PROCLAMATION P2024-04 – PATRIOT DAY**
- V. PRESENTATIONS**
 - A. VDOT Report
 - B. Departmental Report – Parks & Recreation
 - C. TJPDC 2024 Legislative Update – David Blount
- VI. NEW & UNFINISHED BUSINESS**
 - A. Proposed Work Order Amendment for Zoning and Subdivision Ordinance Updates
 - B. Proposed Work Order Amendment for DSS Building Design Services
- VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**
 - A. Reports
 - 1. County Administrator's Report
 - 2. Board Reports
 - B. Appointments
 - C. Correspondence
 - D. Directives
- VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(7) (AS NEEDED)**
- IX. ADJOURN AND CONTINUE - EVENING SESSION AT 7PM**

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

I. CALL TO ORDER

II. PUBLIC COMMENTS

III. PUBLIC HEARINGS

A. Special Use Permit #24-0157 – Permanent Sawmill

Consideration of a Special Use Permit application requesting County approval to allow a Permanent Sawmill on a property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #42-A-55, addressed 452 Modoc Lane in Roseland. The subject property is 176.195 acres and is owned by St. Dunstan's Academy.

B. Ordinance O2024-01 - Creation of Agricultural & Forestal District – North Fork – 2290.254 acres

Consideration of a request for the creation of an Agricultural and Forestal District in the Montebello/North Fork area.

IV. OTHER BUSINESS (AS PRESENTED)

V. ADJOURN AND CONTINUE TO SEPTEMBER 19, 2024 AT 10 A.M. FOR A BOARD RETREAT



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RESOLUTION R2024-63
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(April 9, 2024)

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **April 9, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: September 10, 2024

Attest: _____, Clerk
Nelson County Board of Supervisors

April 9, 2024

Virginia:

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

Present: J. David Parr, West District Supervisor – Chair
Ernie Q. Reed, Central District Supervisor – Vice Chair
Thomas D. Harvey, North District Supervisor
Jesse N. Rutherford, East District Supervisor
Dr. Jessica L. Ligon, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Linda K. Staton, Director of Finance and Human Resources
Maureen Kelley, Director of Tourism and Economic Development
Kimberly T. Goff, Commissioner of Revenue

I. CALL TO ORDER

Mr. Parr called the regular meeting to order at 2:00 p.m. with five (5) Supervisors present to establish a quorum.

- A. Moment of Silence
- B. Pledge of Allegiance – Mr. Rutherford led in the Pledge of Allegiance.

II. PUBLIC COMMENTS

William Percy, Lovingston, VA

Mr. Percy requested that the Board and the County Administrator have another look at the possibility of School Zone Speed Enforcement. He noted that there was a second company interested in providing that service to the County. He suggested that a town hall or a citizen focus task force may better serve to evaluate the benefits, compare the options, solicit public input, present recommendations and negotiate a contract to the Board. He referenced an article from the day before in the Richmond Times Dispatch that he had forwarded by email along with some attachments and a recommendation that Nelson County might consider regarding the proposed wastewater treatment facility at Dillard Creek on the Larkin property. He commented that the proposed project would be a long term project, and he noted that there could be an opportunity to participate in leading edge technology as well as potentially benefitting from available DOJ grants funding.

Mr. Percy stated that he was disappointed but not surprised that the Highway 29 overpass at Callohill was not included in this year's smart scale projects submitted to VDOT. He suggested that perhaps the Commonwealth Transportation Board (CTB) Six Year Improvement Plan for projects exceeding \$25 million, or the Thomas Jefferson Planning District Project grants, would be a more successful route to approach the concept. He commented that he knew it was a large project, but he believed that it could happen in due time.

Mr. Percy then suggested a point of order to the Board. He said that when a motion was brought forward, that it should be worded in the affirmative. He explained that a “yes” vote by the majority would be to pass the proposed topic affirmatively, not to deny the proposition. He commented that he believed that the “yes” vote to deny confused, or distorted the intended outcome of the vote. He noted the vote regarding the speed

April 9, 2024

camera enforcement from a prior Board meeting in the fall. He indicated that he was still unclear whether a motion could be amended if it had received a second, but had not yet been voted on.

III. CONSENT AGENDA

Mr. Parr noted that there were a few items on the agenda that the Board wished to address individually first, and they would then vote to approve the Consent Agenda as a whole.

Mr. Rutherford read aloud **Resolution R2024-21**, Recognition of Armand and Bernice Thieblot. Mr. Parr noted that the Board appreciated all that the Thieblots had done for the community during their time in Nelson.

Mr. Harvey read aloud **Resolution R2024-22**, National Public Safety Telecommunicators Week April 14-20, 2024. Mr. Parr recognized John Adkins and the dispatchers in attendance and he thanked them for their service.

Dr. Ligon read aloud **Resolution R2024-23**, Animal Care and Control Appreciation Week. Dr. Ligon thanked the Animal Control Officers present at the meeting. Mr. Parr thanked Officer Wright and his team for their work.

Mr. Reed read aloud **Resolution R2024-24**, April is Fair Housing Month.

Mr. Parr read aloud **Resolution R2024-25**, April is Child Abuse Prevention Month.

Mr. Reed made a motion to approve the Consent Agenda as presented and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolutions were adopted:

A. Resolution – R2024-19 Minutes for Approval

**RESOLUTION R2024-19
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF MINUTES
(January 9, 2024)**

RESOLVED, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **January 9, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

April 9, 2024

B. Resolution – R2024-20 Budget Amendment

RESOLUTION R2024-20
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET
April 9, 2024

I. Appropriation of Funds (General Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	4,718.00	3-100-002404-0017	4-100-021060-3160
\$	10,310.00	3-100-002404-0017	4-100-021060-3160
\$	1,443.00	3-100-002404-0034	4-100-031020-1014
\$	1,560.00	3-100-002404-0034	4-100-031020-1014
\$	176.00	3-100-003303-0026	4-100-033010-3002
\$	<u>18,207.00</u>		
II. Appropriation of Funds (School Fund)			
	<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$	741,000.00	3-205-004105-0001	4-205-063100-9303
\$	<u>741,000.00</u>		
III. Transfer of Funds (From General Fund to School Fund)			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	741,000.00	3-100-009999-0001	4-100-093100-9203
\$	<u>741,000.00</u>		
IV. Transfer of Funds (General Fund Departmental)			
	<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$	5,500.00	4-100-022010-1001	4-100-031020-1001
\$	<u>5,500.00</u>		

C. Resolution – R2024-21 Recognition of Armand and Bernice Thieblot

RESOLUTION R2024-21
NELSON COUNTY BOARD OF SUPERVISORS
RECOGNITION OF ARMAND AND BERNICE THIEBLOT

WHEREAS, in 1991, Armand and Bernice Thieblot acquired over 600 acres of land in the Schuyler region of Nelson County, including portions of a former soapstone quarry which had once been actively mined but had fallen into use as a refuse dumpsite; and

WHEREAS, the Thieblots dedicated over 20 years of their lives to reclaiming and restoring this land, eventually opening the Quarry Gardens, designated a Virginia Treasure by Governor Terry McAuliffe in 2016 as a site that serves to “preserve, protect and highlight Virginia’s most important ecological, cultural, scenic and recreational assets as well as its special lands;” and

WHEREAS, the Thieblots have each offered occupational and life skills training to individuals incarcerated at the Albemarle-Charlottesville Regional Jail; and

April 9, 2024

WHEREAS, in January 2021, Armand Thieblot was appointed to the Nelson County Electoral Board, serving in the position of Chairman until his departure in March 2023; and

WHEREAS, Bernice Thieblot also served three years as an Officer of Election for the Faber Precinct; and

WHEREAS, during their tenure the Thieblots endeavored to support and sustain Nelson County's standard of excellence in election administration; and

WHEREAS, Armand and Bernice are tremendous assets to this community through their endeavors as public servants and as private citizens;

WHEREAS, Armand and Bernice Thieblot truly exemplify the noble aim to leave a place better than when found and in doing so, inspire all of us to do the same;

NOW THEREFORE BE IT RESOLVED that the Nelson County Board of Supervisors, in recognition of the outstanding contributions of Armand and Bernice Thieblot, do hereby encourage all citizens to thank the Thieblots for their contributions and dedicated service to our community, wish them the very best as they embark on a new life in Texas, and honor them by perpetuating their legacy of service and support for our neighbors.

D. Resolution – R2024-22 Public Safety Telecommunicators Week

RESOLUTION R2024-22
NELSON COUNTY BOARD OF SUPERVISORS
NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK
April 14-20, 2024

WHEREAS, emergencies can occur at any time that require law enforcement, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of law enforcement, firefighters and paramedics is critical to the protection of life and preservation of property; and,

WHEREAS, the safety of our first responders is dependent upon the quality and accuracy of information obtained from citizens who telephone into the Nelson County Emergency Communications Center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our deputies and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

WHEREAS, each dispatcher has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors declares the week of April 14-20, 2024 as National Public Safety Telecommunicators Week in Nelson County, in honor of the men and women whose diligence and professionalism keep our county and citizens safe.

April 9, 2024

E. Resolution – R2024-23 Animal Care and Control Appreciation Week

**RESOLUTION R2024-23
NELSON COUNTY BOARD OF SUPERVISORS
ANIMAL CARE AND CONTROL APPRECIATION WEEK**

WHEREAS, the National Animal Care & Control Association (NACA) is committed to setting the standard of professionalism in animal welfare and public safety through training, networking, and advocacy; and

WHEREAS, animal care and control professionals dedicate their lives to the health and safety of at-risk and helpless animals; and

WHEREAS, animal care and control professionals work to rescue and protect animals from injury, disease, abuse, and starvation; and

WHEREAS, NACA has designated the second full week of April as Animal Care and Control Officer Appreciation Week; and

WHEREAS, federal, state, and local government officials throughout the nation take this time to recognize, thank, and commend all animal care and control professionals for the dedicated services they perform and for fulfilling the commitment to providing the highest and most efficient level of customer service;

NOW, THEREFORE, the Nelson County Board of Supervisors does hereby recognize April 14-20, 2024, as **ANIMAL CARE AND CONTROL APPRECIATION WEEK** in Nelson County, and we call this observance to the attention of our citizens.

F. Resolution – R2024-24 April is Fair Housing Month

**RESOLUTION R2024-24
NELSON COUNTY BOARD OF SUPERVISORS
APRIL 2024 IS FAIR HOUSING MONTH**

WHEREAS, April is Fair Housing Month and marks the 56th anniversary of the passage of the federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988); and

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

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

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

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

G. Resolution – R2024-25 April is Child Abuse Prevention Month

**RESOLUTION R2024-25
NELSON COUNTY BOARD OF SUPERVISORS
APRIL IS CHILD ABUSE PREVENTION MONTH**

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

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

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

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

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

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

IV. RESOLUTION – RECOGNITION OF SUSAN HUFFMAN (R2024-26)

Mr. Parr read aloud **Resolution R2024-26**, Recognition of Susan Huffman. He congratulated Ms. Huffman. Ms. Huffman thanked the Board for everything they had done to support her.

Mr. Rutherford noted the Library project had started in 2019. Ms. Huffman indicated that the construction was completed in 2020 just before the construction costs went up. Mr. Rutherford noted that he and Ms. Huffman, along with former South District Supervisor Larry Saunders had discussed how they saw the future of libraries and what that meant to a community. Mr. Rutherford noted that in talking with Ms. Huffman, he learned that libraries were not just a place of academia, they were a place of commerce, a place where literacy crafted a child's future, as well as an adult's. He thanked Ms. Huffman for her service and the legacy that the library would be over the coming decades.

Mr. Parr made a motion to approve **Resolution R2024-26** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following resolution was adopted:

**RESOLUTION R2024-26
NELSON COUNTY BOARD OF SUPERVISORS
RECOGNITION OF SUSAN HUFFMAN**

WHEREAS, Susan Huffman has retired as of March 31, 2024, after serving Nelson County for nearly 10 years as the librarian and branch manager at Nelson Memorial Library; and

WHEREAS, Ms. Huffman guided the library through a major renovation and expansion to the building which doubled the size of the library, all while maintaining service to the citizens of the County; and

WHEREAS, Ms. Huffman brought together the Grow Nelson Library fundraising group that supported the library expansion with a new collection of books and materials, and continues to provide support for special projects; and

WHEREAS, Ms. Huffman has continued to find ways to provide 24/7 library access to the County with the addition of a holds locker located on the exterior of Nelson Memorial Library, a newly added book kiosk in Nellysford, a bookmobile, and an Outreach vehicle to bring story times and programming to the County; and

WHEREAS, with the support of Grow Nelson Library, Ms. Huffman brought a makerspace to the Nelson Memorial Library Business Center that includes: a laser engraver, vinyl cutter, poster printer, digital converter for VHS tapes as well as film scanning, a Cricut, book scanner, sewing machine, and a laminator all for public use; and

WHEREAS, Ms. Huffman pioneered the “Nelson Reads” program within both elementary schools, which has students read and rank books to select one winning children’s book each year; and

WHEREAS, Ms. Huffman worked to bring Dolly Parton’s Imagination Library to Nelson, which provides children from birth to age five with one free book per month, mailed to their home to grow their very own library; and

WHEREAS, Ms. Huffman has dedicated herself to our community and library in countless other ways;

NOW, THEREFORE, BE IT RESOLVED that the Nelson County Board of Supervisors wishes Susan Huffman continued health, happiness and prosperity upon her well-deserved retirement.

V. PRESENTATIONS

A. VDOT Report

Mr. Robert Brown of VDOT provided the following report:

Mr. Brown reported that VDOT litter contractor should be picking up in Nelson. He noted that the litter pick up should be completed very soon. He reported that they were hoping to have Jenny’s Creek Road back open by the end of the week. He indicated that the new structure was being installed now. Mr. Brown noted that VDOT was still cutting brush along the banks on 151 near Nellysford and toward Route 250. He indicated that most of the work had been completed and it had opened up the sight distance significantly.

Supervisors then discussed the following issues:

Mr. Rutherford:

Mr. Rutherford thanked Mr. Brown for taking the time to meet with him to look at Whippoorwill. He noted that he learned there were various roads in Nelson that were once maintained right-of-ways that no longer existed. He noted that he looked forward to learning what potentials could exist, whether it be through Revenue Sharing, or VDOT taking over maintenance.

Mr. Rutherford noted that he did see people picking up trash along Route 56, and a few other highways. He thanked Mr. Brown for that work. He asked that trash pickup take place whenever it could be done. He commented that there was a big push in the community, especially in his district along 56 where they were trying to get more communities active in cleaning up roadways. Mr. Rutherford asked Mr. Brown to email details on clean-up programs. Mr. Brown noted that VDOT had an Adopt a Highway program where citizen groups could adopt sections of highways for litter pick-up. He explained the process, noting that VDOT did install permanent signs to indicate who had adopted that portion of highway. He reported that VDOT furnished the bags and safety vests, and VDOT picked up the bags. He explained that VDOT requested the clean-up crew to send VDOT a postcard once the pick-up had been completed to indicate how many bags had been picked up. Mr. Rutherford asked if the highway had to be adopted to pick up. Mr. Brown indicated that it did not, but he noted that it was neat to be recognized. Mr. Rutherford asked Mr. Brown to send information on the program so that he could share it with community groups. Mr. Brown reported that the Adopt a Highway coordinator was Karen Scott. He noted that anyone could reach out to Ms. Scott for more information.

Mr. Harvey:

Mr. Harvey had no VDOT issues to discuss.

Dr. Ligon:

Dr. Ligon had no VDOT issues to discuss.

Mr. Reed:

Mr. Reed had no VDOT issues to discuss.

Mr. Parr:

Mr. Parr had no VDOT issues to discuss.

B. VDOT Secondary Six Year Plan Work Session (R2024-27)

Mr. Brown reviewed the draft of the FY25-30 Secondary Road Six Year Improvement Plan which included:

1. Cow Hollow Road (Route 674)
2. Davis Creek Road (Route 623)
3. Hunting Lodge Road (Route 646)
4. Jennys Creek Road (Route 674)
5. Buffalo Station Road (Route 606)
6. Fork Mountain Road (Route 667)

7. Gulleysville Lane (Route 629)
8. Berry Hill Road (Route 613)
9. Wheelers Cove Road (Route 640)
10. Walk Around Lane (Route 764)
11. Green Field Drive (Route 721)
12. Eagle Mountain Drive (Route 648)

Mr. Brown reported that VDOT had been successful in completing the projects in a timely manner with the funding that they had. He noted that priority number one (1), Cow Hollow, would still be in the Six Year Plan because it had not been financially closed. He confirmed that the project on Cow Hollow was complete. He explained that Davis Creek was the last remaining project in the FY24-29 Six Year Plan. Mr. Brown noted that everything listed below Davis Creek (priority 3 through priority 12) had come from last year's priority list, which emptied the list. He explained that all of the projects that were waiting to go into the Six Year Plan had now made it into the Plan this year and were funded. Mr. Brown noted that priority number 7, Gulleysville Lane, had not been taken off the list, but it had been moved back due to some issues. Mr. Brown indicated that he was not sure if they needed to be concerned with those issues or not, but they needed to get a handle on it before the list was presented. Mr. Brown suggested that he and Mr. Reed discuss the road further at a later time. Mr. Reed indicated that he had a recommendation they could discuss. Mr. Brown reported that there was a mile and a half section of Wheelers Cove for priority number 8. Mr. Brown noted that the remainder of Green Field Drive was on the list. He indicated that the request for Eagle Mountain Drive was last year's addition to the list, which was a half mile long section.

Mr. Brown noted that last year's list which had been presented and approved, had now been emptied, as those roads had made it to the Six Year Plan. Mr. Brown offered to answer any questions on the proposed Six Year Plan. He noted that the projects that had moved into the plan were based on the Board's priority and the requests of the residents.

Mr. Rutherford asked if Gulleysville had been taken off the list. Mr. Reed noted that Gulleysville had been bumped down the list. Mr. Reed indicated that because of the level of development and the amount of car trips on Berry Hill, he wanted to move Berry Hill up on the list. He noted that it was becoming a well traversed area, and it was steep and windy, which would cost a lot of money to keep the road up otherwise. Mr. Brown suggested moving Berry Hill to priority number 7. Mr. Reed was in agreement to move Berry Hill to priority number 7, and he suggested that they could discuss Gulleysville more later.

Mr. Parr asked how much maintenance VDOT was having to do on Walk Around Lane. He asked if VDOT was having to send a grader over frequently. He asked if it was cheaper to complete the road, or to continue maintenance on it. He noted that it seemed the road had a lot of requests for maintenance.

Mr. Parr indicated that Walk Around Lane was off of Rhue Hollow. Mr. Brown commented that VDOT would like to finish the road, noting that would keep VDOT from having to go back there at all. He noted that Walk Around Lane was the only unpaved road left back there. Mr. Brown reported that Walk Around Lane had a traffic count last year of 50 vehicles per day (VPD) and the road was not that long. He noted that if the Board wanted to move Walk Around Lane up, they could. Mr. Brown indicated that he did not have any issues with how the Board did the priorities. Mr. Brown noted that they had set up a mile and a half of Wheelers Cove last year and it had a higher traffic count.

Mr. Rutherford asked if they had done anything with Warminster. Mr. Brown noted that they had not done anything with Warminster. He explained that the main reason for doing Hunting Lodge was to complete the loop from when they paved Aerial Drive (Route 645) a few years ago. Mr. Rutherford asked about considering Warminster, not in the current priority list, but in an upcoming list.

Mr. Brown noted they needed to keep in mind that most of the funding for unpaved roads was called District Grant Unpaved Road Funding. He indicated that the roadway had to have 50 vehicles per day (VPD) on it, and if it did not have 50 VPD, it was not eligible for that type of funding. He noted that Nelson County did get tele fee funding, but it was not a lot. He reiterated that there had to be 50 vehicles per day on the roads for them to be considered for the unpaved road funding.

Dr. Ligon noted that Wheelers Cove had businesses there operating seasonally. Mr. Rutherford noted that Wheelers Cove was unique as there were a lot of residents who did not want Wheelers Cove paved. He indicated that the intent with the one-and-a-half-mile section was to take care of those businesses. He noted that it was supposed to end just beyond the wildlife center. Mr. Brown noted that the roads on the new list were just for suggestion.

Mr. Rutherford suggested swapping Buffalo Station with Wheelers Cove. The Board was in agreement to swap Buffalo Station with Wheelers Cove on the FY25-30 Secondary Road Six Year Improvement Plan as follows:

1. Cow Hollow Road (Route 674)
2. Davis Creek Road (Route 623)
3. Hunting Lodge Road (Route 646)
4. Jennys Creek Road (Route 674)
5. Wheelers Cove Road (Route 640)
6. Fork Mountain Road (Route 667)
7. Gulleysville Lane (Route 629)
8. Berry Hill Road (Route 613)
9. Buffalo Station Road (Route 606)
10. Walk Around Lane (Route 764)
11. Green Field Drive (Route 721)
12. Eagle Mountain Drive (Route 648)

The Board reviewed the list of suggested roads on the Unpaved Roads list.

Nelson County							
Rural Rustic Draft Priority List - FY25/30							
PRIORITY	ROUTE	NAME	FROM	TO	LENGTH	TC - VPD	COST
	687	North Fork Rd	1.0 Mi North RTE 56	2.0 Mi North	1.00	110	\$ 250,000.00
	640	Wheelers Cove					
	780	Toms Lane	RTE 674 Cow Hollow	Dead End	0.40	60	\$ 100,000.00
	634	Spring Valley Rd	RTE 616 Hickory Creek Rd	Dead End	1.00	180	\$ 250,000.00
	681	Pigeon Hill Rd					
	662	South Powell Island	0.68 Mi North RTE 739	1.45 Mi N 739	1.45	60	\$ 362,500.00
						Total	\$ 962,500.00
		Estimates based on \$250,000 per mile					

Dr. Ligon indicated that she liked the suggestion of South Powells Island. She noted that road was a mess. Mr. Rutherford noted that the Board could change the priority of the Unpaved Roads list intermittently because they had years before they would make it into the Six Year Plan.

Mr. Rutherford asked why Wheelers Cove was mentioned a second time on the Unpaved Roads list. Mr. Brown noted that he was unsure. He indicated that he did not have a chance to look at the list as closely as he should have. Mr. Brown indicated that the two (2) most important roads to VDOT on the Unpaved Roads list were Spring Valley (Route 634) and the north end of North Fork Road (Route 687). He reported that Spring Valley off of Hickory Creek went back to the winery and had a VPD count of 180. He indicated that Spring Valley required a lot of maintenance. He then noted that the north end of North Fork had 110 vehicles per day on it, which he pointed out was a significant number of vehicles for an unpaved road. Mr. Parr noted that North Fork got a lot of washout. Mr. Brown confirmed that the road was high maintenance. Dr. Ligon asked whether they would do Zinks Mill where it attached to North Fork since it was gravel as well. Mr. Brown reported that Zinks Mill did not have a high traffic count. He noted that he had also looked at Bradley Lane and Spy Run Gap, but they were below 50 vehicles per day. Mr. Brown explained to the Board that they could put anything on the Unpaved Road list that they wanted. He noted that when it was time to work them into the Six Year Plan, they could do a special traffic count to see if the roads had 50 vehicles per day on them. He indicated that secondary unpaved road counts were counted about every five (5) years. Mr. Rutherford noted that they needed to get more roads on the list.

Mr. Brown noted that they had talked about doing the first mile of Findlay Gap from Keys Church because of the County property located down there, and the proposed outdoor park. He commented that he did not know whether that was still a priority or not. He indicated that the Board could prioritize North Fork and Spring Valley as #1 and #2 on the list, and then list the others any way they wanted. He noted that they could change it any way they wanted to the following year.

Mr. Parr commented that he was good with Spring Valley and North Fork being #1 and #2. He asked if they needed to rank the rest of the list. Mr. Brown noted they could. He explained that he put Toms Lane on the list, noting it was a dead end road off of Cow Hollow. He noted that he also added another section of South Powells Island. He reported that they had done another section on South Powells Island about 10 years earlier, down past Walkers Mountain subdivision. He explained that they had done some extensive work and paving so that when the river flooded, the road would not be damaged. He indicated that they were still having some issues in the unpaved section below Walkers Mountain subdivision. Mr. Parr asked for the traffic count on Toms Lane. Mr. Brown reported that it was 60 vehicles per day. Mr. Parr asked what the traffic count was on Pigeon Hill. Mr. Brown reported that the count was over 100. Mr. Parr suggesting putting higher priority on Pigeon Hill than Toms Lane. Mr. Brown suggested putting Pigeon Hill as #3. He noted that VDOT had hard surfaced part of Pigeon Hill several years ago, so there was only a section left to complete it. Dr. Ligon and Mr. Parr suggested putting South Powells Island as #4. Mr. Parr suggested putting Toms Lane as #5. The Board was in agreement with the roads prioritized as follows:

1. Spring Valley Road
2. North Fork Road
3. Pigeon Hill Road
4. South Powells Island
5. Toms Lane

Mr. Rutherford made a motion to adopt **Resolution R2024-27** as amended and Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-27
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING
FY25-FY30 SECONDARY SIX-YEAR ROAD PLAN
AND CONSTRUCTION PRIORITY LIST**

WHEREAS, The Virginia Department of Transportation and the Board of Supervisors of Nelson County, in accordance with Sections 33.2-331 and 33.2-332 of the Code of Virginia, are required to conduct a public hearing to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2025 through 2030 in Nelson County and on the Secondary System Construction Budget for Fiscal Year 2025,

NOW THEREFORE BE IT RESOLVED, that a public hearing will be held for this purpose in the General District Courtroom of the Nelson County Courthouse, 84 Courthouse Square, Lovingston, Virginia at 7:00 pm on Tuesday, May 14, 2024.

CLOSED SESSION PURSUANT TO §2.2-3711 (A)(3)

Mr. Reed moved that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711- (A)(3) - “Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.” Mr. Rutherford seconded the motion and there being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote.

Supervisors conducted the closed session and upon its conclusion, Mr. Reed moved to reconvene in public session. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors approved the motion by vote of acclamation.

Upon reconvening in public session, Mr. Reed moved that the Nelson County Board of Supervisors certify that, in the closed session just concluded, nothing was discussed except the matter or matters specifically identified in the motion to convene in closed session and lawfully permitted to be discussed under the provisions of the Virginia Freedom of Information Act cited in that motion. Mr. Rutherford seconded the motion and there being no further discussion, Supervisors voted unanimously (5-0) by roll call vote to approve the motion.

VI. NEW & UNFINISHED BUSINESS

A. County and Schools Project Financing (R2024-28)

Ms. McGarry introduced Roland Kooch of Davenport and Company, the County’s financial advisors. She noted that Mr. Kooch would present the results of the Bank RFP (Request for Proposals) for both the Schools’ Bond Anticipation Note (BAN) and the County’s BAN. Mr. Kooch explained that this was an update on where things stood with respect to the RFP process, with respect to the interim financing for both the Social Services project (County) and Schools. He noted that Davenport’s Debt Capacity/Affordability Analysis had included two (2) projects that were moving forward currently, including:

- The construction of a new facility that would house the County’s Department of Social Services (DSS building) estimated to cost \$9.5 million; and

- The renovation of Nelson County High School estimated to cost \$25.0 million (with \$2.5 million of that amount funded from a grant that had already been awarded for the project). Mr. Kooch noted that \$22.5 million would be source funded.

Mr. Kooch reported that the two (2) projects fit into the overall debt capacity analysis that Davenport had presented and discussed with the Board over the past year, which showed the County's capacity and affordability to be a \$57 million maximum capacity.

Mr. Kooch explained that on behalf of the County, Davenport distributed a request for proposals (RFP) to over 100 local, regional, and national banks for two (2) Tax-Exempt Lease Revenue Bond Anticipation. He indicated that this would provide interim financing for the design and startup costs, to get the County to the point where they would have bids in hand for the projects, and the ability to proceed forward with actual construction and permanent financing of the Social Services building (County), as well as the School Board to have the funds and the ability to have plans and specs to be positioned for permanent financing for the School project.

Mr. Kooch explained that they had structured the financing in the form of two (2) Tax-Exempt Lease Revenue Bond Anticipation Notes:

- A \$2.5 million Lease Revenue Bond Anticipation Note that would fund the initial costs related to the renovation of Nelson County High School; and
- A \$1.7 million Lease Revenue Bond Anticipation Note that would fund the initial costs related to the construction of the Social Services building.

He noted that they could independently track the spending on both projects, because they could involve two (2) separate financing vehicles. He explained that the County's project could go through VRA (Virginia Resources Authority). He noted that VRA could do all kinds of government projects, with the exception of schools. He indicated that the School project could potentially be funded through Virginia Public Schools Authority (VPSA), would could only finance for schools. He noted that the reason for keeping the interim financing separate was for the purpose of accounting and being able to track that forward to permanent financing.

Mr. Kooch explained the RFP (Request for Proposals) process. He noted that the RFP requested proposals for a direct bank loan with a final maturity of two (2) years. He explained that the time frame was to allow sufficient time in terms of final maturity so that the permanent financing could be put into place. He estimated that permanent financing would be put into place around spring of 2025, if everything went well in regards to design and bidding for both projects. He noted that this would allow the County to proceed with all of the A&E (architecture and engineering) work, and the preliminary costs to get to the point where they would have firm bids in hand and be able to know what would be financed for each project. He explained that the approach would allow the County to take advantage of the current interest rate environment. He noted that currently, interest rates have been going up, so the reinvestment rates provided a natural arbitrage, which was the ability for the County to keep its fund balance intact and keep its reserves working to generate interest income at a higher rate than what they were paying on the Bond Anticipation Note. He noted that anytime they could use other people's money to make more money on theirs, that was a natural plan of finance to take on.

Mr. Kooch explained that the interim financing would ultimately be permanently financed and rolled into long-term funding vehicles, whether it be through VRA, VPSA, or another form of financing. He noted that the RFP contemplated the use of Tye River Elementary School as collateral for both notes, particularly since they were financing school needs as well. He indicated that was typical and standard in a lease revenue transaction. He explained that once they rolled into permanent financing, that collateral would be

freed up. He reiterated that Tye River was not permanently encumbered in any long term financing. Mr. Kooch reported that the County had previously done this in 2022 with its Bond Anticipation Note. He noted that the financing would go through the Economic Development Authority as they would be the actual issuer, and the County and School Board would be parties the transaction as well.

Mr. Kooch reviewed the comparison of the proposals received from four (4) banking institutions – First National Bank, Truist Bank, U.S. Bank and Webster Bank. He reported that First National Bank had the lowest interest rate and the most flexibility. He noted that the other three (3) banks provided the same sort of interim financing, but they were all providing a form of financing that was called a drawdown at closing, or a Bond Anticipation Note that would be fully funded at closing.

	First National	Truist Bank	U.S. Bank	Webster Bank
2024A Note				
Proposed Interest Rate	4.70%	5.05%	5.08%	4.645%
Annual Interest Cost	\$117,500	\$126,250	\$127,000	\$116,125
2024B Note				
Proposed Interest Rate	4.70%	5.22%	5.08%	4.645%
Annual Interest Cost	\$79,900	\$88,740	\$86,360	\$78,965
Key Terms				
Prepayment	Any time, whole or part, no penalty	Any time after 6 months without penalty	Prepayable on May 1, 2025	Prepayable in whole after 18 months without penalty
Drawdown	Line of Credit OR All drawn at closing	All drawn at closing	All drawn at closing	All drawn at closing
Real Estate	Requires evidence of title or title search	Not specified	Not specified	Requires title search & insurance, env. Survey
Other Fees	Lender's Counsel \$7,500	Lender's Counsel \$8,000	Lender's Counsel \$5,000	Lender's Counsel \$5,000

Note: First National would allow for a Line of Credit (interest would only be paid on amounts drawn down). For the purposes of the comparison above, all funds are assumed to be drawn at closing.

Mr. Kooch reported that First National Bank provided a drawdown option, but they also provided an option to drawdown as needed, which was more like a line of credit or a construction loan concept. He pointed out that the great feature with drawing down as needed, was that they would only pay interest on amounts drawn down. He reported that at 4.7 percent interest, the annual interest cost was roughly \$117,000 on the School side, and \$80,000 on the County side, if everything was drawn down at closing and everything was being paid for one year. He noted that as they draw that down, it would naturally be less than that. He estimated on a reasonable basis that the interest expense could be half of that amount. Mr. Kooch noted that it was a cost effective financing vehicle and on that \$4.2 million, it allowed the County to preserve its cash and earn in excess of 4.7 percent on its cash with respect to current reinvestment opportunities. He indicated that the standard investment would be opportunities such as Local Government Investment Pool (LGIP). Mr. Kooch reported that First National Bank provided the ability to prepay, in whole, or in part with no penalties. He noted that the other banks had some element of call protection, or a lockout window, with respect to prepaying. He reported that First National Bank came in with the best terms and conditions and the lowest cost.

Mr. Kooch reported that Davenport was respectfully recommending that Nelson County move forward with the First National Bank line of credit proposal because it met all of the County's goals and objectives with the lowest cost form of financing. He noted that it allowed the County to take advantage of their own money in terms of reinvesting, it provided the ability to prepay anytime without penalty, and it allowed the ability to drawn down funds as needed and only pay interest on those amounts drawn down.

Mr. Kooch reviewed the timeline. He noted that they were present for the Board's resolution to proceed forward with the financing. He reported that the next two (2) actions that were required were the EDA's approval of its resolution, and the School Board's approval of its documents and collateral used to secure the Bond Anticipation Note line of credit. He noted that they were anticipating to close by April 30th and the funding would be in place at that time. He indicated that the County would then have access to those funds as needed to spend down on both projects. Mr. Kooch explained that since they were not using any County facility as collateral, there was no issue with respect to any location where the DSS building might be or property constraints.

Mr. Rutherford asked whether the Governor signed into place the 1 percent sales tax option. Ms. McGarry noted that he did not, he vetoed it. She indicated that there was a push to contact legislators. Mr. Reed asked if the Board were to adopt the resolution whether Mr. Kooch would be present at the EDA meeting the next day. Mr. Kooch confirmed that Davenport would be present at both the EDA and School Board meetings.

Dr. Ligon asked what the cost for Davenport's work would be. Mr. Kooch noted that all of the closing costs would be wrapped into the financing, which included bank closing costs, bond counsel closing costs and the financial advisor costs. He noted that the closing costs were fully funded and would require the County to pay out of its budget for anything related to closing costs. Ms. McGarry reported that the total cost of issuance would be about \$90,000, which included Davenport's cost, the Bond Counsel's cost, the Lender's Counsel, and a contingency amount in case of fluctuation. She noted that the closing costs were currently an estimate only.

Mr. Kooch noted the return to the County on its funds. He estimated that by the County being able to preserve its cash and earn at around five (5) to 5.5 (five and a half) percent, that would be about \$200,000 in interest earnings by preserving the County funds.

Mr. Kooch noted the LGIP and commented that a large number of Treasurers across the Commonwealth typically could and did, invest in the Local Government Investment Pool. He reported that the Local Government Investment Pool was run by the Department Treasury and was currently earning about 5.4 percent. He noted that when they thought about reinvestment of County funds, taking advantage of that kind of reinvestment rate, relative to borrowing rates, they could see where the spread could be. He indicated that they could earn more than they would pay on the type of facility.

Dr. Ligon commented that the County had \$6.6 million growing at only 2 percent. Mr. Kooch asked where that was invested because it seemed really low. Dr. Ligon noted that there was a money market earning 2.02 percent, and another at an average rate of 2.46 percent. Mr. Kooch suggested that may be something that Davenport could help with. Ms. McGarry asked if the information that Dr. Ligon was reviewing included anything for LGIP. Dr. Ligon reported that in LGIP there was \$12,219,000 at 5.49 percent. She noted the other investment pool had \$6.6 million at 5.5 percent.

Mr. Rutherford noted that they Count probably had to have a certain amount of funds liquid. Ms. McGarry noted that there were investment policies that the Treasurer had to adhere to. Mr. Kooch commented that with LGIP, as long as it was not the Extended Maturity Program, the regular LGIP was liquid, pretty much on 24 hours' notice. Dr. Ligon asked if Davenport advised the Treasurer at all. Mr. Kooch noted that they had not, but they would be glad to do so. He indicated that they did work with a lot of Treasurers on investment strategy. Dr. Ligon noted that part of the sales pitch was that they could make money on money, but they were not. Mr. Kooch noted that they were making money with LGIP and by financing, they were preserving roughly \$4.7 million in LGIP. He noted that if the County did not finance, they would be pulling that money out of investment and the interest earnings would decrease. Mr. Kooch reported that Davenport had just started working with a locality in southwest Virginia on optimization of investment management.

He noted that Davenport had an analytical program that could do that, and they would be glad to work with County staff to introduce the concept if Treasurer was willing to think about it. Ms. McGarry noted they could do that and see where it went. She indicated that it was ultimately up to the Treasurer as to where the County's funds were invested, and how, and how much. Mr. Kooch noted that money invested in LGIP and VIP (Virginia Investment Pool) was working for the County, and the financing for the projects would allow the County to maintain the money working for it. He noted if they did not finance, they would be drawing that investment amount down, which would reduce interest earnings and affect the 2025 budget.

Mr. Reed moved to approve **Resolution R2024-28** and Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-28
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION OF FINANCING**

WHEREAS, the Board of Supervisors (**the "Board of Supervisors"**) of the County of Nelson, Virginia (**the "County"**) requested the County's financial advisor Davenport & Company LLC (**the "Financial Advisor"**) to prepare and distribute a request for proposals (**the "RFP"**) to obtain financing proposals to finance (a) the design, improvement, expansion, renovation, construction and equipping of public school facilities, including design work for renovation and improvements to Nelson County High School (**the "School Project"**) and (b) the design, improvement, expansion, renovation, construction and equipping of County office facilities, including design work for facilities to be used for building inspection, planning and zoning, and department of social services purposes (**the "County Project" and, together with the School Project, the "Projects"**);

WHEREAS, the Financial Advisor reviewed responses to the RFP for the financing of the Projects and along with County staff recommends that the Board of Supervisors accept the proposal (**the "Proposal"**) from First National Bank (**the "Lender"**) for such financing with a selected interest rate as set forth in such Proposal and subject to such other terms as set forth therein;

WHEREAS, the Board of Supervisors requests the Economic Development Authority of Nelson County, Virginia (**the "Authority"**) to (a) issue, offer and sell its lease revenue bond anticipation notes in an amount not to exceed \$2,500,000 for the School Project (**the "2024A Note"**) and in an amount not to exceed \$1,700,000 for the County Project (**the "2024B Note" and together with the 2024A Note, the "Notes"**) to finance the Projects and pay certain costs of issuing the Notes, (b) lease the Tye River Elementary School (**the "Leased Property"**) from the Nelson County School Board (**the "School Board"**) under a Ground Lease (as defined below), and in turn, lease the Leased Property to the County under a Lease Agreement (as defined below) and (c) secure the Notes by an assignment of its rights under such Lease Agreement (except the right to receive indemnification, to receive notices and to give consents and to receive its administrative expenses) and the Ground Lease under an Assignment Agreement (as defined below), which is to be acknowledged and consented to by the County, all in accordance with a Note Purchase Agreement (as defined below);

WHEREAS, there have been presented to this meeting drafts of the following documents (**collectively, the "Documents"**) in connection with the transactions described above, copies of which shall be filed with the records of the Board of Supervisors:

- a. a Ground Lease, dated as of April 15, 2024, among the County, the School Board and the Authority conveying to the Authority a leasehold interest in the Leased Property (**the**

“Ground Lease”);

- b. a Lease Agreement, dated as of April 15, 2024, between the Authority and the County **(the “Lease Agreement”)** conveying to the County a leasehold interest in the Leased Property which is to be consented and agreed to by the School Board;
- c. a Note Purchase Agreement, dated as of April 15, 2024 among the Authority, the County and the Lender, pursuant to which the Notes are to be issued **(the “Note Purchase Agreement”)**;
- d. an Assignment Agreement, dated as of April 15, 2024 between the Authority and the Lender, assigning to the Lender certain of the Authority’s rights under the Lease Agreement and the Ground Lease, which is to be acknowledged and consented to by the County and the School Board **(the “Assignment Agreement”)**; and
- e. a Specimen 2024A Note and a Specimen 2024B Note.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nelson, Virginia:

- 1. All costs and expenses in connection with the issuance of the Notes, including the Authority’s expenses, the fees and expenses of the County, and the fees and expenses of Sands Anderson PC as the County’s Bond Counsel (**“Bond Counsel”**), the County Attorney, the Financial Advisor and the Lender, and other fees and expenses related thereto, for the sale of the Notes, shall be paid from the proceeds therefrom or other funds of the County.
- 2. The Board of Supervisors hereby instructs the Financial Advisor and Bond Counsel to take all such action as necessary or appropriate to accept the Proposal and conclude the purchase of the Notes, or either of them, by the Lender.
- 3. The following plan for financing the Projects is approved. The Authority shall use the proceeds from the issuance of the 2024B Note to finance the County Project and shall use the proceeds from the issuance of the 2024A Note to finance the School Project. The Authority shall lease the Leased Property from the School Board under the Ground Lease, and lease the Leased Property to the County under the Lease Agreement for a lease term not less than the term of the latest to mature of the 2024B Note and the 2024A Note at a rent sufficient to pay when due the interest and principal on the Notes. The obligation of the Authority to pay principal and interest on the Notes will be limited to rent payments received from the County under the Lease Agreement. The obligation of the County to pay rent under the Lease Agreement will be subject to the Board of Supervisors of the County making annual appropriations for such purpose. The Board of Supervisors on behalf of the County has adopted this resolution as its moral obligation to the repayment of the Notes and as a statement of its intent to consider the appropriation of funds sufficient to pay rent under the Lease Agreement annually during the term thereof. The Notes will be secured by an Assignment Agreement to the Lender as the holder thereof. If the Board of Supervisors exercises its right not to appropriate money for rent payments, the Lender may terminate the Lease Agreement or otherwise exclude the County from possession of the Property. The issuance of the Notes on the terms set forth in the Note Purchase Agreement is hereby approved.
- 4. The Board of Supervisors hereby approves the Proposal and the Documents. The Board of Supervisors approves the form of the 2024A Note in the principal amount of not to exceed \$2,500,000, with a fixed annual interest rate not to exceed 4.70% , and a maturity date of on or about May 1, 2026, subject to other terms as set forth therein with such changes, including but not

limited to changes in the amounts, dates, payment dates and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his or her approval of the same. The Board of Supervisors further approves the form of the 2024B Note in the principal amount of not to exceed \$1,700,000, with a fixed annual interest rate not to exceed 4.70%, and a maturity date of on or about May 1, 2026, subject to other terms as set forth therein with such changes, including but not limited to changes in the amounts, dates, payment dates and rates as may be approved by the officer executing it whose signature shall be conclusive evidence of his or her approval of the same. The County Administrator or Chairman is hereby authorized to determine the final terms of each of the Notes, including, but not limited to the principal amount, maturity, number of Notes and amortization, whose determination shall be conclusive, as evidenced by his or her execution of the Documents to which the County is a party.

5. The Chairman or Vice Chairman of the Board of Supervisors, or either of them, and the County Administrator and Clerk of the Board of Supervisors are each hereby authorized and directed to execute the Documents and such other instruments, agreements and documents as are necessary to create and perfect a complete assignment of the rents and profits due or to become due in favor of the Lender, to encumber leasehold interests in the Leased Property for the benefit of the Lender, to issue the Notes or either of them, and to lease the Leased Property. The County hereby requests the Authority to issue the Notes pursuant to and in accordance with the Documents. The Board of Supervisors consents to Sands Anderson PC serving as bond counsel and acting in such capacity as well as Authority counsel in this financing.
6. The County represents and covenants that it shall not take or omit to take any action the taking or omission of which will cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (**the "Code"**) or otherwise cause the interest on the Notes to be includable in gross income for Federal income tax purposes under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the Authority or the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds from the sale of the Notes.
7. Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.
8. All other acts of the officers of the County that are in conformity with the purposes and intent of this resolution and in furtherance of the plan of financing, the issuance and sale of the Notes and the financing of the Projects, are hereby approved and ratified.
9. The County by acceptance of this financing agrees to indemnify, defend and save harmless, to the extent permitted by law, the Authority, its officers, directors, employees and agents from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses in any way connected with the Authority, the issuance of the Notes or the lease of the Property.
10. Nothing in this Resolution, the Notes or any documents executed or delivered in relation thereto shall constitute a debt or a pledge of the faith and credit of the Authority or the County, and the Authority shall not be obligated to make any payments under the Note or the Documents except from payments made by or on behalf of the County under the Lease Agreement pursuant to annual appropriation thereof in accordance with applicable law.

11. This resolution shall take effect immediately.

B. Real Estate Tax Exemption Applications

Ms. McGarry introduced the Real Estate Tax Exemption applications. She reported that the Commissioner of Revenue received two (2) applications for tax exemption, one for the University of Virginia Physicians Group, and one for the University of Science and Philosophy. She explained that procedurally, the Commissioner reviews the applications, visits the properties, provides the Board with her recommendation, and the applications then come before the Board. Ms. McGarry noted that the Commissioner of Revenue, Kim Goff, along with the County Attorney, Phillip Payne, were present to answer any questions that the Board may have. Ms. McGarry explained that as far as action, the Board could table the applications and take no action, or if they were to take action, the action to take would be to authorize a public hearing on the tax exemption applications.

Commissioner of Revenue Kim Goff reviewed the applications for tax exemption. She reported that the first application was from the University of Virginia Physicians Group located in Nellysford. She explained that the University of Virginia Physicians Group was seeking exemption on the grounds that the property was being used as a medical provider's office, and to educate medical providers. Ms. Goff reported that she did visit the property, and she confirmed that it is a doctor's office. She recommended that the applicant did not meet any of the requirements for the exemption under the Code of Virginia §58.1-3606 and §58.1-3651.

Mr. Rutherford asked what the qualifications for exemption were and whether it had to be education. Ms. Goff indicated that it primarily had to be used for education. She noted that exemption was for incorporated colleges, or other institutions of learning, not conducted for profit.

Dr. Ligon asked if Blue Ridge Medical Center was exempt. Ms. Goff reported that they were not. Dr. Ligon noted that she did not think the applicant qualified. Mr. Parr agreed.

Ms. Goff then reviewed the application for tax exemption from the University of Science and Philosophy. She explained that when she wrote her letter of recommendation, there were 24 parcels (four (4) houses and 20 wooded lots without buildings) but six (6) of the lots had since been sold. She indicated that the University of Science and Philosophy was located in the Swannanoa area. She reported that the applicant was seeking exemption based on:

1. Education
2. Meeting rooms and lodging space for students and faculty
3. Meeting rooms and lodging for students and guests free of charge
4. 467 Russell Way (Tax Map #3A1 1 E 17) has a private burial ground where the founders were buried.

Ms. Goff explained that the University of Science and Philosophy had a home study course. She noted there was a museum in Waynesboro also. She reported that the founders, the Russells who also founded Swannanoa, were buried on the property in a small cemetery with three burial sites, maybe 12x12 in size.

Ms. Goff reported that she visited the houses. She reported that House #1 was currently being renovated. She noted that the house was currently vacant, but it would be used as a guesthouse and to also house students.

She then noted that House #2 was currently being lived in by an author. Ms. Goff reported that House #3 was being renovated due to water damage. She noted that House #3 was currently vacant but it would be used for the Executive Director. She then reported that House #4 was being lived in by an employee. She noted that the burial ground was located on the hill behind House #4.

Ms. Goff reported that she had visited the property. She recommended that the applicant did not meet the requirements for exemption under the Code of Virginia §58.1-3606 and §58.1-3651. She noted that it may be possible for the county assessor to review the cemetery during the next County assessment and make a portion of the property as an exempt cemetery.

Mr. Rutherford stated that the application did not meet.

Mr. Reed asked what the recourse would be if no action was taken. Mr. Payne commented that the applicants could not compel the Board to do it.

Ms. Goff asked whether the burial ground needed to be considered. Mr. Payne noted that private cemeteries did not have to be taxed.

There were no actions taken by the Board in regards to either application for exemption. Ms. Goff noted that she would inform the applicants that they did not qualify for exemption.

C. Lovington Logo Usage Agreement (R2024-29)

Ms. Maureen Kelley reported that they would like to move forward on the usage of the Lovington logo. She indicated that Resolution R2024-29 would authorize the County to execute an agreement. She thanked Mr. Payne for his work on the agreement. Mr. Rutherford noted that he was happy about it and it was good for the community. He commented that there were a lot of individuals who were waiting to utilize the logo as best they could.

Mr. Parr asked how they would make sure that the logo was either black and white, or the original logo colors as approved. Ms. Kelley indicated that she would be verifying the uses, along with the colors.

Mr. Rutherford made a motion to approve **Resolution R2024-29** and Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-29 NELSON COUNTY BOARD OF SUPERVISORS APPROVAL OF THE NELSON COUNTY LOGO USAGE AGREEMENT

WHEREAS, at their February 13, 2024 meeting, the Nelson County Board of Supervisors approved the Lovington logo; and

WHEREAS, the draft usage agreement will ensure that the brand is available for use but not altered, thus creating a consistent message for the village of Lovington;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors approves the attached Nelson County Logo Usage Agreement for the Lovington Logo.

REQUEST TO USE LOVINGSTON LOGO

1. Requests to use the Lovington logo must be made to the Nelson County Department of Tourism & Economic Development at info@nelsoncounty.org together with an application fee of \$25.00 payable to _____.
2. The applicant must provide detailed information describing how the logo will be used. The applicant must provide the County with a final proof or other visual depiction of the proposed use of the logo prior to final approval by the County. The logo may be either in single or full color and must not be scaled disproportionately.
3. The County reserves the right to approve or reject all uses of the logo.
4. Upon approval, logo will be provided by the County in electronic format.

NELSON COUNTY LOGO USAGE AGREEMENT

THIS AGREEMENT, dated _____, shall constitute a non-exclusive license granted by Nelson County, Virginia, (the "County") to _____ (User") for the use of the Lovington logo (the "Logo") under the following terms and conditions:

1. This license shall commence on _____ and, unless earlier terminated under other provisions of this Agreement, shall expire upon rebranding or other modification of the Logo by the County.
2. User acknowledges that the Logo is the sole and separate property of the County and any use hereunder shall not give rise to any right of use or ownership except as set forth herein. The license under this Agreement is non-transferable. All use of the Logo must cease upon termination of the license.
3. Use of the Logo beyond that approved by the County will result in immediate termination of this license.
4. The Logo may neither be altered nor modified in any way. Users are prohibited from adopting a sub-brand Logo or any other variation of the Logo as their own primary logo. Failure to follow these guidelines might endanger trademark rights and can result in the immediate termination of the license under this Agreement.
5. Upon any violation of the terms of this Agreement by User, the County may terminate the license forthwith, and upon written notice to User to that effect, User shall cease all use of the Logo or likeness thereof and shall not thereafter use, broadcast, distribute, or display any items, documents or other materials containing the Logo or likeness.
6. In any suit or action instituted by the County to enforce any term of this Agreement, or to protect its trademark, in which the County substantially prevails, the User will reimburse the County for all its costs, legal fees, and related expenses.

Nelson County

By _____

User

User

D. Authorization for Public Hearing on FY25 Budget (R2024-30)

Ms. McGarry introduced the FY25 budget hearing authorization information. She noted that they currently had on the calendar to authorize the FY25 budget public hearing for May 14th. She indicated that she may want to recommend to the Board that the public hearing take place at a later date, potentially, June 4th if the June 11th budget adoption date was desired to be kept as planned. She indicated that they only needed seven (7) days between the budget public hearing and the budget adoption. Ms. McGarry reminded the

Board that they had to have an approved budget by the end of June. She noted that she felt the delay would give staff and the Board more time to work through some of the remaining pieces of the budget. She indicated that the Board had a budget work session on Thursday, and a public hearing on the tax rate. She reported that the Commissioner of Revenue needed the tax rates by April 30th. She noted that a delay could allow more time to finalize things before going to public hearing.

Mr. Parr asked for the proposed date for the public hearing. Ms. McGarry noted that it was June 4th, which was the Tuesday before the June 11th regular Board meeting date. She also noted that the Board could hold the public hearing on June 11th and return one week later to adopt the budget then. The Board was in agreement to hold the public hearing on June 4th and the budget adoption on June 11th.

Mr. Rutherford made a motion to approve **Resolution R2024-30** as amended to hold the public hearing on June 4, 2024 at 7:00 p.m. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

**RESOLUTION R2024-30
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR PUBLIC HEARING ON FY25 BUDGET**

BE IT RESOLVED, by the Nelson County Board of Supervisors, that pursuant to §15.2-2503, and §15.2-2506 of the Code of Virginia 1950 as amended that a public hearing on the FY25 Budget is hereby authorized to be held on Tuesday, June 4, 2024 at 7:00 PM in the General District Courtroom of the Courthouse in Lovingson, Virginia.

VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE

A. Reports

1. County Administrator's Report

Ms. McGarry provided the following report:

- A. Comprehensive Plan:** The project website is www.Nelson2042.com. The Board held its public hearing on March 20th with consideration of proposed amendments to the draft plan as a result of the public hearings to be considered at the evening session. Staff has prepared an adoption resolution for the Board's consideration. Following adoption of the plan, the next step is to consider proposed Zoning and/or Subdivision Ordinance amendments identified by Berkley Group as bringing the Ordinances in line with the adopted Comprehensive Plan.
- B. Lovingson Front Street Sidewalk Improvements TAP Grant:** This project is part of the draft Six Year Improvement Plan (SYIP) that will be considered for approval by the Commonwealth Transportation Board. The Lynchburg District Spring SYIP Public hearing meeting will start at 4:00 p.m. on Wednesday May 1, 2024, at 4303 Campbell Ave. Lynchburg, Virginia at the district office in the Ramey Memorial Auditorium. Formal public comment on District projects proposed to be included in the SYIP will be accepted at the meeting. Written comments may also be submitted during the meeting, or they may be mailed or e-mailed to Six-YearProgram@vdot.virginia.gov afterwards and accepted until May 20, 2024.

- C. Route 151 Through Truck Restriction: No Change,** this task is being delegated from Administration to Planning and Zoning.
- D. Lovington System Water/Sewer Capacity Study:** The Consultant has the needed data from NCSA, has completed the summary of their current water/sewer usage, have developed preliminary water/sewer demands for the former Larkin Property, and are consulting with GIS Staff on getting some additional data. Once all data is assembled, County and NCSA staff and CHA will meet prior to them issuing their report.
- E. Savion/Wild Rose Solar Project:** The Special Use Permit application is forthcoming on the Savion/Wild Rose Solar project proposed for the Gladstone area of the County. Staff and Mr. Payne met with Savion staff and their legal team for an initial siting agreement discussion. They will be providing the County with a proposed agreement in the next 1-2 weeks for review by County staff, Mr. Payne, and preferably 2 Board members (ideally Chair Parr and South District Supervisor, Dr. Ligon). The full Board would then review a final draft of the siting agreement and authorize a public hearing on the document. Work on the siting agreement is anticipated to be done concurrently with the SUP application's progress through the Planning Commission to the Board; ideally culminating in concurrent public hearings held on each item.

Ms. McGarry explained that the public hearings would be held on the same night, but each one would have its own separate hearing.

- F. Transfer of Funds from NCBA:** The January 2024, NCBA approved transfer of funds to the County of \$300,000 has occurred. The funds have not yet been appropriated for use within the FY24 General Fund budget; however, they can be appropriated either for a specific purpose as directed by the Board or to the County's Non-recurring contingency. If not appropriated for use within the FY24 budget, these funds will become part of the General Fund balance (reserve).

Ms. McGarry also noted that the Board could pull the funds into the FY25 budget for something specific if they desired.

- G. Staff Reports:** Department and office reports for February/March have been provided.

Additionally, Ms. McGarry reported that the County received notice from VDOT that they are considering the turn lane improvement project on Route 29 northbound at the intersection with Route 653 (Oak Ridge Road). She indicated that the proposed project would improve capacity and enhance safety, by extending the existing right turn lane on Route 29 northbound, and realigning Oak Ridge Road at the intersection to improve sight distance and enhance the right turn movements. She reported that VDOT had issued a Notice of Willingness to Hold a Design Public Hearing on the project. She noted that if questions or concerns by the Board could not be satisfied, then they could request a public hearing.

Ms. McGarry reported that she had received a brief status update on the Heritage Center and the Health Department relocation from Ms. Burdette that morning. Ms. McGarry noted that the provided update stated that the Heritage Center had been able to close on their loan with Locust Bank (formerly BCC). She reported that Wall Construction had resumed construction on the renovation project. She noted that Wall Construction was working on a revised project schedule with a completion date of July 31, 2024. She also reported that VDH had been updated on the change in completion, which everyone seemed on board with. Ms. McGarry indicated that Ms. Burdette was having weekly meetings with VDH and the Department of General Services to provide real time updates and ensure that everyone is on the same page. She noted that Ms. Burdette offered to present a more detailed update to the Board upon request.

Mr. Reed asked about the concurrent public hearings listed under item E. of Ms. McGarry's report. He

asked if that meant the Board would hold a public hearing, both on the Special Use Permit (SUP) application, and the Siting agreement, as two (2) separate public hearings. Ms. McGarry noted that the goal was to have the two (2) separate public hearings on the same night. Mr. Reed asked about the Planning Commission. Ms. McGarry explained that the Planning Commission would have their own public hearing first, through the exact same public hearing process. She noted that the Planning Commission would not get the Siting Agreement as it was for the Board.

Mr. Parr asked if there were any dates in mind for when he and Dr. Ligon would be doing any work with on the Solar Project. Ms. McGarry indicated that there were no dates currently. She explained that the County would have the Siting Agreement in the next week or two, and as soon as it was in hand, staff would look at dates to discuss it with Mr. Parr and Dr. Ligon.

2. Board Reports

Dr. Ligon:

Dr. Ligon had no report.

Mr. Reed:

Mr. Reed had no report.

Mr. Rutherford:

Mr. Rutherford reported that he had learned that old VDOT easements were by-right right-of-ways that the Board of Supervisors around the time of Hurricane Camille, chose to quit doing maintenance on. He noted that there were five (5) to six (6) roads in his district alone, that were impacted by that. He indicated that it was difficult for those with property at the end of those roads because there was no road maintenance agreement, so there was no recourse for anyone to maintain the road. Mr. Rutherford noted that there was not much to report from the TJPDC meeting.

Mr. Harvey:

Mr. Harvey had no report.

Mr. Rutherford reported that Schuyler now had 5G cell service.

Dr. Ligon asked about the Jail Board meeting and upcoming votes on funding. Ms. McGarry reported that at the last jail board meeting, they voted to approve the interim financing for the jail renovation project. She indicated that the next jail board meeting was that Thursday, and they were going to consider adoption of the FY25 budget. Dr. Ligon asked what the County's financial responsibility was to the jail. Ms. McGarry noted that a small amount was in the County's FY25 budget for the interest only payment on the interim financing. She estimated that amount to be around \$38,000. Ms. McGarry indicated that the amount would increase to over a few hundred thousand dollars once they started paying the full principal and interest for the project.

Mr. Parr:

Mr. Parr reported that Social Services had five (5) new employees. He noted that the energy from that group coming in was great. He noted that a few of the new hires were young people and a few were native Nelsonians. He commented that Brad Burdette and Allison McGarry had done a great job recruiting and

hiring those folks. He suggested that should the Board see either Mr. Burdette or Ms. Allison McGarry, that they make sure to let them know they had done a fantastic job. Mr. Parr indicated that the EMS Council had not yet met since the Board's last meeting.

B. Appointments

Ms. Spivey reported that they were advertising for the vacancies on the Ag and Forestal District Advisory Committee, as well as the Economic Development Authority (EDA), and the MACAA Board of Directors. She noted that they had not received any applications. She noted that they would see several expiring terms in the next few months for the EDA and Service Authority. She indicated that she would have those for the Board at next month's meeting. She noted the positions would be advertised. She indicated that there were people interested in serving again in their current positions.

Mr. Parr asked if any additional outreach had been for the Ag and Forestal position. He suggested reaching out to Farm Bureau. Ms. Spivey indicated that they could reach out, noting that was a good suggestion. Mr. Parr asked if EDA was appointed by district. Ms. Spivey reported that the EDA appointments were not by district, they were County-wide positions.

C. Correspondence

The Board had no correspondence to discuss.

D. Directives

The Board had no directives.

IX. ADJOURN AND CONTINUE – EVENING SESSION AT 7PM

At 4:17 p.m., Mr. Rutherford made a motion to adjourn and reconvene at 7:00 p.m. and Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

I. CALL TO ORDER

Mr. Parr called the meeting to order at 7:00 p.m., with five (5) Supervisors present to establish a quorum.

II. PUBLIC COMMENTS

There were no persons wishing to speak under Public Comments.

III. 2042 COMPREHENSIVE PLAN (R2024-31)

Ms. McGarry thanked Ms. Bishop and her staff for the excellent work that had been done over the past two years on the plan. She also thanked the Planning Commission and the Board of Supervisors for their hard work on the plan as well. She also thanked the public for their engagement throughout the process.

Ms. Bishop noted the process for the Comprehensive Plan update started with a tour of the County with the consultants. She reported that the community survey received over 900 responses. She noted that they met with stakeholder groups and focus groups, held work sessions and had various kinds of engagement during the process. She indicated that they were pleased with the level of turnout that they had from that.

Ms. Bishop presented the following:

The Planning Commission conducted a public hearing for the Nelson 2042 Comprehensive Plan Update on January 31, 2024. At their regular meeting on February 28, the Planning Commission recommended approval (6-0) with several amendments. The Board of Supervisors held a public hearing on March 20, and will review Planning Commission's recommendations along with comments received at the public hearings. A summary of recommendations is provided below.

PC Recommendations as presented by Berkley Group (Policy Related Amendments):

1. Remove Montebello from Rural Destination Land Use Category
 - Delete from Future Land Use Map
 - Delete Description on page 41
2. Add a Strategy to Land Use Chapter
 - Discourage the use of large-scale development in Montebello through zoning

Other PC Recommendations (Editorial Corrections):

3. Page 32, Table 3.1 – Check boxes for steep slopes and floodplain for Montebello
4. Page 149, Local Assets – Add Priest and Three Ridges Wilderness areas, and access to primitive recreation
5. Page 67 – Indicate that railway runs through the County but doesn't currently serve its residents
6. Page 90, Housing Quality and Maintenance – remove "..., and 39% of homes are considered vacant. This is relatively high compared to the statewide vacancy rate of 11%."
7. Page 171 – Tuckahoe Clubhouse "Serves as the community center for the Wintergreen area..."
8. Page 172 – Sentara does not offer dermatology
9. Glossary – definition of "easement" should be "conservation easement"
10. Add a definition for "by-right" to the Glossary (see #13 below)

Additional Recommendations Following Public Hearings:

11. Page 44, Core Concept – "Prioritize protection of rural landscape, moderate **small-scale village style mixed use development**, restoration and connectivity, efficient and effective provision of community services, and improved quality of life." (Note: There are definitions in the Glossary for 'small-scale commercial development,' small-scale multi-family residential development,' 'mixed use,' and 'traditional neighborhood development' which includes 'village-style' development.)
12. Page 218, Glossary – "Small-Scale Multi-Family Residential: Housing options such as apartments, duplexes, triplexes, or townhomes that are developed in a way to have a small impact to the surrounding area in regard to such things as traffic volume, noise, lighting, **viewshed**, etc. Smallscale multi-family residential should be developed using the same amount of land coverage as a single-family dwelling.

Ms. Bishop noted that it was recommended to add viewshed as a review factor for Small-Scale Multi-Family Residential.

13. Proposed definition for “by-right” – “A use permitted or allowed in the district involved, without review by the governing body, and complies with the provisions of these zoning regulations and all other applicable local, state and federal ordinances and regulations.”

14. Pages 73-75, Table 4.1 and Map 4.8, Recommended Priority Transportation Projects – Add three additional projects including (1) Roundabout at Route 151 and Tanbark Drive, (2) Turn Lane Improvements at Route 151 and Rockfish School Lane, and (3) Turn Lane Improvement at Route 151 and Mill Lane. (These projects have been identified in the recently released Route 151 Corridor Study and are slated for this round of SmartScale applications.)

Ms. Bishop noted that the SmartScale applications had been presented to the Board earlier in the year. She explained that since the Route 151 Corridor Study had just recently been released, it was not incorporated into the Comprehensive Plan. She noted that the three (3) SmartScale projects are what they would ask the Board to go ahead and approve that evening.

Mr. Parr commented on the list of recommendations and reference item number 7. He suggested removing “the” from the Wintergreen. page 1 - #7 remove "the" from the Wintergreen. Ms. Bishop agreed.

Mr. Rutherford referenced item number 13 regarding the proposed definition for by-right. He asked if they needed to quantify grandfathering for a use that was by-right at the time. Ms. Bishop noted that would not affect grandfathering status, it simply was to attach a definition with the concept. She explained that they had researched eight (8) to ten (10) localities in the area, and only two (2) had definitions for by-right. She noted that it was almost exactly word for word the proposed by-right definition recommended. Ms. Bishop indicated that they had pulled the definition from the Planners Dictionary, which was used by the American Planning Association.

Mr. Harvey had no comments to add.

Dr. Ligon had no comments to add.

Mr. Reed reiterated Ms. McGarry's comments, noting that without the comments from the public, and the work from everyone, the Comprehensive Plan would not be what it was.

Ms. Bishop commented on the difference between the Core Concept on page 44 and she asked if what was proposed with item number 11 was a better fit. She explained that it changed from “prioritize protection of rural landscape and moderate small village residential and commercial development.” She noted staff thought that “moderate small-scale mixed use development” was a little clearer. The Board was in agreement with the proposed change.

Mr. Rutherford read **Resolution 2024-31** and made a motion to approve the resolution with the attached authorized amendments. Mr. Reed seconded the motion.

Mr. Bishop noted on sixth “Whereas” of the resolution, it was not a joint hearing, rather just a public hearing. Mr. Rutherford amended his motion to approve the resolution as amended at the sixth Whereas with the attached authorized amendments. Mr. Reed seconded the amended motion. There being no further

April 9, 2024

discussion, Supervisors approved the motion unanimously (5-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-31
NELSON COUNTY BOARD OF SUPERVISORS
ADOPTION OF THE *NELSON 2042* COMPREHENSIVE PLAN

WHEREAS, Section 15.2.2223 of the Code of Virginia, as amended, requires that localities “prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction” and review that plan every five years;

WHEREAS, consistent with the County’s ongoing obligation to review its Comprehensive Plan, the Nelson County Planning Commission and Board of Supervisors reviewed the Comprehensive Plan for Nelson County; and

WHEREAS, the *Nelson 2042* Comprehensive Plan update draws on community input from outreach efforts including a public survey, community workshops and focus group meetings; and

WHEREAS, the Nelson County Planning Commission and Board of Supervisors held a kick-off joint work session on May 31, 2022, to develop the draft Comprehensive Plan and met six times to draft the Comprehensive Plan; and

WHEREAS, a public open house was held by the Planning Commission and the Board of Supervisors on August 29, 2023, to present the draft amendments to the County’s Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on January 31, 2024, after notice in accordance with Section 15.2-2204 of the Code of Virginia, and heard citizen testimony regarding the proposed amendments to the Comprehensive Plan; and

WHEREAS, pursuant to the Code of Virginia § 15.2-2223, the Planning Commission finds that the proposed draft *Nelson 2042* Comprehensive Plan will provide a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants.

NOW, THEREFORE, BE IT RESOLVED that on this 09th day of April, 2024, that the Nelson County Board of Supervisors, pursuant to Code of Virginia § 15.2-2226, does hereby approve the *Nelson 2042* Comprehensive Plan.

BE IT FURTHER RESOLVED that upon adoption by the Board of Supervisors, the *Nelson 2042* Comprehensive Plan will supersede and replace, in their entirety, the previously adopted Comprehensive Plan of Nelson County, Virginia (adopted 2002).

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes County staff to make non-substantive edits, including correction of punctuation, numbering, internal cross-references, citations to any statutes, and any related clerical-type changes to the text and exhibits as necessary to ensure internal consistency of the newly adopted Comprehensive Plan elements and, add language as may be necessary for clarification of information and correct any factual errors.

AND BE IT FURTHER RESOLVED that the Board of Supervisors authorizes County staff to include the

attached authorized amendments to the draft Comprehensive Plan, *Nelson 2042*, as a result of the January 31, 2024 Planning Commission public hearing and the March 20, 2024 Board of Supervisors' public hearing.

Authorized Amendments to the draft Comprehensive Plan, Nelson 2042

PC Recommendations as presented by Berkley Group (Policy Related Amendments):

1. Remove Montebello from Rural Destination Land Use Category
 - Delete from Future Land Use Map
 - Delete Description on page 41
 2. Add a Strategy to Land Use Chapter
 - Discourage the use of large-scale development in Montebello through zoning
- Other PC Recommendations (Editorial Corrections):
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 10. Add a definition for "by-right" to the Glossary (see #13 below)

Additional Recommendations Following Public Hearings:

11. Page 44, Core Concept – "Prioritize protection of rural landscape, moderate small-scale village-style mixed use development, restoration and connectivity, efficient and effective provision of community services, and improved quality of life." (Note: There are definitions in the Glossary for 'small-scale commercial development,' 'small-scale multi-family residential development,' 'mixed use,' and 'traditional neighborhood development' which includes 'village-style' development.)
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13. Proposed definition for "by-right" – "A use permitted or allowed in the district involved, without

April 9, 2024

review by the governing body, and complies with the provisions of these zoning regulations and all other applicable local, state and federal ordinances and regulations.”

14. Pages 73-75, Table 4.1 and Map 4.8, Recommended Priority Transportation Projects – Add three additional projects including (1) Roundabout at Route 151 and Tanbark Drive, (2) Turn Lane Improvements at Route 151 and Rockfish School Lane, and (3) Turn Lane Improvement at Route 151 and Mill Lane. (These projects have been identified in the recently released Route 151 Corridor Study and are slated for this round of SmartScale applications.)

Mr. Parr thanked Ms. Bishop. Ms. Bishop thanked the Board and noted that future decision making should now be better guided. She reviewed next steps noting that they would send the resolution and amendments off to Berkley Group to allow them to complete the changes to the Comprehensive Plan. She noted that Berkley Group would provide the Diagnostic of the Zoning and Subdivision Ordinances to align with the Comprehensive Plan. She indicated that the Diagnostic would be circulated around and brought before the Board for review.

Mr. Rutherford thanked staff and the Berkley Group for their work.

Mr. Reed asked if the Planning Commission would get the first round of discussion on zoning before the proposal came before the Board. Ms. Bishop noted that Board would need to decide whether they wanted to continue to work with the Berkley Group, put out an RFP (Request for Proposals), or do the work internally. She indicated that they would be looking for a decision from the Board on that process.

IV. OTHER BUSINESS (AS PRESENTED)

The Board had no other business to discuss.

V. ADJOURN AND CONTINUE TO APRIL 11, 2024 AT 4 P.M. FOR A BUDGET WORK SESSION.

At 7:16 p.m., Mr. Reed made a motion to adjourn and continue the meeting to April 11, 2024 at 4 p.m. for a budget work session. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting was adjourned.

BOARD OF
SUPERVISORSTHOMAS D. HARVEY
North DistrictERNIE Q. REED
Central DistrictJESSE N. RUTHERFORD
East DistrictJ. DAVID PARR
West DistrictDR. JESSICA LIGON
South DistrictCANDICE W. MCGARRY
County AdministratorAMANDA B. SPIVEY
Administrative Assistant/
Deputy ClerkLINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2024-64
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF FISCAL YEAR 2024-2025 BUDGET
September 10, 2024

I. Appropriation of Funds (General Fund)

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 9,024.85	3-100-003303-0036	4-100-999000-9905
\$ 5,967.80	3-100-002404-0009	4-100-999000-9905
\$ 31,250.00	3-100-002404-0047	4-100-999000-9905
\$ 2,033.79	3-100-002404-0049	4-100-999000-9905
\$ 33,994.00	3-100-009999-0001	4-100-091050-7078
\$ 30,631.00	3-100-009999-0001	4-100-022010-5419
\$ 43,184.89	3-100-003303-0046	4-100-999000-9905
\$ 38,000.00	3-100-003303-0043	4-100-999000-9905
\$ 194,086.33		

II. Transfer of Funds (General Fund Contingency)

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 3,395.00	4-100-999000-9905	4-100-021040-3025
\$ 4,400.00	4-100-999000-9905	4-100-031020-1003
\$ 143,556.00	4-100-999000-9905	4-100-091050-7023
\$ 75,600.00	4-100-999000-9905	4-100-091050-7100
\$ 90,047.00	4-100-999000-9905	4-100-091050-7174
\$ 316,998.00		

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

EXPLANATION OF BUDGET AMENDMENT

- I. Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line. The General Fund Appropriations of \$156,086.33 include requests of (1) \$9,024.85 appropriation requested for FY24 Victim Witness Grant federal revenue received in FY25; (2) \$5,967.80 appropriation requested for FY24 Victim Witness Grant state revenue received in FY25; (3) \$31,250.00 appropriation request for FY24 Virginia Department of Emergency Management Staff Recognition grant revenue received in FY25 that was expensed in FY24; (4) \$2,033.79 appropriation request for FY23 PSAP Education Program (PEP) grant revenue received in FY25; (5) \$33,994.00 request to reappropriate unused FY24 Sheriff's vehicle costs expensed in FY25 (6) \$30,631.00 request to reappropriate unused FY24 Commonwealth Attorney's Asset Forfeiture funds for use in FY25; (7) \$43,184.89 to appropriate FY24 Sheriff's ARPA Equipment Grant revenue received in FY25; (8) \$38,000.00 appropriation requested for FY24 Tourism ARPA Grant Federal Revenue received in FY25. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$743,130.10 for September. Of the total appropriations this month, \$129,461.33 represents FY24 accrual revenue received to date in FY25 and returned to Non-Recurring Contingency.***
- II. Transfers represent funds that are already appropriated in the budget, but are moved from one line item to another. Transfers do not affect the bottom line of the budget. Transfers from General Fund Non-Recurring Contingency in the amount of \$316,998.00 are reflected in (1) \$3,395.00 transfer for FY24 Virginia Juvenile Community Crime Control Act (VJCCCA) to reimburse State revenue received above expenditures; (2) \$4,400.00 transfer is requested for FY23 carryover Forestry Service Grant funds to be used in FY25; (3) \$143,556.00 is requested to appropriate costs of Amended Comprehensive Plan Zoning & Subdivision Ordinance Update; (4) \$75,600.00 transfer is requested to appropriate FY25 VDOT TAP Front Street Sidewalk Improvement Project local match funds (balance of \$1,300,895 to be appropriated in FY26 and FY27); (5) \$90,047.00 transfer is requested to appropriate the cost of the Callohill Property Conveyance to the County of Nelson. *Following approval of these expenditures, the balance of Non-Recurring Contingency would be \$482,217.33.***

Linda Staton

From: Neely Hull
Sent: Wednesday, July 10, 2024 9:11 AM
To: Linda Staton
Cc: John Adkins; Sandy Neblett
Subject: RE: EDI

Good Morning,

Funds received 😊

Total Amount: 31,250.00

Deposit Date: 07/05/2024

Trace Number: [REDACTED]

Agy No	Amount	CDS Offset Amount	TOP Offset Amount	Invoice Number	Invoice Date	Customer Number	Voucher Number	Description
127	31,250.00	0.00	0.00	FY24060524Ne	04/12/2024		00022738	Nelson County Board Of

Tot 127:31,250.00

From: Linda Staton
Sent: Wednesday, June 26, 2024 9:11 AM
To: Neely Hull <nhull@nelsoncounty.org>
Cc: John Adkins <jadkins@nelsoncounty.org>; Sandy Neblett <sneblett@nelsoncounty.org>
Subject: RE: EDI

Thanks Neely.
John – do you have a contact to reach out to for an update on the PSAP Staffing Grant reimbursement processing time line ?

Linda Staton

From: Neely Hull
Sent: Monday, August 26, 2024 8:18 AM
To: Linda Staton
Subject: Funds received

Good Morning,

EDGRW

These funds were deposited. Can you confirm this needs to be coded to DEMG?

Total Amount: 2,033.79

Deposit Date: 08/26/2024

Trace Number:

Agy No	Amount	CDS Offset Amount	TOP Offset Amount	Invoice Number	Invoice Date	Customer Number	Voucher Number	Description
127	2,033.79	0.00	0.00	FY24 010324N	05/15/2023		00023222	Nelson County Board
								Of

Tot 127: 2,033.79

Neely Hull
Treasurer
EDGRW
3-100-002404-0049
4-100-999000-9905

PO BOX 100 Lovington VA 22949
(P) 434 263 7060
(F) 434 263 7064



NELSON COUNTY SHERIFF'S OFFICE

An equal opportunity employer

P.O. BOX 36, 84 COURTHOUSE SQUARE, LOVINGSTON, VIRGINIA 22949 ~ BUSINESS 434.263.7050 ~ FAX 434.263.7056

August 20, 2024

To: Ms. Linda Staton, HR and Finance Director

From: Sheriff Mark E. Embrey

RE: FY24 Unused Funding

Ms. Staton,

The following correspondence is in reference to the FY24 Budget for the Nelson County Sheriff's Office, concerning Line Item# 091050-7078. It is my understanding that as of June 30, 2024, there were 'unused' funds that had been previously appropriated for this line item in the FY24 Adopted Nelson County Budget.

On August 19th, 2024, I received an Invoice from Sheehy Ford, pertaining to a vehicle that was to have been purchased by the Nelson County Sheriff's Office during the FY24 Fiscal Budget. This purchase was budgeted under Line Item# 091050-7078. The Nelson County Sheriff's Office obtained possession of this vehicle in April 2024.

As our office is currently operating within the FY25 Adopted Budget, I respectfully request that the remaining FY24 appropriated funding, in the amount of \$33,994.00 (from Line Item# 091050-7078), be re-appropriated in the current FY25 Adopted Budget (Line Item# 091050-7078). This transaction will provide financial assistance to our office in completing the payment for this automobile, without having an unanticipated impact on our current FY25 Budget.

Thank you for any and all assistance in this matter.

Respectfully,

Mark E. Embrey
Sheriff, Nelson County

FUND # -100 GENERAL FUND EXPENDITURES

	FY/2021 EXPENSE	FY/2022 EXPENSE	FY/2023 EXPENSE	ADOPTED FY/2024 BUDGET	AMENDED FY/2024 BUDGET	2024/06 ACTUAL	DEPT FY/2025 REQUEST	ADMIN FY/2025 RECOMMENDS	ADOPTED FY/2025 BUDGET
CAPITAL OUTLAY									
091050-7027	IT Network Penetration Test			17,600	17,600	12,870	21,000	21,000	21,000
091050-7028	Tye River Bridge Deck Repair								
091050-7029	IBM AS400 Server Replacement	44,858		22,480					
091050-7030	Treasurer's Online Records A		8,000						
091050-7031	CC Clerk's Deadbook Room Cle								
091050-7032	AP Conceptual Design DSS Bul	3,497							
091050-7033	Microwave Batteries DCPPlant						98,850	98,850	98,850
091050-7035	Replace CAD/Mapping Workstat						6,000	6,000	6,000
091050-7050	Phone System Configuration (10,000	10,000	10,000
091050-7060	ECC Carpet Replacement								
091050-7072	AP BOS CIP Strategic Plannin	3,367				528	71,600	71,600	71,600
091050-7073	Stunt Park Development	2,680		71,600	71,600	19,800			
091050-7074	MP Services - Former Larkin P		16,200			13,560			
091050-7075	WaterSewer Capacity Study-I								
091050-7076	UPS Battery Replacement DK &								
091050-7077	Radio System Upgrade						421,776	421,776	421,776
091050-7078	6 Sheriff Vehicles & Equipme	195,364	241,778	191,214	191,018	215,074			421,776 + 33,994.00 (2/6/24)
091050-7080	Motor Pool Vehicle								
091050-7081	2 Maintenance Trucks			138,834					
091050-7082	Maintenance Dump Truck								
091050-7084	ECC First Response Vehicle	441,251	191,008	215,135	403,293	426,316	391,511	391,511	391,511
091050-7085	Emergency Services Vehicle		28,526	30,766	426,315	426,316			391,511
091050-7089	PAR-Agricultural Center(Pmh)		63,050						
091050-7090	Business Park Study		22,110						
091050-7091	Recreation Center Study		191,256		1,400,000	1,421,425			
091050-7092	Radio Subcriber Upgrade & I						196,000		
091050-7093	Radio - Improve Wintergreen								
091050-7095	Animal Shelter Roof Replacem		70,886	2,489,557					
091050-7096	Property Acquisition (Larkin		3,536	1,673					
091050-7097	Heritage Center Water System	99,129							
091050-7100	Tanbark Plaza Paving								
091050-7102	VACORP Ductobile-Legal Defe			251,510		140			
091050-7105	Solid Waste Roll-Off Truck								
091050-7106	Proval Server Replacement	16,861							
091050-7107	Replace DVR Servers Johnson	14,377							
091050-7108	Radio Console Upgrade	238,700							
091050-7109	Bucks Elbow Tower Equip Rele			41,905					
091050-7110	NG 911 Costs				10,000	1,500			
091050-7111	VESTR 911 Upgrade for NC911				47,100	59,436			
091050-7112	911 Call Handling Equipment				150,000	154,359			
091050-7115	SMS Agency Pagers (Replaceme	7,369							
091050-7120	PER-Recreation Complex								
091050-7125	Marcus Alert System								
091050-7130	Parks & Recreation Master Pl						7,800	7,800	7,800
091050-7135	Phone System Trunk Configura			30,000	36,900	36,900			
091050-7140	Dept. of Elect. Security Com			1,723			36,900	36,900	36,900
091050-7141	Proval Migration-SQL licensel								
091050-7145	Animal Shelter Epoxy Floor	3,000							

391,511 7/24 <30,922,941>
37,500 (8/13/24)

Linda Staton

From: Dana Campbell
Sent: Friday, August 16, 2024 11:26 AM
To: Sandy Neblett
Cc: Linda Staton
Subject: Asset forfeiture funds

Hello – Now that we are in a new fiscal year, we need to have our asset forfeiture funds (line item 22010-5419) re-appropriated by the Board. Thank you - Dana

Dana Campbell
Office Manager
Nelson County Commonwealth's Attorney
434-263-7010
434-263-7013 (fax)

- B U D G E T -

E X P E N S E

ACCOUNTING PERIOD 2024/06

	FY/2021	FY/2022	FY/2023	ADOPTED FY/2024	AMENDED FY/2024	ACTUAL 2024/06	DEPT FY/2025	ADMIN FY/2025	ADOPTED FY/2025
	EXPENSE	EXPENSE	EXPENSE	BUDGET	BUDGET		REQUEST	RECOMMENDS	BUDGET
COMMONWEALTH ATTORNEY									
022010-3005	Maintenance Service Contract			595	595	595	595	595	595
022010-5201	Postal Services	407	332	500	500	299	500	500	500
022010-5203	Telecommunications	72	70	85	85	254	85	85	85
022010-5401	Office Supplies	5,336	6,125	4,500	4,500	3,765	4,500	4,500	4,500
022010-5411	Books & Subscriptions	2,617	1,710	3,000	3,000	1,173	2,000	2,000	2,000
022010-5413	Other Operating Supplies (VM	5,230	5,127	2,486	2,486	226	1,000	1,000	1,000
022010-5415	Other Equipment (WVRG)								
022010-5418	Other Asset Forfeitures								
022010-5441	Depositor (Adverse Forfeitures)				10,621				
022010-5420	Expense (Federal Asset Forfe	2,217	2,662	264					
022010-5501	Travel (Mileage)								
022010-5504	Travel (Convention & Educati	1,301	6,531	5,000	5,000	4,067	5,000	5,000	5,000
022010-5506	Travel (Victim Witness Grant)	35	270	1,200	1,200		118	118	118
022010-5510	Witness Expenses								
022010-5801	Dues & Assoc. Memberships	2,305	2,250	2,250	2,250	1,620	2,250	2,250	2,250
022010-7001	Machinery & Equipment	2,464	1,100	1,890	1,890	158	1,890	1,890	1,890
022010-7007	Furniture & Fixtures		500	750	750		750	750	750
022010-7030	Computer Equipment								
	DCIS Grant 10675 2020-VD-BX-		2,237	21,382	21,382				
	--TOTAL DEPARTMENT--	543,444	580,484	603,944	641,449	589,021	677,586	677,586	677,586
COMMONWEALTH'S ATTORNEY									
		543,444	580,484	643,944	641,449	589,021	677,586	677,586	677,586
LAW ENFORCEMENT									
031020	***SHERIFF***								
031020-1001	Salaries & Wages	987,892	966,308	988,996	1,055,050	1,139,344	1,220,946	1,461,713	1,461,713
031020-1002	Overtime		20,788	39,716	20,000	20,000	37,815	30,000	30,000
031020-1003	Forest Cooperative Agreement	2,713	4,521	2,340		2,060	1,000		
031020-1004	Salaries-COPS Positions				46,000	46,000	40,852	49,088	49,088
031020-1005	Courthouse Security	32,921	41,273	39,124	44,000	44,000	157,050	157,050	157,050
031020-1006	Courthouse Security Wages	81,799	102,852	92,000	138,000	138,000	15,000	15,000	15,000
031020-1007	Overtime -Dispatch Holiday/R								
031020-1008	Unemployment Benefits								
031020-1009	Local Drug Enforcement posit	36,931	38,673	63,934	60,900	60,900	50,000	50,000	50,000
031020-1010	New (FT Security/Transport O								
031020-1011	IBR/Evidence Clerk				51,053	51,053	14,231		
031020-1012	VDOT Agreement Wages - Rt. 6		5,402						
031020-1013	DEA Task Force OT Grant						397		
031020-1014	DCIS Sheriff's TDO/ECO Trans								
031020-2001	RTCA	80,081	86,263	88,810	116,290	124,666	113,489	132,697	132,697
031020-2002	Retirement-VRS	124,028	116,492	123,008	154,793	167,262	152,779	197,906	197,906
031020-2005	Hospital/Medical Plans	216,798	198,672	193,691	256,212	241,255	272,440	306,996	306,996
031020-2006	Group Insurance	15,178	14,817	16,142	20,472	21,939	20,772	24,623	24,623
031020-2009	Hybrid Disability VLDP	851	1,117	1,091	1,521	2,452	1,854	1,851	1,851
031020-2011	Worker's Compensation	14,740	16,663	14,393	14,740	14,740	23,860	14,740	14,740
031020-2013	VRS Retirement Hybrid Plan	12,346	16,211	14,718	20,530	20,530	25,024	6,255	6,255

Grace Mawyer

From: Neely Hull
Sent: Thursday, September 5, 2024 8:13 AM
To: Linda Staton
Cc: Grace Mawyer
Subject: Money Received

Total Amount: 43,184.89

Deposit Date: 09/06/2024

Trace Number: [REDACTED]

Agy No	Amount	CDS Offset Amount	TOP Offset Amount	Invoice Number	Invoice Date	Customer Number	Voucher Number	Description
140	43,184.89	0.00	0.00	509820-004	08/06/2024	1720602458712	02458712	509820-004

SDARPA 3-100-003303-0046

Tot 140: 43,184.89

These funds were received and posted to the code above ☺

Have a great day!
Neely

Neely Hull
Treasurer
PO BOX 100 Lovington VA 22949
(P) 434 263 7060
(F) 434 263 7064

Grace Mawyer

From: Neely Hull
Sent: Friday, September 6, 2024 9:08 AM
To: Grace Mawyer
Subject: RE: ARPA funds

This is what I have since it was deposited and not sent through the typical EDI process!

VIRGINIA TOURISM/PAYABLES \$38,000
Date: VTCARP 3-100-003303-0043
9/6/2024 GM
Type: Credit

From: Grace Mawyer
Sent: Thursday, September 5, 2024 11:13 AM
To: Neely Hull <nhull@nelsoncounty.org>
Cc: Linda Staton <lstaton@nelsoncounty.org>
Subject: ARPA funds

Hi Neely,

We are expecting \$38,000 in federal VTC ARPA funds for Tourism by 9/13. Please let us know when these arrive. The TR code for this is VTCARP, and the revenue code is 3-100-003303-0043.

Thanks!

Grace Mawyer
Nelson County
Director of Finance & Human Resources
PO Box 336, Lovington, VA 22949
(P) 434-263-7136 / (F) 434-263-7134
gmawyer@nelsoncounty.org
www.nelsoncounty-va.gov



Amy Floriano
Director

COMMONWEALTH OF VIRGINIA
Department of Juvenile Justice

P.O. Box 1110
Richmond, VA 23218
(804) 371.0700
Fax: (804) 371.6497
www.djj.virginia.gov

8/16/2024

Jennifer Blodgett, Plan Contact
PO Box 67
Lovingston, VA 22949

RE: Nelson VJCCCA FY2024 Closeout

Dear Ms. Blodgett:

The VJCCCA FY2024 end of the year financial certification form for your locality has been received and the expenditure report has been reviewed. According to the report, Nelson expended \$7,171.00 of its total approved budget of \$10,566. The breakdown of funds expended is as follows:

Required Maintenance of Effort: \$202.00
State Funds Expended: \$6,969.00
Additional Local Funds: \$0.00

State funds provided to the Locality: \$10,364.00
TOTAL STATE EXPENDITURES: \$6,969.00

TOTAL EXPENDITURES: \$7,171.00

OWED TO THE STATE: \$3,395.00

State funds in the amount of \$10,364.00 were provided to the locality. **Because the state funds were not expended in full, we request that the balance of \$3,395.00 be returned to the state by October 1, 2024.** Please make your check payable to **Treasurer, Commonwealth of Virginia** and mail it to:

Department of Juvenile Justice
c/o Petty Cash Cashier
PO Box 1110
Richmond, VA 23218-1110

Additional funds for FY2025 may not be released to your locality until the FY2024 unexpended funds are returned. We thank you for the prompt report and all that your locality does for its youth and families before the Court Service Unit.

Sincerely,

Katherine Farmer
VJCCCA Supervisor

cc: Candice W. McGarry, County Administrator
Stephanie Meehan, Acting CSU Director
Stephanie Meehan, Regional Program Manager

**MODIFICATION OF GRANT OR AGREEMENT**

PAGE OF PAGES

1

2

1. U.S. FOREST SERVICE GRANT/AGREEMENT
NUMBER:

20-LE-11080800-064

2. RECIPIENT/COOPERATOR GRANT or
AGREEMENT NUMBER, IF ANY:3. MODIFICATION NUMBER:
0044. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING
GRANT/AGREEMENT (unit name, street, city, state, and zip + 4):George Washington & Jefferson National Forests 0808
Law Enforcement & Investigations
5162 Valleypointe Parkway
Roanoke, VA 240195. NAME/ADDRESS OF U.S. FOREST SERVICE UNIT ADMINISTERING
PROJECT/ACTIVITY (unit name, street, city, state, and zip + 4):6. NAME/ADDRESS OF RECIPIENT/COOPERATOR (street, city, state, and zip
+ 4, county):Nelson Co
84 Courthouse SQ
Lovingston, Virginia 22949-23597. RECIPIENT/COOPERATOR'S HHS SUB ACCOUNT NUMBER (For HHS
payment use only):**8. PURPOSE OF MODIFICATION**CHECK ALL
THAT APPLY:This modification is issued pursuant to the modification provision in the grant/agreement
referenced in item no. 1, above.CHANGE IN PERFORMANCE PERIOD: The Performance Period for FY 2024 begins 05/01/2024 and ends
09/30/2024

CHANGE IN FUNDING: No New funds for FY24.

Carryover funds: NFLE0822 \$1,625.00
NFLE0823 \$2,775.00

Total funding: \$4,400.00



ADMINISTRATIVE CHANGES:



OTHER (Specify type of modification):

Except as provided herein, all terms and conditions of the Grant/Agreement referenced in 1, above, remain unchanged and in
full force and effect.

9. ADDITIONAL SPACE FOR DESCRIPTION OF MODIFICATION (add additional pages as needed):

10. ATTACHED DOCUMENTATION (Check all that apply):

Revised Scope of Work



Revised Financial Plan



Other: EXHIBIT A - Cooperative LE Annual Operating Plan

11. SIGNATURESAUTHORIZED REPRESENTATIVE: BY SIGNATURE BELOW, THE SIGNING PARTIES CERTIFY THAT THEY ARE THE OFFICIAL REPRESENTATIVES
OF THEIR RESPECTIVE PARTIES AND AUTHORIZED TO ACT IN THEIR RESPECTIVE AREAS FOR MATTERS RELATED TO THE ABOVE-
REFERENCED GRANT/AGREEMENT.

11. NELSON CO SIGNATURE

11.B. DATE
SIGNED

11.C. U.S. FOREST SERVICE SIGNATURE

11.D. DATE
SIGNED

(Signature of Signatory Official)

(Signature of Signatory Official)

11.E. NAME (type or print) MARK EMBREY

11.F. NAME (type or print): JOBY P. TIMM

11.G. TITLE (type or print): Sheriff

11.H. TITLE (type or print): Forest Supervisor



May 13, 2024

Ms. Dylan Bishop
Director, Planning & Zoning
P.O. Box 558
Lovingsston, VA 22949

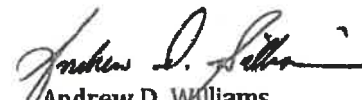
**RE: Comprehensive Plan Update and Recommendations for Zoning and Subdivision
Ordinance Amendments RFP21-PZ01 Scope of Work
Amendment 3: Zoning and Subdivision Ordinance Update**

Dear Ms. Bishop:

We are pleased to present this amendment to the Comprehensive Plan Update scope of work. This amendment will add a zoning and subdivision ordinance update.

Should you or your staff have any questions related to the amendment and associated fee, please let me know.

Sincerely,


Andrew D. Williams
Chief Executive Officer

\$143,556.00
(See attached)

I have reviewed the scope and fee for the associated work order and I hereby give the consultant notice to proceed for the work described herein.


Ms. Dylan Bishop, Director of Planning

6/11/24
Date

SCOPE OF WORK

Deliverables:

The Scope of Work will result in the following:

1. The County will receive an updated and combined Zoning and Subdivision Ordinance. This will be submitted in digital (pdf) and word (.docx) format to the County.

Assumptions:

The specific tasks required as part of this scope of work are outlined under Fees. The following assumptions shall apply:

1. **Initiation:** The County will provide up-to-date copies of the current subdivision ordinance, zoning ordinance and map in original format (.docx and Esri-compatible GIS).
2. **Contact Person:** The County will provide a single contact staff that will be responsible for collecting and transmitting data, resources, and reviews from other departments to the Berkley Group.
3. **Project Management:** Berkley Group will correspond regularly with the County point of contact. Project meetings with County staff will occur virtually up to one (1) hour per month. If the project schedule is extended, project meetings will be charged based on hourly rates for each staff member by position unless a work order amendment occurs.
4. **Kick-off Meeting:** Berkley Group will conduct a virtual kick-off meeting with County staff to review the scope, expectations, and deliverables of the project. This kick-off meeting will occur within 30 days of contract execution and should include key employees from the departments of Planning and Zoning, County Attorney, and any others deemed necessary so that their roles, responsibilities, and procedures in the update process can be discussed and clarified.
5. **Public Workshop:** Berkley Group will facilitate one public input workshop. The workshop will include a brief introduction to the Zoning and Subdivision Ordinance update followed by an interactive small group discussion on land use and zoning issues. The County will advertise and promote the meeting and coordinate meeting location and set up. The Berkley Group will provide one (1) promotional flyer.
6. **Focus Groups:** Berkley Group will conduct up to four (4) interviews with focus groups, which will be identified and coordinated by County staff. It is assumed that focus group interviews will be conducted on the same day as the public workshop, or virtually by Zoom/phone.
7. **Engagement Summary:** A summary overview of all public engagement input will be presented for consideration at a joint Board and Commission work session. The summary will also be utilized in drafting the zoning and subdivision ordinance.
8. **Zoning & Regulation Development:** To the extent possible, the ordinance will follow the Virginia regulations style manual. The ordinance development does not include legal review but this can be included as an optional service.
9. **Meeting Materials:** Meeting materials will be provided in digital format up to, but no earlier than, five (5) business days before a work session. Printing of hardcopy materials necessary for meetings, surveys, documentation, or public review will be the responsibility of the County. Berkley Group will print large format poster boards.
10. **Work Sessions:** This scope of work assumes up to six (6) meetings facilitated by the Berkley Group will be conducted as joint work sessions with the Planning Commission and the Board of Supervisors. The focus of these work sessions will be articles of the zoning ordinance and subdivision ordinance. The drafted text will not include red-line versions due to the

complexity of the reorganization. If during drafting, conflicting text is found, these items will be brought to the attention of county staff and incorporated as advised by staff. The incorporation of these edits will be noted in the editor's footnotes of the draft document and can be discussed during work sessions. The last work session will focus on review of the fully drafted ordinance.

11. **Comments & Revisions:** One (1) round of revisions is anticipated per article during the ordinance drafting phase. Comments from the Board/Commission will be provided in a consolidated comment response format to Berkley Group for review and consideration. The fee estimate for drafting and final revisions are based on revisions directed during the work sessions identified in the scope of work. Revisions associated with additional work sessions or meetings will require a scope amendment and additional fee.
12. **Changes Matrix & Crosswalk:** Prior to public hearings and adoption, Berkley Group will provide a clean draft ordinance and a summary memo highlighting the major changes proposed in the zoning and subdivision ordinances update. Additionally, a crosswalk will be provided detailing the general location or exclusion of current ordinance items within the proposed ordinance.
13. **Open House:** Berkley Group will draft one (1) flyer for the County and print large boards for up to one (1) open house meeting. The County is responsible for advertising the open house and securing an appropriate location. Berkley Group and County will coordinate the date and times of the event.
14. **Pre-Adoption Joint Work Session:** After the open house, Berkley Group will facilitate one (1) joint work session to discuss public feedback and ordinance refinement.
15. **Public Notification:** The County will be responsible for public notification requirements (e.g., newspaper ads and mailings) associated with the project.
16. **Public Hearings:** The scope of work assumes one (1) public hearing with the Planning Commission and then one (1) hearing with the Board for ordinance adoption.
17. **Meeting Cancellations:** Meetings and work sessions cancelled with notice of less than 10 business days will be counted toward the scoped work sessions, and the client will be charged for the preparation hours for the cancelled meeting.
18. **Graphics:** No illustrations relating to the ordinances are associated with this scope but can be added as an optional service.
19. **Mapping:** No mapping is associated with this scope but can be added as an optional service.
20. **Optional Services:** Optional services may be added with written authorization from the locality and subject to the following assumptions:
 - A. **Illustrations & Graphics Package:** Basic illustrations by Berkley Group or a full graphics package created by a third-party consultant would be fully integrated into the ordinance.
 - B. **Additional Focus Group Interviews:** Assumptions for focus group meetings apply.
 - C. **Additional Public Outreach:** Assumptions for public outreach events apply.
 - D. **Additional Work Session / Meeting:** Assumptions for work sessions apply.
 - E. **Additional Citizen Advisory Check-Ins:** Assumptions for meetings and the citizen advisory check-ins apply.
 - F. **External Legal Review:** External legal review, if desired, will consist of a single comprehensive review of the draft ordinance prior to public adoption.
 - G. **Website Hosting:** Berkley Group will host a website for the project. The website may be combined and streamlined with the existing Comprehensive Plan website or hosted on a separate domain. The website would be available throughout the duration of the project and at the conclusion of the project would be discontinued or given to the County for maintenance.

H. Mapping Support: The County would provide the current parcel layers and official zoning map in ESRI compatible format. The County would be responsible for any notifications associated with map amendments. Berkley Group will provide final maps in ESRI compatible format.

Fee:

The Scope of Work to update the Nelson County's Zoning and Subdivision Ordinance will include the following tasks and associated fees:

Phase	Task	Task Description	Total Cost	Est. Hours
Investigation	A1	Project Management / Staff Input	\$ 6,400.00	98
	A2	Project Kickoff (Virtual)	\$ 760.00	12
	A3	Joint Kickoff & Land Use Diagnostic Presentation	\$ 3,000.00	52
	A4	Public Workshop (1)	\$ 3,400.00	56
	A5	Focus Group Listening Sessions (up to 4)	\$ 3,400.00	56
	A6	Engagement Summary	\$ 1,060.00	16
Ordinance	B1	Joint Work Sessions (up to 6)	\$ 18,900.00	315
	B2	Ordinance Table of Contents & Crosswalk	\$ 4,880.00	80
	B3	Definitions	\$ 5,750.00	98
	B4	General, Administrative, Nonconformity	\$ 5,940.00	110
	B5	Permit & Application Provisions	\$ 7,160.00	130
	B6	District Standards	\$ 9,400.00	168
	B7	Overlay & Special Districts	\$ 7,750.00	138
	B8	Use Matrix	\$ 8,400.00	148
	B9	Use Performance Standards	\$ 7,750.00	138
	B10	Community Design Standards (Signs, Lighting, Landscaping, etc.)	\$ 8,760.00	156
	B11	Subdivisions	\$ 8,300.00	141
	B12	Formatting & Final Review	\$ 3,040.00	52
Adoption	B13	Changes Matrix & Contents Crosswalk Update	\$ 3,860.00	62
	C1	Open House (Public Draft Review) (up to 1)	\$ 4,150.00	70
	C2	Pre-Adoption Joint Work Session (up to 1)	\$ 3,500.00	60
	C3	Incorporate Final Revisions	\$ 3,040.00	52
	C4	PC & Board of Supervisors Public Hearings	\$ 6,000.00	104
	C5	Post-Adoption Deliverables	\$ 2,120.00	36
Subtotal			\$ 136,720.00	2,348
Non-direct expenses including, but not limited to, travel, printing, supplies, etc. (5% of project cost)			\$ 6,836.00	
TOTAL			\$ 143,556.00	

The following supplemental services may be employed for an additional fee:			TOTAL
Optional Services	D1	External Legal Review	TBD
	D2	Illustrations & Graphics Package	TBD
	D3	Additional Public Outreach Meetings	\$3,400/meeting
	D4	Public Outreach Survey (Online & Paper)	\$3,500
	D5	Additional Worksessions with PC and/or Board	\$3,000/meeting
	D6	Additional Citizen Advisory Committee Check-Ins	\$4,000/meeting
	D7	Website Hosting (streamlined with Comp Plan)	\$2,500
	D8	Website Hosting (separate from Comp Plan)	\$3,500
	D9	Mapping Support	TBD

Hourly Rates			
Berkley Group	E1	Owner/Principal	\$175/hr
	E2	Director of Planning	\$100/hr
	E3	Principal Planner	\$80/hr
	E4	Senior Planner	\$65/hr
	E5	Planner	\$50/hr

If the work order is not signed and work commenced within three (3) months, the proposed fee expires, and Berkley Group may propose a new fee.

Schedule:

Berkley Group proposes to perform the tasks included in this Work Order according to the schedule outlined below. This schedule is predicated on the assistance of County staff in providing timely documentation, guidance, and scheduling of necessary meetings and work sessions.

		PROJECT TIMELINE																								
Phase	#	Task Description	2024								2025								2026							
			July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April		
Investigation	A1	Project Management / Staff Input																								
	A2	Project Kickoff (Virtual)	V																							
	A3	Joint Kickoff & Land Use Diagnostic Presentation		X																						
	A4	Public Workshop (1)			X																					
	A5	Focus Group Listening Sessions (up to 4)			X																					
	A6	Engagement Summary																								
Development	B1	Joint Work Sessions (up to 6)						X			X						X									
	B2	Ordinance Table of Contents & Crosswalk						*																		
	B3	Definitions																								
	B4	General, Administrative, Nonconformity																								
	B5	Permit & Application Provisions																								
	B6	District Standards																								
	B7	Overlay & Special Districts																								
	B8	Use Matrix																								
	B9	Use Performance Standards																								
	B10	Community Design Standards (Signs, Lighting,																								
	B11	Subdivisions																								
	B12	Formatting & Final Review																								
	B13	Changes Matrix & Contents Crosswalk Update																								
Adoption	C1	Open House (Public Draft Review) (up to 1)																								
	C2	Pre-Adoption Joint Work Session (up to 1)																								
	C3	Incorporate Final Revisions																								
	C4	PC & Board of Supervisors Public Hearings																								
	C5	Post-Adoption Deliverables																								
			X = Anticipated In-person Attendance; V = Virtual Attendance; * = Meeting Topic																							

If the work order is not signed and returned within 30 days, the proposed schedule expires, and Berkley Group may propose a new schedule.

**VDOT ADMINISTERED – LOCALLY FUNDED
PROJECT ADMINISTRATION AGREEMENT**

Project Number	UPC	Local Government
EN24-062-859	125458	County of Nelson

THIS AGREEMENT, is hereby made and effective the date of the last (latest) signature set forth below, by and between the County of Nelson hereinafter referred to as the LOCALITY and the Commonwealth of Virginia, Department of Transportation, hereinafter referred to as the DEPARTMENT. The DEPARTMENT and the LOCALITY are collectively referred to as the "Parties."

WITNESSETH

WHEREAS, the LOCALITY has expressed its desire to have the DEPARTMENT administer the work required to construct certain improvements within the Locality as described in Appendix C (the "Project") and has agreed to fully or partially fund the Project as set forth in this Agreement; and

WHEREAS, the funds as shown in Appendix A have all been allocated to pay the costs of the Project; and

WHEREAS, the Parties have concurred with administering the Project in accordance with the program specific requirements shown in Appendix B, based on the allocated funding for the Project as shown in the Appendix A; and

WHEREAS, the LOCALITY has requested that the DEPARTMENT design and construct the Project in accordance with the scope of work described in Appendix C, and the DEPARTMENT has agreed to perform such work; and

WHEREAS, the Parties have concurred in the DEPARTMENT's administration of the Project identified in this Agreement, including Appendices A, B, and C, and in accordance with applicable federal, state, and local law and regulations; and

WHEREAS, the LOCALITY's governing body has, by resolution, which is attached hereto, authorized its designee to execute this Agreement and has demonstrated the LOCALITY'S commitment to providing local funding for the Project.

NOW THEREFORE, in consideration of the premises and mutual covenants and agreements contained herein, the parties hereto agree as follows:

- A. The representations, covenants, and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section A.

B. The DEPARTMENT shall:

1. Complete the work of the Project as identified in Appendix C, advancing such diligently as all weather, local, and other conditions reasonably permit, and in conformance to the schedule established by the Parties, which schedule shall be adjusted as needed to address impacts to the performance of the work beyond the control of the DEPARTMENT.
2. Perform or have performed, and remit all payments for, all preliminary engineering (PE), right-of-way acquisition (Right of Way), construction, contract administration, and inspection services activities for the Project as required.
3. Provide the LOCALITY a payment schedule for the LOCALITY's share of estimated Project costs for PE, Right of Way, and construction, in accordance with the tabulation provided in Appendix A.
4. Remit invoices to the LOCALITY for sums owed by LOCALITY to the DEPARTMENT in accordance with the amounts and schedule set forth in Appendix A.
5. Provide the LOCALITY with a summary of Project expenditures.
6. Notify the LOCALITY of additional Project expenses resulting from unanticipated circumstances and provide detailed estimates of additional costs associated with those circumstances. The DEPARTMENT will make all efforts to contact the LOCALITY prior to performing activities associated with those unanticipated circumstances.
7. Upon completion of the Project, reconcile LOCALITY payments (based on LOCALITY's estimated share of costs) against actual Project costs allocable to the LOCALITY, and reimburse the LOCALITY for any overpayments by the LOCALITY or remit an invoice to LOCALITY for any underpayment or amounts still owed by the LOCALITY.

C. The LOCALITY shall:

1. Remit payments to the DEPARTMENT in accordance with the amounts and schedule provided in Appendix A, or within 30 days of receipt of an invoice issued by the DEPARTMENT, as applicable.
2. Provide, or have others provide, maintenance of the Project upon completion, unless otherwise agreed to by the DEPARTMENT. Where the Project results in physical construction, the LOCALITY will continue to operate and maintain the Project in accordance with the final constructed design as approved by the DEPARTMENT. The LOCALITY agrees that any modification of the approved design features, without the approval of the DEPARTMENT, may, at the discretion of the DEPARTMENT, result in restitution either physically or monetarily as determined by the DEPARTMENT.

D. Nothing in this Agreement shall obligate the Parties hereto to expend or provide any funds in excess of funds agreed upon in this Agreement or as shall have been included in an annual or other lawful appropriation. State and federal Project funding is limited to those

identified in the Appendix A of this Agreement and is allocable only upon LOCALITY'S compliance with all requirements of this Agreement. In the event the cost of all or part of the Project is anticipated to exceed the allocation shown on Appendix A, the Parties agree to cooperate in seeking additional funding for the Project or to terminate the Project before Project costs exceed the allocated amount. Any requested increase in federal or state funding is subject to DEPARTMENT policy and procedures applicable to the funding source and is not guaranteed.

- E. The Parties mutually agree and acknowledge, in entering this Agreement, that the individuals acting on behalf of the Parties are acting within the scope of their official authority and capacity and the Parties agree that neither Party will bring a suit or assert a claim against any official, officer, or employee of either party, in their individual or personal capacity for a breach or violation of the terms of this Agreement or to otherwise enforce the terms and conditions of this Agreement. The foregoing notwithstanding, nothing in this subparagraph shall prevent the enforcement of the terms and conditions of this Agreement by or against either Party in a competent court of law.
- F. The Parties mutually agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, rights as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for, without limitation, personal injury, property damage, breach of contract, or return of money, or property, deposit(s), cancellation or forfeiture of bonds, financial instruments, pursuant to the terms of this Agreement or otherwise. Notwithstanding any other provision of this Agreement to the contrary, unless otherwise provided, the Parties agree that the LOCALITY or the DEPARTMENT shall not be bound by any agreements between either party and other persons or entities concerning any matter which is the subject of this Agreement, unless and until the LOCALITY or the DEPARTMENT has, in writing, received a true copy of such agreement(s) and has affirmatively agreed, in writing, to be bound by such Agreement.
- G. Nothing in this Agreement shall be construed as a waiver of the LOCALITY's or the Commonwealth of Virginia's sovereign immunity.
- H. Should the project be cancelled due to action or inaction by the LOCALITY, the LOCALITY shall be responsible for reimbursement of all funds in accordance with § 33.2-214 of the Code of Virginia (1950), as amended. The LOCALITY will also be responsible for any costs associated with claims and liabilities associated with the early termination of any construction contract(s) or improvement(s) issued pursuant to this Agreement and shall promptly reimburse the DEPARTMENT for all costs incurred or expended by it in connection with the Project.
- I. This Agreement may be terminated by either Party upon 60 days advance written notice to the other Party. Eligible expenses incurred through the date of termination shall be reimbursed to the DEPARTMENT within 60 days subject to the limitations established in this Agreement.

- J. THE LOCALITY and DEPARTMENT acknowledge and agree that this Agreement has been prepared jointly by the Parties and shall be construed simply and in accordance with its fair meaning and not strictly for or against any Party.
- K. THIS AGREEMENT, when properly executed, shall be binding upon both Parties, their successors and assigns.
- L. THIS AGREEMENT may be modified in writing only upon mutual agreement of the Parties.

The remainder of this page is BLANK

IN WITNESS WHEREOF, each Party hereto has caused this Agreement to be executed by their duly authorized representatives, acknowledging and agreeing that any digital signature affixed hereto shall be considered as an original signature for all purposes and shall have the same force and effect as an original signature.

COUNTY OF NELSON, VIRGINIA:

**Candice W.
McGarry**

Digitally signed by Candice
W. McGarry
Date: 2024.07.12 15:17:16
-04'00'

Signature

Date

County Administrator

Title

NOTE: The official signing for the LOCALITY must attach a certified copy of his or her authority to execute this Agreement.

COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION:

Angel Drum

8/1/2024

Signature

Date

Chief of Policy, Commonwealth of Virginia, Department of Transportation

Attachments

Appendix A

Appendix B

Appendix C

VDOT Administered Agreement**Appendix B – Special Funding Program Conditions and Requirements**

Project Number	UPC	Local Government
EN24-062-859	125458	County of Nelson

SMART SCALE

Administration of this Project, including but not limited to the Project estimate, schedule and commitment to funding, is subject to the requirements established in the Commonwealth Transportation Board's (CTB's) most current *Policy for Implementation of the SMART SCALE Project Prioritization Process*, the applicable requirements of the Code of Virginia, and VDOT's applicable *Instructional and Informational Memoranda*.

Without limiting the foregoing, this Project has been selected through the Smart Scale (HB2) application and selection process and will remain in the Six-Year Improvement Plan (SYIP) as a funding priority unless certain conditions set forth in the CTB's most current *Policy for Implementation of a Project Prioritization Process* arise. Pursuant to the CTB's *Policy for Implementation of a Project Prioritization Process*, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent SMART SCALE prioritization cycle to account for a cost increase on a previously selected Project.

This Project shall be initiated and at least a portion of the Project's programmed funds expended within one year of the budgeted year of allocation or funding may be subject to reprogramming to other projects selected through the prioritization process. In the event the Project is not advanced to the next phase of construction when requested by the CTB, the LOCALITY or the localities within the metropolitan planning organization may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the DEPARTMENT for all state and federal funds expended on the Project.

Transportation Alternatives Program

This Project shall be administered in accordance with VDOT's most current *Transportation Alternatives Program Guide*.

Without limiting the foregoing, CTB policy for allocations from the Transportation Alternatives Programs requires that the Project must be advertised or otherwise under construction within four years of the initial Project allocation or otherwise be subject to deallocation, unless prior Department approval has been provided.

The DEPARTMENT shall conduct all environmental studies necessary to complete an environmental document in compliance with the National Environmental Policy Act, unless otherwise agreed to in writing and attached to this Agreement. The LOCALITY is responsible for implementing any environmental commitments resulting from the environmental studies. In

addition, the LOCALITY is responsible for obtaining any water quality permits and conducting any required hazardous materials due diligence efforts. VDOT's estimated cost for the environmental studies and submissions will be provided to the LOCALITY and deducted from the Project funds.

Regional Surface Transportation Program (RSTP)

Allocated Regional Surface Transportation Program funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.

Congestion Mitigation Air Quality (CMAQ)

Allocated Congestion Mitigation and Air Quality Program funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.

Revenue Sharing

This Project shall be administered in accordance with VDOT's most current *Revenue Sharing Program Guidelines*.

Without limiting the foregoing, the Project shall be initiated such that at least a portion of the Revenue Sharing Funds are expended within one year of allocation. For any project that has not been initiated within one year, the CTB has the discretion to defer consideration of future allocations until the Project moves forward. Further, if the Project has not been initiated within two fiscal years subsequent to the allocation of Revenue Sharing Funds, the Revenue Sharing Funds for the Project may be subject to deallocation from the Project at the discretion of the CTB.

State of Good Repair (SGR) Bridge

Project estimate, schedule, and commitment to funding are subject to the requirements established in the CTB's *State of Good Repair Program Prioritization Process Methodology*, the Code of Virginia, and VDOT's *Instructional and Informational Memoranda*.

Projects receiving funding under this program must initiate the Preliminary Engineering or the Construction Phase within 24 months of award of funding or become subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the Project.

This Project has been selected through the State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the CTB's *State of Good Repair Program Prioritization Process Methodology*, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent annual State of Good Repair prioritization cycle for the same bridge structure to account for a cost increase on a previously selected Project.

State of Good Repair (SGR) Paving

Project estimate, schedule, and commitment to funding are subject to the requirements established in the CTB's *State of Good Repair Program Prioritization Process Methodology*, the Code of Virginia, and VDOT's *Instructional and Informational Memoranda*.

Projects receiving funding under this program must be advertised within twelve months of award funding or be subject to deallocation. In the event the Project is not advanced to the next phase of construction, the LOCALITY may be required, pursuant to § 33.2-214 of the Code of Virginia, to reimburse the Department for all state and federal funds expended on the Project.

This Project has been selected through the State of Good Repair application and selection process and will remain in the SYIP as a funding priority. Pursuant to the CTB's State of Good Repair Program Prioritization Process Methodology, this Project will be re-scored and/or the funding decision re-evaluated if any of the following conditions apply: a change in the scope, an estimate increase, or a reduction in the locally/regionally leveraged funds. Applications may not be submitted in a subsequent annual State of Good Repair prioritization cycle for the same roadway segment to account for a cost increase on a previously selected Project.

Economic Access

This Project shall be administered in accordance with VDOT's most current *Economic Development Access Program Guide*.

Airport Access

This Project shall be administered in accordance with VDOT's most current *Airport Access Program Guide*.

Recreational Access

This Project shall be administered in accordance with VDOT's most current *Recreational Access Program Guide*.

Highway Safety Improvement Program (HSIP)

This project is funded with federal-aid Highway Safety Improvement Program (HSIP) funds. These funds must be obligated within 12 months of allocation and expended within 36 months of the obligation.

Local Funds

All local funds included in Appendix A have been formally committed by the LOCALITY board or council, subject to appropriation.

Candice W.
McGarry

Digitally signed by Candice W.
McGarry
Date: 2024.07.12 15:19:03 -04'00'

Authorized Locality Official Signature and Date

Candy McGarry

Printed Name of Locality Official

VDOT Administered Projects**Appendix C – Detailed Scope of Services**

Project Number	UPC	Local Government
EN24-062-859	125458	County of Nelson

Detailed Project Scope of Services

VDOT is performing the entire project development and delivery. This includes, but is not limited to: Survey, environmental coordination, road design, drainage design, RW acquisition, utility relocation, public involvement, advertisement and managing and administration of the construction contract.

The estimate in PCES and included in the agreement request form is from Smart Portal project application.

**Candice W.
McGarry**

Digitally signed by Candice W.
McGarry
Date: 2024.07.12 15:19:32 -04'00'

Authorized Locality Official Signature and Date

Candy McGarry

Printed Name of Locality Official

County Administrator

Title of Locality Official

Jay S. Brown

Digitally signed by Jay S. Brown
Date: 2024.07.15 14:17:24
-04'00'

Authorized VDOT Official Signature and Date

Jay Brown

Printed Name of VDOT Official

Director of Program Management

Title of VDOT Official



CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

JOHN L. HARRIS
Chairman
District 1

THOMAS L. HARRIS
District 2

EDWARD J. HARRIS
District 3

ALICE R. HARRIS
District 4

J. DAVID PARR
District 5

PAUL HARRIS
District 6

RESOLUTION R2024-56
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION TO ENTER INTO AGREEMENT WITH VDOT
TO ACCEPT FY24/25 TRANSPORTATION ALTERNATIVES PROGRAM
GRANT FUNDING FOR THE FRONT STREET SIDEWALK IMPROVEMENT PROJECT

WHEREAS, Nelson County submitted a project application to request federal funding to assist in constructing sidewalks in Lovington to improve pedestrian safety; and

WHEREAS, the Commonwealth Transportation Board awarded \$2,500,000 in funding to Nelson County for the Front Street Sidewalk Improvement project as part of the Transportation Alternatives Program; and

WHEREAS, during the grant application process, the County of Nelson indicated a commitment to provide the required 20% local match and any balance of estimated project costs over the maximum allowable of \$3,125,000; and

WHEREAS, the required 20% local match for this award is \$625,000 and the Transportation Alternative Program grant provisions require a local commitment of completion of the entire project; including the balance of estimated project costs currently estimated to be \$751,495; and

WHEREAS, the County desires to have VDOT administer the project;

NOW, THEREFORE, BE IT RESOLVED, that Nelson County hereby agrees to enter into the attached Project Administration Agreement with the Virginia Department of Transportation to administer the Front Street Sidewalk Improvement project in Lovington; providing oversight that ensures the project is developed in accordance with all state and federal requirements for design and construction of a federally funded transportation project, to commit to the provision of the required 20% local match and completion of the entire project, and that if Nelson County subsequently elects to cancel this project, the County agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. Nelson County also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration; and

BE IT FURTHER RESOLVED, by the Nelson County Board of Supervisors that said Board hereby authorizes the County Administrator to execute the attached Project Administration Agreement by and between Nelson County and the Virginia Department of Transportation for the Front Street Sidewalk Improvement project in Lovington.

Approved: July 9, 2024

Attest: , Clerk
Nelson County Board of Supervisors

BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNE Q. REED
Central District

JESSE H. RUTHERFORD
East District

J. DAVID PAGE
West District

DR. JESSICA HIGDON
South District



CANDICE W. MCGARRY
County Administrator

AMANDA B. SHIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATION
Director of Finance and
Human Resources

RESOLUTION R2024-62
NELSON COUNTY BOARD OF SUPERVISORS
AUTHORIZATION FOR ACCEPTANCE OF CONVEYANCE
CALLOHILL PROPERTY – DENISE KILMER, EXECUTOR AND TRUSTEE
AND MCGHEE FAMILY LLC

BE IT RESOLVED, the Nelson County Board of Supervisors does hereby approve and accept the conveyance of real estate from Denise Kilmer, Executor of the Estate of Stephen B. Birchell, and Trustee of the Stephen B. Birchell Trust, and McGhee Family L.L.C. for the parcel being Tax Map Number 57-A-34K and described as: "All that certain tract or parcel of land, with improvements thereon and appurtenances thereto belonging, situated in the Lovingson Magisterial District of Nelson County, Virginia, containing Two and thirty-seven hundredths (2.37) acres, more or less, with said lands fronting on U.S. Route #29 and Callohill Drive"; and

BE IT FURTHER RESOLVED, by the Nelson County Board of Supervisors that the County Administrator, Candice W. McGarry, and the County Attorney, Philip D. Payne, IV, be and hereby are authorized to accept the deed of conveyance thereof in consideration of the sum of \$90,000.00.

Approved: August 13, 2024

Attest: , Clerk
Nelson County Board of Supervisors

William D. Tucker, III
Tucker Griffin Barnes P.C.
Main Office
307 West Rio Road
Charlottesville, Virginia 22901
Main Line: 434.973.7474
Website: www.TGBlaw.com



Kristee L. Kelly
Real Estate Paralegal
265 Turkeyleg Trail,
Suite 111
Palmyra, Virginia 22963
Main Line: 434.589.3636
Fax: 434.589.6553

WARNING: Before sending funds via wire transfer, you MUST call our office at (434) 589-3636 and ask to speak to anyone in the real estate department to verify wiring instructions. We will not change our wiring instructions. If you receive wiring instructions for a different bank, branch location, account name or account number, other than the below, they should be presumed as fraudulent. Do not send any funds and contact our office immediately. Failure to follow this procedure endangers your funds. Also, do not send funds via ACH deposit. ACH transfers are not considered immediate funds and will delay your closing by a day or more.

WIRING INSTRUCTIONS

Lake Monticello Branch Office of Tucker Griffin Barnes P.C.

BANK:

[REDACTED]
[REDACTED]
[REDACTED]

CREDIT ACCOUNT:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

McGhee

PLEASE REFERENCE OUR CLIENT'S LAST NAME AND THE SUBJECT PROPERTY ADDRESS ON EACH WIRE SENT

Callahan Dr., Leesburg

PLEASE CALL OUR OFFICE TO CONFIRM OUR WIRING INSTRUCTIONS BEFORE EACH WIRE SENT

[REDACTED] [REDACTED]

\$ 90,047.²⁰
4-100-091050-7174
(4)

BOARD OF
SUPERVISORSTHOMAS D. HARVEY
North DistrictERNIE Q. REED
Central DistrictJESSE N. RUTHERFORD
East DistrictJ. DAVID PARR
West DistrictDR. JESSICA LIGON
South DistrictCANDICE W. MCGARRY
County AdministratorAMANDA B. SPIVEY
Administrative Assistant/
Deputy ClerkLINDA K. STATON
Director of Finance and
Human Resources

RESOLUTION R2024-65
NELSON COUNTY BOARD OF SUPERVISORS
APPROVAL OF PROPERTY TAX REFUNDS

RESOLVED, by the Nelson County Board of Supervisors that the following refunds, as certified by the Nelson County Commissioner of Revenue and County Attorney pursuant to §58.1-3219.5 of the Code of Virginia, be and hereby are approved for payment.

<u>Amount</u>	<u>Tax Category</u>	<u>Payee</u>
\$3,319.97	Real Property	Albert H. Ivens 6 Pleasant Hill Circle Faber, VA 22938

Approved: September 10, 2024

Attest: _____, Clerk
Nelson County Board of Supervisors

**COUNTY OF NELSON
Kimberly Taylor Goff
COMMISSIONER OF REVENUE
P.O.BOX 246
LOVINGSTON, VA 22949**

**Telephone 434-263-7070
Fax 434-263-7074
August 28,2024**

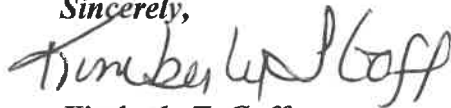
***Mr. J. David Parr, Chairman
Nelson County Board of Supervisors
P.O. Box 336
Lovingston, VA 22949***

Dear Mr. Parr,

***This letter shall serve as a written request for a refund of \$3319.97 to be issued to
Albert H Ivens,6 Pleasant Hill Circle, Faber, VA 22938.This refund is for Disabled
Veterans Relief for 3 months of 2021 and all of 2022,2023 and the first half of 2024 for
real estate taxes.***

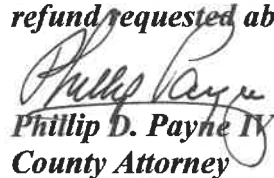
Tax Map #48 A 35

Sincerely,



***Kimberly T. Goff
Commissioner of Revenue***

***The undersigned has reviewed this request of the Commissioner and consents to the
refund requested above.***



***Phillip D. Payne IV
County Attorney***

§ 58.1-3219.5. Exemption from taxes on property for disabled veterans

A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of married individuals, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no county, city, or town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, and the surviving spouse does not remarry. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

C. A county, city, or town shall provide for the exemption from real property taxes the qualifying dwelling pursuant to this section and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. If the veteran owns a house that is his residence, including a manufactured home as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, such house or manufactured home shall be exempt even if the veteran does not own the land on which the house or manufactured home is located. If such land is not owned by the veteran, then the land is not exempt. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for other than a business purpose.

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran

alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

2011, cc. [769](#), [840](#);2012, cc. [75](#), [263](#), [782](#), [806](#);2014, c. [757](#);2016, cc. [349](#), [393](#), [485](#);2018, c. [236](#); 2019, cc. [15](#), [801](#);2020, c. [900](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

BOARD OF
SUPERVISORSTHOMAS D. HARVEY
North DistrictERNIE Q. REED
Central DistrictJESSE N. RUTHERFORD
East DistrictJ. DAVID PARR
West DistrictDR. JESSICA LIGON
South DistrictCANDICE W. MCGARRY
County AdministratorAMANDA B. SPIVEY
Administrative Assistant/
Deputy ClerkLINDA K. STATON
Director of Finance and
Human Resources

**PROCLAMATION P2024-04
NELSON COUNTY BOARD OF SUPERVISORS
SEPTEMBER 11, 2001 A DAY TO REMEMBER**

WHEREAS, the unprovoked attacks of September 11th, 2001, upon America by foreign terrorists thrust the United States, and other countries, into a war it never envisioned, militarily or diplomatically; and

WHEREAS, the challenges facing all the people of the world as they relate to the war on terrorism will not end until those responsible are brought to justice; and

WHEREAS, America is fully committed to ensuring our freedoms remain unfettered and sovereign for all generations, now and forever; and

WHEREAS, world opinion needs to remain focused upon the eradication of these inhuman acts perpetrated around the globe; and

WHEREAS, one way to accomplish this is to NEVER FORGET that those innocent victims did not die in vain; and

WHEREAS, America can fight back by reminding the world that the deaths of these people will always be remembered and that they will be forever loved; and

WHEREAS, a noble and appropriate way to accomplish this is through the annual celebration of their living; and

WHEREAS, this commemoration should be conducted each September throughout the land to include:

- The promotion of global peace and goodwill;
- The demonstration of America's resolve and perseverance to win the war on terrorism;
- The advancement of responsible citizenship;
- The encouragement of patriotism and love of country; and
- The poignant remembrance of those innocent victims who died September 11th, as heroes, one and all;

NOW THEREFORE BE IT RESOLVED, that the Nelson County Board of Supervisors issue this proclamation to memorialize those men, women, and children who lost their lives;

BE IT FURTHER RESOLVED, that this proclamation be publicized for all to see and know that the citizens of Nelson County remember with eternal respect those whose lives were suddenly, without cause and pointlessly taken from them on September 11th, 2001.

May they forever rest in peace and abide in our memories.

Adopted: _____, 2024

Attest: _____, Clerk
Nelson County Board of Supervisors

Jerry West, Director

Jacob Floyd, Recreation Specialist

September 2024

News:

Marketing:

- Social media posts for both NCPR, Blue Ridge Tunnel, Virginia Blue Ridge Railway Trail

Athletics:

- Gymnastics is holding 10 classes for the new school year.
- Zumba is held at the Nelson Center 4 days per week.
- Tae Kwon Do classes held on Tuesday and Thursday nights at the Nelson Center.
- Our Summer Youth Kickball League finally got to conclude on Tuesday, June 30 after several rain and heat cancellations.
- Fall 2024 sports are now all underway. Soccer games began on August 24 and Flag Football games begin September 11.
 - Flag football registrations ended with 22 children in the 7-9yr olds and 22 children in the 10-13yr olds.
- Adult Softball Fall league started up the week of August 26 with 10 teams.

Programs:

- Yoga Classes are still being held on Sunday afternoons from 2-3.
 - We have added a Thursday morning yoga session from 10-11am each week at the Nelson Center.
- Our Sunday Pickleball at Rockfish Valley Community Center is still being held from 8-10am with increased temperatures.
 - We received great feedback from the Pickleball community on the newly painted lines at Rockfish Valley Community Center. It was well received and our Sunday group was very thankful to not have to repair and replace tape.
- We are excited to begin a partnership with a newly formed non-profit “Blue Ridge Packs and Tracks” to begin offering Track Chair tours of the Blue Ridge Tunnel.
 - A Track Chair is an off-road electric wheelchair that is able to traverse trails and not so smooth surfaces.
 - The chair is controlled by the occupant or the leader who stays with the chair on foot who has a mobile control they hold.
 - To our knowledge, this program opportunity is the first of its kind in Virginia.
 - Paige French, the founder of Blue Ridge Packs and Tracks will be attending the October BOS meeting to further discuss the program.

Special Events:

- Our Fall Blue Ridge Tunnel Accessibility Day event opened registrations on September 5. It sold out in 26 minutes!
 - The event is scheduled for Tuesday October 1.
- Our Tunnel After Dark tickets go on sale October 2 at 10am. The date for that event is October 25.

Parks & Trails:

- The Blue Ridge Tunnel has seen great numbers continuing this summer including over 6000 in August.
- The rail trail has been continued to average 1200-1400 over the summer through August.
- The Blue Ridge Tunnel was closed on August 13 as we made repairs to trail inside the tunnel. In addition to this prescheduled closure for routine maintenance, we had several areas of washout from Tropical Storm Debbie that we were able to address while the trail was already closed. That storm also took down 4 trees along the trail which were cleared the following day.
- We had 2 rentals at Montreal Park during August.

- 2024 Legislative Priorities -

PUBLIC EDUCATION FUNDING

We urge the State to fully fund its share of the realistic costs of the Standards of Quality (SOQ) and reverse policy changes that previously reduced funding or shifted funding responsibility to localities.

- The recent Joint Legislative Audit and Review Commission (JLARC) report on K-12 education funding found that K-12 education in Virginia is underfunded, noting that local school divisions receive less funding per student than divisions in other states and several key funding benchmarks.
- Localities need an adequately-defined SOQ that closes the gap between what school divisions are providing and what the State currently funds in the SOQ.
- Localities and school divisions should have flexibility in the use of state funds provided for school employee compensation.
- We also support allowing all localities the option of levying a one-cent sales tax to be used for construction or renovation of schools.

BUDGETS AND FUNDING

We urge the governor and legislature to enhance state aid to localities and public schools, to not impose mandates on or shift costs to localities, and to enhance local revenue options.

- Adequate state investment for local service delivery is crucial.
- We oppose unfunded state and federal mandates and the cost shifting that occurs when the State or the federal government fails to fund requirements or reduces or eliminates funding for programs.
- We support additional and strengthened revenue options for localities in order to diversify the local revenue stream; the state should not restrict local revenue sources or confiscate or redirect local general fund dollars to the state treasury.
- Any tax reform efforts should examine financing and delivery of state services at the local level and how revenue is generated relative to our economic competitiveness.

LAND USE and GROWTH MANAGEMENT

We encourage the State to resist preempting or circumventing existing land use authorities, and to support local authority to plan and regulate land use.

- We support the state providing local governments with additional tools to manage growth.
- We support a broader and more workable impact fee authority.
- We support changes to provisions of the current proffer law that limit the scope of impacts that may be addressed by proffers.

Zoning Update Services

Rebecca Cobb <rebecca.cobb@bgllc.net>

Tue 9/3/2024 8:54 AM

To: Dylan Bishop <dbishop@nelsoncounty.org>

Cc: Candy McGarry <CMcGarry@nelsoncounty.org>; Chris Musso <chris.musso@bgllc.net>; Cecile Gaines <cecile.newcomb@bgllc.net>

Good morning,

I hope you had a good long weekend. I wanted to touch base with you regarding our conversation at the end of the work session. The work order for the project contains a menu of optional services and does state that we can add these services with written authorization from the County. This can be an email from you or more formal communication. If you need a document from me to take to the Board, please let me know and I'm happy to provide one.

Optional service D3, Additional Public Outreach Meeting, was discussed during the work session. The cost for this would be \$3,400 as quoted in the work order. Additionally, Chris emailed you about authorization for the website work. This would be optional service D7, Website Hosting (streamlined with Comp Plan), for \$2,500 as quoted in the work order. This line includes the 3-year website fee and our management of the site over the duration of the project. Please let me know if you have any questions about these lines or other optional services.

Again, feel free to respond to this email and just state which lines we are authorized to move forward with or send a letter.

Thanks,

Rebecca S. Cobb, CZA

Deputy Director of Planning

Direct: 434.547.2789

www.bgllc.net





May 13, 2024

Ms. Dylan Bishop
Director, Planning & Zoning
P.O. Box 558
Lovingston, VA 22949

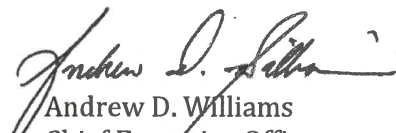
**RE: Comprehensive Plan Update and Recommendations for Zoning and Subdivision
Ordinance Amendments RFP21-PZ01 Scope of Work
Amendment 3: Zoning and Subdivision Ordinance Update**

Dear Ms. Bishop:

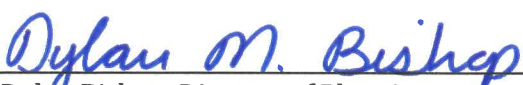
We are pleased to present this amendment to the Comprehensive Plan Update scope of work. This amendment will add a zoning and subdivision ordinance update.

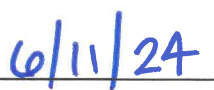
Should you or your staff have any questions related to the amendment and associated fee, please let me know.

Sincerely,


Andrew D. Williams
Chief Executive Officer

I have reviewed the scope and fee for the associated work order and I hereby give the consultant notice to proceed for the work described herein.


Ms. Dylan Bishop, Director of Planning


Date

SCOPE OF WORK

Deliverables:

The Scope of Work will result in the following:

1. The County will receive an updated and combined Zoning and Subdivision Ordinance. This will be submitted in digital (pdf) and word (.docx) format to the County.

Assumptions:

The specific tasks required as part of this scope of work are outlined under Fees. The following assumptions shall apply:

1. **Initiation:** The County will provide up-to-date copies of the current subdivision ordinance, zoning ordinance and map in original format (.docx and Esri-compatible GIS).
2. **Contact Person:** The County will provide a single contact staff that will be responsible for collecting and transmitting data, resources, and reviews from other departments to the Berkley Group.
3. **Project Management:** Berkley Group will correspond regularly with the County point of contact. Project meetings with County staff will occur virtually up to one (1) hour per month. If the project schedule is extended, project meetings will be charged based on hourly rates for each staff member by position unless a work order amendment occurs.
4. **Kick-off Meeting:** Berkley Group will conduct a virtual kick-off meeting with County staff to review the scope, expectations, and deliverables of the project. This kick-off meeting will occur within 30 days of contract execution and should include key employees from the departments of Planning and Zoning, County Attorney, and any others deemed necessary so that their roles, responsibilities, and procedures in the update process can be discussed and clarified.
5. **Public Workshop:** Berkley Group will facilitate one public input workshop. The workshop will include a brief introduction to the Zoning and Subdivision Ordinance update followed by an interactive small group discussion on land use and zoning issues. The County will advertise and promote the meeting and coordinate meeting location and set up. The Berkley Group will provide one (1) promotional flyer.
6. **Focus Groups:** Berkley Group will conduct up to four (4) interviews with focus groups, which will be identified and coordinated by County staff. It is assumed that focus group interviews will be conducted on the same day as the public workshop, or virtually by Zoom/phone.
7. **Engagement Summary:** A summary overview of all public engagement input will be presented for consideration at a joint Board and Commission work session. The summary will also be utilized in drafting the zoning and subdivision ordinance.
8. **Zoning & Regulation Development:** To the extent possible, the ordinance will follow the Virginia regulations style manual. The ordinance development does not include legal review but this can be included as an optional service.
9. **Meeting Materials:** Meeting materials will be provided in digital format up to, but no earlier than, five (5) business days before a work session. Printing of hardcopy materials necessary for meetings, surveys, documentation, or public review will be the responsibility of the County. Berkley Group will print large format poster boards.
10. **Work Sessions:** This scope of work assumes up to six (6) meetings facilitated by the Berkley Group will be conducted as joint work sessions with the Planning Commission and the Board of Supervisors. The focus of these work sessions will be articles of the zoning ordinance and subdivision ordinance. The drafted text will not include red-line versions due to the

complexity of the reorganization. If during drafting, conflicting text is found, these items will be brought to the attention of county staff and incorporated as advised by staff. The incorporation of these edits will be noted in the editor's footnotes of the draft document and can be discussed during work sessions. The last work session will focus on review of the fully drafted ordinance.

11. **Comments & Revisions:** One (1) round of revisions is anticipated per article during the ordinance drafting phase. Comments from the Board/Commission will be provided in a consolidated comment response format to Berkley Group for review and consideration. The fee estimate for drafting and final revisions are based on revisions directed during the work sessions identified in the scope of work. Revisions associated with additional work sessions or meetings will require a scope amendment and additional fee.
12. **Changes Matrix & Crosswalk:** Prior to public hearings and adoption, Berkley Group will provide a clean draft ordinance and a summary memo highlighting the major changes proposed in the zoning and subdivision ordinances update. Additionally, a crosswalk will be provided detailing the general location or exclusion of current ordinance items within the proposed ordinance.
13. **Open House:** Berkley Group will draft one (1) flyer for the County and print large boards for up to one (1) open house meeting. The County is responsible for advertising the open house and securing an appropriate location. Berkley Group and County will coordinate the date and times of the event.
14. **Pre-Adoption Joint Work Session:** After the open house, Berkley Group will facilitate one (1) joint work session to discuss public feedback and ordinance refinement.
15. **Public Notification:** The County will be responsible for public notification requirements (e.g., newspaper ads and mailings) associated with the project.
16. **Public Hearings:** The scope of work assumes one (1) public hearing with the Planning Commission and then one (1) hearing with the Board for ordinance adoption.
17. **Meeting Cancellations:** Meetings and work sessions cancelled with notice of less than 10 business days will be counted toward the scoped work sessions, and the client will be charged for the preparation hours for the cancelled meeting.
18. **Graphics:** No illustrations relating to the ordinances are associated with this scope but can be added as an optional service.
19. **Mapping:** No mapping is associated with this scope but can be added as an optional service.
20. **Optional Services:** Optional services may be added with written authorization from the locality and subject to the following assumptions:
 - A. **Illustrations & Graphics Package:** Basic illustrations by Berkley Group or a full graphics package created by a third-party consultant would be fully integrated into the ordinance.
 - B. **Additional Focus Group Interviews:** Assumptions for focus group meetings apply.
 - C. **Additional Public Outreach:** Assumptions for public outreach events apply.
 - D. **Additional Work Session / Meeting:** Assumptions for work sessions apply.
 - E. **Additional Citizen Advisory Check-Ins:** Assumptions for meetings and the citizen advisory check-ins apply.
 - F. **External Legal Review:** External legal review, if desired, will consist of a single comprehensive review of the draft ordinance prior to public adoption.
 - G. **Website Hosting:** Berkley Group will host a website for the project. The website may be combined and streamlined with the existing Comprehensive Plan website or hosted on a separate domain. The website would be available throughout the duration of the project and at the conclusion of the project would be discontinued or given to the County for maintenance.

H. Mapping Support: The County would provide the current parcel layers and official zoning map in ESRI compatible format. The County would be responsible for any notifications associated with map amendments. Berkley Group will provide final maps in ESRI compatible format.

Fee:

The Scope of Work to update the Nelson County's Zoning and Subdivision Ordinance will include the following tasks and associated fees:

Phase	Task	Task Description	Total Cost	Est. Hours
Investigation	A1	Project Management / Staff Input	\$ 6,400.00	98
	A2	Project Kickoff (Virtual)	\$ 760.00	12
	A3	Joint Kickoff & Land Use Diagnostic Presentation	\$ 3,000.00	52
	A4	Public Workshop (1)	\$ 3,400.00	56
	A5	Focus Group Listening Sessions (up to 4)	\$ 3,400.00	56
	A6	Engagement Summary	\$ 1,060.00	16
Development	B1	Joint Work Sessions (up to 6)	\$ 18,900.00	315
	B2	Ordinance Table of Contents & Crosswalk	\$ 4,880.00	80
	B3	Definitions	\$ 5,750.00	98
	B4	General, Administrative, Nonconformity	\$ 5,940.00	110
	B5	Permit & Application Provisions	\$ 7,160.00	130
	B6	District Standards	\$ 9,400.00	168
	B7	Overlay & Special Districts	\$ 7,750.00	138
	B8	Use Matrix	\$ 8,400.00	148
	B9	Use Performance Standards	\$ 7,750.00	138
	B10	Community Design Standards (Signs, Lighting, Landscaping, etc.)	\$ 8,760.00	156
	B11	Subdivisions	\$ 8,300.00	141
	B12	Formatting & Final Review	\$ 3,040.00	52
	B13	Changes Matrix & Contents Crosswalk Update	\$ 3,860.00	62
Adoption	C1	Open House (Public Draft Review) (up to 1)	\$ 4,150.00	70
	C2	Pre-Adoption Joint Work Session (up to 1)	\$ 3,500.00	60
	C3	Incorporate Final Revisions	\$ 3,040.00	52
	C4	PC & Board of Supervisors Public Hearings	\$ 6,000.00	104
	C5	Post-Adoption Deliverables	\$ 2,120.00	36
Subtotal			\$ 136,720.00	2,348
Non-direct expenses including, but not limited to, travel, printing, supplies, etc. (5% of project cost)			\$ 6,836.00	
TOTAL			\$ 143,556.00	

The following supplemental services may be employed for an additional fee:			TOTAL
Optional Services	D1	External Legal Review	TBD
	D2	Illustrations & Graphics Package	TBD
	D3	Additional Public Outreach Meetings	\$3,400/meeting
	D4	Public Outreach Survey (Online & Paper)	\$3,500
	D5	Additional Worksessions with PC and/or Board	\$3,000/meeting
	D6	Additional Citizen Advisory Committee Check-Ins	\$4,000/meeting
	D7	Website Hosting (streamlined with Comp Plan)	\$2,500
	D8	Website Hosting (separate from Comp Plan)	\$3,500
	D9	Mapping Support	TBD

Hourly Rates			
Berkley Group	E1	Owner/Principal	\$175/hr
	E2	Director of Planning	\$100/hr
	E3	Principal Planner	\$80/hr
	E4	Senior Planner	\$65/hr
	E5	Planner	\$50/hr

If the work order is not signed and work commenced within three (3) months, the proposed fee expires, and Berkley Group may propose a new fee.

Schedule:

Berkley Group proposes to perform the tasks included in this Work Order according to the schedule outlined below. This schedule is predicated on the assistance of County staff in providing timely documentation, guidance, and scheduling of necessary meetings and work sessions.

PROJECT TIMELINE																								
Phase	#	Task Description	2024						2025						2026									
			July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April
Investigation	A1	Project Management / Staff Input																						
	A2	Project Kickoff (Virtual)	V																					
	A3	Joint Kickoff & Land Use Diagnostic Presentation		X																				
	A4	Public Workshop (1)				X																		
	A5	Focus Group Listening Sessions (up to 4)				X																		
	A6	Engagment Summary																						
Development	B1	Joint Work Sessions (up to 6)						X			X		X			X								
	B2	Ordinance Table of Contents & Crosswalk					*																	
	B3	Definitions																						
	B4	General, Administrative, Nonconformity																						
	B5	Permit & Application Provisions								*														
	B6	District Standards								*														
	B7	Overlay & Special Districts								*														
	B8	Use Matrix									*													
	B9	Use Performance Standards									*						*							
	B10	Community Design Standards (Signs, Lighting, Subdivisions															*							
	B11	Formatting & Final Review															*							
	B12	Changes Matrix & Contents Crosswalk Update															*	*						
B13																	*							
Adoption	C1	Open House (Public Draft Review) (up to 1)																X						
	C2	Pre-Adoption Joint Work Session (up to 1)																		X				
	C3	Incorporate Final Revisions																						
	C4	PC & Board of Supervisors Public Hearings																						
	C5	Post-Adoption Deliverables																						
X = Anticipated In-person Attendance; V = Virtual Attendance; * = Meeting Topic																								

If the work order is not signed and returned within 30 days, the proposed schedule expires, and Berkley Group may propose a new schedule.

AGENDA VI B SUMMARY MEMO

DATE: September 10, 2024

RE: **Agenda Item VI B: Proposed Revision to PMA Contract Amendment #6 to Modify Design Services for New DSS Building Project Site at Tanbark Plaza for New Fire Sprinkler Main**

Background:

At the Board's August 13th regular meeting, following its closed session pursuant to Virginia State Code Section 2.2-3711(A)(3) and (A)(7), the Board of Supervisors took the following action:

- Authorized the County Administrator to enter into a purchase agreement to acquire the land and improvements at 37 Tanbark Plaza for \$775,000. **(See attached Purchase Agreement)**
 - The property is intended to be the new site for the Department of Social Services and provides for a more cost efficient option versus the initial Callohill Drive site, with an estimated savings of approximately \$1M, primarily due to more favorable site development conditions. Additionally, this location for DSS keeps them within Lovingson proper and adjacent to the local Community Services Board; which provides a higher level of convenience to citizens utilizing these services. It also serves to improve the middle gateway into Lovingson from Route 29 and provides the opportunity for additional public parking that will improve walkability in Lovingson. **(See attached Site and Building Analysis for 37 Tanbark Plaza presented to the Board at the July 9, 2024 regular meeting in Closed Session)**
 - Settlement of the property purchase is predicated upon satisfaction of conditions precedent as specified in the executed purchase agreement and title examination. This investigative period is expected to take 8-12 weeks.
 - Staff recommended that this purchase be partially funded with some combination of Bond Anticipation Note proceeds in excess of the estimated cost of A&E services of approximately \$559,591 and existing unallocated Capital Fund Reserves of \$419,730. **(See attached FY25 Adopted Capital Fund Budget Synopsis)**
- Authorized the County Administrator to execute contract amendment #6 with PMA Architecture to modify design services for the new project site at Tanbark Plaza excluding (for the time being) the proposed optional architectural design assessment of the Main Street corridor in the vicinity of the site for \$38,500 and MEP design scope revised to include design for new fire sprinkler main for \$5,000. This amendment reduced the total contract fee from \$1,170,780 to \$1,101,480. **(see attached original Amendment #6 and supporting documentation)**

Status:

PMA and the County's Building Code Official have both provided memos **(see attached)** recommending reconsideration of providing funding of \$5,000 for inclusion of the MEP design scope revision which includes design for the new fire sprinkler main. The fire sprinkler main at the site already exists and is recommended to be used in the new building, not only for safety and fire response reasons, but also for the ability to design a more functional interior that will not require fire rated corridors and automatic door closures. The \$5,000 cost increase is to cover the additional drawings and specifications for the bid documents that the Mechanical Engineer will have to prepare. **Staff concurs with this recommendation and requests that the Board authorize adding back \$5,000 to PMA's Contract Amendment #6, which reduces the total revised amended contract fee under Amendment #4 by \$64,300 to \$1,106,480. (see attached revised Amendment #6)**

Time Sensitive Action Requested: Re-consider and *authorize execution of revised Amendment #6 (see attached) that includes the MEP Design scope for a new fire sprinkler main for a cost of \$5,000, modifying the total scope of design services for the new DSS building project site at Tanbark Plaza to include this work.*

AGREEMENT FOR THE SALE OF REAL ESTATE

THIS AGREEMENT for the sale and purchase of land and easements, entered this **13th day of August, 2024**, by and between **Joe Lee McClellan, Inc.** (“Seller”) and Nelson County (“Purchaser”) provides:

1. **Agreement.** In consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seller hereby agrees to sell, and Purchaser agrees to purchase, parcels of real estate, **1.26** acres, more or less, including improvements thereon, situated in Nelson County, Virginia, and being **Tax Map No. 58 A 36 and No. 58 A 37**, (the “Property”).

2. **Purchase Price.** The purchase price shall be **\$775,000.00** payable in cash at settlement.

3. **Title to the Property.** The Purchaser shall be entitled to receive an insurable good and marketable fee simple title to the Property, free and clear of all liens, encumbrances, conditions, and restrictions, and such other as the Purchaser may, at its option, waive.

4. **Title Defects.** If any title defects are discovered, Seller at Seller’s expense may have a reasonable period of time to cure and correct any such title defects. If, however, any such title defects cannot be cured within a reasonable period of time, Purchaser may declare this Agreement null and void and neither party shall have any further duty, liability or obligation under this Agreement to the other.

5. **Access/Cooperation:** Purchaser and Purchaser’s duly authorized representatives and contractors shall be entitled to reasonable access to the Property for the purpose of inspecting such Property and making surveys, examinations, measurements, soil tests, engineering and other findings, provided that such activities do not result in any material change in the present character of the Property. Seller agrees to cooperate with Purchaser’s inspection activities, including but not limited to providing such information as is within their knowledge in connection with a Phase I Environmental Study and any follow-up investigations, upon request. Within ten (10) days of the date of this Agreement, Seller shall deliver to Purchaser complete copies of any studies, surveys, environmental reports, permits, approvals, title abstracts, or policies of title insurance within Seller’s possession relating to the Property.

6. **Cooperation with Permitting.** Seller agrees at all times to cooperate fully with Purchaser's efforts to obtain any approvals required for Purchaser’s undertaking. For purposes of this Agreement “Approvals” shall mean all governmental and other approvals, permits, easements, licenses, and variances that Purchaser determines, in its sole and absolute discretion, are necessary for the development, construction, operation, and use of the Property. Seller shall (a) permit Purchaser to apply for the Approvals in Seller’s name and shall execute all such documentation required in connection with the approvals within five (5) business days after receipt of the same, and (b) promptly take all such action as is reasonably necessary to procure the approvals, all at the sole cost and expense of Purchaser, including execution of a limited power of attorney to allow Purchaser to seek such approvals.

7. Conditions Precedent. Purchaser shall be satisfied with surveys, examinations, measurements, soil tests, engineering, and other findings that Purchaser determines, in its sole and absolute discretion, are necessary for its development, construction, operation, and use of the Property, and shall have received any approvals, permits, easements, licenses, and variances deemed necessary by Purchaser.

8. Settlement. Following satisfaction of all the conditions precedent, closing shall be held as soon as title can be examined and the papers prepared. The Purchaser or its designee shall be entitled to a general warranty deed with English covenants of title, in form and substance satisfactory to counsel for the Purchaser, conveying fee simple marketable title of the Property to Purchaser or its designee. The Seller shall pay the Seller's tax imposed by law. The Purchaser shall pay all costs incurred in connection with the survey work of the Property, its examination of title to the Property, and the recording of the deed, except Seller shall be responsible for Seller's recordation taxes any rollback taxes assessed in connection with the Property, which obligation shall survive Settlement. Real estate taxes shall be prorated as of the settlement date. Each party shall be responsible for its legal and consultants' fees.

9. Risk of Loss. Prior to the date of settlement, the Seller will bear all risk of loss for damage or destruction to the Property by fire, casualty, accident or any other cause whatsoever. If any such loss or damage should occur to the Property prior to settlement which cannot be completely repaired by the settlement date, or which otherwise reduces the value of the Property, and the parties cannot agree to an abatement in the purchase price, then the Purchaser may, at its option, terminate this Agreement. If this Agreement should be terminated under the provisions of this paragraph, the parties shall have no further duty, obligation, or liability under this Agreement.

10. Environmental. Seller warrants that the Property is free of any condition which might bring the property within the purview of any federal, state, or local law or regulation regarding environmental protection, pollution, or water quality. Seller shall indemnify and hold harmless Purchaser, its officers, agents, and employees, from any and all claims which arise in this connection from conditions existing or occurring on the Property prior to settlement. The provisions of this section shall survive the settlement.

11. Other Provisions. _____

12. Remedies. If either party to this Agreement defaults in the performance of its obligations pursuant to this Agreement, the non-defaulting party shall have all remedies at law and/or equity to enforce this Agreement and/or to recover its damages and costs, including reasonable attorney's fees and costs, incurred in any action against the defaulting party.

13. Real Estate Broker. Seller warrants that any sale commission or other fee due a real estate broker or agent engaged by Seller shall be the sole responsibility of Seller. Seller agrees to indemnify, defend, and hold Purchaser harmless from and against any such claims or costs, including attorneys' fees, incurred as a result of the transaction contemplated by this Agreement. The provisions of this Section shall survive termination of this Agreement.

14. Further Assurances. Each of the parties agrees to do such further acts and things and to execute and deliver such additional agreements and instruments as the other may reasonably require to consummate, evidence, or confirm this Agreement or any other agreement contained herein in the manner contemplated hereby. If more than one party is named as Seller herein, such parties shall be jointly and severally liable for Seller's obligations under this Agreement.

15. Notices. All notices required or permitted under this Agreement shall be in writing and shall be deemed delivered if delivered in person, deposited in the United States mail postage prepaid addressed as follows, or sent by facsimile. Either party may change such address from time to time by providing written notice to the other in the manner set forth above.

If to Purchaser:

Candice McGarry
County Administrator
Post Office Box 336
Lovingston, Virginia 22949

If to Seller:

Sarah Holman
Joe Lee McClellan, Inc.
P.O. Box 395
Lovingston, VA 22949

16. Applicable Law, Venue. The laws of the Commonwealth of Virginia shall apply in the construction and enforcement of this Agreement. The sole venue for any proceeding between the parties regarding this Agreement shall lie in the Nelson County Circuit Court.

17. Amendment. This Agreement may not be modified or amended unless the amendment is made in writing and is signed by both parties.

18. Entire Agreement. This Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties.

IN WITNESS WHEREOF, the Seller and the Purchaser have executed this Agreement as of the day and year first above-written.

Nelson County

By Candice W. McGarry
Candice W. McGarry

It's County Administrator

(SEAL)

Joe Lee McClellan, Inc.

By Sarah Holman
Sarah Holman

It's Vice President

Approved as to Form:

Philip D. Payne, IV
Philip D. Payne, IV
County Attorney

P M A
ARCHITECTURE
M E M O R A N D U M

Date: July 9th, 2024

To: Candy McGarry, County Administrator

From: Jeff Stodghill, AIA – PMA Architecture – 10325 Warwick Boulevard, Newport News, VA

Re: **CONFIDENTIAL** – 37 Tanbark Plaza: Building & Site Analysis and Recommendations

Summary

PMA was hired in April of 2024 to evaluate the feasibility of using the existing building and land at 37 Tanbark Plaza, Lovingsston, VA, as an alternative site for the planned Social Services Building. The land area consists of two lots totaling 1.6 acres which is sufficient to meet the building area and parking requirements of the Social Services Department. We believe that the Tanbark Plaza site location near the heart of Lovingsston, located on Main Street and fronting Rt. 29 is a superior location to relocate the Social Services Department. Further, the Tanbark Plaza site is adjacent to the CSB facility and offers advantages in serving citizens of Nelson County which the Callohill Drive location cannot offer.

The following analysis explains and illustrates two basic approaches to this. Renovation of the existing building is possible, however there are several issues that complicate this approach and add to the cost of this option. First, an overhead power line crosses over the building and this presents a safety and easement access issue which we believe would need to be moved if the building is renovated. Second, we believe that a retaining wall would be needed on the back of the building in order to manage stormwater and erosion and prevent water intrusion into the building. Third, the existing building is not proportioned ideally for an efficient layout of the Social Services functional arrangements. Our study indicates that we would need to remove some portions of the existing building and build up to 2,614 square feet of new building area in order to achieve a workable floor plan.

Another alternative is to demolish the existing building and build the plan previously developed for the Callohill Drive site on the Tanbark site. This approach would move the building away from the power lines and minimize the need to construct retaining walls. In addition, this approach would result in a more efficient building and construction plan.

A cost comparison is presented in Table 1 illustrating the renovation versus new construction options.

Site Analysis

The site consists of two contiguous lots (58A37 and 58B36) totaling 1.26 acres of land area which borders Rt. 29 on the west, Main Street on the south and Tanbark Plaza on the east. The site is above the 100-year floodplain as currently defined. Overhead power lines cross the site at the south-west portion of the site and span across the existing building, as shown in Figure 1. In PMA's

July 8, 2024

Page 2

opinion, these lines and easement area are a safety and access concern and need to be addressed in potentially using the site to meet the needs of a Social Services use.

The existing building and parking lot were originally developed in the 1970's as a grocery store. There is a steeply sloped embankment between the west-side of the existing building and the Rt. 29 right-of-way (ROW) which is eroding in some places against the building. PMA is of the opinion that a retaining wall may be required to stabilize this steep slope embankment if the existing building is retained for future use. The existing parking lot is heavily deteriorated due to its age and stormwater sheet flows to a basin at the south-east corner of Lot 58A37. The existing parking lot and drive aisles will need to be completely reconstructed to serve at this site in order to meet the needs of a new Social Services use. The site is served by sewer and water, including a fire sprinkler system line to the existing building. A survey of the condition of the sewer and water lines was not performed as part of this analysis. Given the age of the original development, It is PMA's experience that water and sewer lines should be replaced to the street connection as part of any major renovation of the building and site. The water sprinkler system was installed more recently. The sprinkler system should be inspected and surveyed, but we assume that it is in good condition at present.

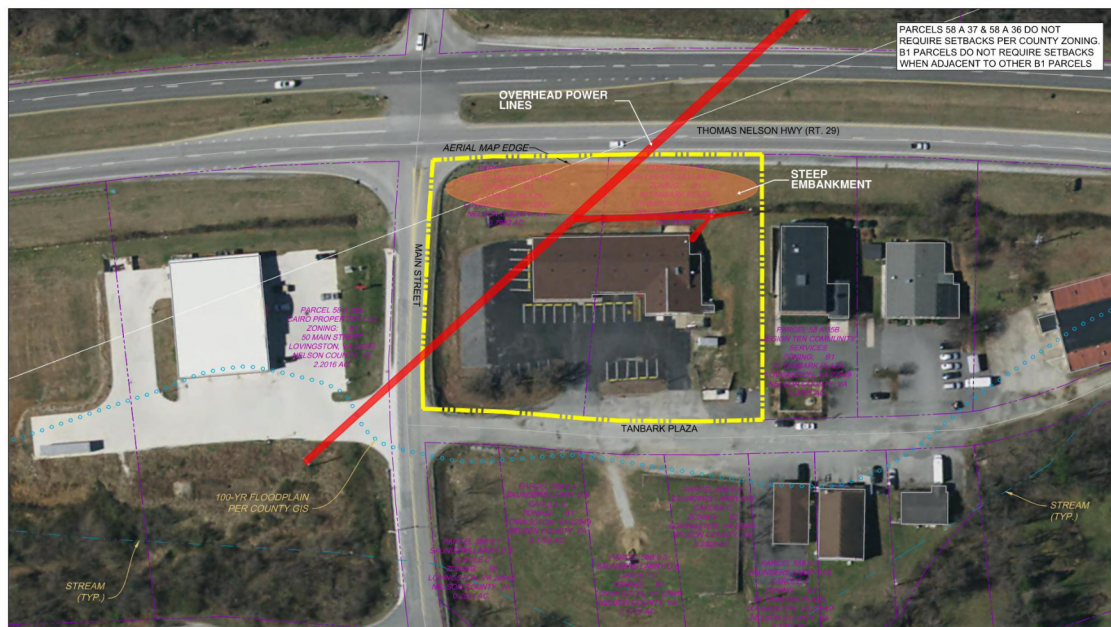


Figure 1 – Existing Site

Existing Building Analysis

The existing building is primarily a one-story concrete block building with a wood truss roof system. The floor structure is slab-on-grade construction. The original building was designed as a rectangular floor plan of approximately 48 feet in depth and 142 feet in length. Several additions have been made to the building on the north and north-east end of the building to accommodate the restaurant's needs, including cooler/freezer boxes and other food service needs. A structural evaluation of the existing building was performed by structural engineers from Speight Marshall and Francis on June 14, 2024 which is appended to this memo. Their conclusion is that the overall

July 8, 2024

Page 3

building structure is sound and can continue to perform in the future. Several conditions that will require remedial work include, cracks in the floor slab, cracks in the exterior walls where movement has occurred and replacement of steel lintels at the window and door openings.

The exterior masonry walls are concrete masonry units of one unit thickness. The issue with this type of construction is that it was not constructed with an air space and waterproofing components which can stop water from entering the building. Further, it is not constructed with sufficient insulation and water vapor management to meet the needs of a modern county office building. PMA would recommend improvements to the exterior walls if the building is reused to meet the Social Services needs.

The existing roof consists of an asphalt shingle roof of uncertain age. If the building is to be reused, PMA generally recommends replacing a shingle roof of this type with a more robust roof covering with a 20 year warranty in order to protect the investment in renovations and the interior of the building.

Potential for Hazardous Materials

Due to the age of the building, it is likely that asbestos containing materials and lead paint exist in the building construction. A survey of hazardous materials was not conducted at this stage of the evaluation. It is recommended that the County presume that Asbestos and Lead Paint abatement will be required as part of any renovation and an allowance provided. Should the County proceed to purchase the property with the intent to renovate the building, then a detailed assessment can be performed at that time.

Building Renovation Option

While renovation of the existing building is feasible, we have determined that the available interior space that is potentially useable to meet the Social Services needs is not adequate to meet the total required space for Social Services. In explanation of this, only specific areas of the interior portion of the existing building are configured in a way that can be efficiently used to meet Social Services needs. The useable area of the existing building totals 7,808 square feet of gross building area. The areas that are not useable are the additions on the north end of the building which were built for refrigeration and office space as highlighted in Figure 2.

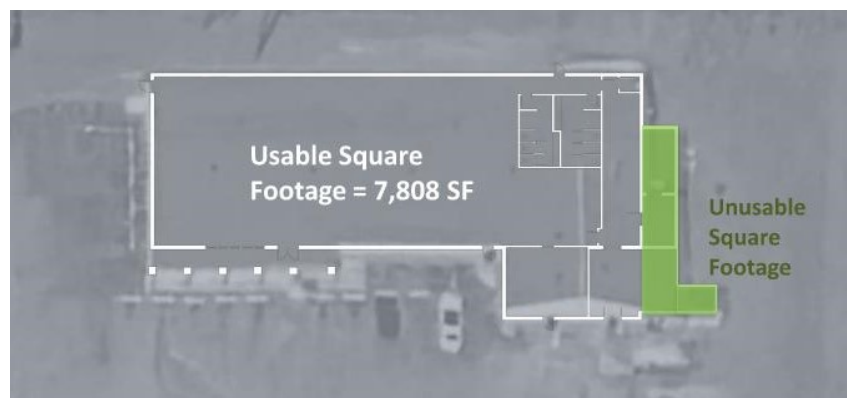


Figure 2 – Unusable Area

July 8, 2024

Page 4

In addition to this, the width of the existing building is not adequate to achieve an efficient layout of offices, corridors and internal spaces. The existing building at Tanbark has an interior dimension of 48 feet from front to back. The layout requirements of the Social Services Building already developed for Callohill Drive indicate that we need this dimension to be at least 56 feet. This means that some office areas would have to be provided by expanding beyond the existing building in order to achieve practical arrangements using the existing building. Our calculations indicate that approximately 2,614 square feet of addition area to achieve a functional plan layout while renovating the useable portion of the existing building.

If the building renovation option is selected, then it is recommended that the overhead power line be relocated away from the building. Estimates to relocate these overhead power lines indicate that this could cost \$150,000. We would also recommend building a retaining wall on the back of the building to address soil erosion and stormwater management to avoid water intrusion on the back of the building. We would also recommend installing an exterior skin for the building to manage moisture and air infiltration. Additionally, a metal roof is recommended for the best longevity and value.

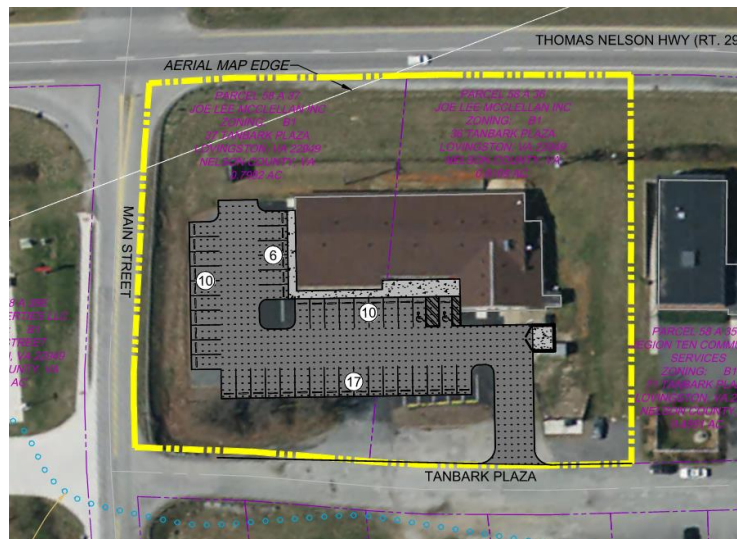


Figure 3 illustrates how a new parking layout could work if the existing building is renovated.

New Building Options

PMA examined the feasibility of applying the building plan developed for the Callohill Drive site on the Tanbark site. There are two options for using this plan on the Tanbark site. Option 1 is shown in Figure 4 which proposes a new building in the same basic location as the existing building. Figure 5 illustrates locating a new building fronting Tanbark Plaza and constructing the parking lot on the rear portion of the lot along the western property boundary along Rt. 29. Both of these options locate the building outside of the existing overhead power lines and offer locations which would minimize the need for retaining walls.

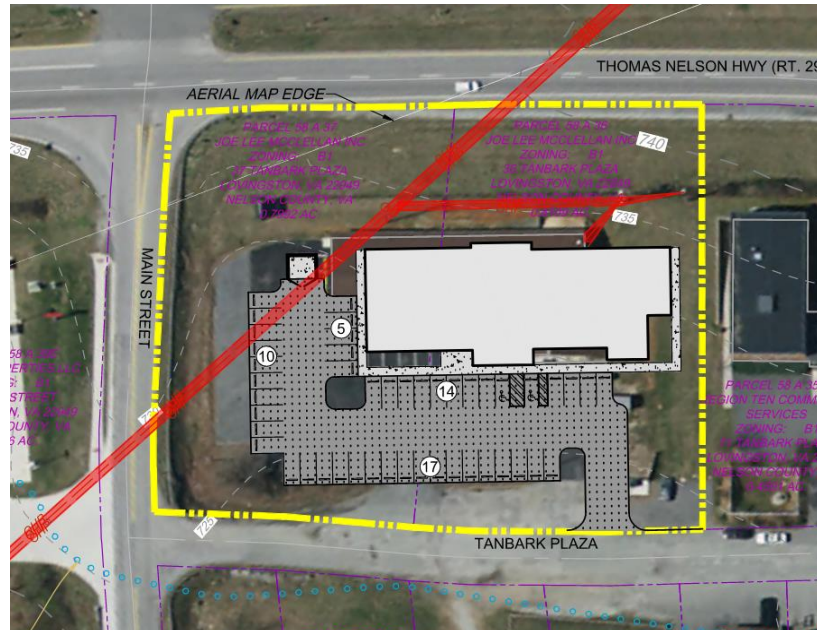


Figure 4: New Building & Parking Option 1

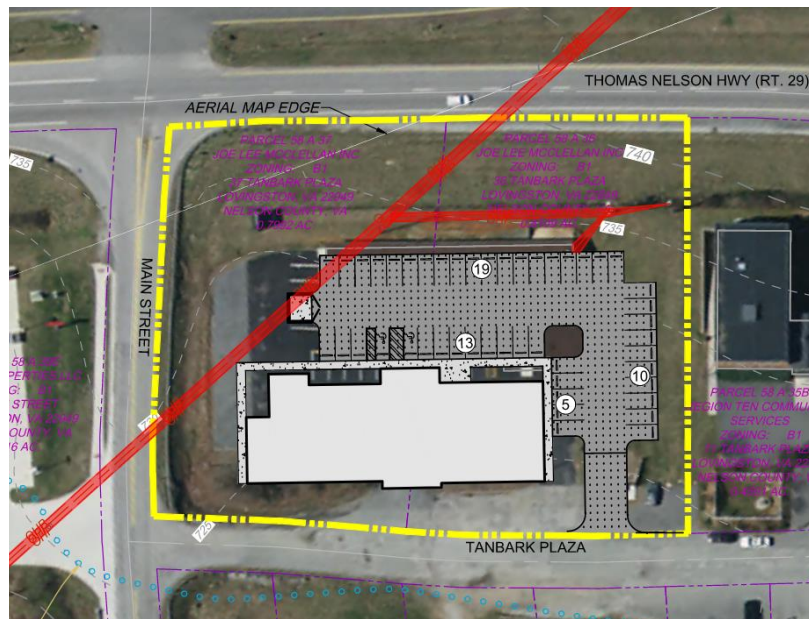


Figure 5: New Building & Parking Option 2

Cost Analysis

Table 1 provides a comparison of the overall project costs between the options of constructing a new facility at Callohill Drive versus the options of renovation or new construction at the Tanbark Plaza site. The clear cost advantages of the Tanbark Plaza site are that it will not require construction of a road and off-site stormwater. Secondly, there is much less concern over rock removal at the Tanbark Site.

July 8, 2024

Page 6

Column 3 of Table 1 provides a budget for the Renovation Option at the Tanbark Plaza site. For this option, we have added costs for relocating the electrical lines and construction of a retaining wall. Additionally, we have added to the building costs to account for anticipated additional building expansion. Further, we have increased the construction contingency because renovating a 50 year old building will likely require dealing with many unknown conditions.

Column 4 of Table 1 provides a budget for the New Construction Option at the Tanbark Plaza site. This option avoids the costs of relocating overhead power lines and the retaining wall. It also will have a lower building cost due to the efficiencies of new construction and more efficient floor plan than renovating the existing building.

Under the “Other” category we have included assumptions for land acquisition associated with each option. We have assumed \$90,000 to acquire the land for a stormwater pond to serve the Callohill Site. We have assumed \$1,000,000 to acquire the Tanbark Plaza Site. At the bottom of the table there is a line labeled “Difference” which illustrates that our opinion of cost indicates that the Renovation approach to the Tanbark site could save \$90,000 as compared to the Callohill option and New Construction approach to the Tanbark site could save \$800,000 as compared to the Callohill option.

Nelson County Social Services Building Project

Table 1

June 27, 2023 - Prepared by PMA Architecture

Preliminary Opinion of Probable Construction Cost and Project Budget Components

Project Components	Comparisons of Options		
	Callohill Site	Tanbark Plz	Tanbark Plz
		Renovate	New Construction
Architect and Engineering Fees	\$1,170,780	\$1,110,780	\$1,110,780
Building & Site Design Cost Estimate (10.6%)	\$882,260	\$882,260	\$882,260
Road Design Cost Estimate	\$50,300		
Security System Design	\$11,500	\$11,500	\$11,500
Design Team Construction Administration Allowance	\$217,020	\$217,020	\$217,020
Road Construction Administration Allowance	\$9,700		
Construction and Inspections	\$7,291,480	\$6,175,200	\$5,451,480
Social Services Building Construction	\$4,226,480	\$4,850,200	\$4,226,480
Site Costs	\$2,100,000	\$760,000	\$760,000
Road Cost	\$500,000	\$0	\$0
Retaining Wall		\$100,000	\$0
Quality assurance testing	\$35,000	\$35,000	\$35,000
Furniture + Furnishings + Equipment	\$315,000	\$315,000	\$315,000
Acoustic Treatments	\$40,000	\$40,000	\$40,000
Security System	\$75,000	\$75,000	\$75,000
Other	\$137,000	\$1,287,000	\$1,387,000
Land Cost (Assumption)	\$90,000	\$1,000,000	\$1,000,000
Moving costs	\$20,000	\$20,000	\$20,000
Electrical Service <i>*estimated</i>	\$65,000	\$65,000	\$65,000
Relocation of Electrical Lines - Tanbark Plz Renovate Opt.		\$150,000	
Demolition Cost to remove building - Tanbark Plz - New Const.			\$250,000
Telephone system	\$40,000	\$40,000	\$40,000
Bidding costs	\$12,000	\$12,000	\$12,000
Contingency	\$664,574	\$600,000	\$514,574
Soils Contingency	\$100,000	\$75,000	\$75,000
Stormwater Contingency	\$200,000	\$75,000	\$75,000
Construction Contingency	\$364,574	\$450,000	\$364,574
Total Project Budget Range	\$9,263,834	\$9,172,980	\$8,463,834
Difference		\$90,854	\$800,000



June 14, 2024

Jeff Stodghill
PMA Architecture
10325 Warwick Blvd.
Newport News, VA 23601

Re: Structural Assessment – 37 Tanbark Plaza, Nelson County, VA
SM&F Job No.: 22.128

Dear Jeff:

On May 23, 2024, the writer visited the referenced project to perform a structural evaluation of the building. As requested, we have reviewed the existing structure to determine the feasibility of converting the space to the Nelson County Social Services Building.

The building is one story. Following is a general description of the structural systems used:

- Plan dimensions are approximately 40 feet x 150 feet.
- Exterior walls consist of concrete masonry units with an approximate thickness of eight (8) inches.
- Roof Construction:
 - Roof construction consists of wood roof trusses spaced at approximately twenty-four (24) inches on-center spanning the short direction of the building.
- First Floor Construction:
 - The floor is approximately a four (4) inch thick concrete slab-on-grade.

The following items were noted while on site:

- Some of the stone veneer on the front of the building and around the exterior wood post wraps has spalled from the structure. See Photographs 5 and 6. This is likely due to a failure of the adhesive over time. We recommend replacing all the stone veneer.
- There is evidence of rust on the front door lintel. See Photograph 7. The corroded steel lintel should be scraped clean, primed, and painted with rust inhibiting paint.

- Some of the vertical control joints appear in the exterior CMU wall appear to have opened. See Photograph 8. This is most likely due to the expansion and contraction of the building over time. The existing caulk in the control joint should be routed out and replaced.
- There are some cracks in the interior slab-on-grade. These appear to be old and stable and are non-structural. See Photograph 9.



**Photograph 1
(East Elevation)**



**Photograph 2
(South Elevation)**



Photograph 3
(North Elevation)



Photograph 4
(West Elevation)



Photograph 5



Photograph 6



Photograph 7



Photograph 8

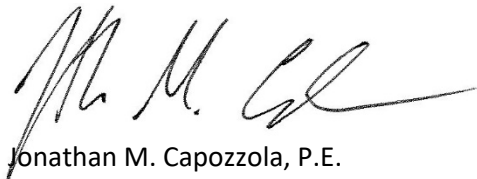


Photograph 9

Overall, the building appears to be in good structural condition and will meet the code required for loading conditions for an office space.

Sincerely,

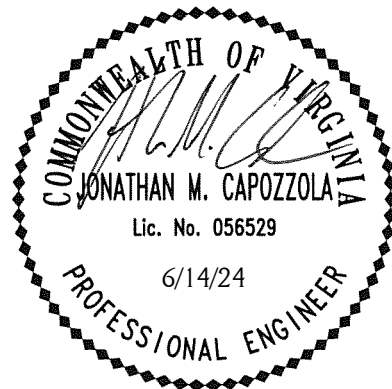
SPEIGHT, MARSHALL & FRANCIS
2821 Emerywood Parkway, Suite 300, Richmond, VA 23294



Jonathan M. Capozzola, P.E.

jmc/trk

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CAPITAL FUND

EXPENDITURE SYNOPSIS - ADOPTED BUDGET

	FY 23-24	FY 24-25		
Expenditures by Dept.	Amended Budget	Adopted Budget	Increase/Decrease	% Change
Capital Projects				
Capital Reserve (School)	\$300,500.00	\$300,500.00	\$0.00	0.00%
Capital Reserve (NCHS Project)	\$0.00	\$2,456,071.00	\$2,456,071.00	0.00%
Capital Reserve (DSS Project)	\$0.00	\$1,656,071.00	\$1,656,071.00	0.00%
Capital Reserve (Unallocated)	\$404,751.00	\$419,730.00	\$14,979.00	3.70%
Total	\$705,251.00	\$4,832,372.00	\$4,127,121.00	585.20%

PMA Design Costs Estimate: \$1,110,780, DSS Project BAN Balance after Design Costs = \$545,291. Unallocated Capital Reserve = \$419,730. Total Unallocated: \$965,021

REVENUE SYNOPSIS - ADOPTED BUDGET

	FY 23-24	FY 24-25		
Revenues	Amended Budget	Adopted Budget	Increase/Decrease	% Change
Capital Projects				
Interest on Investments	\$0.00	\$0.00	\$0.00	0.00%
Bond Proceeds (NCHS Project)	\$0.00	\$2,456,071.00	\$2,456,071.00	0.00%
Bond Proceeds (DSS Project)	\$0.00	\$1,656,071.00	\$1,656,071.00	0.00%
VPSA Refunding Proceeds	\$0.00	\$0.00	\$0.00	0.00%
Transfer from General Fund	\$0.00	\$0.00	\$0.00	0.00%
Year Ending Balance	\$705,251.00	\$720,230.00	\$14,979.00	2.12%
Total	\$705,251.00	\$4,832,372.00	\$4,127,121.00	585.20%

The Capital Fund as it currently exists has been by accounting standards an "assigned" balance within the General Fund and therefore not considered when calculating unassigned General Fund Balance. Should this fund not be appropriated in FY25, these funds would become unassigned within the General Fund Balance. The \$300,500 in School Capital Reserve was set aside in case its use for remediating the building envelope at Tye River Elementary School became necessary. Additional fund balance of \$14,979.00 reported in the FY23 audit is included in the FY25 total Unallocated Capital Reserve of \$419,730.00 within the fund. The balance of Bond Anticipation Notes (BAN) minus cost of issuance paid in FY24 for the Nelson County High School (NCHS) Renovation Project is \$2,456,071 and Department of Social Services Building Project is \$1,656,071 as shown in expenditures above.



MEMORANDUM

Ms. Candice McGarry, County Administrator
Nelson County
P.O. Box 336
Lovingston, VA 22949

RE: Contract Amendment #6 to modify Design Services for New Project site at Tanbark Plaza

Dear Ms. McGarry,

We are glad to be moving forward and resuming the project for the design & construction of the new Social Services Department Building. As a result of changing the building site from Callohill Rd to 37 Tanbark Plaza, this letter amends the contract as described below:

- (1) As described in the attached proposal from Timmons Group dated 7/31/2024, change the scope of the Civil design to eliminate the remainder of the road design at the Callohill Drive site which will result in a deduct.
- (2) As described in the attached proposal from Timmons Group dated 7/31/2024, change in scope of civil design work from the larger Callohill Drive site to the smaller 37 Tanbark Plaza site, which will result in a reduction of the civil design fee. The following items of work will be included, in addition to the basic tasks 1-8, and L01-L02 (refer to Timmons proposal attached).
 - a. S01 - Existing Condition Survey
 - b. S02 - Subsurface Utility Designation
 - c. S03 - Consolidation Plat
 - d. G01 - Geotechnical Investigation
 - e. E01 - Preliminary Wetland Assessment
 - f. E02 - Phase I ESA
- (3) Change in scope of architectural design work to prepare a visual design assessment of the Main Street corridor in the vicinity of the 37 Tanbark Plaza to prepare an appropriate building design in the village of Lovingston.
- (4) Given that the site is served by a fire sprinkler main we would recommend including a fire sprinkler system in the new building.
- (5) The contract amount will be amended as follows:
 - a. Civil Engineer revised to \$191,960 (which includes work billed to date for Callohill site, a total of \$35,900)
 - b. Architectural Design assessment of the Main Street corridor in the vicinity of 37 Tanbark Plaza for a total of \$38,500.
 - c. MEP design scope revised to include design for new fire sprinkler main: \$5000.

Memorandum – Amendment #6 – New Project Site at Tanbark Plaza

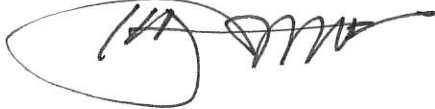
August 5, 2024

Page 2

- d. The total contract fee under Amendment #4 of \$1,170,780.00 is reduced by \$25,800.00 to a total of \$1,144,980.00

If you have any questions, then please let us know. In order to authorize this work, sign the Amendment and return a copy to our office via email and we will proceed.

Yours truly,



Jeff Stodghill, Principal



Cara Adams, Project Manager

Accepted:

Ms. Candice McGarry, County Administrator
County of Nelson, Virginia

Date



August 2, 2024

Mr. Jeff Stodghill, AIA
PMA Architecture
10325 Warwick Blvd.
Hilton Village, VA 23601

**Re: Nelson County – Tanbark Plaza Social Services
Civil Engineering Proposal**

Mr. Stodghill:

We are pleased to offer you this proposal for Civil Engineering Services associated with office building to serve Nelson County Administrative Staff. New preliminary site services proposed include Survey, SUE, Geotechnical Investigation, and a Pre-Wet.

For our existing contract at Callohill Rd, we plan to bill at 100% of Schematic Design. The rest of the phases will not be billed and are to be a credit to the owner. Going forward, this new proposal for the Tanbark Plaza location includes updated scope and reduced fees for the now smaller site plan with removal of proposed road improvements. The new site will require a more in depth demolition plan.

The site plan includes layout, demolition of existing structure, erosion & sediment control, stormwater, utilities, county minimum landscape design, site photometrics and standard details. There is not phasing scoped for this project. It is anticipated that everything will be submitted under 1 site plan and there will not be a separate early site work / demolition package.

The coordination with local and state agencies to include DEQ is again proposed. This does not include an expedited DEQ review which could be provided with additional scope.

Grading on site is not yet determined, and site walls may be necessary to minimize earthwork. The design of any site walls is currently excluded as the need for these is not yet determined.

If a flow test is not conducted by the county, a task that includes a flow test by our engineers has been included.

We look forward to the opportunity of working with you on this project. If you have any questions, please feel free to contact me at 804-200-6343.

Sincerely,

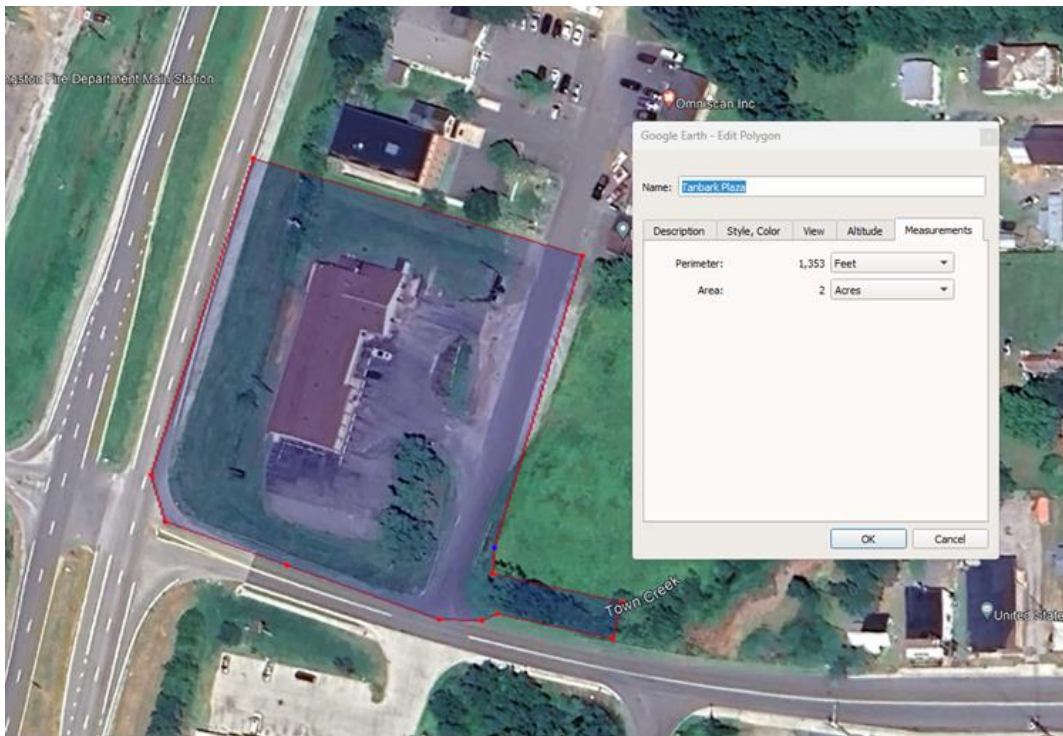
Sammy Smith, PE
Project Manager

Survey

Timmons Group will provide a field-run, topographic & boundary survey of two (2) parcels of land located in Lovingson, Virginia at the intersection of US Route 29, Thomas Nelson Highway, and Main Street. Parcels front Tanbark Plaza, which intersects Main Street just east of the intersection with US 29. Parcel info is as follows:

<u>County TMP</u>	<u>Owner</u>	<u>Address</u>	<u>Area ±</u>	<u>Zoned</u>
58-A-37	N/F Joe Lee McClellan, Inc.	37 Tanbark Plaza	1.0 AC.	B-1
58-A-36	N/F Joe Lee McClellan, Inc.	Not assigned, adjacent	0.8 AC.	B-1

Parcel is currently developed and presents as a commercial site w/ building & hardscape improvements. Basis of datum will be NAD83 (NA 2011) / NAVD88.



Task S01, Existing Conditions Survey

Topography: For purposes of design, topographic survey will include the entirety of the parcels noted above. Additionally, and for understanding of adjacent conditions / terrain, survey will extend easterly across Tanbark Plaza to the opposite road edge and southerly across Main Street, also to the opposite road edge. For northerly boundary, survey will extend 10-15 LF beyond the property line as feasible / accessible. Where parcel adjoins US Route 29, survey limits shall extend only to the easterly road edge. Area of survey is approximately 2.1 AC. See above for a more specific overview of the survey area. All physical features within the site area shall be captured, including, aerial utility feeds, hardscape, trees, surface utility features, etc. Buildings will be located and direct-measured along a consistent structural feature (i.e. face of foundation wall). Finished Floor elevations will be collected where present and accessible. Topography will be presented at a 1 ft contour interval. Drainage and Sanitary structures will be located, opened, and direct-measured one structure beyond the site limits, if present.

Boundary Survey: A land boundary survey will be provided. Effort will adhere to Virginia DPOR 18VAC 10-20-370 standards pertaining to boundary survey requirements. Land record research of subject *and adjoining parcels* will be performed. Property corners will be recovered and located incidental to survey area, and any missing corners will be set. Effort excludes any provision of a title report. In lieu of a title report, no assurance can be provided that all easements encumbering the site will be revealed and shown.

Task S02, Subsurface Utility Designation

Timmons Group will perform an underground utility survey to designate and map underground facilities on the project site (survey limits, attached 'Figure A'). This utility survey will include horizontal designation through geophysical methods and is defined as Quality Level "B" by the American Society of Civil Engineers (ASCE). The accuracies of the markings are subject to the depth and electrical conductivity of the utility as well as site (soil) conditions and manhole access. In addition, certain utilities such as fiber optics lines without tracer wires may be un-locatable. This service does not include the use of ground penetrating radar. Exclusions for this survey may include; Irrigation Systems and Lines, Roof Drains, Non-Conductive Utility Lines & Conduits, and Abandoned Lines.

Please note that non-conductive utilities may be depicted approximately from available utility mapping (if) provided by owner / client.

Task S03, Plat of Boundary Line Adjustment (Consolidation)

Timmons Group will prepare a Boundary Line Adjustment plat (BLA) enabling consolidation of the two (2) existing parcels (being TMPs 58-A-36 & 58-A-37) fronting Tanbark Plaza in Lovingson. Common / internal property line of the existing subject parcels will be vacated for configuration of a single tax map parcel. Plat will be prepared in accordance with Nelson County Zoning and Subdivision Ordinance(s) and appropriately formatted for recordation in the Clerk's Office of the Circuit Court of Nelson County, Virginia.

Effort will include review and response to County comments incidental to plat revision, if necessary. Effort excludes submittal fees, if required. Such fees will be billed as a reimbursable expense, at cost.

Task G01, Geotechnical Engineering

Our geotechnical services for the proposed social services building located at 37 Tanbark Plaza in Nelson County, VA will consist of a design-phase geotechnical field exploration, including the performance of soil test borings, the performance of laboratory testing of representative soils, and the preparation of a design-phase geotechnical engineering report. Our assumptions and proposed tasks are discussed below.

Assumptions

In preparing this scope, we have made the following assumptions:

- The fieldwork can be conducted during the normal business hours of 8 AM to 5 PM and on weekdays. Additional fees will be applicable for nighttime or weekend work.
- Excess soil cuttings from the drilling process can be spread on the site.
- On-site soils are free of hazardous substances.
- Maximum cut and fill depths will be 5 feet to reach finished subgrades for this site.
- We assume no site retaining walls (masonry block and reinforcing geogrid) will be constructed.
- Maximum column and wall loads for the new building will not exceed 100 kips and 4 kips per linear foot, respectively.
- On-site soils are sufficiently stiff to allow the building to be supported on a shallow foundation system.
- We assume there are private utilities located on-site.
- We assume that the site is open. Therefore, the clearing of vegetation and trees will not be required to access the proposed boring locations.
- Borings performed within existing pavement sections will be repaired in accordance with industry standards. This includes repairing the asphalt pavement surface with Aquaphalt brand cold patch asphalt. Hot mix asphalt repair is not included within this scope and fee and would be subject to additional fees.

Field Exploration

The field exploration will consist of the following:

- A geotechnical professional will perform a site reconnaissance and locate borings in the field by using GPS equipment.
- We will contact MISS Utility to locate existing public underground utilities near boring locations. **We will also subcontract a private utility locator to scan for underground utilities near boring**

locations using surficial electro-magnetic and ground penetrating radar (GPR) methods. The detection depth for the GPR is typically limited to about 4 or 5 feet below the ground surface. There could be deeper private underground utilities on the property, such as private sewer or stormwater pipes, which are not detectable using the above methods. Regarding potential underground sewer piping, we will attempt to perform a public record review to approximate the piping location. For stormwater piping, we will observe manholes at the ground surface in attempt to determine pipe alignment between manholes. We will also review underground utility plans provided by the client, if available. Timmons Group assumes no responsibility for damaging underground utilities that cannot be identified using the methods above.

- Perform six (6) Standard Penetration Test (SPT) borings in accordance with ASTM D1586 to depths of approximately 10 to 25 feet below the ground surface. The total drilling footage is expected to be 110 linear feet. All borings are referenced from the existing ground surface and will be performed to the indicated depths or to auger refusal, whichever comes first. Within the borings, split-spoon samples will be collected in conjunction with SPT testing. Split-spoon samples will be collected at approximate 2-foot depth intervals in the top 10 feet and at 5-foot intervals thereafter. Upon completion of the borings, borehole water levels will be recorded, and the boreholes will be backfilled with drill cuttings up to the original ground surface. Borings performed within the existing asphalt pavement areas will be patched with Aquaphalt brand cold patch, which is a VDOT approved material. Soil samples will be returned to our office for visual classification and laboratory testing. All excess spoils will be disposed of on site.

Laboratory Testing

Laboratory testing will be conducted to confirm visual classifications of encountered soils and to measure engineering properties of the soil. Laboratory testing will consist of natural moisture contents, Atterberg limits, grain size analysis, Standard Proctors, and California Bearing Ratio (CBR) tests.

Geotechnical Engineering Report

A geotechnical engineering report will be prepared based on the performed field exploration, laboratory testing, and our engineering analysis. The geotechnical report will be certified by a Professional Engineer in the Commonwealth of Virginia. Hard copies of the report can be provided as needed. The report will include the following:

1. Site plan showing boring locations.
2. Description of the exploration sampling methods as well as soil test boring logs.
3. Water levels encountered in the borings.
4. Laboratory test results.
5. Depth and location of unsuitable materials, if encountered in borings.
6. Geotechnical recommendations for shallow foundations supporting the new building, including, allowable capacity, embedment, and estimated settlement.
7. General information regarding site preparation including re-use of on-site soils as fill, identification of deleterious soils encountered in the borings, impact of weather and construction equipment on grading, fill compaction recommendations, and preparation of soil subgrades.
8. Seismic site classification recommendation in general accordance with the current Virginia Building Code.
9. Pavement section thicknesses.

Task E01, Preliminary Wetland Assessment

Timmons Group will review existing, readily obtainable environmental information on the site such as USGS mapping, aerial photography, NWI mapping and soil survey information. A site visit will be conducted to observe the extent of potential jurisdictional wetlands and/or waters of the U.S. In the event that wetlands and/or waters of the U.S. are present, a preliminary wetland assessment map estimating the approximate size, shape and location of these features on the subject property will then be prepared. Timmons Groups' findings will be documented in a memorandum report.

Task E02, Phase I ESA

Timmons Group will complete a Phase I Environmental Site Assessment (ESA) in compliance with the scope and limitations of ASTM Standard E 1527-21 (*Environmental Site Assessments: Phase I Environmental Site Assessment Process*) of two parcels (Parcel #58-A-37 & #58-A-36) which total approximately 1.5 acres located at 37 Tanbark Plaza in Nelson County, Virginia. The property is being assessed for acquisition and the construction of a county-use building.

In accordance with ASTM standards, as prescribed by the United States Environmental Protection Agency All Appropriate Inquiry (AAI) process, available environmental regulatory database listings and historical information will be accessed and reviewed prior to evaluating the presence and/or locations of recognized environmental conditions (RECs), as defined. Utilized historic resource data may include, but not be limited to, aerial photographs, topographic maps, city directories, and fire insurance maps. Any identified RECs and/or areas of potential environmental concern will be a focal point of site inspection.

Records on file with state and local resources, as available, will be reviewed to identify active and/or historic facilities that may represent a REC or an area of potential environmental concern. Any risk(s) associated with these facilities will be assessed, as able.

Timmons Group will complete a site inspection that includes a visual reconnaissance of the Subject Property and the building interior (as available) along with the immediately adjoining properties. RECs and/or areas of potential environmental concern will be documented photographically.

Per ASTM standards, an environmental liens search must be completed for the Subject Property. An environmental lien is a charge, security, or encumbrance on title to a property to secure the payment of a cost, damage, debt obligation, or duty arising out of response actions, cleanup, or other remediation of hazardous substances or petroleum products. **The search for current and historical environmental liens or a title commitment must be provided by the client while Timmons Group will complete a search through a Freedom of Information Act (FOIA) request.**

In order to qualify for one of the landowner liability protections offered by the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA), the "User" or party for whom the Phase I ESA is prepared must complete the ASTM Standard E 1527-21 User Questionnaire provided by Timmons Group. Failure to provide this information could result in a determination that the AAI process is not complete and result in the forfeiture of CERCLA protection.

In addition to the User, interviews will be conducted with the present owner and one or more state and/or local agency officials (as applicable and accessible) with the objective to obtain information identifying RECs.

Upon completing site reconnaissance, file reviews, and interviews, a report on the findings of the Phase I ESA will be prepared in accordance with ASTM Standard E 1527-21. Included within the Phase I ESA report will be recommendations for additional investigations as warranted. **Per ASTM standards, the Phase I ESA will be valid for 6 months from the earliest data collection date.**

The performance of this Phase I ESA specifically excludes any subsurface investigations, radon investigations, chain-of-title reports/investigations, cultural resource investigations, or the collection and analysis of samples.

Task 1, Schematic Design:

Timmons Group shall prepare Schematic-level site/civil drawings to a level of detail as necessary to garner approval from stakeholders. Specific items to be developed to a schematic level of design include:

- Existing Conditions Plan, prepared based on the project Topographic Survey
- Demolition Plan, including removal of existing structures
- Site layout plan
- Schematic Utility Plan, to include water and sanitary lateral connections. Power/gas/telecom

- extensions, as necessary, will be reflected on the civil plans, but designed by others.
- Schematic Grading Plan including drainage, storm sewer, and surface conveyance systems.
- Schematic Erosion and Sediment Control Plan and Stormwater Management (SWM) plan
 - a. It is assumed that *quantity* control will be handled onsite, and that *quality* criteria (if needed) will be met through the purchase of offsite nutrient credits.
- In addition, Timmons Group shall revise the Schematic Design as necessary to satisfy necessary stakeholders.

Task 2, Design Development:

Timmons Group shall further develop the Schematic Design developed above, to specifically include the following:

- Further development of site component layouts, to include profiles, as necessary.
- Further development of site grading and stormwater conveyance plan
- Site-specific notes and details
- Confirmation of ADA accessibility
- Advancement of ESC and SWM plans, both for quantity and quality control.

Task 3, Construction Documents:

Timmons Group shall prepare 100% Construction Documents consisting of the following.

- Detailed grading and final site layout plan
- Final utility layout, profiles and details
- Notes, details, and calculation plan sheets
- Stormwater Management and Erosion Control plan
- Technical Specifications
- Creation of civil specifications to be included with the bid package

Task 4, Permits & Agency Coordination:

Timmons Group shall submit a Site Plan to Nelson County.

- Because Nelson County is not an MS4 plan administrator, we will also submit to DEQ.
- The plans will be revised as necessary to be approved by all necessary review agencies.
- Achieve Site Plan Approval from all required agencies.

Task 5, Construction Administration / Record Drawings

Timmons Group will provide Construction Administration Services (CA) in the form of the following:

- Up to (4) site visits if needed for the purpose of land disturbance, rock disturbance meeting, punchlist, backpunch
- Virtual progress meetings during construction
- RFI addressal, both during bidding and during construction
- Review and approval of shop drawings and product submittals
- Preparation of as-built drawings based on contractor redlines provided

Task 6, SWPPP / VSMP Registration

Timmons Group will prepare and submit a Virginia Stormwater Management Program (VSMP) Registration Statement to the Virginia Department of Environmental Quality. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared per state regulations for management of stormwater discharges associated with construction activities. This work will be performed in accordance with the July 1, 2024 DEQ VAR-10 Permit requirements. This fee excludes the cost of permit submittal fees.

Task 7, Hydrant Flow Test (If Required)

- Coordinate with the Nelson County Service Authority (NCSA) and perform or assist in performing one instantaneous hydrant flow test at or near the proposed point(s) of connection to the existing water system.
- Perform all field hydrant flow testing during one site visit.

- Provide a flow test summary report incorporating the results of the test, a map showing the locations of the test hydrants and an available flow curve based on the results.
- Testing may not be performed per the requirements of NFPA 291 regarding the minimum required reduction in residual pressure during the test. If testing is required to meet this portion of NFPA 291, additional fee may be necessary.

Task 8, Water System Hydraulic Analysis

- Calculate domestic demands based on VDH Waterworks Regulations, fixture count, or engineering judgement.
- Build a computerized hydraulic model of the development based on the utility design.
- Perform hydraulic calculations based on the available flow and pressure observed during testing and the projected demands.
- Review and confirm sizing of the on-site water distribution piping to meet the flow and pressure requirements.
- Provide a model results sheet showing a graphical system layout, design criteria summary and residual pressure results for domestic scenarios as well as fire suppression.
- If the existing water system is not capable of supporting the proposed development, additional system testing, modeling, and the design of remedial improvements may be required and this will require additional scope and fee to be negotiated.

Task L01, Landscape Construction Documents

Timmons Group will prepare landscape plans and supporting notes, details, and specifications suitable for locality approval and construction. Landscape plans will utilize civil engineering base files and will be incorporated into the site plan package. All site related features including building, paving, utilities, signage, and light pole locations will be coordinated to eliminate conflicts with proposed landscaping. Landscape plans may include tree canopy coverage, perimeter buffering, screening of above ground utilities, parking lot screening and interior parking lot plantings. Existing landscaping will be preserved wherever possible and credited towards locality requirements. Plans will include planting for any required stormwater management facility and minor planting embellishments if requested by the client.

Anticipated construction documents are as follows:

- Landscape plans meeting minimum locality code requirements
- Landscape notes and details
- Landscape specifications (to be issued with construction documents)

Coordination with plan review staff, design team, etc. for construction plan submittals and review sets are included. One, in-person meeting with the client and/or design team for coordination purposes and all conference calls are included.

Task L02, Site Photometric Plan

Timmons Group will work with a local lighting distributor to share base drawing files and design the site lighting to meet minimum locality standards for approval. Lighting plans will be coordinated with other disciplines to avoid lighting conflicts with landscaping, utilities and other features. Light fixture and pole selection will be coordinated with the owner for approval prior to submission of the plans.

Anticipated construction documents are as follows:

- Photometric plan showing light fixture locations and photometric light levels on the ground plane
- Lighting notes and details showing fixture cut sheets and specifications

All structural engineering for light pole bases are included. The detail and design implementation of all electrical work should be provided by an electrical engineer (fee not included in this scope of work).

PROPOSED FEES

Timmons Group would propose to perform the above referenced analysis on a lump-sum fixed fee arrangement in accordance with the following breakdown below.

Tanbark Plaza Social Services Building

Survey

Task S01 – Existing Condition Survey.....	\$7,000.00
Task S02 – Subsurface Utility Designation.....	\$4,500.00
Task S03 – Consolidation Plat.....	\$3,500.00

Geotechnical

Task G01 – Geotechnical Investigation.....	\$16,000.00
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Environmental

Task E01 – Preliminary Wetland Assessment.....	\$3,500.00
Task E02 – Phase I ESA.....	\$5,500.00

Site

Task 1 – Schematic Design.....	\$15,480.00
Task 2 – Design Development.....	\$18,520.00
Task 3 – Construction Documents.....	\$31,700.00
Task 4 – Permits & Agency Coordination.....	\$11,280.00
Task 5 – Construction Administration.....	\$15,760.00
Task 6 – SWPPP / VSMP Registration.....	\$3,000.00
Task 7 – Hydrant Flow Test (If Required).....	\$2,300.00
Task 8 – Water System Hydraulic Analysis.....	\$3,520.00

Landscape

Task L01 – Landscape Construction Documents.....	\$10,000.00
Task L02 – Site Photometrics.....	\$4,500.00

Tanbark Plaza Social Services Design Subtotal \$156,060.00

EXCLUSIONS

The following items are not included in this scope or services, but can be provided upon request for an additional fee:

- Offsite Topographical or Boundary Survey
- Offsite Underground/subsurface utility location services
- Professional Cost Estimating services
- Value Engineering services or plan changes from this exercise
- Master Planning on surrounding areas.
- Easements/Plats not expressly included in the above scope
- Hazardous Materials surveys or remediation
- Formal LEED design documentation
- Wetland Delineation, stream classification assessments, wetland confirmation, cultural resources coordination (not anticipated)
- Wetlands Permitting (not anticipated)
- Wetlands Mitigation Design (not anticipated)
- Water Quality Impact Assessment (not anticipated)
- Expedited DEQ Review
- Flood Plain Analysis (not anticipated. FEMA Map shows floodplain southeast of Tanbark Plaza)
- Threatened & Endangered Species Surveys and coordination
- Other environmental services not expressly included in the above, such as noise and lighting surveys, cultural resource studies, etc.
- Traffic Engineering (Traffic Study, Traffic Counts, Traffic Signal Warrant Analysis, and Turn Lane Warrant Analysis) – None anticipated.
- Irrigation design
- Signage/Wayfinding design
- Structural Engineering, including site walls / dumpster enclosure
- Phase II, or III Environmental Site Assessments
- Permit submittal fees associated with the project
- Offsite water and sewer improvements
- Water and sewer capacity analysis or off-site studies
- Force main/sanitary pump design (not anticipated)
- Design or coordination of “Dry” Utilities or services (will be shown for reference on civil plans)
- Power Pole relocation design
- Materials testing during construction
- As-built record drawing preparation (as-built from contractor redlines is included)
- As-Built Certification of onsite SWM measures that may be required for project closeout – By contractor.

Thank you for your confidence in Timmons Group. Should you have any questions or need any additional information, please don't hesitate to contact Sammy Smith at 804.200.6343.

Proposed Contextual Design Analysis for Main Street Corridor – Lovingsston, VA
Nelson County Social Services Building Design Project
 August 7th, 2024

Basis for the Proposed Study – The proposed new site for the Nelson County Social Services Building is 37 Tanbark Plaza which is located on the primary entrance to Lovingsston along Route 29. This site, in contrast to the first proposed location at Callohill Road, is a primary entrance into the Village of Lovingsston. The design of the proposed Social Services building should be developed to provide a strong architectural statement which will reflect the character of the Village of Lovingsston and its historic architectural character. This opportunity allows the development of the site and building architecture to create an entry statement for Lovingsston which can provide a visual gateway to the community. A design for a community gateway sign and other improvements along the right of way is also envisioned.

Scope of the Proposed Study – In order to provide the basis for developing the building design and establishing other elements to define a gateway statement at this site, it is proposed that an inventory of the architectural character of the Main Street and Front Street corridors be undertaken. This would consist of photo documentation of the existing buildings and streetscape along Main Street and Front Street within the study area indicated in the attached diagram titled “Livingston Vicinity Map-Proposed Main Street Corridor Study Area”. A visual inventory would be performed by the design team photographing and assembling continuous photographs of the buildings along street edges within this study area. These photographs would be mounted on boards for use in design and presentations to the County during the remaining design phases of the new Social Services building project.

The design team would then prepare and conduct a design work session with the project committee with suggested approaches to creating an architectural design of the new building based on characteristics and elements which are sympathetic and relate to the existing character of the Village of Lovington. In addition, concepts for the entry signage and right-of-way edges will be proposed and developed to create an entry statement for the intersection of Main Street and Route 29. This effort would be added to the current design scope for the building design to ensure that the building design is developed as a gateway statement for this location.

[illegible]



Lovington Vicinity Map

Proposed Main Street Corridor Study Area — — — — —

August 7, 2024





MEMORANDUM

Date: August 23, 2024 Project #: 22-14

To: Candy McGarry
P.O. Box 336
Lovingston, VA 22949

From: Jeff Stodghill
Cara Adams
PMA Architecture – 10227 Warwick Blvd, Newport News, VA 23601

Re: **Fire Sprinkler System – 37 Tanbark Plaza, Lovingston, VA**

Dear Ms. McGarry,

Now that the County is moving forward with the Tanbark Plaza location for the new Social Services Building, I wanted to provide more of a case for why the County should consider fire sprinkling the building.

Fire sprinkling in buildings is rapidly becoming a common way of protecting lives and property. Fire sprinkling serves to extinguish a typical localized fire at the point it starts and greatly limit the damage done. These systems also tie into the building fire alarm and automatically notify the fire department once a sprinkler system is triggered. The most important purpose of a fire sprinkler system is to provide additional time for occupants to exit a building in case of a fire while providing active fire suppression.

When we started the project with the Callohill site, we did not plan on using a fire-sprinkler system because of the remoteness of the site and the costs it might add to the site development. However, at Tanbark, a fire line already exists to the building and we think that the County should consider using it for the building at this site. The majority of the cost of sprinkler system is in getting the large fire line installed to the site. Because this exists, we think it makes sense to try to use it for the building.

Beyond the life safety improvements cited above, one of the best cases for having this kind of system is illustrated in the following account. “Years ago we worked with Anheuser-Busch in Williamsburg on several projects at the Golf Resort. Following a large \$5M renovation at their premier golf clubhouse, a small fire started in a storage room in the renovated building. The sprinkler in the closet triggered and put out the fire and called the fire department. The water was cleaned up and the building was put back in operation the same day.” If the building had not been fire-sprinkled, then it likely would have been partially destroyed and out of commission for six months. In the case of Social Services, the County really does not have a backup location and the records that are kept at the Department are very important to protect.

Memorandum – Fire Sprinkling for Social Services

August 23, 2024

Page 2

In addition to safety enhancements, a fire-sprinkler system will allow us to design a more functional interior by eliminating the need for fire rated corridors. This will allow doors to offices to have glass and not be equipped with automatic closers. This will allow a more open interior and one which is more conducive to interactions between staff.

So we believe that it makes good sense to take advantage of the fire line and use it in this case to enhance life safety and property protection.

In order to do this, the Mechanical Engineer will have to prepare additional drawings and specifications for the bid set and that is the basis for our proposal for additional services.

Please let us know as soon as possible if the County wants to incorporate a sprinkler system into the building. We need to know that by early September as it affects the building design.



MEMORANDUM

Date: August 29, 2024

Project #: 22-14

To: Candy McGarry and Nelson County Board of Supervisors
P.O. Box 336 Lovingston, VA 22949

From: Jeremy Marrs
Nelson County Building Official
Building Inspections - 40 Front Street Lovingston, VA 22922

Re: Fire Sprinkler System – 37 Tanbark Plaza, Lovingston, VA

Candy,

I believe using the existing sprinkler system at 37 Tanbark Plaza for the new Social Services building is an excellent idea.

Jeff Stodghill's email highlights many reasons why the utilization of the existing sprinkler system would be beneficial. While I agree with all his reasons, some key points I would point out are:

1. Localized Fire Suppression. Sprinklers do not work in real life as they do in the movies. When a fire starts in a sprinklered building, the sprinklers are designed to work individually, extinguishing the fire in the specific areas (hot spots) of immediate need where the fire started and / or is spreading. Each sprinkler head works individually when it reaches a specific design temperature created by the heat of the fire. This localized type of fire suppression is designed to stop / neutralize fires quickly, thus, potentially and most importantly, saving lives by allowing more time for occupants to escape. Additional benefits to localized fire suppression are, drastically reducing fire and smoke spread, drastically reducing damage by only utilizing specific individual necessary sprinkler heads; thus, also, potentially extinguishing most or all of the fire prior to the fire department arriving and hopefully reducing the need for fire apparatuses to spray the entirety of the building, inside and out, ultimately reducing more damage and total overall cost to repair and time to effort to restore and re-occupy.

2. Automatic notification to the Fire Department. This speaks for itself, sprinkler integration to the fire alarm system means the fire alarm system will notify the fire department immediately after the first sprinkler head, smoke alarm, heat alarm or any other additional safety devices integrated to the fire alarm system has been activated. The system can even notify the Fire Department which areas of the structure the fire is located. While the smoke and heat alarms will most likely initiate the alarm first, the sprinkler will ultimately be the safety device that eliminates the fire.

3. Overall cost savings for what is considered in code and building design to be the best and most effective life safety protection system you could add to a structure. The infrastructure for the system is already in place and, as pointed out by PMA, the majority of the cost should already be accounted for. Typically, cost is what dictates the decision to install a sprinkler system in a structure. Because the current building is already equipped with a system that covers the entirety of the structure, it would not seem logical to remove, or at the very least, not entertain the idea of altering it for use within the newly remodeled structure. You may also consider discussing with PMA what specific cost savings will be found elsewhere by using the sprinkler system. If there will be no need for fire rated corridors, automatic door closers and any other fire related design that the sprinkler system may eliminate the need for, that savings could be used towards altering the sprinkler system to our needs for the DSS building. It may not cover the whole cost, however, I have not seen the plans and do not know the extent of the necessary alterations.

4. Freedom of design choices within the proposed floor plans. Having a sprinkler system allows designers far more freedoms to design without specific code / fire related restrictions. Without the sprinkler system, the code can be very restrictive on design.

Other quick points to consider:

- Insurance breaks on the structure for having a sprinkler system
- Protection of the structure and neighboring properties; specifically during non-working and unoccupied hours
- The age of a sprinkler system typically does not matter as long as typical routine maintenance, as well as any necessary flushing and the five year and ten inspections are being completed by a reputable third party company. Sprinkler systems have been known to last beyond 50 and up to 100 years when properly serviced and maintained.
- If removed, per code, ALL and every piece of the sprinkler system would have to be removed. The fire alarm system would also need to be altered and adjusted to the removal of the integrated sprinkler system; such as, but not limited to flow points, etc... This removal process would incur obvious costs.

I recommend the entirety of the fire sprinkler system and fire alarm system be thoroughly inspected, possibly flushed and have a minimum ten year inspection of the portions of the system to remain and necessary inspections of future alterations prior to use. Necessary permitting through our department for ALL alterations, modifications and new construction to the system will be necessary. Beyond these recommendations, it is my professional opinion, the county should strongly consider utilizing / altering the existing fire sprinkler system to be used in the proposed Social Services building.

Respectfully,

Jeremy Marrs
Nelson County Building Code Official
Erosion and Sediment Control Combined Administrator
Combination Plans Examiner
Bio-Solids Monitor

P.O. Box 558
Lovingston, VA 22949
Office: (434) 263-7080
Fax: (434) 263-7086

"Unless someone like you cares a whole awful lot,
Nothing is going to get better. It's not."

-- Dr. Seuss





M E M O R A N D U M

Ms. Candice McGarry, County Administrator
Nelson County
P.O. Box 336
Lovingston, VA 22949

RE: Contract Amendment #6 to modify Design Services for New Project site at Tanbark Plaza

Dear Ms. McGarry,

We are glad to be moving forward and resuming the project for the design & construction of the new Social Services Department Building. As a result of changing the building site from Callohill Rd to 37 Tanbark Plaza, this letter amends the contract as described below:

- (1) As described in the attached proposal from Timmons Group dated 7/31/2024, change the scope of the Civil design to eliminate the remainder of the road design at the Callohill Drive site which will result in a deduct.
- (2) As described in the attached proposal from Timmons Group dated 7/31/2024, change in scope of civil design work from the larger Callohill Drive site to the smaller 37 Tanbark Plaza site, which will result in a reduction of the civil design fee. The following items of work will be included, in addition to the basic tasks 1-8, and L01-L02 (refer to Timmons proposal attached).
 - a. S01 - Existing Condition Survey
 - b. S02 - Subsurface Utility Designation
 - c. S03 - Consolidation Plat
 - d. G01 - Geotechnical Investigation
 - e. E01 - Preliminary Wetland Assessment
 - f. E02 - Phase I ESA
- (3) Given that the site is served by a fire sprinkler main we would recommend including a fire sprinkler system in the new building.
- (4) The contract amount will be amended as follows:
 - a. Civil Engineer revised to \$191,960 (which includes work billed to date for Callohill site, a total of \$35,900)
 - b. MEP design scope revised to include design for new fire sprinkler main: \$5000.
 - c. The total contract fee under Amendment #4 is \$1,170,780.00. Amendment #6 revises this to reduce the fee by \$64,300.00 for a new total of \$1,106,480.

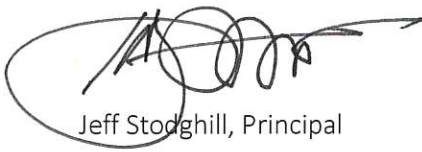
Memorandum – Amendment #6 – New Project Site at Tanbark Plaza

August 30, 2024

Page 2

If you have any questions, then please let us know. In order to authorize this work, sign the Amendment and return a copy to our office via email and we will proceed.

Yours truly,



Jeff Stodghill, Principal



Cara Adams, Project Manager

Accepted:

Ms. Candice McGarry, County Administrator
County of Nelson, Virginia

Date

(1) New Vacancies/Expiring Seats & New Applicants :					
<u>Board/Commission</u>	<u>Term Expiring</u>	<u>Term & Limit Y/N</u>	<u>Incumbent</u>	<u>Re-appointment</u>	<u>Applicant(s)</u>
(2) Existing Vacancies:					
<u>Board/Commission</u>	<u>Terms Expired</u>				
Nelson County Social Services Board - Central District	6/30/2024	4 year term / 2 term limit	Darlene Smith (T2)	N	Stacy Rush

NELSON COUNTY SOCIAL SERVICES BOARD

NAME, ADDRESS & PHONE

TERM (July – June) 4 Years, 2 Term Limit

Edith Napier – **West District**
43 Napier Loop
Arrington, VA 22922
(434) 996-9403
Emnw739@aol.com

July 1, 2022 – June 30, 2026 (**Reg. Term 1**)

Brad Johnson – **East District**
2016 Wheelers Cove Rd
Shipman, Va. 22971
H (309) 824-1503
W (434) 872-2766
Bjavin@msn.com

July 1, 2022 – June 30, 2026 (**Reg. Term 2**)

Diane Harvey - **North District**
10921 Rockfish Valley Hwy
Afton, VA 22920
W (540) 456-6379
harveyasc@gmail.com

July 1, 2021 – June 30, 2025 (**Reg. Term 2**)

Claudia Van Koba – **South District**
1033 Falling Rock Drive
Amherst, VA 24521
(H) 434-263-4596
(C) 434-907-5836
Email: Claudia_van_koba@yahoo.com

July 1, 2023 – June 30, 2027 (**Reg. Term 1**)

Darlene Smith – **Central District**
115 Deer Run
Nellysford, VA 22958
PH: (434) 361-1258
bspaving@verizon.net

July 1, 2020 – June 30, 2024 (**Reg. Term 2**)

***VACANT - LIMIT OF 2 TERMS MET**

J. David Parr- **BOS Liaison**
250 Firehouse Road
Piney River, VA 22964
H: (434) 277-5265

January 2024 – December 31, 2024

Authority: Established by the Code of Virginia §63.2-300 et seq.

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. **2 term limit**

Summary of Duties: To provide, either directly or through the purchase of services subject to the supervision of the Commissioner and in accordance with regulations adopted by the Board, any or all child welfare services herein described when such services are not available through other agencies serving residents in the locality such as: Protecting the welfare of all children including handicapped, homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems that may result in the neglect, abuse, exploitation or delinquency of children; preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving these problems and preventing the break up of the family where preventing the removal of a child is desirable and possible; restoring to their families children who have been removed by providing services to the families and children; placing children in suitable adoptive homes in cases where restoration to the biological family is not possible or appropriate; and assuring adequate care of children away from their homes in cases where they cannot be returned home or placed for adoption.

The local board is also authorized and, as may be provided by regulations of the Board, shall provide rehabilitation and other services to help individuals attain or retain self-care or self-support and such services as are likely to prevent or reduce dependency and, in the case of dependent children, to maintain and strengthen family life.

Meetings: Regular meetings are held monthly on the third Tuesday of each month at 1:00 PM at the Dept. of Social Services building in Lovingson. Members are compensated \$75 per meeting plus mileage paid at the existing State mileage rate.

NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

Completing this form is one way to indicate your interest in being considered for appointment to some of the Boards, Commissions and Committees appointed by the Board of Supervisors. All appointments remain at the discretion of the Board of Supervisors.

Please complete and mail this form to:

Nelson County Board of Supervisors
Attention: Candice W. McGarry, Clerk of Board
Post Office Box 336
Lovingston, VA 22949

or fax to (434) 263-7004 or email aspivey@nelsoncounty.org

Date 08/30/2024_____

Mr. _____ Mrs. X_____ Ms. _____

Name: Stacy Rush_____

List a maximum of three (3) Boards on which you are interested in serving.

1. Board of Social Services_____

2. _____

3. _____

Home Address:

501 Rodes Valley Dr., Nellysford VA 22958

Occupation: Educator_____ Employed by: American Institutes for Research_____

Home Phone No.: (703) 350-5602_____ Business Phone No.: _____

Fax No.: _____ E-Mail Address: sjrush1@gmail.com_____

Do you live in Nelson County? Yes X No ____

Are you currently a member of a County Board, Commission, Committee or Authority? Yes_____ No X__

If yes, list the Board(s):

What talent(s) and/or experience can you bring to the Board(s)?

My career has been devoted to improving the lives of underserved, marginalized children and adults. I am retiring, and serving on the Board of Social Services seems a good fit for me to apply this devotion to my community. Families who need to access Social Services come to us with multiple co-morbid needs. I hope to provide experience and commitment to supporting Nelson County as it supports the needs of these families.

What do you feel you can contribute to the Board(s) and to the community that may not be evident from information already on this form?

Enthusiasm, devotion, time and experience working with multiple public agencies to braid resources which will best serve the client.

Please use this space for any additional information you would like to provide:

See accompanying resume

A resume or separate sheet with additional information may be included.

ATTENDANCEREQUIREMENTS

Section 2-153, Absences, Chapter 2, Administration, Article V. Appointments for Boards and Commissions of the Nelson County Code, an appointee of the Board of Supervisors who either (a) fails, during a calendar year, to attend seventy-five percent of the regular meetings of the board or commission of which he/she is a member, or (b) is absent for three consecutive regular meetings, shall be deemed to have tendered his/her resignation from such position. The Board of Supervisors may accept such resignation by appointing another person to fill the position.

In light of the above, will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?

Yes X__ No ____

Stacia Rush, Ph.D.**EXPERTISE**

- Senior Recruiter, Charting My Path, 2021-present.
- Extensive experience working with districts and schools through MTSS and Special Education projects for AIR

EDUCATION

- BS, Special Education: Behavior Disturbances, Auburn University, 1977
- MS, Special Education: Learning Disabilities, Louisiana State University, 1979
- PhD, Special Education Curriculum and Instruction, North Carolina State University, 1996

EXPERIENCE

12 years teaching/consulting experience in rural and urban districts; 15 years leading special education curriculum audits across large and small districts nationally; 18 years providing technical assistance for SEAs, districts and schools around curriculum development, Multi-tiered System of Supports and Special Education.

Present Position***Senior Research Analyst, American Institutes for Research (AIR) (2005–Present)***

Responsibilities include conducting research and evaluation studies covering a wide range of education policy issues; providing technical assistance to local, state, and federal agencies; conducting needs assessments; creating, synthesizing, and compiling reports and related communication documents; developing instruments for data collection; conducting data analysis; and writing policy briefs, research documents, and reports relating to various project work and increasing educational opportunity of children with disabilities. Specific activities include providing technical assistance to state departments of education and local school districts; reviewing and synthesizing research literature in specific areas of education, particularly special education; writing grant and task order deliverables; project planning and collaboration; and developing written products/reports for public dissemination.

Selected Professional Experience**Project Lead, Special Education Program Review and Technical Assistance, Warren County School District, VA – February 2023-present**

AIR is conducting a comprehensive review of the special education program at Skyline Middle School (SMS) which includes: identifying areas of strength, challenges and areas for growth; recommendations to improve achievement for students with disabilities; developing and delivering trainings to SMS staff to address prioritized challenges; and ongoing coaching for staff and administrators to support implementation of recommendations.

Senior Recruiter, Charting My Path (August 2021-present)

This U.S. Department of Education (ED) study will test the effectiveness of two transition support programs for students with an IEP nearing the end of high school. These programs will be carried out by local instructors, hired to work with students and their families in participating schools. Senior Recruiters lead recruitment efforts with a goal of inviting approximately 3000

students across up to 16 districts to participate in transition support programs during a two-year period.

IL Empower: South Pekin School District #137 Special Education Program Review (January 2022-present)

AIR is conducting a comprehensive review of South Pekin School District #137's special education program which includes: identifying areas of strength, areas for growth, and recommendations to improve achievement for students with disabilities; understanding district data and how to use it to determine and address challenges; developing/revising existing school improvement plan to include actions based on recommendations from the special education program review.

Fuchs Tutoring Consultant (FTC), AIR (October 2021-present)

AIR FTCs serve as trained experts in the Fuchs intervention programs, delivering AIR led trainings and providing implementation support to teachers/tutors on the intervention programs.

Coach, Graduation Ready and Early Warning Intervention and Monitoring System, AIR (May 2021-present)

Graduation Ready is a project focused on building district and school capacity to implement a systematic, comprehensive and effective early warning system in secondary schools.

Fairfax County Public Schools (FCPS) Special Education Comprehensive Program Review (March 2021-October 2022)

AIR is conducting a comprehensive review of FCPS's special education program which includes: (a) evaluation of the system's design, structure, and established processes; (b) evaluation of the adequacy of human capital resources; (c) analysis of the alignment of services with evidence-based practices; and (d) evaluation of the effectiveness of communication with stakeholders.

Special Education Program Area Business Development Audit Work Group, AIR (December 2020-present)

This team designs and delivers special education program reviews nationally, reviewing special education services and programs through a comprehensive data collection and analysis process across multiple sources to support schools and districts identify, prioritize, and address challenges in service delivery for students with disabilities.

Technical Assistance Facilitator, Promoting Rigorous Outcomes and Growth by Resigning Educational Services for Students with Disabilities (PROGRESS) Center, U.S. Department of Education, Office of Special Education Programs, AIR (November 2019-December 2021)

The PROGRESS Center will leverage relevant court findings, research, theories and effective practices to develop a framework for designing and implementing special education across settings (e.g. SEAs, LEAs, public, charter, and private schools.) The Center technical assistance efforts will address current and emerging barriers to designing special education programs that address procedural and substantive requirements under IDEA, and implementing special

education programs using evidence-based practices (EBPs) and high-leverage practices (HLPs) to ensure expected outcomes.

Technical Assistance Facilitator, National Center on Systemic Improvement (NCSI,) U.S. Department of Education, Office of Special Education Programs, WestEd (October 2019-2022.)

NCSI supports states as they transform their systems to improve outcomes for children, and youth with disabilities. As a technical assistance facilitator, Dr. Rush supports school districts and local early intervention service programs to build capacity in data use, knowledge utilization, systems change, and communication and collaboration.

Technical Assistance Trainer and Facilitator, Arkansas State Personnel Development Grant (SPDG), AIR (June 2019-2022.)

In support of the Arkansas SPDG's focus on Response to Intervention, Dr. Rush is engaged in training and facilitating regional audiences of educators and leaders around RTI implementation, through modules designed specifically for the Arkansas SPDG goals.

Technical Assistance Trainer and Coach, Multi-tiered System of Supports (MTSS), AIR MTSS Center (2016-present)

The MTSS Center supports states, districts, and schools across the country in implementing an MTSS framework that integrates data and instruction within a multi-level prevention system to maximize student achievement and support students' social, emotional, and behavior needs from a strengths-based perspective

Technical Assistance Liaison, Collaborating for Effective Educator Development, Accountability, and Reform (CEEDAR) Center, AIR (2013-2021)

The CEEDAR Center is funded by the U.S. Department of Education, Office of Special Education Programs (OSEP), whose mission it is to create networks of teacher and leadership education faculty and administrators, college of education deans, researchers, state policymakers, and school based professionals who will help build and sustain an aligned, coherent, and systemic approach to preparation that promotes, supports, and reinforces teacher and leader effectiveness across the career continuum and ensures that students with disabilities are college and career ready. Dr. Rush has served as a state lead for four of the identified states receiving intensive technical assistance to reform state policy and to redesign institute of higher education teacher and leader preparation programs to meet these goals. For example, the model of teacher and leader preparation program reform developed by CEEDAR has been customized and implemented, under Dr. Rush's leadership, in three partner Education Preparation Programs (EPPs) in a state which has then scaled-up the process across 24 additional EPPs.

Technical Assistance Liaison, Rhode Island Intensive Math Intervention Project, AIR (2018)

Supported by the Rhode Department of Education's Department of Elementary and Secondary Education, the project provides ongoing technical assistance, professional development, and coaching to schools/districts in Rhode Island related to intensive math interventions delivery through the data-based individualization framework. Dr. Rush supported the development of math content for professional learning, with a particular emphasis on the inclusion of appropriate

strategies to support students with disabilities.

Site Visit Coordinator, Quality Review of Special Education Service Delivery in District of Columbia Public Schools and Charter Schools, AIR (2012–2013)

The purpose of this review was to identify and analyze programs and services at the classroom, school, and district levels as well as obtain information about effective practices that contribute to positive outcomes for students with disabilities. Responsibilities include participating in identifying quality indicators for special education; designing protocols for collecting data around these indicators, including teacher and leader interviews and classroom observations, and parent focus groups; assessing current practices in schools through teacher and leader interviews and classroom observations in all special education settings as well as general education inclusive settings; conduct a review of documents including, but limited to, redacted IEPs and behavior plans, school improvement reports, and professional development plans; facilitating data review co-interpretation meetings with school and state teams with an outcome of identifying and prioritizing strengths and challenges; develop a report summarizing current practices areas for both leverage and improvement; developing a Web-based special education quality assessment tool, and providing training to the Office of the State Superintendent of Education, District of Columbia Public Schools, and Public Charter School Board staff on the use of this tool.

School Team Lead, New York, Audit of the Written, Taught, and Tested ELA Curriculum: Special Education Component, AIR (2007–2011)

The purpose of this project was to work collaboratively with districts in corrective action with the state of New York under the No Child Left Behind Act (NCLB) to examine the extent to which the written, taught, and tested curriculum in English language arts and mathematics is aligned for students with disabilities. Responsibilities have included serving as special education team lead for two districts, and school team lead for 15 schools in New York City; developing data-collection protocols; collecting data; developing and implementing data-analysis strategies; developing recommendations and action plans; writing final reports; and communicating and co-interpreting findings with the city. [NOTE: for details see District of Columbia project above.]

Project Coordinator, North Rockland Central School District Curriculum Audit, AIR (January 2011–August 2011)

The purpose of this project was to work collaboratively with the district to examine the extent to which the written, taught, and tested curriculum in English language arts and mathematics is aligned for English learners and students with disabilities. Responsibilities as coordinator included organizing and coordinating site visits for data collection in a secondary and middle school, data analysis, report development, and facilitation of data review meetings with stakeholders from the schools and district. [NOTE: for details see District of Columbia project above.]

Technical Assistance Liaison, Say Yes to Education, Syracuse, New York, AIR (2010–2011)

This project involved developing and delivering professional development and coaching to elementary and secondary schools as they scale up implementation of differentiated instruction.

Technical Assistance Liaison and Task Leader, U.S. Department of Education, Office of Special Education Programs (OSEP), Center on Response to Intervention, AIR (2007–2010)

The National Center on Response to Intervention (RTI) provides technical assistance to states and districts and helps build the capacity of states to assist districts in implementing proven models for RTI, a framework for integrating instruction and assessment into a system of strong prevention and more accurate disability identification, and Early Intervening Services. Serving as the Technical Assistance Liaison for the Mid-South Region, responsibilities included acquiring and disseminating research-based information about RTI, and helping state departments of education with decision-making and implementation issues surrounding RTI. Task Leader responsibilities included facilitating the technical assistance work of six regional liaisons, and participating in the design of problem-solving models and data-tracking systems to enhance the effectiveness of technical assistance delivery.

Technical Assistance Liaison/Project Lead, Great Lakes Comprehensive Center, U.S. Department of Education, AIR (2006–2019)

The Great Lakes Comprehensive Center (GLCC) is funded by the U.S. Department of Education to provide technical assistance to state education agencies to raise the capacity of states to implement key initiatives and support systemic improvement in districts and schools. Specifically, Dr. Rush has coordinated the design and implementation of the Response to Instruction initiative in Indiana, led the GLCC support for the Indiana Department of Education (IDOE) formative assessment initiative, and facilitated the implementation of the IDOE state-wide 3-year English Learner professional development plan. Dr. Rush lead IDOE's Teach to Lead project, the roll out of professional development modules addressing school climate and culture, and Indiana's Talent for Turn Around initiative, and she supported the Indiana Rural School Task Force. In her role, Dr. Rush facilitated the implementation of a collaborative consisting of K-12 districts alongside partnering EPPs regionally throughout Indiana. This newly established partnership began the work of addressing the recruitment and retention crisis through the engagement of the K-12 partners and EPPs collaboratively developing a state-wide Grow Your Own initiative.

Technical Assistance Liaison and Instructional Strategies Team Leader, The Access Center, AIR (2005–2008)

The Access Center works to provide technical assistance to states and local school districts to meet the needs and improve outcomes for students with disabilities. The center does this by providing research-based practices that improve access to the general education curriculum for students with disabilities. Primary responsibilities include serving as the Technical Assistance Liaison for the Mid-South Region, serving as the team leader of the Instructional Strategies Team, collaborating with state- and district-level personnel to identify educational areas of need, acquiring and disseminating information about effective research-based practices and products, and helping educators use research and data for targeted improvement and change.

Technical Assistance Liaison, National High School Center, U.S. Department of Education, AIR (2005–2006)

The National High School Center serves as the central source of information and expertise on high school improvement for the Regional Comprehensive Centers (RCCs). The National High School Center identifies research-supported improvement programs and tools, offers user-friendly products, and provides technical assistance services to improve secondary education. As

the Technical Assistance Liaison for four RCCs—Appalachia Regional Resource Center, Great Lakes East Regional Resource Center, New England Regional Resource Center, and New York Regional Resource Center—primary responsibilities included assisting in needs identification, planning and goal-setting, and ongoing problem solving with the goal of assisting the RCCs as they build their capacity to assist states in developing and implementing effective high school reform practices.

Training Coordinator, National Center on Student Progress Monitoring, Office of Special Education Programs, AIR (2005)

The National Center on Student Progress Monitoring aims to help meet the challenges of implementing effective progress monitoring. The center's mission is to provide technical assistance to states and districts and disseminate information about progress-monitoring practices proven to work in different academic content areas (Grades K–5). As interim training coordinator, responsibilities included identifying states interested in training made available by the center, assessing specific state needs for this training, and facilitating the relationship between the state contact and the center trainer.

Associate Director, Diagnostic Teaching Clinic, North Carolina State University (NCSU), Raleigh, North Carolina (2000–2004)

The Diagnostic Teaching Clinic is situated in the College of Education at NCSU, offering opportunities for undergraduate and graduate students to participate on a multidisciplinary team of psycho-educational diagnosticians. The team evaluates clients from within the University, as well as K-12 clients from across the state, providing a psycho-educational report as well as a comprehensive educational, behavioral, and transition plans based on analysis of the evaluation results. Responsibilities included overseeing administrative functions of the clinic; selecting professional staff to conduct appropriate assessment activities based on referral questions and needs of the client, and matching NCSU students to be mentored through the evaluation; determining appropriate assessment measures; administering formal and informal assessment measures to clients in the content areas of reading, math, writing and behavior; integrating all data and intake information collected during evaluation into comprehensive psycho-educational evaluation reports and educational plans; meeting with clients/parents and appropriate local education agency and state education agency personnel to interpret evaluation results and explain recommendations and services appropriate to address needs of clients; and providing support for program design, implementation, and evaluation at the school, district, and state level for students with disabilities.

Diagnostic Prescriptive Specialist/Exceptional Education District Lead Teacher, Lee County Schools, Sanford, North Carolina (1996–2000)

This position included administering the evaluation and Individual Education Plan development process for initial referrals and three-year reevaluations within the program for exceptional children in Lee County, North Carolina. The position also included coordinating specialists involved in the testing administrations; administering formal and informal academic testing in the content areas of reading, math, and writing; supervising functional behavior assessments; designing individualized programs to maximize student progress, based on evaluation data, and supporting the implementation of these programs; coordinating and chairing individualized education program meetings to review and implement the findings; and reviewing cases for state and federal compliance. This position also involved districtwide professional development and management of Individuals with Disabilities Education Act compliance as related to discipline

issues for exceptional children, as well as coordination of staffing and programming for students with disabilities in middle schools and high schools districtwide.

Educational Diagnostician, Diagnostic Teaching Clinic, North Carolina State University, Raleigh, North Carolina (1992–1995)

Administered, scored, and interpreted results of formal and informal academic testing in reading, math, and writing to kindergarten children through adults experiencing learning difficulties. Developed a comprehensive report, including recommendations for educational programming.

Exceptional Education Consultant, Cardinal Gibbons High School, Raleigh, North Carolina (1992–1993)

Designed, implemented, and evaluated a service delivery program for students with learning disabilities and/or study skills deficits. Activities included program design, psycho-educational evaluation design, individualized education program development and implementation support, and professional development for staff around all of these components. Additionally, developed and implemented parent awareness and involvement training, and program evaluation.

Private Academic/Curriculum Assistance Instructor, Raleigh, North Carolina (1980–1984)

Private tutor for students in Grades K–12 experiencing academic and study skills difficulties. Consulted with public and private schools implementing curriculum assistance.

Exceptional Education Teacher, Livingston Parish Public Schools, Louisiana (1978–1980)

Teacher in a self-contained classroom within a public separate school for students with significant disabilities.

Project Role or Title, Client Name and/or Project Name, Company (20xx–Present)

Employment History

2005–Present	Senior Research Analyst, AIR
2000–2004	Associate Director, Diagnostic Teaching Clinic, North Carolina State University
1996–2000	Diagnostic Prescriptive Specialist/Exceptional Education District Lead Teacher, Lee County Schools
1992–1995	Educational Diagnostician, Diagnostic Teaching Clinic, North Carolina State University
1992–1993	Exceptional Education Consultant, Cardinal Gibbons High School
1980–1984	Private Academic/Curriculum Assistance Instructor
1978–1980	Exceptional Education Teacher, Livingston Parish Public Schools

Professional Affiliations

Association on Higher Education and Disability
Council for Exceptional Children
Learning Disabilities Association

Selected Publications

- Ruffin, M., Rush, S., & Shanley, J. (2007). *Developing content standard extensions for alternate assessments in science*. The Access Center: Washington, DC.
- Rush, S. (2000). *Acquisition, application, and maintenance of study skills strategies by 5th, 6th, 7th, and 8th graders in the Challenge and Champions Program: An intervention evaluation* (Unpublished doctoral dissertation). North Carolina State University, Raleigh, North Carolina.

Selected Presentations

- Rush, S., Klekotka, A., Bootel, J., & Mark, A. (2008, April). *Effective collaboration strategies for enhancing curriculum access*. Presented at the Council for Exceptional Children's Annual Convention, Boston, MA.
- Rush, S. (2008, February). *Response to Intervention: It's not just for elementary schools anymore...* Presented at the Great Lakes West Comprehensive Center High School Think Tank, Chicago, IL.
- Rush, S. (2007, February). *Improving access to the general curriculum for all students through collaborative teaching*. South Carolina Council for Exceptional Children Annual Conference, Myrtle Beach, SC.
- Rush, S. (2007, February). *Enhancing your instructional skills through differentiation*. North Carolina Council for Exceptional Children Annual Conference, Wilmington, NC.
- Rush, S., & Klekotka, A. (2006, April). *Improving access to the general curriculum for students with disabilities*. Council for Exceptional Children National Conference, Salt Lake City, UT.
- Rush, S., & Storm, M. (2005, April). *Content-specific strategies for students with disabilities*. Copenhaver Institute, Roanoke, VA.
- Rush, S. (2005, August). *Enhancing your instructional skills through differentiation*. 3rd Annual Casey Jumpstart Conference, Washington, DC.
- Rush, S. (2005, October). *Strategies to improve access to the general curriculum for students with disabilities*. 2nd Annual Elementary School Conference, Durham, NC.

Closed Session Form Motion

1. Motion to Convene in Closed Session

FORM MOTION FOR CONVENING CLOSED MEETING

“I move that the Nelson County Board of Supervisors convene in closed session to discuss the following as permitted by Virginia Code Sections 2.2-3711-

(A)(7) - “Consultation with legal counsel and briefings by staff members pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body” – Litigation pertaining to the Region 2000 Services Authority.”

2. Conduct Closed Session
3. Motion to Reconvene in Public Session
4. Motion to Certify Closed Session

**CERTIFICATION MOTION AFTER RECONVENING IN PUBLIC
SESSION:**

(Requires recorded roll call vote)

“I move, pursuant to the requirements of Chapter 37, Virginia Freedom of Information Act and Section 2.2-3712 of the Code of Virginia, that the Nelson County Board of Supervisors certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.”

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING
NELSON COUNTY BOARD OF SUPERVISORS**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310 and §15.2-4307, the Nelson County Board of Supervisors hereby gives notice that a Public Hearing will start at **7:00 p.m., Tuesday, September 10, 2024** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston.

Public Hearing(s):

1. Special Use Permit #24-0157 – Permanent Sawmill

Consideration of a Special Use Permit application requesting County approval to allow a Permanent Sawmill on a property zoned A-1 Agricultural. The subject property is located at Tax Map Parcel #42-A-55, addressed 452 Modoc Lane in Roseland. The subject property is 176.195 acres and is owned by St. Dunstan's Academy.

2. Creation of Agricultural & Forestal District – North Fork – 2290.254 acres

Pursuant to Section Sec. 9-201 of the Code of Nelson County, an application has been filed with the program administrator for tracts of land adjacent to property that you own in Nelson County. The request is for the creation of an Agricultural and Forestal District in the Montebello/North Fork area. The application will be on file open to public inspection in the Planning and Zoning office. Any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the Planning Commission within thirty (30) days of the date of the notice. Any owner of additional qualifying land may join the application within thirty (30) days from the date of the notice or, with the consent of the Board of Supervisors (BOS), at any time before the public hearing the BOS must hold on the application. Any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the BOS, at any time before the BOS acts, pursuant to Code of Virginia, § 15.2-4309. Additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter.

Copies of the above files are available for review in the Dept. of Planning & Zoning office, 80 Front Street, Lovingston, Virginia, Monday through Friday, 8:00 a.m. to 4:00 p.m., or the Office of the County Administrator, 84 Courthouse Square, Monday through Friday, 9:00 a.m. to 5:00 p.m. For more information, call the County Administrator's Office at (434) 263-7000. EOE.

BY AUTHORITY OF NELSON COUNTY BOARD OF SUPERVISORS

**Nelson County
Board of Supervisors**

To: Board of Supervisors

From: Dylan M. Bishop, Director of Planning & Zoning *DMB*

Date: September 10, 2024

Re: SUP #240157 – St. Dunstan’s Academy – Portable Sawmill

BACKGROUND: This is a request for a Special Use Permit (SUP) on property zoned A-1 Agriculture, to allow a sawmill for processing of timber on-site to be utilized in the construction of their school.

Public Hearings Scheduled: PC – August 28 / Board – September 10

Location / Election District: 452 Modoc Lane, Roseland / West Election District

Tax Map Number / Total acreage: 42-A-55 / 176.2 acres +/- total

Owner/Applicant Contact Information: St. Dunstan’s Academy (Thomas Fickley, Headmaster), 452 Modoc Lane, Roseland, VA 22967, 434-466-2060, tfickley@stdunstansacademy.org

Comments: A by-right minor site plan has been submitted for the first phase of construction of a non-profit boarding school and is currently in review. The applicant is requesting to operate a portable sawmill on the property, to harvest timber that will be utilized on-site for the construction of the school and associated buildings. According to the application, there is approximately 110 acres of forest on the property that is available to selectively harvest.

DISCUSSION:

Land Use / Floodplain: The subject parcel is zoned A-1 Agriculture and is adjoined by A-1 zoned properties. The area is primarily agricultural in nature, with low density residential uses. There is some floodplain located on the property, however no development is proposed in this area.

Comprehensive Plan: This property is located in a *Rural Area* on the County’s Future Land Use Map, which should ensure the protection of the County’s rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses. Primary land use types include farm, agriculture and forestry, and institutional uses.

Rural Areas



Description

The aspect of Nelson County valued most by the people who live and visit here is its rural character. Rural Areas comprise the majority of the County, aiming to protect rural character by maintaining natural areas and agricultural uses while allowing low density residential development that fits into the landscape. Rural Areas typify the historic and natural landscape of Nelson County that includes prime agricultural areas, forested mountains, and rural homesteads. The area also currently includes some low-density single-family subdivisions. Alterations and retrofits to these developments to enhance resiliency and conform to current health, environmental, zoning and subdivision standards is appropriate and encouraged; however, expanded, or new subdivisions is not the primary intent of this planning area. Any new residential development must be carefully planned for, taking into account slope, soil, and septic suitability, viewshed protection, resource impact, and other factors.

Core Concept

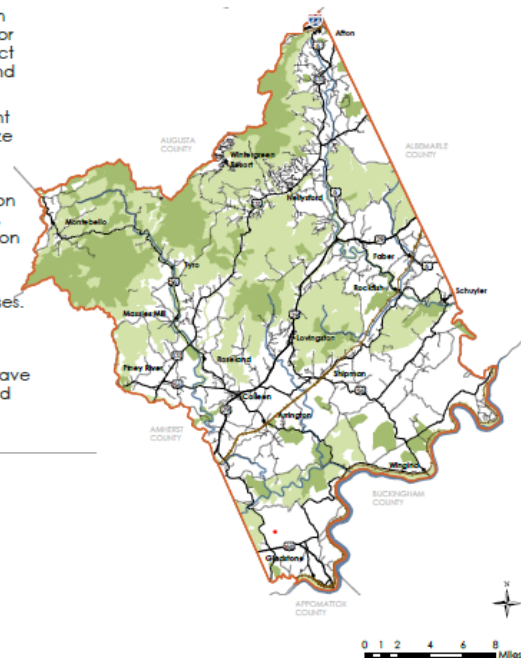
Ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses.

Primary Land Use Types

- Farms, agriculture, forestry
- Agritourism uses
- Institutional uses
- Solar installations (contingent on-site conditions)
- Single-family detached residential
- Single-family attached residential
- Manufactured homes
- Accessory dwelling units
- Parks, recreation, and trails

Planning Guidelines

- Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources.
- Setback, screen, or locate development located along primary routes to minimize impact to views from these corridors.
- Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection.
- Buffer residences from more intense farming, forestry, or extraction-based uses.
- Discourage development of areas with prime agricultural soils.
- Solar development should be sited to have minimal impact to scenic viewsheds and natural resources.



REVIEW CRITERIA FOR SUP: The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate.
2. 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.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance.

Recommendation: At their meeting on July 24, the Planning Commission held a public hearing and recommended approval (6-0) of SUP #240157 for a sawmill at 452 Modoc Lane with the following conditions:

1. The lumber harvested shall be utilized only for projects located on the subject property and shall not be utilized for commercial use.
2. Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m. and shall not be operated on Sunday.
3. The sawmill motor shall not exceed 25 horsepower.
4. The sawmill shall not be located or utilized within 100' of any adjoining property line.

Per correspondence from Thomas Fickley dated 8/30/24, the applicant is requesting a revision to recommended condition #2:

2. Hours of operation shall be limited to 8:00 a.m. to **8:00 p.m.** and shall not be operated on Sunday.

Attachments:

Email from T. Fickley 8-30-24

Application

Narrative

Letter from T. Fickley 8-5-24

Site Plan (Great Hall)

Zoning

Public Comments

Thanks, and a Note for the BOS

tfickley@stdunstansacademy.org <tfickley@stdunstansacademy.org>

Fri 8/30/2024 9:35 AM

To: Dylan Bishop <dbishop@nelsoncounty.org>

Cc: Emily Hjulstrom <ehjulstrom@nelsoncounty.org>; Fr. Mark Perkins <mperkins@stdunstansacademy.org>

Dear Dylan and Emily,

Thank you for your ongoing communication as we work through the permitting process for the sawmill SUP. We were very grateful for many good conversations on Wednesday, and a chance to get to know some of our neighbors better. I'm going over to visit the Bendle family next week so we can get better acquainted and talk neighborly. Emily, the master naturalists are welcome here anytime, and we would be thrilled to host an event for the group. I still need to get Susan's contact info from Fr. Mark, but I plan to reach out and follow up on our conversation with her.

For the BOS' consideration, could one of you pass along this note about operating hours?

Gratefully,
Thomas

8/30/2024
Roseland

Dear Planning Commission and Board of Supervisors,

Thank you for taking the time to review and consider our application to run a portable bandsaw sawmill at St. Dunstan's Academy. We appreciate your time, and the Planning Commission's questions about the mill and our project.

I would like to request a slight change in the conditions associated with the Planning Commission's recommendation for approval of the SUP. Since much of our faculty and staff's time in the first half of the day will be taken up with academic instruction, leaving little time for farm work until the afternoon, it would be helpful to have allowable hours of operation for our mill be from 8:00 AM to 8:00 PM. The mill will be used only intermittently, not constantly, and it would be helpful for us to be able to occasionally mill in the cooler daylight hours of the evening.

Thank you for your consideration.

Respectfully,

Thomas Fickley
St. Dunstan's Academy
Headmaster
452 Modoc Lane
Roseland, Virginia 22967



PERMIT APPLICATION: Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: SUP # 2024157
application type application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- ☒ Special Use Permit ☐ Subdivision
☐ Rezoning from _____ to _____ ☐ Site Plan – Minor
☐ Conditional Rezoning from _____ to _____ ☐ Site Plan – Major
☐ Other: _____

Reason(s) for request:

We would like to use a portable saw mill to turn trees from our property into timbers we can build with.
parts of our campus

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

☒ Applicant ☒ Property Owner Name: St. Dunstan's Academy
Mailing Address: 452 Modoc Lane, Roseland, Virginia 22967
Telephone #: 434-466-2060 Email Address: tfickley@stdunstansacademy.org
Relationship (if applicable): Thos. Fickley is the headmaster and representative of St. Dunstan's Academy.

☒ Applicant ☐ Property Owner Name: Thomas Fickley

Mailing Address: 452 modoc Ln

Telephone #: " Email Address: "

Relationship (if applicable): Headmaster

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):

452 modoc Lane, Roseland, VA 22967

b. Official tax map number:

42-A-55

c. Acreage of property:

176 +/- acres

d. Present use:

agriculture, one residence (single family)

e. Present zoning classification:

agriculture

f. Zoning classification of surrounding properties:

ag (A-1)

4. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature:

Thos. Fickley

Printed Name:

Thomas Fickley

Signature:

Printed Name:

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

5. Additional information: (Please attach separate sheet for additional details, explanations, etc.)

6. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----TO BE COMPLETED BY PLANNING & ZONING STAFF-----

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.

Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

o Completed application and fee (\$ _____) received on _____

o Hearing Notice published on _____

o Planning Commission action: Date of Meeting / Hearing: _____

Recommendation: _____

o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____

Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | (Physical Address) 80 Front Street, Lovingson, Virginia 22949

(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | (Fax Number) 434 263-7086

<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

Project Narrative: St. Dunstan's Academy

Application for a Special Use Permit to operate a sawmill on-site

Our school would like to run a sawmill on-site so we can utilize our forests responsibly. We have around 110 acres of forest to selectively harvest from, and can accordingly reduce the amount of building supplies we need brought on-site.

We plan to saw logs from our property, and use the mill for the duration of our project. The mill is a portable band saw mill that can be moved around our property. We do not foresee the mill causing any traffic or neighborhood problems. Harvesting and utilizing our own timber fits with our County's agricultural nature, and fits well especially given how large and secluded our property is.

Thank you for your consideration!

Respectfully,

Thomas Fickley

St. Dunstan's Academy

(Typed by DMB 7/17/24)

Project Narrative: St. Dunstan's Academy Application for a Special Use Permit to operate a sawmill (temporary) on-site.

Our school would like to run a ~~sawmill~~ saw mill on-site so we can utilize our forests responsibly. We have around 110 acres of forest to selectively harvest from, and can accordingly reduce the amount of building supplies we need brought on-site.

We plan to saw logs from our property, and use the mill for the duration of our project. The mill is a portable bandsaw mill that can be moved around our property. We do not foresee the mill causing any traffic or neighborhood problems. Harvesting and utilizing our own timber fits with our County's agricultural nature, and fits well especially given how large our property is.
and secluded

Thank you for your consideration!

Respectfully,

Thos. Gickley
St. Dunstan's Academy

Dear Mr. Jenkins,

August 5, 2024
Roseland

My name is Thomas Fickley. I am the founding headmaster of St. Dunstan's Academy, the school we are building on the old Whitehead farm on Modoc Lane in Roseland. My family and I live in the old farmhouse there.

You should have received a letter of notice from the County about our application to run a sawmill, and I wanted to let you know why we have one and what we'll be doing with it. It is a Wood-Mizer LT-15 with a 25-horsepower motor (equivalent to a compact tractor) with manual rather than hydraulic controls. It is not a commercial mill. I've included a picture of the mill so you can get a sense of the scale.



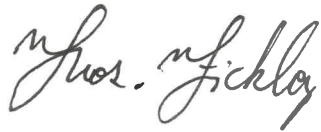
We have recently finished our first structure — a small timber-framed outbuilding. In order to build that, we trucked in materials from a local sawmill. Our plan, though, has always been to sustainably utilize our own forests, and that is our plan with our next building, which will be roughly ~1000 square feet in size.

If we don't use our own sawmill, we would have to bring in logging trucks to remove our logs and then have trucks deliver the sawn timbers back to the property as well. Every timber we mill on site means one fewer log hauled away by a logging truck, and one fewer sawn timber brought back by a delivery truck. In other words, the mill will enable us to be better neighbors, keep traffic to a minimum in the neighborhood, and to reduce our impact on the land.

The school we're working on is a boys' high school dedicated to Christian formation alongside an education in the classics, in skilled trades, and in agriculture. It isn't a reform school, or a college prep only school, but a good-life school, and we hope our graduates will launch into the world as well-rounded young men others can depend on. Timber-framing and forestry are important parts of our program, and we are following a timber-management plan designed by a professional forester to allow us to protect, cultivate, and sustainably use our forests.

We tell people regularly what incredible neighbors we have and how glad we are to be in Nelson County and in this neighborhood. If any of you would like to tour the property, see our first building, and talk about our vision for St. Dunstan's, please reach out to me!

Sincerely,

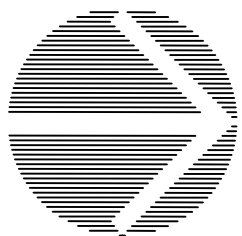
A handwritten signature in cursive script that reads "Thos. Fickley".

Thomas Fickley
Founder and Headmaster
St. Dunstan's Academy
(434)466-2060 (cell)
tfickley@stdunstansacademy.org

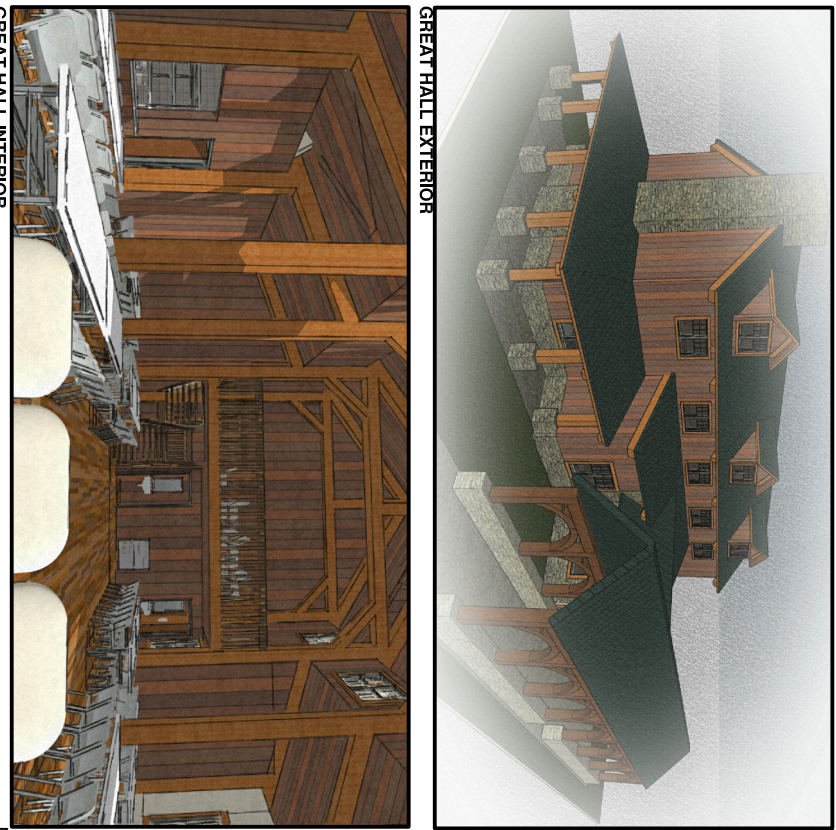


SYMBOLS LEGEND

- * LIMIT OF EXISTING TREE LINE
- * PROPOSED TREE LINE
- * APPROXIMATE PROPERTY LINE
- * FLOOD PLAIN LINE
- * EXISTING ROAD BED LINE
- * PROPOSED ROAD
- * PASTURE AREA
- * 50' ELEVATION TOPOGRAPHIC LINE
- * 10' ELEVATION TOPOGRAPHIC LINE
- * STUDENT BUNK HOUSE
- * FACULTY SVAFH HOUSING
- * TYPICAL CAMPUS BUILDING
- * TYPICAL WALK PATH
- * STREAM CENTER
- * PROPOSED POND
- * PROPOSED ORCHARD



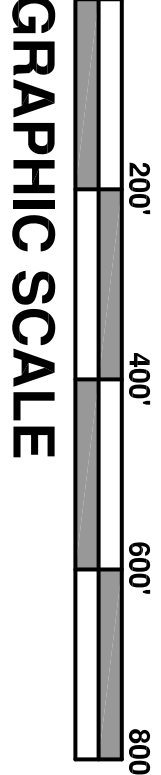
NORTH



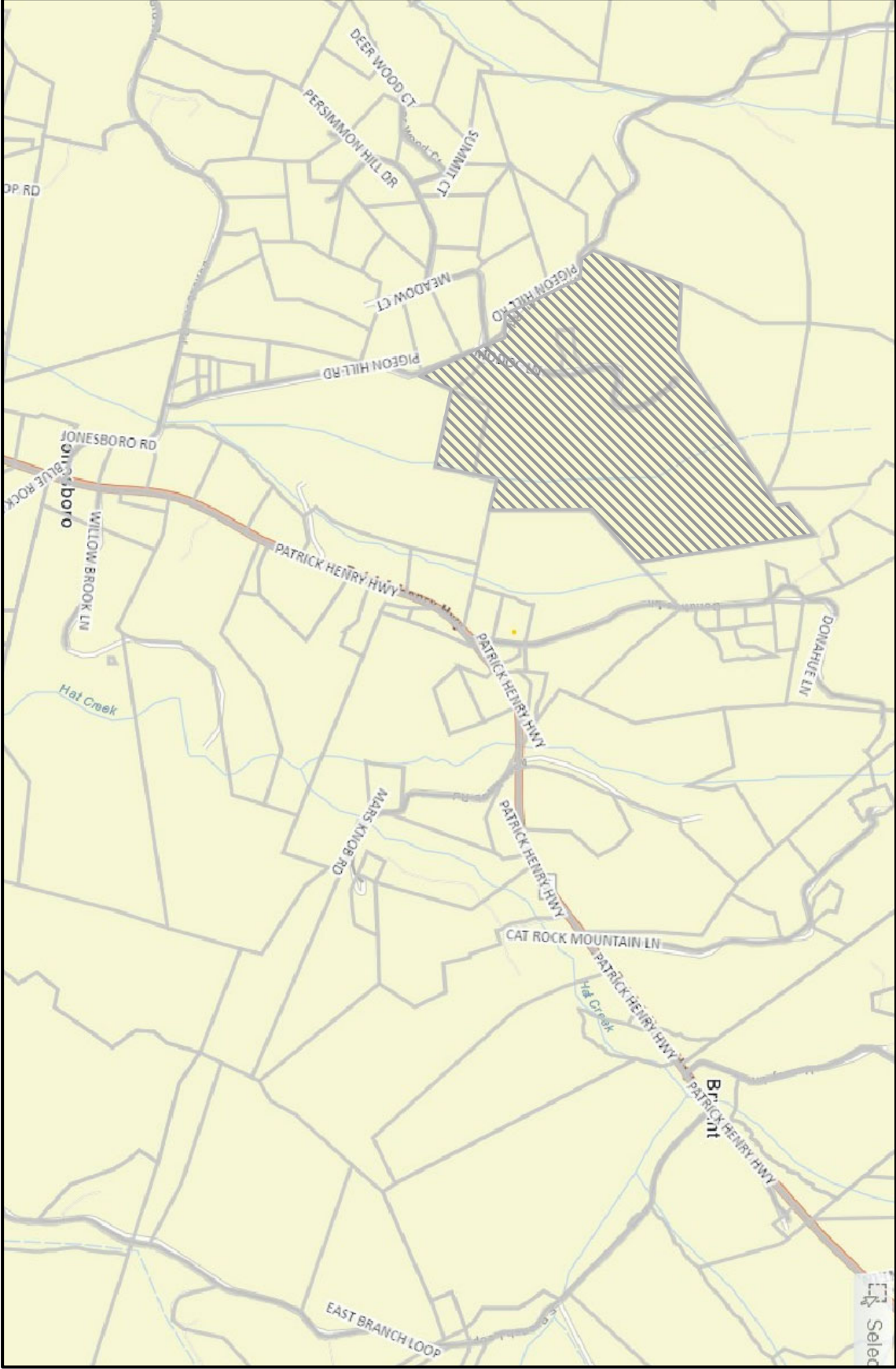
A

MASTER SKETCH SITE PLAN

ST-2.0 SCALE 1"=200'



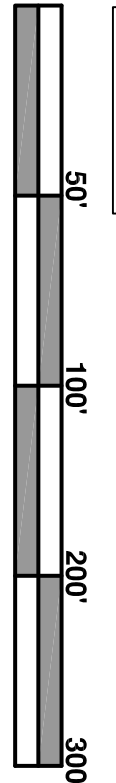
GRAPHIC SCALE



VICINITY MAP N.T.S.

B ENLARGED SKETCH SITE PLAN

ST-2.0 SCALE 1"=50'



GRAPHIC SCALE

SITE INFO.

OWNER - ST. DUNSTAN'S ACADEMY, 452 MODOC LANE, ROSELAND VA 22967
SOIL DISTURBANCE - BUILDING = 4,800 S.F., SEPTIC = 18,400 S.F., PAVING = 6,061 S.F.
PROPERTY AREA - 176.151 ACRES
PLANNED USES - PRIVATE SCHOOL AND AGRICULTURE
ZONING - AGRICULTURE
ZONING NEIGHBORING PROPERTIES - AGRICULTURE
TAX MAP - 42 A 55, 42 A

SIGNATURE APPROVAL

PLANNING & ZONING DIRECTOR _____
VIRGINIA DEPARTMENT OF TRANSPORTATION _____
VIRGINIA DEPARTMENT OF HEALTH _____
NELSON COUNTY SERVICE AUTHORITY _____

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UNITED STATES CODE.

ISSUE	DATE	REMARKS

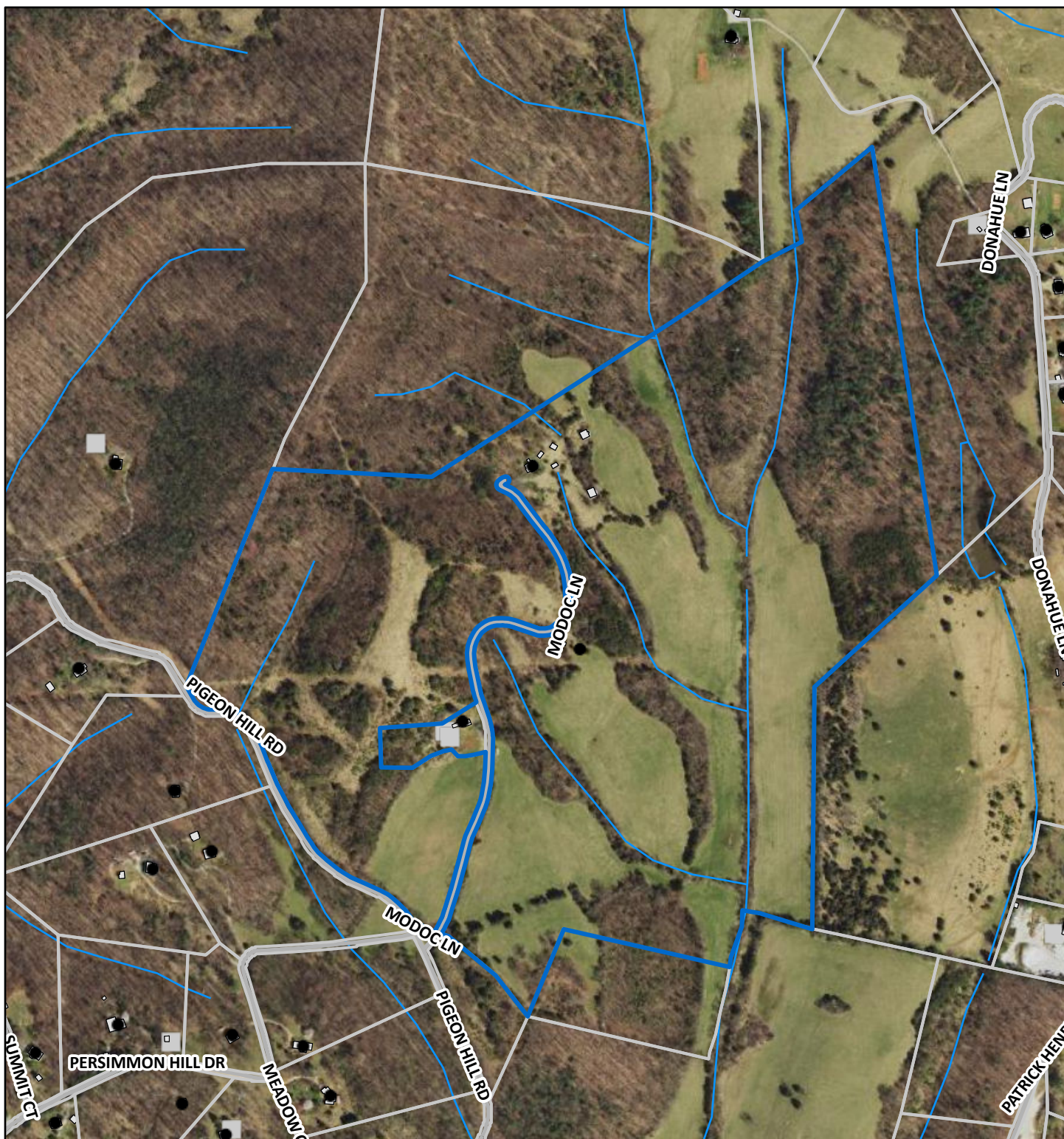
REVISIONS DUE TO FINAL
CODE REVISIONS WITH STATE
AND LOCAL AUTHORITIES
MAY BE ENCOUNTERED
PENDING THEIR REVIEW,
COMMENTS AND PERMIT
PROCESS.



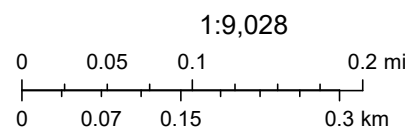
SEAL

MASTER SKETCH SITE PLAN FOR:
ST. DUNSTANS ACADEMY
452 MODOC LANE, ROSELAND VA 22967

DATE: 3/19/24
TITLE: MASTER SKETCH SITE PLAN
DRAWN BY: SRF
PROJECT NUMBER: FA21-040
DWG. NO. ST-1.0



August 22, 2024



Dylan M. Bishop
Nelson County Planning and Zoning Director
P.O. Box 558
80 Front Street
Lovingston, Virginia 22949n

RE: Permanent Sawmill

Dear Mr. Bishop:

In response to your letter dated July 8, 2024 this is to advise that we have a home on adjoining property which is used by family members. This is where we go for peace and quiet of the farm. Our concern is that this sawmill will interrupt the peacefulness of our farm and homestead.

I will not be able to attend the hearings on this but do want my concerns heard.

Sincerely,

A handwritten signature in cursive script that reads "Robert C. Withers".

Robert C. Withers

Patrick D. King DDS
P.O. Box 413
400 Court St
Lovingston, Va 22949

8/13/24

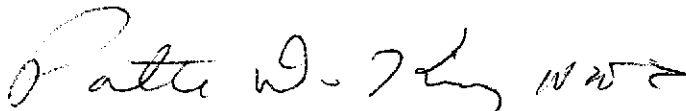
Dear Mr. Fickley,

I appreciate the letter I received concerning your effort to establish a Christian based school on the property that borders a portion of my farm.

I can tell you that our society needs more of these projects that support the religious, moral, physical, and mental development of our young men.

I am in full support of your effort to establish this "sawmill" and other projects to provide these young men with a Christian based education. Best of luck in your effort.

Sincerely,

A handwritten signature in black ink that reads "Patrick D. King" with a stylized flourish at the end.

Patrick D. King DDS

P.S. I would enjoy meeting you at some future date to see and discuss your accomplishments and aspirations.

Emily Hjulstrom

From: Laura Thibault <lburns2@gmail.com>
Sent: Monday, August 26, 2024 5:53 PM
To: Dylan Bishop; Emily Hjulstrom
Subject: Objections to Special Use Permit #24-0157 – Permanent Sawmill

Hello,

I am a Nelson County native born and raised and currently a resident of Roseland. I strongly object to this application. My home is in close proximity to the aforementioned special use permit application. Roseland is one of the few remaining bucolic communities of Nelson County. My family and I chose to buy in Roseland because it was peaceful and quiet. We appreciate the open spaces and fresh air. I am extremely concerned with the continued aggressive development in Nelson, with little disregard for the long-term implications on the county, the environment, and quite frankly public safety (such as the recent rash of vehicle fatalities). A sawmill in such close proximity would lead to increased pollution, noise, and traffic in the area. I did not realize such a massive development (St Augustine's School) had been approved for our neighborhood, if I had known that was happening I also would have strongly objected. The county I grew up in is nothing like the one today, but Roseland still feels like a small slice of heaven where I can breathe fresh air and relax. Please consider the impact of this sawmill on the neighbors, the children (mine are 3&6, one more on the way). Please consider the impact on the environment of continued rampant development in the county. Please consider that the reason we have seen such an influx of tourism and development is because people want to experience the beauty of the area and the open spaces. A large school campus, a sawmill, and who knows what is next will ruin everything for everyone. Smart development will ensure my children can still enjoy the area, the mountains, the swimming holes, the trails and fields, just as I did growing up. Thank you in advance for considering my objections. Unfortunately I am unable to attend the meeting Wednesday evening as I'm currently solo parenting during the week, but if a virtual opportunity is available I will be there!

-Laura



BOARD OF
SUPERVISORS

THOMAS D. HARVEY
North District

ERNIE Q. REED
Central District

JESSE N. RUTHERFORD
East District

J. DAVID PARR
West District

DR. JESSICA LIGON
South District

CANDICE W. MCGARRY
County Administrator

AMANDA B. SPIVEY
Administrative Assistant/
Deputy Clerk

LINDA K. STATON
Director of Finance and
Human Resources

ORDINANCE O2024-01
NELSON COUNTY BOARD OF SUPERVISORS
AMENDMENT OF THE CODE OF NELSON COUNTY, VIRGINIA
CHAPTER 9 "PLANNING AND DEVELOPMENT," ARTICLE V,
"AGRICULTURAL AND FORESTAL DISTRICTS"
CREATION OF THE FORK MOUNTAIN AGRICULTURAL AND FORESTAL DISTRICT

WHEREAS, Mr. Wade Lanning has filed application #24-0134 to establish the Fork Mountain Agricultural and Forestal District located along Fork Mountain Lane (Rte. 667), North Fork Road (Rte. 687), Fish Hatchery Lane (Rte. 690) and the surrounding area, for a total of **3418.244** acres; and

WHEREAS, the parcels to be included in the Fork Mountain Agricultural and Forestal District are as follows:

<u>Parcel Number</u>	<u>Owner</u>	<u>Acreage</u>
17-A-5	Faye Allen Humphries Trustee	80
17-A-9	James G. & Marissa A. Taylor	147
17-A-17	David M. & Linda T. Locks	60.04
17-A-3	Treca A. King & James B. Massie	31.71
16-A-29	Ian Michael Coddington	38.96
16-A-24	Wade B. & Phyllis Y. Lanning	65.88
16-A-23	Wade B. & Phyllis Y. Lanning	82.45
16-A-20	Tye River Property LLC (Brian & Amy Brown)	102.27
16-A-21A	Tye River Property LLC (Brian & Amy Brown)	2.56
27-A-5	Tye River Property LLC (Brian & Amy Brown)	77.22
16-A-21	Charles G. & Marilyn F. Evans	8.19
16-A-13	Roland G. Hill & Mary K. Hill	99.6
27-A-2	Colleen L. Conlin & Thomas E. Davis Trustees	35.41
27-A-2A	Colleen L. Conlin & Thomas E. Davis Trustees	76.26
27-A-7	Vok LLC (Charles Kaye)	131.6
16-A-18	Vok LLC (Charles Kaye)	117.54
27-A-17	Joan A. Enyingi Regan	107.6
27-A-16C	Joan A. Enyingi Regan	21.37
27-A-42	Carl F. Coffey Trustee	67.22
27-A-48	Carl F. Coffey Trustee	5
27-A-10A	Sarah E. Bastarache	29.3
27-A-13	John S. & Clelia M. LaMonica	24.34
27-A-12A	Earl & Lois Arnold	9.8
27-A-12B	Mary B. Boynton	6.18
27-A-12C	Deidre & Donald Wenrich	4.9
27-A-12	Kathleen S. Monaghan	9.41
26-5-6A	Kathleen S. Monaghan	8.71
27-A-9	Andy Eshelman	119.97
26-A-60	Alan D. & Marie H. Firth	25.54
26-A-18D	Ruth Ronda Regal	1.24
26-A-18E	Ruth Ronda Regal	8.88
26-A-18A	Darrin & Larissa Grant	3.03
26-A-62A	Tybridge II Family Limited Partn (Forsyth)	39.89
26-A-62	Tybridge II Family Limited Partn	27.85

	(Forsyth)	
26-A-62C	Tybridge II Family Limited Partn (Forsyth)	30.564
15-A-8	Richard & Sherri Smith	52.97
15-A-4I	Jeffrey & Donna Beeby	14.18
15-A-5	Anna T. Lane	254.2
	Raymond J. Vartuli & Stephanie S.	
15-A-4A	Graham	3.07
26-6-8	Daniel Edward & Amanda Leslie Tipton	1.92
26-A-30B	Dolores G. Taylor	3.92
26-6-1	Dolores G. Taylor	3.99
26-A-42	Richard M. & Dana P. Howald	60
26-5-8A	Richard M. & Dana P. Howald	5.62
26-5-8B	Lee H. & Paulette A. Albright	6.62
26-5-4	Lee H. & Paulette A. Albright	11.27
38-A-2	Lee H. & Paulette A. Albright	222.07
26-5-1A	John M. & Laura L. Ward	3.29
26-5-3	Kenneth & Karen Cowen	11.44
26-5-2	Jeffrey S. & Sandra S. Garber	10.29
26-5-5	Charles R. & Nancy D. May	11.03
26-5-13	Michael Charles Yankovich	11.29
26-7-2	Teresa L. Guinter	7.45
26-A-13	Jayne M. Hoffman	1.57
26-A-5B	Erik & Monica Morris	11.09

WHEREAS, all of the property owners voluntarily agreed to subject their properties to the requirements stated in Section 9-202 of the Code of Nelson County and in addition, the following conditions will also apply:

- a. No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;
- b. Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal; and
- c. Parcels of land within the District may be sold in their entirety to a non-family member during the term of the District. However, the parcel under new ownership shall remain in the District at least until the time of the next scheduled District renewal; and

- d. Membership in this AFD does not preclude building a home on land on which no structure exists, or construction of guest house, garage, workshop, barn or similar auxiliary structure as allowed by County Regulations.
- e. The period before first review is five (5) years; and

WHEREAS, all procedural matters have been completed pursuant to §15.2-4300 et seq. of the Code of Virginia, 1950 as amended and pursuant Article V, Agricultural and Forestal Districts of the Code of Nelson County; and

WHEREAS, after reviewing the Planning Department's report, the Agricultural and Forestal Districts Advisory Committee's recommendation, and considering the comments from the public received at its public hearing held on **September 10th, 2024**, it is the Board's finding that there are significant agricultural and forestal lands within the proposed expanded Districts and the newly proposed District and that they meet the requirements for such designation;

NOW THEREFORE BE IT ORDAINED, by the Nelson County Board of Supervisors that the Code of Nelson County, Chapter 9 "Planning and Development," Article V, "Agricultural and Forestal Districts" be amended to create the Fork Mountain Agricultural and Forestal District as proposed with the conditions (restrictions) as stated in the applications; which each property owner voluntarily agreed to place on his and/or her property; and

BE IT FURTHER ORDAINED, by the Nelson County Board of Supervisors that this Ordinance becomes effective upon adoption.

Adopted: _____

Attest: _____, Clerk
Nelson County Board of Supervisors

**Nelson County
Planning & Zoning**

Memo

To: Board of Supervisors
From: Emily Hjulstrom, Planner
Date: September 10th, 2024
Re: Public Hearing for Agricultural and Forestal District #24-0134 – Fork Mountain

The Planning & Zoning Department has received an application from Mr. Wade Lanning to create a new 2418.244 acre Agricultural and Forestal District to be known as the *Fork Mountain Agricultural and Forestal District*. The proposed District is located along Fork Mountain Ln, North Fork Rd, Fish Hatchery Ln, and the surrounding area.

“The Agricultural and Forest Conservation District Program is a voluntary program in which farmers, foresters and landowners form an Agricultural and/or Forest Conservation District for the purposes of conserving areas that are rural and agricultural. The property owner continues to hold fee simple title to the land, but the easement restrictions run with the land, for a set term of years. The agreements usually include exceptions that permit the landowner to withdraw from the program under certain circumstances.

Agricultural-Forestal Districts (AFDs) were established by the State of Virginia as a means for counties to offer incentives to landowners to maintain their property in agriculture and forestry. These benefits include

- (1) eligibility for Land Use taxation,
- (2) protection from eminent domain and municipal annexation, and
- (3) protection from frivolous nuisance complaints.

These protections are in effect for the duration of the contract period. As a result, the County is able to more accurately plan land use in the region, since the owner agrees not to convert the property to a more intensive use for the duration of the contract. The rural nature of the landscape is maintained and the tax rates remain low since residential development is slowed and county resources are not overburdened.”

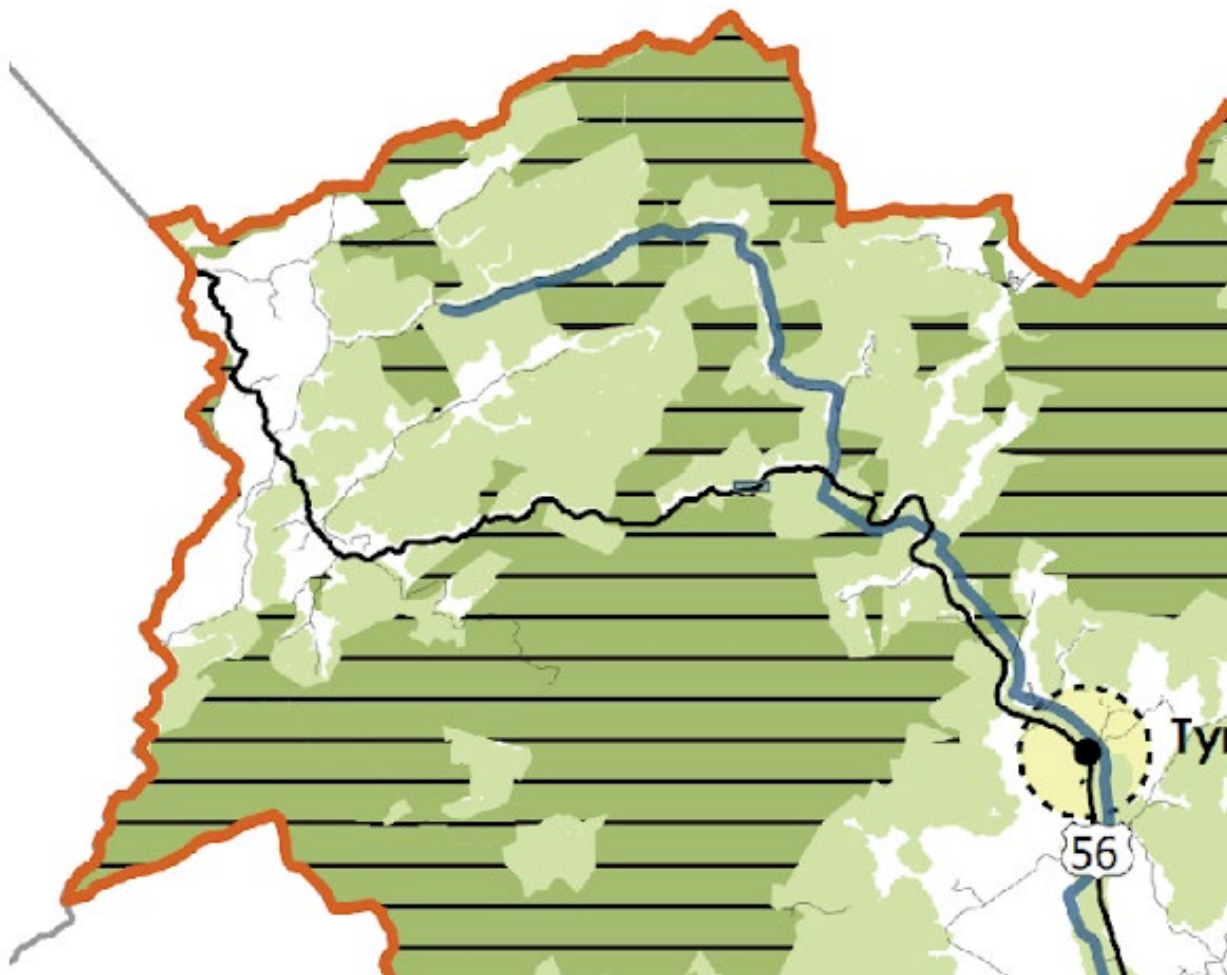
Review Criteria for AFDs:

Please reference Section 9-201 "Evaluation Criteria" for a list of factors to be considered by the Advisory Committee, Planning Commission, and the Board of Supervisors when reviewing the application for AFD #24-0134, as follows:

- a) The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;*
- b) The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;*
- c) The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;*
- d) Local developmental patterns and needs;*
- e) The comprehensive plan and, if applicable, zoning regulations;*
- f) The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and*
- g) Any other matter which may be relevant.*

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

Comprehensive Plan:

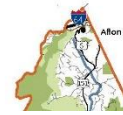


The properties are located in both “High Conservation Value Areas & Natural Corridors” and “Rural Areas” on the County’s Future Land Use Map.

Conservation Areas



Description	<p><i>Conservation Areas</i> are those areas with significant environmental sensitivity and/or areas that are currently protected from development through permanent conservation or recreation use. They are established to minimize detrimental impacts to the environment, maximize groundwater recharge capacity, and protect key natural resources. Examples include steep slopes, flood inundation zones, sensitive environmental corridors, and federal and state lands.</p>
Core Concept	<p>Protect natural areas to maximize environmental services, economic potential, and recreation opportunities for the community.</p>
Primary Land Use Types	<ul style="list-style-type: none"> • Conservation • Parks, recreation, and trails • Low-impact agriculture and other resource-based uses
Planning Guidelines	<ul style="list-style-type: none"> • Incorporate cluster and/or conservation development principles in areas adjacent to this planning area to protect open space, productive land, views, and sensitive resources. • Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection.

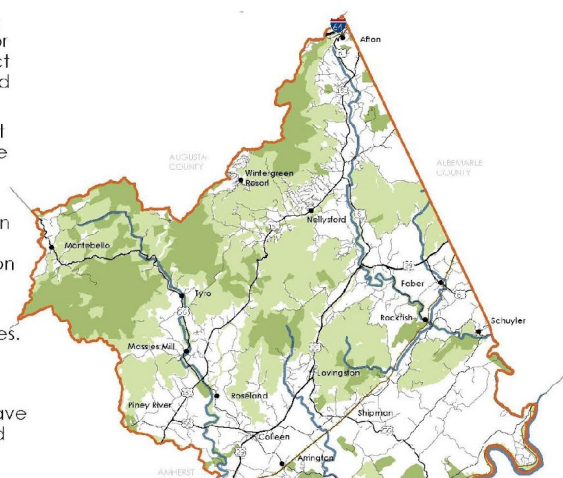


Conservation Areas are those areas with significant environmental sensitivity and/or areas that are currently protected from development through permanent conservation or recreation use. They are established to minimize detrimental impacts to the environment, maximize groundwater recharge capacity, and protect key natural resources. Examples include steep slopes, flood inundation zones, sensitive environmental corridors, and federal and state lands.

Rural Areas



Description	<p>The aspect of Nelson County valued most by the people who live and visit here is its rural character. <i>Rural Areas</i> comprise the majority of the County, aiming to protect rural character by maintaining natural areas and agricultural uses while allowing low density residential development that fits into the landscape. Rural Areas typify the historic and natural landscape of Nelson County that includes prime agricultural areas, forested mountains, and rural homesteads. The area also currently includes some low-density single-family subdivisions. Alterations and retrofits to these developments to enhance resiliency and conform to current health, environmental, zoning and subdivision standards is appropriate and encouraged; however, expanded, or new subdivisions is not the primary intent of this planning area. Any new residential development must be carefully planned for, taking into account slope, soil, and septic suitability, viewshed protection, resource impact, and other factors.</p>	
Core Concept	<p>Ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses.</p>	
Primary Land Use Types	<ul style="list-style-type: none"> • Farms, agriculture, forestry • Agritourism uses • Institutional uses • Solar installations (contingent on-site conditions) 	<ul style="list-style-type: none"> • Single-family detached residential • Single-family attached residential • Manufactured homes • Accessory dwelling units • Parks, recreation, and trails
Planning Guidelines	<ul style="list-style-type: none"> • Incorporate cluster and/or conservation development principles in areas within or adjacent to this planning area to protect open space, productive land, views, and sensitive resources. • Setback, screen, or locate development located along primary routes to minimize impact to views from these corridors. • Improve and mitigate negative environmental impacts with conservation design, alternative wastewater systems, and low impact development for filtration or runoff protection. • Buffer residences from more intense farming, forestry, or extraction-based uses. • Discourage development of areas with prime agricultural soils. • Solar development should be sited to have minimal impact to scenic viewsheds and natural resources. 	



Rural Areas should ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses. Rural Areas typify the historic and natural landscape of Nelson County that includes prime agricultural areas, forested mountains, and rural homesteads. The area also currently includes some low-density single-family subdivisions. Alterations and retrofits to these developments to enhance resiliency and conform to current health, environmental, zoning and subdivision standards is appropriate and encouraged; however, expanded, or new subdivisions is not the primary intent of this planning area.

Adjoining property owners were notified of the proposed AFD via letter on August 6th, 2024. This letter included the option for property owners to join the AFD within 30 days of the date of the letter (September 5th). There have been five additional landowners (shown in blue on map) that have applied during this time period. There is the potential for more properties to join that have applied between the September 5th deadline and the September 10th Board of Supervisors meeting with the consent of the Board of Supervisors:

AFD Ordinance Sec. 9-201(3)a:

(iv) a statement that any owner of additional qualifying land may join the application within thirty (30) days from the date of the notice or, with the consent of the board of supervisors, at any time before the public hearing the board of supervisors must hold on the application;

There are three parcels (17-A-35, 17-A-35B, and 17-A-35C) that are more than a mile and a half from the core. The Board is able to allow the inclusion of parcels further than a mile away if they find that the parcels contain agriculturally and forestally significant land.

AFD Ordinance Sec. 9-200:

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

The advisory committee met on July 24th, 2024 to review and discuss the application and unanimously recommended approval of the application to the Planning Commission with the stipulation that parcels 17-A-35, 17-A-35B, and 17-A-35C not be included. (Minutes attached).

The Planning Commission recommended approval of the Fork Mountain AFD (6-0) as well, with the stipulation that parcels 17-A-35, 17-A-35B, and 17-A-35C not be included, being located further than a mile from the core and lacking agricultural/forestal significance.

Recommended Action(s):

1. Consider adoption of Ordinance O2024-01 to create AFD #24-0134, Fork Mountain Agricultural and Forestal District. The ordinance can be adopted immediately as presented or amended, or deferred.
2. Consider whether parcels 17-A-35A, 17-A-35B and 17-A-35C be included (AFD Committee and PC both recommended that these parcels not be included in the AFD).
3. Consider any additional parcels that have requested to join the proposed AFD.

Attachments:

AFD Committee Meeting Minutes

Application

AFD Maps

AFD List

Minutes for July 24, 2024 AFD Advisory Committee

3:30 p.m. in the old Board of Supervisors room, County Courthouse

Meeting called to order: Andy Wright, Committee Chair, called the meeting to order at 3:33 p.m. after a quorum of six members was established.

Committee members present: Mary Cunningham (arrived after meeting started), Kim Goff (Commissioner of Revenue), Ben Kessler, Susan McSwain, Billy Newman, Charlotte Rea, Ernie Reed, Jesse Rutherford (Board of Supervisors Representative), Andy Wright

Committee members absent: Joyce Burton (assigned her proxy to Susan McSwain)

Invited guests: Emily Hjulstrom (Planning Department), Wade Lanning (spokesperson for the proposed Fork Mountain AFD)

Introductions all around: Mr. Wright asked Committee members to introduce themselves in regard to their involvement/interest in AFDs, forestry, and agriculture.

New officers elected to serve next two-year terms, 2024 – 2026: Mr. Wright asked if any members wanted to nominate anyone or volunteer to serve as an officer for the coming two-year term. With no volunteers forthcoming, Mr. Wright offered to continue serving as Chair, Mr. Newman offered to continue serving as Vice-chair, and Ms. McSwain offered to continue serving as Secretary. By consensus, the committee agreed to have these three people continue in their current positions for another two years.

Consideration of Fork Mountain AFD application: Mr. Lanning was called upon as the spokesperson representing the proposed AFD. He provided 11" x 17" color maps to Committee members that showed roads and tax parcels in the application. He also handed out information on all landowners who have applied for inclusion in the AFD, along with contact addresses and sizes of individual parcels owned.

Note: On July 1, 2024, Mr. Lanning had led six members of the Committee (Kim Goff, Ben Kessler, Susan McSwain, Billy Newman, Charlotte Rea, Ernie Reed, and Andy Wright) on a tour of the area of the proposed AFD.

There are 1,629 acres in adjacent parcels that form the core of the AFD. This exceeds the AFD ordinance requirement of a minimum of 200 acres. In addition to the core area, a number of landowners in nearby areas have also applied to be part of the AFD, adding another 661 acres to the application that was submitted. The total acreage in the application totaled 2,290 acres – 53 parcels owned by 37 families.

Several committee members commended Mr. Lanning for the amount of work he had done on the application and expressed appreciation for the thoroughness of the information provided in the proposal. They also thanked him for the well-planned tour of the AFD.

Mr. Wright asked Committee members if there were any issues they had with the application.

Ms. McSwain said that she did not think that parcels 17 A 35 (1.13 acres), 17 A 35B (3.87 acres), and 17 A 35C (3.48 acres) met the requirements set forth in the County Ordinance with respect to parcels farther than one mile from the core. All three of these parcels are more than a mile-and-a-half from the core, and none of them are adjacent to other parcels that are part of the application. The County Ordinance (Article 5, Sec. 9-200) states that parcels farther than one mile from the core must be of significant agricultural or forestal value in order to be included in an AFD. She said that the small size of these parcels did not contribute value to the AFD, and she did not think they should be included in the AFD. She said that the owners of the parcels should be thanked for their willingness and desire to be part of the AFD. She also pointed out that the owners can be reminded that if there are future additions that expand the AFD in their direction, they can re-apply at that time.

Mr. Wright asked for any other comments, and there being none, he asked for a motion. Mr. Rutherford made a motion that the Committee recommend to the Planning Department and the Board of Supervisors that the application be approved, but with the stipulation that parcels 17 A 35, 17 A 35B, and 17 A 35C not be included as part of the AFD. Mr. Newman seconded. With no further discussion, the motion was approved unanimously.

Other/new business from committee members: Mr. Kessler owns and operates Little Bluestem Nursery in Afton, and he organized the Glass Hollow AFD. He is willing to provide a selection of free plants this fall to landowners who are part of an AFD.

Adjourn: Meeting was adjourned at 4:13 p.m.

Minutes were compiled by Ms. McSwain and circulated to Committee members on July 31. After obtaining approval from Committee members, the minutes were forwarded to the Planning Department on August 5.

APPLICATION FOR CREATION OF AN AGRICULTURAL AND FORESTAL DISTRICT

This completed form and required maps shall be submitted by applicant landowners to the Nelson County Planning Department on or before June first of the calendar year in which the District is to be created. Included with the submission shall be a United States Geological Survey 7.5 minute topographic map that clearly shows the boundaries of the District and the boundaries of each individual parcel that is to be included in the District. A Department of Transportation highway map that shows the general location of the District shall also accompany this form. A fee of \$300 is payable with the application for creation of a District.

TO BE COMPLETED BY APPLICANT

1. *Name of the District:* **Fork Mountain Agricultural and Forestal District**
2. *General Location of the District:* **The district includes the eastern, western and northern slopes of Fork Mountain, as well as the Montebello area plateau and the upper watersheds of the South & North Tye Rivers. The terrain varies from gentle to steep slopes, mostly forested, but with some open green space, gardens and organic farming. Most parcels include a personal residence, however some parcels have no residential buildings. Some parcels border National Forests.**
3. *Total Acreage in the District:* **2290.253 total (revised 7-18-24), 1629.154 core acres**
4. *Landowners applying for the District:* **See attached list and landowner signature sheets.**
5. *Designated Landowner Contact:* Name, Address, & Telephone Number (Email optional)

Wade B. Lanning, 8015 Driftwood Dr, Prince George, VA 23875
wblanning@comcast.net
cell/text 804-586-1023

6. *The Proposed Conditions to Creation of the District Pursuant to §15.2-4309 of the Code of Virginia:*

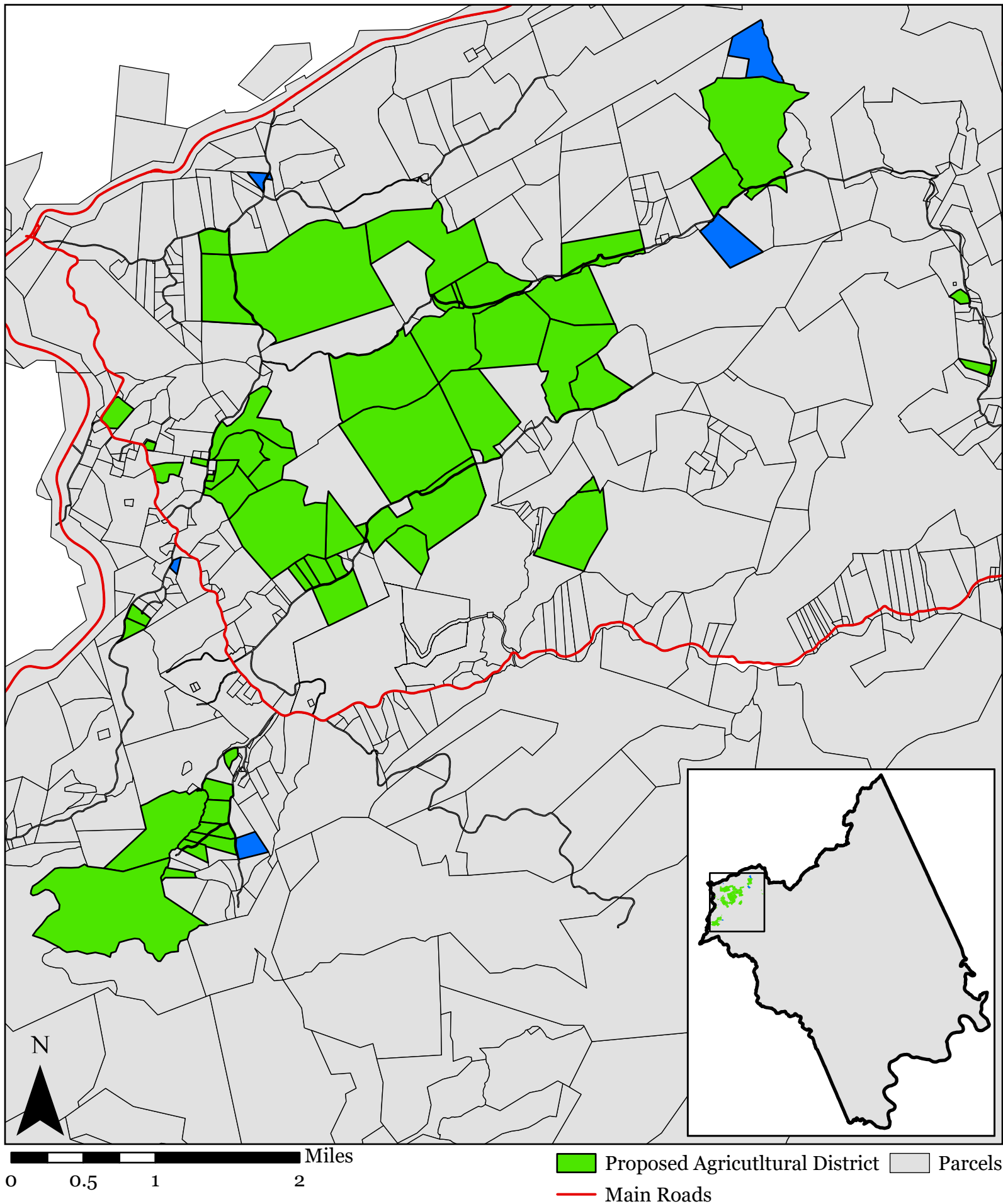
As a condition to creation of the district, the requirements stated in Chapter 9, Section V, Article 202 of the Code of Nelson County will apply; in addition, the following condition(s) will also apply:

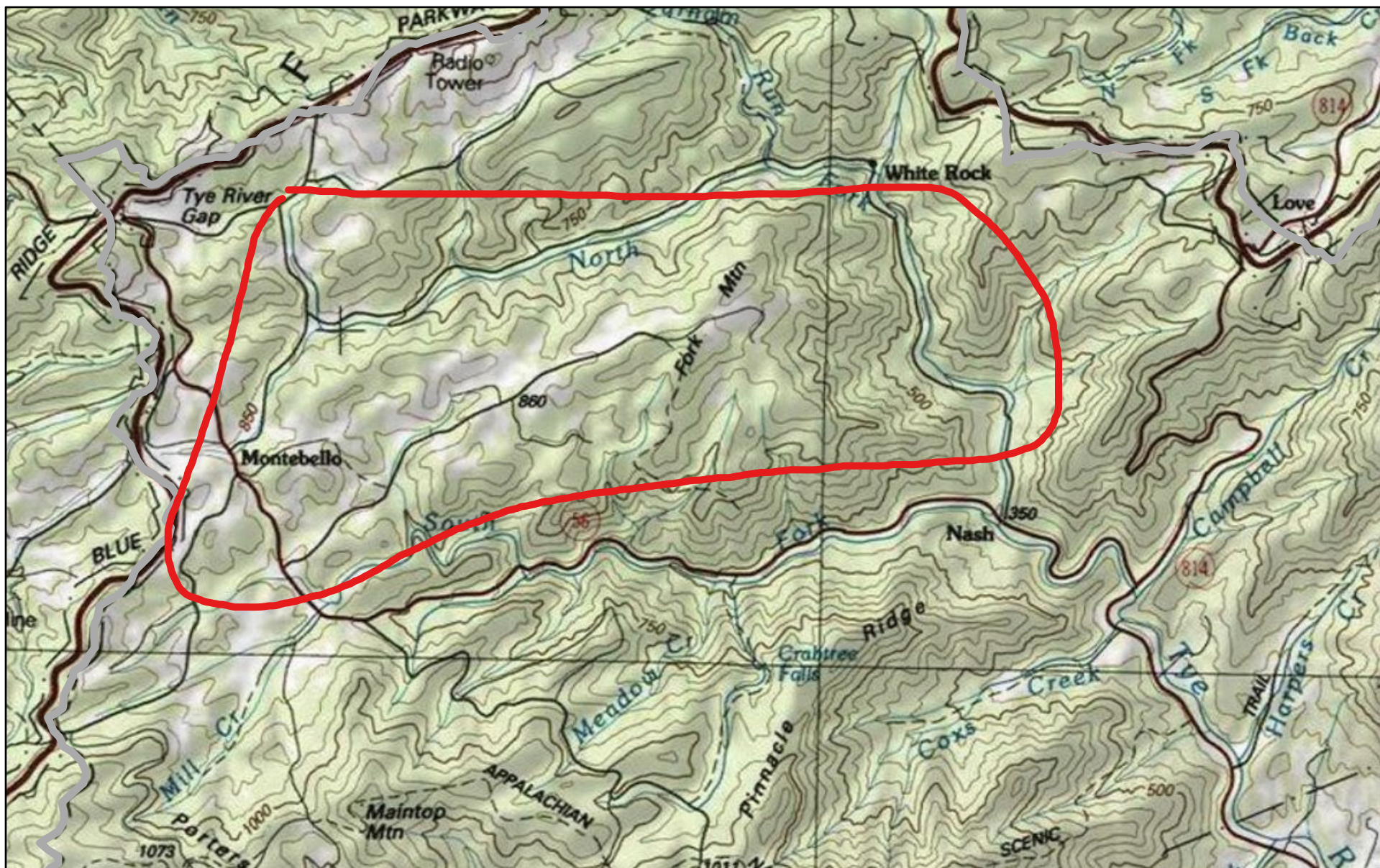
- a. **No parcel within the District shall be developed to a use more intensive than that existing on the date of creation of the district, other than uses resulting in more intensive agricultural or forestal production;**
- b. **Parcels of land within the District may only be subdivided by purchase or gift to immediate family members. However, subdivided parcels shall remain in the District for at least until the time of the next scheduled District renewal.**

7. *Proposed Period before First Review:* 5 years (may be between 4 to 10 years)

8. *Date of Application:* **May 29, 2024**

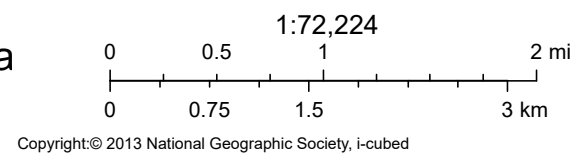
Fork Mountain AFD

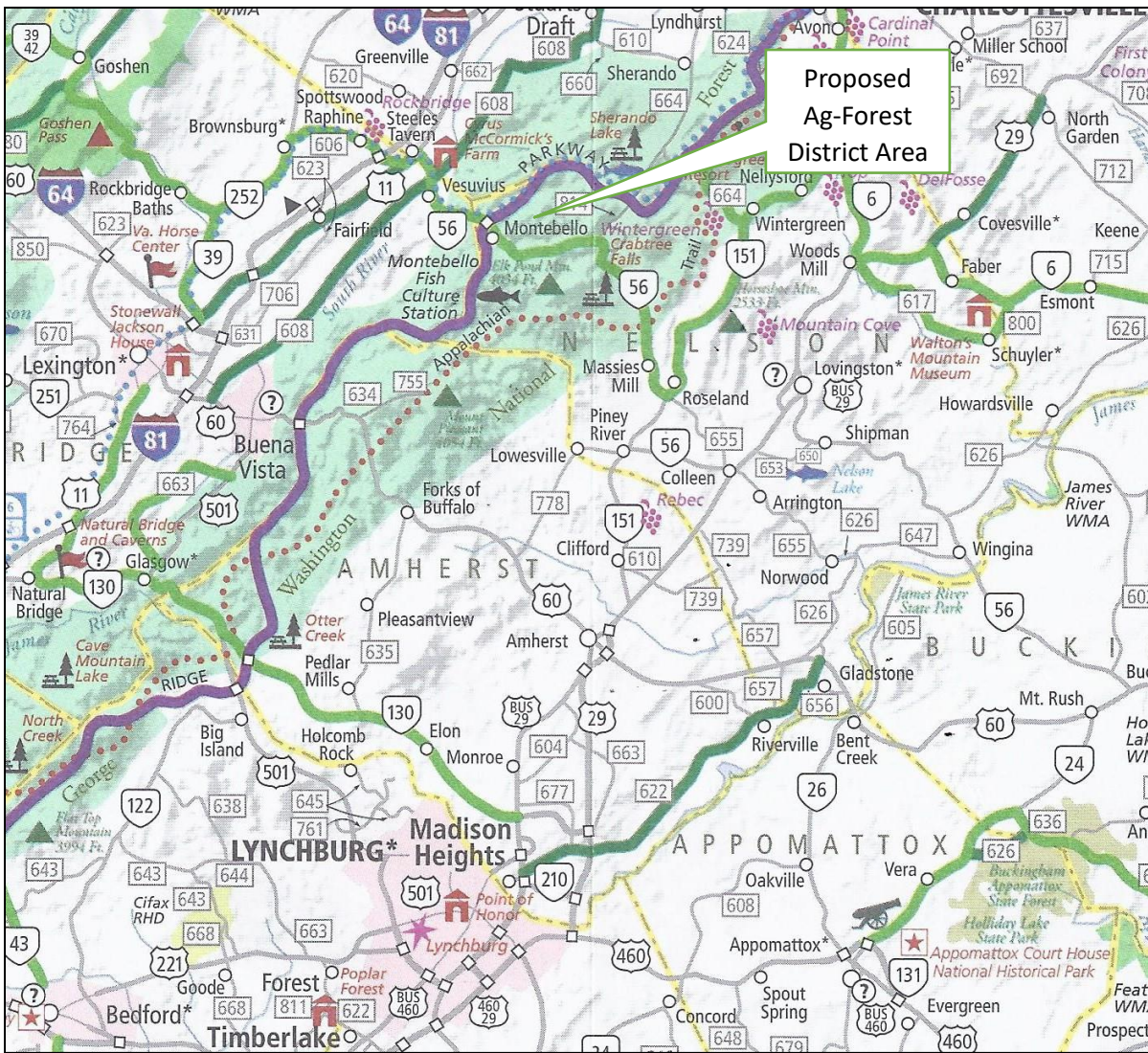




May 25, 2024

Fork Mountain Ag-Forest District General Area





Virginia Dept of Transportation Map

Fork Mountain AFD Landowner List

As of September 5, 2024

Contact Name	Landowner (from NC website - see footnote 1)	Mailing Address (as listed on NC GIS website)	Phone #	Parcel Location(s) NOTE: ND indicates no address determined on website	Map ID Code	Tax Map #	Acreage (from NC Website)	Core Acreage	Comments
Allan Smith	SMITH ALLAN MASON	612 WEST FRANKLIN ST APT 5D, RICHMOND, VA 23220-4111	540-377-6183 804-788-0833	1848 NORTH FORK ROAD	1	17 A 35A	1.13	0	No core adjoiners. Over 1 mile from nearest core parcel (Conlin/Davis)
				NORTH FORK ROAD	2	17 A 35B	3.87	0	No core adjoiners. Over 1 mile from nearest core parcel (Conlin/Davis)
Scott Wylie	WILEY SCOTT &	812 ROSE HILL, CHARLOTTESVILLE, VA 22903	434-760-2671	2235 NORTH FORK ROAD	3	17 A 35C	3.48	0	No core adjoiners. Over 1 mile from nearest core parcel (Conlin/Davis)
Faye Humphries	HUMPHRIES FAYE ALLEN TRUSTEE	1693 STUARTS DRAFT HWY, STUARTS DRAFT 24477	540-337-0762	NORTH FORK ROAD	55	17 A 5	80	0	No core adjoiners. Less 1 mile from nearest core parcel (Coddington)
Jim & Marissa Taylor	TAYLOR JAMES G & MARISSA A	1188 TALLACOE TRAIL, NEW SMYRNA BEACH, FL 32168	321-626-5794	4112 NORTH FORK RD	48	17 A 9	147.00	0	No core adjoiners. Less 1 mile from nearest core parcel (Coddington)
Dave Locks	LOCKS DAVID M & LINDA T	8457 PEAKS RD, HANOVER, VA 23069	504-730-1869 540- 377-5320	4636 NORTH FORK RD (2. Parcel is shown at wrong location in the GIS system)	4	17 A 17	60.04	0	No core adjoiners. Less 1 mile from nearest core parcel (Coddington)
James & Treva Massie	MASSIE JAMES B & TREVA A KING	441 HOWARDSVILLE TURNPIKE, STUARTS DRAFT, VA 24477	(540) 447-0202	NORTH FORK RD	56	17 A 3	31.71	0	No core adjoiners. Less 1 mile from nearest core parcel (Coddington)
Ian Coddington	CODDINGTON IAN MICHAEL	779 CEDAR RUN TRAIL, MANAKIN-SABOT 23103	804-784-5248	5065 NORTH FORK ROAD	5	16 A 29	38.96	38.96	Adjoins Lanning, National Forest
Wade Lanning	LANNING WADE B & PHYLLIS Y	8015 DRIFTWOOD DR, PRINCE GEORGE, VA 23875	804-586-1023	5297 NORTH FORK ROAD	6	16 A 24	65.88	65.88	Adjoins Coddington, Brown, Conlin/Davis, Nat'l Forest
				ND NORTH FORK ROAD	7	16 A 23	82.45	82.45	Adjoins Brown (Tye River Property)
Brian & Amy Brown	TYE RIVER PROPERTY LLC	4101 WELBY DRIVE, MIDLOTHIAN, VA 23113	804-314-5903	5851 NORTH FORK ROAD	8	16 A 20	102.27	102.27	Adjoins Lanning, Kaye, Hill, Evans.
				ND NORTH FORK ROAD	9	16 A 21A	2.56	2.56	Adjoins Hill, Evans
				1887 FORK MOUNTAIN LANE	10	27 A 5	77.22	77.22	Adjoins Brown at 5851 North Fork Rd
Gary & Marilyn Evans	EVANS CHARLES G & MARILYN F	6005 NORTH FORK ROAD, MONTEBELLO, VA 24464	540-377-6059	6005 NORTH FORK ROAD	11	16 A 21	8.19	8.19	Adjoins Hill. Brown (Tye Rivr Property)
Roland & Mary Hill	HILL ROLAND G & MARY K	6104 NORTH FORK RD. MONTEBELLO, VA 24464	540-377-2708	6104 NORTH FORK RD	12	16 A 13	99.6	99.6	Adjoins Evans, Brown (Tye Rivr Property)
Colleen Conlin & Tom Davis	DAVIS THOMAS E & COLLEEN L CONLIN TRUSTEES	2749 FORK MOUNTAIN LANE. MONTEBELLO, VA 24464	(540) 377-5553	2749 FORK MOUNTAIN LANE	13	27 A 2	35.41	35.41	Adjoins Lanning
				ND FORK MOUNTAIN LANE	14	27 A 2A	76.26	76.26	Adjoins Lanning, National Forest

Charles Kaye	VOK LLC	PO BOX 72, MONTEBELLO, VA 24464	540-799-2216 (h) 434-242-5302 (m)	1454 FORK MOUNTAIN LANE	15	27 A 7	131.6	131.6	Adjoins Brown (Tye Rivr Property) , Regan
				ND NORTH FORK ROAD	16	16 A 18	117.54	117.54	Adjoins Brown (Tye Rivr Property)
Joan Regan	ENYINGI JOAN A REGAN	1778 FORK MOUNTAIN LANE. MONTEBELLO, VA 24464	540-377-2018 540- 416-6507 (m)	1778 Fork Mountain Ln	17	27 A 17	107.60	107.6	Adjoins Kaye
				1778 Fork Mountain Ln	18	27 A 16C	21.37	21.37	Adjoins Kaye
Carl Coffey	COFFEY CARL F TRUSTEE	1855 DICKIE ROAD, ROSELAND, VA 22967	434-277-5077	ND FORK MOUNTAIN LANE	19	27 A 42	67.22	0	No core adjoiners.
				ND FORK MOUNTAIN LANE	20	27 A 48	5	0	No core adjoiners.
Sarah Bastarache	BASTARACHE SARAH E	901 FORK MOUNTAIN LANE, MONTEBELLO, VA 24464	828-337-0638	901 FORK MOUNTAIN LANE	21	27 A 10A	29.3	29.3	Adjoins B Brooks, A Eshleman, J Regan Enyingi, E. Arnold
John & Clelia LaMonica	LAMONICA CLELIA M & JOHN S	5094 STABLE FIELD RD, MARSHALL, VA 20115	540-364-9575	FORK MOUNTAIN LANE	22	27 A 13	24.34	24.34	Adjoins M. Boynton, D Wenrich, Monaghan
Earl & Lois Arnold	ARNOLD, EARL & LOIS WELLER-ARNOLD	655 FORK MOUNTAIN LN MONTEBELLO, VA 24464	540-377-6646	655 FORK MOUNTAIN LN	23	27 A 12A	9.8	9.8	Adjoins M. Boynton, A. Eshleman, D Wenrich, LaMonica
Mary Boynton	BOYNTON MARY B	845 FORK MOUNTAIN LN, MONTEBELLO, VA 24464	757-879-3983	845 FORK MOUNTAIN LN	24	27 A 12B	6.18	6.18	Adjoins Eshelman, LaMonica
Deidre and Donald Wenrich	WENRICH DEIDRE & DONALD	647 FORK MOUNTAIN LN, MONTEBELLO, VA 24464	540-377-2870	647 FORK MOUNTAIN LN	25	27 A 12C	4.90	4.90	Adjoins Eshelman, LaMonica
Kathleen Monaghan	MONAGHAN KATHLEEN S &	PO BOX 27, MONTEBELLO, VA 24464	(540) 377-2072	557 FORK MOUNTAIN LANE	26	27 A 12	9.41	9.41	Adjoins Wenrich, LaMonica
				SPY ROCK SUBDIVISION	44	26 5 6A	8.71	0	No core adjoiners.
Andy Eshelman	ESHELMAN ANDREW WAYNE	115 LAYDON WAY, POQUOSON, VA 23662	757-755-6230	NA (access from Rt 56)	27	27 A 9	119.97	119.97	Adjoins, ,Arnold, Boynton, Wenrich, Firth
Alan & Marie Firth	FIRTH ALAN D & MARIE H	P O BOX 173, MONTEBELLO, VA 24464	540-377-2593	292 ZINKS MILL SCHOOL ROAD	28	26 A 60	25.54	25.54	Adjoins Eshelman, Regal
Ruth Regal	REGAL RUTH RONDA	P O BOX 127, MONTEBELLO, VA 24464	(540) 377-9339	378 ZINKS MILL SCHOOL ROAD	29	26 A 18D	1.24	1.24	Adjoins Firth, Grant
					30	26 A 18E	8.88	8.88	Adjoins Firth, Grant
Darrin & Larissa Grant	GRANT DARRIN & LARISSA	425 ZINKS MILL SCHOOL RD, VESUVIUS. VA 24483	208.317.4611,	425 ZINKS MILL SCHOOL ROAD	31	26 A 18A	3.03	3.03	Adjoins Forsyth
Don & Claire Forsyth	TYBRIDGE II FAMILY LIMITED PARTN	12614 EAST HAMPTON DR, MIDLOTHIAN< VA 23113	804 461-8561	456 ZINKS MILL SCHOOL ROAD	49	26 A 62A	39.89	39.89	Adjoins self (other tracts in core)
				458 ZINKS MILL SCHOOL ROAD	50	26 A 62	27.85	27.85	Adjoins Firth & Regal. TM 26A18B part of TM26A62 per Kim Goff, Comm of Rev..
				ZINKS MILL SCHOOL ROAD	51	26 A 62C	30.564	30.564	Adjoins Firth & Eshelman
Richard & Sherri Smith	SMITH RICHARD & SHERRI	1543 ZINKS MILL SCHOOL ROAD, VESUVIUS 24483	540-560-7666 (m) 540-377-9132 (h)	1543 ZINKS MILL SCHOOL ROAD	32	15 A 8	52.97	52.97	Adjoins Lane, Beeby
Jeff Beeby	BEEBY JEFFERY & DONNA	1817 ZINKS MILLS SCHOOL RD, VESUVIUS 24483	540-377-2605	1817 ZINKS MILLS SCHOOL RD	33	15 A 4I	14.18	14.18	Borders Lane, Smith

Anna Lane	LANE ANNA T	1924 STONY POINT ROAD, CHARLOTTESVILLE, VA 22911	434 962-1297	1628 ZINKS MILL SCHOOL ROAD	34	15 A 5	254.2	254.2	Borders Hill, Smith, Beeby
Raymond Vartuli	RAYMOND J VARTULI & STEPHINE S GRAHAM	315 SPY RUN GAP RD, VESUVIUS, VA 24483	540-377-2359	315 SPY RUN GAP RD	57	15 A 4A	3.07	0	No core adjiners. Within 1 mile of core (Beeby)
Daniel Lipton	DANIEL EDWARD & LESLIE AMANDA LIPTON	3232 19TH STREET NW, WASHINGTON, DC 20010		137 PAINTER MOUNTAIN ROAD	58	26 6 8	1.92	0	No core adjiners. Within 1 mile of core (Eshelman & Firth)
Dee Taylor	TAYLOR DOLORES G	P O BOX 11, MONTEBELLO, VA 24464	540-377-2812	495 PAINTER MOUNTAIN LANE	35	26 A 30B	3.92	0	No core adjiners. Within 1 mile of core (Eshelman & Firth).
				ND PAINTER MOUNTAIN LANE	36	26 6 1	3.99	0	
Richard & Dana Howald	HOWALD RICHARD MATTHEW & DANA P	397 SEAMAN LANE, MONTEBELLO, VA24464	540.416.0037	397 SEAMAN LN	37	26 A 42	60.00	0	No core adjiners. About 1 mile of core
				SPY ROCK SUBDIVISION	38	26 5 8A	5.62	0	No core adjiners. About 1 mile of core
Lee & Paulette Albright	ALBRIGHT LEE H & PAULETTE A	P O BOX 118, MONTEBELLO, VA 24464	540-377-2037	375 SEAMAN LN	39	26 5 8B	6.62	0	No core adjiners. About 1.5 miles from core.
					41	26 5 4	11.27	0	No core adjiners. About 1.2 miles from core. Joins Cowen
					40	38 A 2	222.07	0	No core adjiners. About 1.5 miles from core.
John & Laura Ward	WARD JOHN M & LAURA L	P O BOX 14, MONTEBELLO, VA 24464	540.799.2016	127 SEAMAN LN	42	26 5 1A	3.29	0	No core adjiners. Within 1 mile from core.
Kenneth and Karen Cowen	COWEN KENNETH & KAREN	PO BOX 155, MONTEBELLO, VA 24464	540. 377.1076	34 LITTLE MOUNTAIN LANE LN	43	26 5 3	11.44	0	No core adjiners. About 1.25 mile of core
Jeff Garber	GARBER JEFFREY S & SANDRA S	PO BOX 207, WEYERS CAVE, VA 24486	540.820.5858	41 LITTLE MOUNTAIN LN	52	26 5 2	10.29	0	No core adjiners. About 1.25 mile of core
Charles May	MAY CHARLES R & NANCY D	58 RED BIRD LANE, RAPHINE, VA 24472	(h) 540-377-2424 (c) 540-292-5367	316 SPY ROCK RD	53	26 5 5	11.03	0	No core adjiners. About 1.25 mile of core
Mike Yankovich	MICHAEL CHARLES YANKOVICH	35 BEECHCRAFT CT, FREDERICKSBURG, VA 22405	540-661-8310	309 FISH HATCHERY LANE	54	26 5 13	11.29	0	No core adjiners. About 1.25 mile of core
Terri Guinter	GUINTER TERESA L	16252 CRABTREE FALLS HWY, VESUVIUS, VA 24483	540-430-1554	16252 CRABTREE FALLS HWY	45	26 7 2	7.45	0	No core adjiners. Within 1 mile of core (Eshelman & Firth parcel).
Jayne Hoffman	HOFFMAN JAYNE M	16406 CRABTREE FALLS HWY, VESUVIUS, VA 24483	540-430-1431	16406 CRABTREE FALLS HWY	46	26 A 13	1.57	0	No core adjiners. Within 1 mile of core (Eshelman & Firth parcel).
Erik & Monica Morris	MORRIS ERIK & MONICA	PO BOX 35, MONTEBELLO, VA24464	540-414-2819	16832 CRABTREE FALLS HWY	47	26 A 5B	11.09	0	No core adjiners. Within 1 mile of core (Eshelman & Firth parcel).

Number of
Landowners

42

Number of
Parcels

58

Total
Acreage

2418.244

Core
Acreage

1629.154

Footnotes:

1. Landowner name as listed on Nelson County GIS website. Some list actual names whereas others are LLCs.
2. For TM 17A17, 4636 North fork Rd, the parcel is shown at wrong location in the GIS system, but is correct on the AFD map.

ARTICLE V. AGRICULTURAL AND FORESTAL DISTRICTS¹

DIVISION 1. GENERALLY

Sec. 9-150. Purpose and intent.

- (a) The policy of the county is to conserve, protect, and encourage the development and improvement of its agricultural and forestal lands for the production of food and other agricultural or forestal products. It is also the policy of the county to conserve and protect agricultural and forestal lands as valued natural and ecological resources which provide essential open spaces for improvement of air quality, watershed protection, wildlife habitat, and aesthetic benefits for residents and visitors.
- (b) It is the purpose and intent of this chapter to provide a means for a mutual undertaking by landowners and the county to protect and enhance agricultural and forestal land as a viable segment of the economy, and as an important economic and environmental resource.
- (c) This article enables the use of agricultural and forestal districts as one (1) of four (4) tools itemized in the Nelson County Comprehensive Plan that should be utilized for land use planning.

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4301.

Sec. 9-151. Definitions.

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

Advisory committee means the agricultural and forestal districts advisory committee.

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

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

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

¹Editor's note(s)—Ord. No. O2015-01, adopted Apr. 14, 2015, repealed former Art. V, §§ 9-150—9-207, and enacted a new Art. V as set out herein. Former Art. V pertained to similar subject matter. For prior history, see Code Comparative Table.

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

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

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

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

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

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4302.

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

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

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4303.

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

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

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

The application form shall be accompanied by maps or aerial photographs, or both, that clearly show the boundaries of the proposed district and each addition and boundaries of properties owned by each applicant, and any other features as prescribed by the board of supervisors. For each notice required by this chapter to be sent to a landowner, notice shall be sent by first-class mail to the last known address of such owner as shown on the application hereunder or on the current real estate tax assessment books or maps. A representative of the planning commission shall make affidavit that such mailing has been made and file such affidavit with the papers in the case.

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4303.

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

An advisory committee is hereby established, as provided herein:

- (1) The committee shall consist of ten (10) members appointed by the board of supervisors. The committee shall be comprised of four (4) landowners who are engaged in agricultural or forestal production, four (4) other landowners of the county, the commissioner of revenue, and one (1) member of the board of supervisors.
- (2) The members of the committee shall serve at the pleasure of the board of supervisors.
- (3) The members of the committee shall serve without pay, but the board of supervisors may, at its discretion, reimburse each member for actual and necessary expenses incurred in the performance of his duties.
- (4) The committee shall elect a chairman, vice-chairman and secretary at the first meeting of the committee each calendar year. The secretary need not be a member of the committee.
- (5) The committee shall advise the planning commission and the board of supervisors on matters that it considers pursuant to this article, and shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources within a district and the relation of those resources to the county.
- (6) The committee shall advise the planning commission and the board of supervisors on matters pertaining to the rural areas of the county which may affect agriculture or forestry.

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4304.

Secs. 9-155—9-199. Reserved.

DIVISION 2. PROCEDURE

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

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

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4305.

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(Supp. No. 38)

Sec. 9-201. Creation of district.

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

- (1) *Application.* On or before June 1 of each year, an owner or owners of land may submit an application to the planning department for the creation of a district. An application shall be signed by each owner of land to be included within the district. Parcels of land owned by sole owners, co-owners, partnerships, trusts or corporations shall be eligible for inclusion in a district so long as all involved owners sign the application indicating their desire that the parcel be included in the district.
- (2) *Initiation of application review.* Upon receipt of an application for a district or for an addition to an existing district, the program administrator shall refer such application to the advisory committee. The advisory committee shall review and make recommendations concerning the application or modification thereof to the planning commission.
- (3) The planning commission shall:
 - a. Notify, by first-class mail, adjacent property owners, as shown on the maps of the locality used for tax assessment purposes, and where applicable, any political subdivision whose territory encompasses or is part of the district, of the application. The notice shall contain (i) a statement that an application for a district has been filed with the program administrator pursuant to this chapter; (ii) a statement that the application will be on file open to public inspection in the office of the clerk of the board of supervisors; (iii) where applicable a statement that any political subdivision whose territory encompasses or is part of the district may propose a modification which must be filed with the planning commission within thirty (30) days of the date of the notice; (iv) a statement that any owner of additional qualifying land may join the application within thirty (30) days from the date of the notice or, with the consent of the board of supervisors, at any time before the public hearing the board of supervisors must hold on the application; (v) a statement that any owner who joined in the application may withdraw his land, in whole or in part, by written notice filed with the board of supervisors, at any time before the board of supervisors acts, pursuant to Code of Virginia, § 15.2-4309; and (vi) a statement that additional qualifying lands may be added to an already created district at any time upon separate application pursuant to this chapter;
 - b. Hold a public hearing as prescribed by law; and
 - c. Report its recommendations to the board of supervisors including, but not limited to, the potential effect of the district and proposed modifications upon county planning policies and objectives.
- (4) *Evaluation criteria.* The following factors should be considered by the planning commission and the advisory committee, and at any public hearing at which an application is being considered:
 - a. The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;
 - b. The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;
 - c. The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;
 - d. Local developmental patterns and needs;
 - e. The comprehensive plan and, if applicable, zoning regulations;

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- f. The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and
 - g. Any other matter which may be relevant.

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

- (5) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the application as provided by law, and, after such public hearing, may by ordinance create the district or add land to an existing district as applied for, or with any modifications it deems appropriate.
 - a. The ordinance shall be adopted pursuant to the conditions and procedures provided in Code of Virginia, § 15.2-4309, and shall be subject to section 9-202(1). Code of Virginia, § 15.2-4309 provides, in part:

Any conditions to creation of the district and the period before the review of the district shall be described, either in the application or in a notice sent by first-class mail to all landowners in the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance creating the district. The ordinance shall state any conditions to creation of the district and shall prescribe the period before the first review of the district, which shall be no less than four (4) years but not more than ten (10) years from the date of its creation. In prescribing the period before the first review, the local governing body shall consider the period proposed in the application. The ordinance shall remain in effect at least until such time as the district is to be reviewed. In the event of annexation by a city or town of any land within a district, the district shall continue until the time prescribed for review.
 - b. The board of supervisors shall act to either adopt the ordinance creating the district, with or without modification, or reject the application, no later than one hundred eighty (180) days from the date by which the application was received.
 - c. Upon the adoption of an ordinance creating a district or adding land to an existing district, the board of supervisors shall submit a copy of the ordinance with maps to the local commissioner of the revenue, and the state forester, and the commissioner of agriculture and consumer services for information purposes. The commissioner of the revenue shall identify the parcels of land in the district in the land book and on the tax map, and the board of supervisors shall identify such parcels on the zoning map, where applicable and shall designate the districts on the official comprehensive plan map each time the comprehensive plan map is updated.

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, §§ 15.2-4303 through 15.2-4309.

Sec. 9-202. Effect of district creation.

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

- (1) *Prohibition of development to more intensive use.*
 - a. The board of supervisors may require, as a condition to creation of the district, that any parcel in the district shall not, without the prior approval of the board, be developed to any more

intensive use or to certain more intensive uses, other than uses resulting in more intensive agricultural or forestal production, during the period which the parcel remains within the district. The board of supervisors shall not prohibit as a more intensive use, construction and placement of dwellings for persons who earn a substantial part of their livelihood from a farm or forestry operation on the same property, or for members of the immediate family of the owner, or for one (1) dwelling unit for the purpose of a guest cottage, or divisions of parcels for such family members, unless the board finds that such use in the particular case would be incompatible with farming or forestry in the district.

- b. To further the purposes of this chapter and to promote agriculture and forestry and the creation of districts, the board of supervisors may adopt programs offering incentives to landowners to impose land use and conservation restrictions on their land within the district. Programs offering such incentives shall not be permitted unless authorized by law.
- (2) *Applicability of comprehensive plan and zoning and subdivision ordinances.* The comprehensive plan and the zoning and subdivision ordinances shall apply within each district to the extent that the ordinances do not conflict with conditions of creation or continuation of the district, or the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia.
 - (3) *Limitation on restricting or regulating certain agricultural and forestal farm activities.* The county shall not unreasonably restrict or regulate by ordinance farm structures or agricultural and forestal practices in a manner which is contrary to the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia unless such restriction or regulation is directly related to public health and safety. The county may regulate the processing or retail sales of agricultural or forestal products, or structures therefore, in accordance with the comprehensive plan and any county ordinances.
 - (4) *Consideration of district in taking certain actions.* The county shall take into account the existence of a district and the purposes of this article and Chapter 43 of Title 15.2 of the Code of Virginia in its comprehensive plan, ordinances, land use planning decisions, and administrative decisions and procedures affecting parcels of land adjacent to the district.
 - (5) *Availability of land use-value assessment.* Land within a district and used for agricultural or forestal production shall automatically qualify for an agricultural or forestal use-value assessment pursuant to Article 4 of Chapter 32 of Title 58.1 of the Code of Virginia (§ 58.1-3229 et seq.), if the requirements for such assessment contained therein are satisfied. Any ordinance adopted pursuant to § 15.2-4303 shall extend such use-value assessment and taxation to eligible real property within such district whether or not a local ordinance pursuant to § 58.1-3231 has been adopted.
 - (6) *Review of proposals by agencies of the commonwealth, political subdivisions and public service corporations to acquire land in district.*
 - a. Any agency of the commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the state corporation commission, provided that the proposed acquisition from any one (1) farm or forestry operation within the district is in excess of one (1) acre or that the total proposed acquisition within the district is in excess of ten (10) acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures, shall at least ninety (90) days prior to such action notify the board of supervisors and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body. Notice to the board of supervisors shall be filed in the form of a report containing the following information:
 - 1. A detailed description of the proposed action, including a proposed construction schedule;

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2. All the reasons for the proposed action;
 3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve non-farm structures are to be constructed;
 4. An evaluation of anticipated short-term and long-term adverse impact on agricultural and forestal operations within the district and how such impact is proposed to be minimized;
 5. An evaluation of alternatives which would not require action within the district; and
 6. Any other relevant information required by the board of supervisors.
- b. Upon receipt of a notice filed pursuant to subsection a., the board of supervisors, in consultation with the planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impact on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the director of the department of conservation and recreation, or his designee, may advise the board of supervisors on the issues listed in clauses (i), (ii) and (iii) of this subsection.
 - c. If the board of supervisors finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety (90) days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of one hundred fifty (150) days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the board of supervisors usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the one hundred fifty-day period, the board of supervisors shall issue a final order on the proposed action. Unless the board of supervisors, by an affirmative vote of a majority of all the members, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the board of supervisors, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the state corporation commission, an appeal shall be to the state corporation commission.
- (7) *Parcel created by division remains in district.* A parcel created from the permitted division of land within a district shall continue to be enrolled in the district.

(Ord. No. O2015-01, 4-14-15)

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

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

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

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Va. Code § 15.2-4310.

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

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

- (1) *Review period.* Each district may be reviewed within the period set forth in the ordinance creating the district, which period shall not be less than four (4) years nor more than ten (10) years from the date of its creation, and may thereafter be reviewed within each such subsequent period.
- (2) *Initiation of district review.* If the board of supervisors determines that a review is necessary, it shall begin such review at least ninety (90) days before the expiration date of the period established when the district was created. In conducting such review, the board of supervisors shall ask for the recommendations of the advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When a district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the board of supervisors at any time before it acts to continue, modify or terminate the district.
- (3) *Advisory committee review.* Upon referral of the district by the board of supervisors, the advisory committee shall review the district and report to the planning commission its recommendations as to whether to terminate, modify or continue the district.
- (4) *Planning commission review.* Upon receipt of the report of the advisory committee on a district, the planning commission shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. Notice of the public meeting shall be provided to the owners of the land within the district as required by Code of Virginia, § 15.2-4311. The planning commission shall report to the board of supervisors its recommendations, together with the advisory committee's recommendations, as to whether to terminate, modify or continue the district.
- (5) *Hearing by board of supervisors.* After receiving the reports of the planning commission and the advisory committee, the board of supervisors shall hold a public hearing on the district as provided by law.
- (6) *Action on review.* After the public hearing, the board of supervisors may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first class mail to all owners of land within the district and published in a newspaper having a general circulation within the district at least two (2) weeks prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the board of supervisors, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created. If the board of supervisors determines that a review is unnecessary, it shall set the year in which the next review shall occur.

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- (7) *Effect of failure to complete review by review date.* A district shall not terminate by the failure of the board of supervisors to take action pursuant to paragraph (6) by the review date set forth in the section of this chapter pertaining to the district.

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4311.

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

- (a) At any time after the creation of a district, any owner of land lying in such district may file with the program administrator a written request to withdraw all or part of his land from the district for good and reasonable cause.
- (1) *Procedure.* The program administrator shall refer the request to the advisory committee for its recommendation. The advisory committee shall make recommendations concerning the request to withdraw to the local planning commission, which shall hold a public hearing and make recommendations to the local governing body. The landowner seeking to withdraw land from a district, if denied favorable action by the governing body, shall have an immediate right of appeal de novo to the circuit court. This section shall in no way affect the ability of an owner to withdraw an application for a proposed district or withdraw from a district pursuant to section 9-201(3)(a)(v) or 9-204(2).
- (2) *Criteria for review.*
- a. The proposed new land use will not have a significant adverse impact on agricultural or forestal operations on land within the district;
 - b. The proposed new land use is consistent with the comprehensive plan;
 - c. The proposed land use is consistent with the public interest of the county in that it promotes the health, safety, or general welfare of the county rather than only the proprietary interest of the owner; and
 - d. The proposed land use was not anticipated by the owner at the time the land was placed in the district and there has been a change in circumstances since that time.
- (b) Upon termination of a district or withdrawal or removal of any land from a district created pursuant to this article, land that is no longer part of a district shall be subject to and liable for roll-back taxes as are provided in Code of Virginia, § 58.1-3237. Sale or gift of a portion of land in a district to a member of the immediate family as defined in Code of Virginia, § 15.2-2244 shall not in and of itself constitute a withdrawal or removal of any of the land from a district.
- (c) Upon termination of a district or upon withdrawal or removal of any land from a district, land that is no longer part of a district shall be subject to those local laws and ordinances prohibited by the provisions of section 9-202.
- (d) Upon the death of a property owner, any heir at law, devisee, surviving cotenant or personal representative of a sole owner of any fee simple interest in land lying within a district shall, as a matter of right, be entitled to withdraw such land from such district upon the inheritance or descent of such land provided that such heir at law, devisee, surviving cotenant or personal representative files written notice of withdrawal with the board of supervisors and the commissioner of the revenue within two years of the date of death of the owner.
- (e) Upon termination or modification of a district, or upon withdrawal or removal of any parcel of land from a district, the board of supervisors shall submit a copy of the ordinance or notice of withdrawal to the commissioner of revenue, the state forester, and the state commissioner of agriculture and consumer

services for information purposes. The commissioner of revenue shall delete the identification of such parcel from the land book and the tax map, and the board of supervisors shall delete the identification of such parcel from the zoning map, where applicable.

- (f) The withdrawal or removal of any parcel of land from a lawfully constituted district shall not in itself serve to terminate the existence of the district. The district shall continue in effect and be subject to review as to whether it should be terminated, modified or continued pursuant to section 9-204.

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4314.

Sec. 9-206. Fees.

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

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

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4303.

Sec. 9-207. Mailing of notices.

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

(Ord. No. O2015-01, 4-14-15)

State law reference(s)—Code of Virginia, § 15.2-4307.

Secs. 9-208—9-210. Reserved.