



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda

November 15th, 2023

General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingston

- **7:00 – Meeting Convenes / Call to Order**
- **Review of Meeting Minutes:**
 - **October 25th, 2023 – Planning Commission**
- **Public Hearings**
 1. **Special Use Permit #1085 - Campground**
- **Other Business**
- **Board of Supervisors Report**
- **Next Regularly Scheduled Meeting: December 27th, 2023**



Nelson County Planning Commission
Meeting Minutes
October 25, 2023

Present: Chair Mary Kathryn Allen and Commissioners Mike Harman, Phil Proulx, Chuck Amante, Robin Hauschner. Board of Supervisors Representative Ernie Reed

Staff Present: Emily Hjulstrom, Planner/Secretary

Call to Order: Chair Allen called the meeting to order at 7:02 PM in the General District Courtroom, County Courthouse, Lovingson.

Review of Meeting Minutes

July 26th, 2023

Ms. Proulx made a motion to approve the minutes from the July 26th, 2023 Planning Commission Meeting. Mr. Amante seconded the motion.

Yes:

Mike Harman

Ernie Reed

Phil Proulx

Robin Hauschner

Mary Kathryn Allen

Chuck Amante

August 23rd, 2023

Mr. Amante made a motion to approve the minutes from the August 23rd, 2023 Planning Commission Meeting. Mr. Hauschner seconded the motion.

Yes:

Mike Harman

Ernie Reed

Phil Proulx

Robin Hauschner

Mary Kathryn Allen

Chuck Amante

All yes.

Public Hearings:

SUP 1050 – Campground:

Ms. Hjulstrom presented the following information:

DRAFT

Nelson County Planning Commission

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DMB*
Date: October 25, 2023
Re: SUP #1050 – North Fork Cabins – 6973 North Fork Road

BACKGROUND: This is a request for a special use permit for a campground use on property zoned A-1 Agriculture.

Location / Election District: 6973 North Fork Road / West District

Tax Map Number(s) / Total Acreage: 16-A-17 / 100.2 +/- total

Engineer Information: Shimp Engineering, P.C. (Justin Shimp), 912 East High Street, Charlottesville, VA 22902, 434-227-5140, justin@shimp-engineering.com

Owner Information: Lacy Montebello LLC (Jerry Bowman), 130 W Plume Street, Norfolk, VA 23510, 757-243-1270, jbowman@evalaw.net

Comments: This property is primarily a wooded lot with an existing dwelling that is occupied by the property's general manager. The applicant and owner are proposing to develop a portion of the property to be utilized for up to twenty (20) campsites. Major Site Plan #742 for nine (9) cabins (by-right vacation houses) was approved by the Planning Commission on February 22, 2023, and was finalized on April 5, 2023. Currently, four (4) cabins have been constructed. This project is in a different location, although on the same property. According to the narrative, the project is planned over two phases – the first six (6) campsites as shown on the site plan, with an area reserved for the development of the remaining fourteen (14) sites. These "luxury campsites" are proposed to be tents on deck platforms with access to utilities, accompanied by a bathhouse.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature; the majority of this area is wooded and mountainous. Zoning in the vicinity is A-1 Agriculture. There is some floodplain located on the property, although this site is not located within these bounds.

Access / Traffic / Parking: The property is proposed to be accessed by an existing entrance from North Fork Road. Comments from VDOT will be provided at the meeting. The existing cabins site is accessed by a separate entrance closer to Zinks Mill School Road.

Utilities: Any comments from the Health Department will be provided at the meeting. The campsites are proposed to have access to water and electricity, with a centrally located bathhouse.

Erosion & Sediment Control: Total disturbed area for this project is shown to be 1.74 acres. This requires an Erosion & Sediment Control Plan to be approved by the Building Inspections Department, and a Stormwater Management Plan to be approved by the Department of Environmental Quality (DEQ). To accommodate an often lengthy DEQ review process, the applicant is requesting an additional year to diligently pursue construction should the request be approved (total of two years from approval date).

Comprehensive Plan: This property is located in an area designated Rural and Farming on the Future Land Use Map, which "would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged. Clustering of any new development in areas of a site without prime or productive soils will enhance the protection of prime or productive soils for future agricultural uses."

Conditions: Should Planning Commission recommend approval of SUP #1050 for a campground, staff would recommend the following conditions:

1. There shall be no more than twenty (20) sites.
2. The owner shall have an additional year to establish the use (two years from date of approval).

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Attachments:
Application
Narrative
Site Plan
Color Rendering
Zoning

Ms. Hjulstrom added that VDOT had the following comment:

Emily Hjulstrom

From: Brown, Daniel J., P.E. (VDOT) <Daniel.Brown@VDOT.Virginia.gov>
Sent: Wednesday, October 25, 2023 10:45 AM
To: Emily Hjulstrom; Davis, Travis (VDH)
Cc: Dylan Bishop
Subject: Re: Site Plans for October 25th Planning Commission

Emily,

VDOT has no concerns. Only comment at this time would be that when plans are developed and submitted, we will be mainly focused on the design of the entrance for the anticipated use. From what I am looking at currently without the benefit of trip generation information, the entrance would align with a Low Volume Commercial Entrance or a Moderate Volume Commercial Entrance.

Thank you,



Daniel J. Brown, P.E.
Assistant Residency Engineer/Area Land Use Engineer
Appomattox Residency - Lynchburg District
Virginia Department of Transportation
O: 434-352-6675
C: 434-215-9162
Daniel.Brown@VDOT.Virginia.gov

Ms. Hjulstrom added that VDH had the following comment:

Blue Ridge Health District
VIRGINIA DEPARTMENT OF HEALTH



Charlottesville/Albemarle
Health Department
1138 Rose Hill Drive
Charlottesville, VA 22903
office 434-972-6200 | fax 434-972-4310

October 24, 2023

Emily Hjulstrom, Planner
Nelson County Planning & Zoning
84 Court Square
Lovingsston, VA 22949

RE: Special Use Permit #1050 - Campground
6973 North Fork Road
Tax Map: 16-A-17

Ms. Hjulstrom:

As requested, I have reviewed the Minor Site Plan, dated 8/17/23, for the proposed development, referenced above. It is noted that both water and sewer are to be provided by onsite systems. I have no concerns or objections to the request for a special use permit for the proposed campground. However, our office will need to review and approve plans for the onsite septic & well systems as conforming to current regulatory requirements prior to recommending approval of any future Final Site Plans.

The developer should also note that the proposed water system may exceed the threshold by which it will be required to be regulated by the VDH Office of Drinking Water as a waterworks.

If there are any questions or concerns, please give me a call, 434-972-4306.

Sincerely,

Alan Mazurowski
Environmental Health Supervisor
Blue Ridge Health District
alan.mazurowski@vdh.virginia.gov

Mr. Harman asked if any portion of the project by-right. Ms. Hjulstrom explained that the Special Use Permit is for the campground and the cabins are by-right and will require site plan approval.

Jerry Bowman of 6973 North Fork Rd in Montebello is the applicant. He explained that his son lives on the property and that the property would ultimately become their family vacation home when he retires. He explained that taking care of the campsites would be his son's primary job and that his son would be there most of the time. He noted that there is an existing road that has been there for many years that would be the access to the camping sites. He explained that the sites would be temporary tents on raised platforms. He explained that they would be providing the tents and would not allow guests to bring their own tents or RVs.

Mr. Bowman explained that access to the property comes from four different directions:

- By coming off of the Blue Ridge Parkway which is approximately a mile away. He added that they were close to 12 Ridges Winery.
- From where Zink's Mill Rd intersects with Route 56.
- From Spy Run Gap through Zink's Mill Rd.
- By turning onto North Fork Rd off of Route 56.

He explained that the latter option is the more difficult option with a curvier road. He noted that VDOT does not see an issue with the amount of trips generated by the project. He explained that they didn't know if they would build all of the proposed sites. He explained that they plan to build the first 6 to test the market before building the rest. He noted that if they were to build all 20 sites the amount of traffic on a section of road at any given time would be minimal. He added that it is a narrow road but with places to pull over and allow others to pass. He explained that there was not much traffic on the road.

Mr. Bowman explained that there would be a very nice bathhouse with individual rooms for guests. He noted that there has been tremendous interest in recreational facilities since the COVID-19 pandemic. He noted that his opinion was that recreational facilities were the future of Nelson County. He added that affordable housing is a problem everywhere. He explained that affordable housing is being taken away by Airbnb and short-term rental options. He explained that this issue could be alleviated by campgrounds.

Ms. Proulx asked if the VDOT report stated that they did not have trip-generation information. Ms. Hjulstrom confirmed that VDOT's preliminary comments had not included trip-generation information. Mr. Bowman noted that the trip generation calculations that he was referring to were their own calculations and not VDOT's.

Mr. Amante asked why the reserved area for 14 sites was smaller than the area shown for the 6 sites. Justin Shimp of 148 Tanbark Drive in Afton is the engineer on the project. He explained that it was an approximate area and that they had not fully laid the sites out. He added that due to topography the second-phase sites would be closer together than the first-phase sites.

Chair Allen opened the public hearing at 7:19 PM.

Robert Bennett of 160 West Square Place in Richmond thanked the Planning Commission for the Adjoining Property Owner letter he received. He explained that a little over a year ago land was cleared right up to his property line. He explained that he did not know that this was a commercial project until he received the letter from the County. He explained that if he came down Zinks Mill School Ln it was

impossible to turn around. He explained that if there was a forest fire there would be a challenge with EMS vehicles trying to get down the road while people are trying to evacuate. He added that the property was very steep and that the hardwood on the subject property was cut about 20-25 years ago. He explained that there would be a chimney effect if there were a fire. He noted that with 20 sites the fire risk goes up significantly. He asked the Planning Commission to defer to the local fire department for their assessment of the risk. He noted that utilities were also in question but that they were beyond his area of expertise. He explained that he is often on his property alone with very little cellphone coverage to let people know if he is in trouble.

Marilyn Evans of 6005 North Fork Rd explained that her concerns are personal. She explained that she agreed with Mr. Bennett that they have a very small volunteer fire department. She added that if there were a camper up there that lost control of their fire the entire community would be in trouble. She noted that she first met Mr. Bowman some time ago and welcomed him into their home. She explained that he told her there would be three cabins on the lower portion of the property and only personal residences further back in the property. She added that there was no mention of a campground or indication that it would be anything other than a personal residence. She added that she found this very disingenuous and a concern to all who live on North Fork Rd.

Mr. Charles Kaye of 1454 Fork Mountain Ln showed where his property adjoined the applicant's property. He noted that the developers have done an impressive job putting the project together. He added that was their job to convince the Board that it was a good thing to do. He added that they knew it was a bad idea due to the amount of neighbors that had sent in their comments and showed up at the public hearing. He explained that this would only benefit the developer who does not live in Montebello permanently. He explained that this would change the use and development of the area. He explained that the glamping campground would bring in the usual problems such as noise pollution, light pollution, traffic, etc. He noted that this property would not provide employment for the area as claimed and that it would. He also questioned how the property helped the housing shortage. He explained that the existing campgrounds along Route 56 were empty during the current peak foliage season. He added that he had seen a study recently that explained that any development does not produce net revenue but requires increased property taxes. He explained that the sites would be near the property that he bought for quiet enjoyment. He added that they bought their property five years ago for quiet enjoyment. He added that the traffic issues had already been addressed and that they are small roads that aren't designed for this kind of traffic. He explained that there would be no way to keep people from walking on their property to see the more interesting parts of the river. He noted that they are on the top of the ridge where there are wind gusts up to 20-30 mph when it was as calm as it could be at the base of the property. He noted that this project would help the applicants but not the community.

Jane Hoffman of 16406 Crabtree Falls Hwy noted that she spoke with their volunteer fire chief that evening and that his concern was access. She noted that there is no possibility of a fire truck coming down the one-lane North Fork Rd and allowing anyone else to get down the road. She added that this was a proposal that snuck through while the community was not aware. She explained that she had not heard about this project until a day and a half before the meeting. She asked for more time for the community to provide input. She noted that there would be over 100 people that would be willing to say that they do not support the proposal in any way, shape, or form. She noted that there are many people that grew up on that mountain and considered this kind of project as an infringement on their rights as

founding members of the community. She added that the roads do not require the infrastructure necessary for this kind of endeavor. She noted that this would be a travesty to the rural Nelson County philosophy.

Chris Bowman of 6973 North Fork Rd explained that he and the other applicants did not try to sneak this project through. He explained that since building the original cabins they realized the expense of getting the concrete and workers up there. He added that they are trying to shift to a project that could be done with less manpower and expense. He explained that he let the neighbors know after they were approved last year that they would be building 9 cabins. He explained that issues like fire can be addressed by clearing the area and providing fire pits with gravel surrounding them. He clarified that the line shown on the plat is not a property line and that the property line is further down.

Jeri Lloyd of 9322 Rockfish Valley Hwy in Afton noted that she has concerns about this project. She asked how camping could be seen as affordable housing. She added that glamping was not affordable for the majority of people. She added that every cabin would have its own facility and questioned how the facilities would be connected. She explained that the topography of that area was not conducive to individual facilities. She noted that VDH noted that water usage in that area may exceed what is needed. She noted that she heard there were 20 by-right cabins and 20 campsites. She explained that she was confused because she had heard others reference 6 or 14 cabins. She added that the developer has other projects approved by the county that have not been completed. She noted that she did not think the project was well thought out and that there needed to be more community involvement. She noted that she hoped the Planning Commission would vote no.

Chair Allen closed the public hearing at 7:36

Mr. Hauschner asked if the 20 sites were in addition to the 9 cabins that were by-right. Ms. Hjulstrom explained that the 9 cabins were by right and had already been approved on a Major Site Plan. She added that the two additional cabins were also by-right but that the 20 proposed campsites require the Special Use Permit. Ms. Proulx asked how many cabins they could have by right. Ms. Hjulstrom explained that with 100 acres they could potentially have 50 cabins by right if they were able to obtain VDH, VDOT, and other applicable approvals. Mr. Reed asked if it were common to not show the second phase of a project in detail. Ms. Hjulstrom explained that it had been done before when pursuing a Special Use Permit. She noted that they would need to be in detail before they could obtain final site plan approval.

Ms. Proulx noted that she was not comfortable with the project. She added VDOT looked simply at site distance and how wide the entrance had to be. She explained that they do not evaluate safety considerations like emergency service accessibility. Ms. Hjulstrom added that the Director of Emergency Services, John Adkins, had asked that fire and emergency services would be able to access the property. Chair Allen noted that fire and emergency services want access to everything. She noted that there was one access to the site.

Mr. Hauschner noted that the waterway in that location is sensitive. He pointed out that any disturbance could affect the stocked and native trout in that area. He added that the character of the area did not match with the scope of the proposal. Mr. Amante noted that they could build 6 more

cabins by right and not need the Special Use Permit. Chair Allen noted that they could still build those additional cabins by right on top of the Special Use Permit for the campground. Mr. Amante questioned whether they could limit the number of campsites. Chair Allen noted that they could make the recommendation that it be less than 20 sites. Mr. Harman noted that he was not in favor of this campground, he explained that it did not fit the area and the roads would not accommodate it. He added that there were a lot of issues with the Special Use Permit. He added that they need to fix the by right usage for the future. Ms. Proulx agreed and referenced when the same issue came up with Rockfish Ranch. Mr. Amante questioned if that was a state regulation. Ms. Hjulstrom noted that it came from the Zoning Ordinance. Mr. Reed noted that some time in the next year they would be having zoning discussions and proposals from the Planning Department to make changes to the Zoning Ordinance. He explained that this was an example of one of the things that needed to be fixed. He added that he was not in favor of the proposal. Mr. Amante noted that he was not in favor of the project but that he was trying to point out that they could build 6 more cabins by right instead of the 6 campsites. Chair Allen noted that they did not need to add a Special Use Permit on top of by right uses that they wished to make changes to. Ms. Proulx added that it would be more expensive for the applicants to build cabins.

Mr. Harman made a motion to recommend denial of SUP 1050 for a Campground. Mr. Hauschner seconded the motion.

Yes:

Phil Proulx

Robin Hauschner

Mary Kathryn Allen

Chuck Amante

Mike Harman

Ernie Reed

SUP 1044 – Campground:

Ms. Hjulstrom presented the following information:

Nelson County Planning Commission

To: Planning Commission
From: Dylan M. Bishop, Director of Planning & Zoning *DMB*
Date: October 25, 2023
Re: SUP #1044 – Campground (2 sites) – Crabtree Falls Hwy (Tyro)

BACKGROUND: This is a request for a special use permit for a campground use on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – October 25; Board – November 16 (tentative)

Location / Election District: Crabtree Falls Hwy / West District

Tax Map Number(s) / Total Acreage: 41-A-31 / 0.828 +/- total

Applicant/Owner Contact Information: John H. Jr. and Roberta Fitzgerald, 266 Big Rock Road, Tyro, VA 22976, 434-277-8044, thinpine@aol.com / rhfitz9701@aol.com

Comments: This property is currently vacant and located within the Regulatory Floodway. The owners currently use the lot for tent camping and fishing, and are proposing to rent out two portable tiny homes on wheels for short-term lodging. Section 10-13(D)2 of the Floodplain Ordinance allows public and private recreational uses and activities in the Floodway. The applicants received a special use permit (#764) on December 13, 2022 for two sites on the adjoining parcel that remains active.

DISCUSSION:

Land Use / Floodplain: This area is residential and agricultural in nature. Zoning in the vicinity is A-1 Agriculture. The property is entirely located within the Floodway.

Access / Traffic / Parking: The property is accessed by an existing entrance on Crabtree Falls Hwy. Any comments from VDOT will be provided at the meeting.

Utilities: The applicant has existing electric service to the property and existing septic permitted by VDH. Any additional comments will be provided at the meeting.

Comprehensive Plan: This property is located in an area designated Rural and Farming in the current Comprehensive Plan, which would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. It would permit small scale industrial and service uses that complement agriculture and protection of usable farmland shall be encouraged.

Conditions: Should Planning Commission recommend approval of SUP #1044 for a campground, staff would recommend the following conditions:

1. There shall be no more than 2 sites, and the 2 units shall be provided by the property owner.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Attachments:

Application

Narrative

Site Plan

Zoning and Floodplain

Ms. Hjulstrom added that VDOT had the following comment:

Emily Hjulstrom

From: Brown, Daniel J., P.E. (VDOT) <Daniel.Brown@VDOT.Virginia.gov>
Sent: Wednesday, October 25, 2023 10:45 AM
To: Emily Hjulstrom; Davis, Travis (VDH)
Cc: Dylan Bishop
Subject: Re: Site Plans for October 25th Planning Commission

Emily,

VDOT has no concerns. Only comment at this time would be that when plans are developed and submitted, we will be mainly focused on the design of the entrance for the anticipated use. From what I am looking at currently without the benefit of trip generation information, the entrance would align with a Low Volume Commercial Entrance or a Moderate Volume Commercial Entrance.

Thank you,



Daniel J. Brown, P.E.
Assistant Residency Engineer/Area Land Use Engineer
Appomattox Residency - Lynchburg District
Virginia Department of Transportation
O: 434-352-6675
C: 434-215-9162
Daniel.Brown@VDOT.Virginia.gov

Ms. Hjulstrom added that VDH had the following comment:



Blue Ridge Health District
VIRGINIA DEPARTMENT OF HEALTH



Charlottesville/Albemarle
Health Department
1138 Rose Hill Drive
Charlottesville, VA 22903
office 434-972-6200 | fax 434-972-4310

October 24, 2023

Emily Hjulstrom, Planner
Nelson County Planning & Zoning
84 Court Square
Lovingsston, VA 22949

RE: Special Use Permit #1044 - Campground
Tax Map: 41-A-31

Ms. Hjulstrom:

I have reviewed the information provided and have no concerns or objections to the request for a special use permit. Note that according to *12VAC5-450-10* of the current *Rules & Regulations Governing Campgrounds*, a campground is defined as three (3) or more campsites. Since the subject proposal is for two (2) campsites, a campground permit will not be required from this office.

If there are any questions or concerns, please give me a call, 434-972-4306.

Sincerely,

Alan Mazurowski
Environmental Health Supervisor
Blue Ridge Health District
alan.mazurowski@vdh.virginia.gov

J. H. Fitzgerald Jr. of 266 Big Rock Rd in Tyro is the applicant and owner. Mr. Harman asked if there was a by right use involved. Ms. Hjulstrom explained that there are no by right uses being reviewed and the

application was specifically for a two-site campground. She added that the parcel does not show up on the GIS but that it did have a plat and title card to confirm it existed. Ms. Hjulstrom also noted that the tiny houses were to be treated as travel trailers due to them being on wheels and temporary in nature. She explained that if the tiny houses were put on foundations they would need to be brought up to the standards of a dwelling and comply with regulations for dwellings.

Chair Allen asked if Mr. Fitzgerald had had to move the existing tiny houses on the neighboring parcel. Mr. Fitzgerald noted that he had not had to move them. Chair Allen asked if Mr. Fitzgerald had placed both tiny houses that he was approved for on the neighboring parcel. Mr. Fitzgerald confirmed that he had. Mr. Amante asked if there were a separate septic and drain field. Mr. Fitzgerald explained that one site would use the same drain field as the existing two sites where the other one might be utilized for trailers that have their own sewer and water facilities. Ms. Hjulstrom noted that one of the staff's recommendations was that the units shall be provided by the property owner. She explained that the Planning Commission could remove this recommendation to allow Mr. Fitzgerald to have campers bring their own unit. Mr. Fitzgerald noted that he was ok with that condition and could utilize his own unit. Mr. Hauschner asked if these units were separate from what was already approved. Ms. Hjulstrom explained that two sites had been approved on one parcel and this application was for two sites on the adjacent vacant parcel.

Chair Allen opened the public hearing at 7:58 PM

Jeri Lloyd of 9322 Rockfish Valley Hwy noted that this property is less than an acre. She explained that Hurricane Camille wiped out everything in that area. She added that the property was in the floodplain. She asked what would be utilized for water and septic. She questioned cramming two campsites on less than an acre. She questioned why she could not put a house on an acre of land. She noted that if you were to go driving up that road seeing all of those little tiny trailers would be horrible.

Chair Allen closed the public hearing at 8:00 PM

Mr. Amante explained that his issue with the previous application was having a septic system in the floodplain but that it already exists. He added that he did not see a problem with the application. Ms. Proulx noted that the tiny houses could be moved in the case of a flood. She added that she liked the condition that the units be provided by the property owner. Mr. Harman noted that they were going to see applications like this popping up all over the place. He noted that they need to evaluate the situation as a planning body. Mr. Hauschner noted that he is more amenable to transient lodging that did not utilize a dwelling. He added that he is afraid of setting a precedent for more campgrounds. He noted that until the county puts some stricter regulations on short-term rentals, he is not into the idea of issuing more Special Use Permits for short-term rentals in any form. Mr. Amante noted that the short-term rental problem is everywhere. He questioned where and how they could address this issue. He added that he has the same issue with cellphone towers where everyone wants one now. Mr. Reed noted that as soon as they get an approved Comprehensive Plan, they will get recommendations from staff and look at potential zoning options.

Chair Allen noted that she didn't have a big problem with this application due to this being a property where you could not build a house. She added that with the owner providing the unit, it would be more appealing than the alternative. Ms. Proulx noted that she was okay with the application with the two conditions recommended.

Mr. Amante made a motion to recommend approval of SUP #1044 for a campground with the following conditions:

- 1. There shall be no more than 2 sites, and the 2 units shall be provided by the property owner.**
- 2. The sites shall be serviced by adequate water and septic facilities to be occupied.**

Ms. Proulx seconded the motion.

Yes:

Mary Kathryn Allen

Phil Proulx

Ernie Reed

Chuck Amante

No:

Mike Harman

Board of Supervisors Report:

Mr. Reed noted that the next Route 151 Corridor Study Meeting would be November 1st. from 4-6 PM at the Rockfish Valley Community Center. Mr. Reed noted that the Service Authority had just received a \$250,000 grant to add the sewer and water systems to the GIS. He noted that the Board denied SUP 998 for a vacation house and approved SUP 1005 for a one-site campground. Ms. Proulx noted that there is a sign on the parcel for SUP 998 that says "Two Chicks".

Ms. Proulx made a motion to adjourn at 8:16 PM. Harman seconded the motion.

Yes:

Mike Harman

Ernie Reed

Phil Proulx

Robin Hauschner

Mary Kathryn Allen

Chuck Amante

Respectfully submitted,

A handwritten signature in black ink that reads "Emily Hjulstrom". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Emily Hjulstrom

Planner/Secretary, Planning & Zoning

DRAFT

Nelson County Planning Commission

To: Planning Commission

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

Date: November 15, 2023

Re: SUP #1085 – Campground (3 sites) – 5032 Rockfish Valley Hwy (Faber)

BACKGROUND: This is a request for a special use permit on property zoned A-1 Agriculture for a campground use for three (3) sites on three (3) adjacent parcels.

Public Hearings Scheduled: P/C – November 15; Board – December 12 (tentative)

Location / Election District: Rockfish Valley Hwy, Faber / North Election District

Tax Map Number(s) / Total acreage: 22-A-59, 59C, 59D / 2.001, 2.031, 2.00 acres +/-

Applicant/Owner Contact Information: Kelly A. Kahle, P.O. Box 448, Sherman, NY 14781, 434-262-2639, kellyakahle@gmail.com

Comments: These three adjacent properties are primarily wooded, with an existing cabin that the owner intends to secure a certificate of occupancy for and utilize as their primary dwelling. When not in use as the primary dwelling the owner intends to utilize it as a vacation house, a by-right use which is not part of this application.

The owner is proposing to establish three campsites – one on each lot. Lot 59 would provide accommodations in a travel trailer (RV), a “yome” or “yurt home” on Lot 59C, and a teepee style tent on Lot 59D. These short term lodging options that are not offered within an approved dwelling are classified as a campground use and require a special use permit. According to the narrative and site plan, there is a shared parking area for all the sites, and guests will access the individual sites by foot along the south property lines. The narrative indicates that they have hired Loving Care Landscaping & Handyman Services to perform property maintenance.

DISCUSSION:

Land Use / Floodplain: This area is agricultural and residential in nature, and is adjacent to Rockfish Presbyterian Church. These properties are located south of the Route 6 / Route 151 intersection, and north of the Wintergreen development on the east side of Route 151. There are no floodplains located on the property. This property is also located within the South

Rockfish Valley Rural Historic District, although there are no County regulations or implications associated with this fact.

Access and Parking: The property is accessed by an existing commercial entrance on Route 151 that is shared with Rockfish Presbyterian Church. According to the application, guests will use the existing entrance to the property where a shared parking area would provide sufficient parking for the proposed use. VDOT indicated that they do not have any comments; that utilizing the existing commercial entrance will have no impact to Route 151.

Utilities: Property will be served by a private septic system. The narrative provided indicates that each site will have a camping toilet and self-contained sink station in accordance with Health Department requirements. Any comments from the Health Department will be provided at the meeting.

Comprehensive Plan: In the 2002 Comprehensive Plan, this area is designated as Rural and Farming on the Future Land Use Map. This district would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged.

RECOMMENDATION: 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.

Should the Planning Commission recommend approval of this SUP #1085 for a campground, staff recommends consideration/discussion of the following conditions:

1. There shall be no more than three (3) sites, and the accommodations shall be provided by the property owner.
2. The parking area shall be screened in a manner that it is not visible from adjacent properties and roadways.
3. Any lighting shall be directional and glare shielded to prevent light pollution onto adjacent properties and roadways and to protect the dark night sky.
4. There shall be no more than eight (8) guests on these three (3) properties at any one time.
5. Fencing shall be installed along the property line shared with Rockfish Presbyterian Church (discuss height and material

Attachments:

Application

Narrative

Site Plan

Photos

Zoning Map

Historic District Map

Public Comments



PERMIT APPLICATION: Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 1085
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
- Rezoning from _____ to _____
- Conditional Rezoning from _____ to _____
- Other: _____
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request:

3 site Campground

(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: Kelly A. Kahle

Mailing Address: PO Box 488 Sherman NY 14781

Telephone #: 434-262-2639 Email Address: KellyaKahle@gmail.com

Relationship (if applicable): _____

Applicant Property Owner Name: _____

Mailing Address: _____

Telephone #: _____ Email Address: _____

Relationship (if applicable): _____

(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.):

5032 Rockfish Valley Hwy

b. Official tax map number: 22-A-59C (2.031) 22-A-59D (2)

c. Acreage of property: 6 acres in 3 2 acre lots 22-A-59 (2.001)

d. Present use: Private Residence

e. Present zoning classification: A1

f. Zoning classification of surrounding properties: A1

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: Kelly A Kahle

Printed Name: Kelly A. Kahle

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.

- Completed application and fee (\$ 200) received on 10-25-2023
- Hearing Notice published on _____
- Planning Commission action: Date of Meeting / Hearing: _____
Recommendation: _____
- 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/>

In relation to the upcoming Comprehensive Plan 2042 granting a special use permit for two primitive campsites consisting of a Cheyenne style tipi, Yome and the ability to rent my personal RV when not in use at a location of a prior business zoned Agricultural (A1). The sites will be placed at the edge of woods to benefit the shade and overlook the view of the meadow and Pilot Mountain, capitalizing and preserving the natural beauty we all cherish. This also allows for controlled development by providing passive income to an otherwise disabled individual who would otherwise need to sell the property in an area not earmarked in the Comprehensive Plan 2042 for residential development.

The sites will be expected to have the same seasonality of the previous business of April through November being the norm. The number of guests on site would at most ever be 8 making parking one car at the primary residence and three using the old road under the power line and then have a short walk to their site.

Each site will be equipped with a camping toilet and Neptten biodegradable gel packs to be disposed of in a waste receptacle. The sites will also be provided with a self-contained sink station with a five-gallon capacity for their water and sanitary needs and disposed of in an existing septic system, in accordance with local Health Department regulations.

As mentioned, the site is both a previous and existing business (Rockfish Valley Presbyterian Church Inc.) utilizing an existing commercial entry. I am including the email from Jeff Kessler of VDOT in my most recent correspondence. I have also left a message with his office and am waiting for a reply.

On the original narrative/application I indicated I was requesting 4 sites because I was under the impression that I needed a permit for my private residence but I have since been corrected.

The property maintenance this year is being handled by Loving Care Landscaping & Handyman Services.

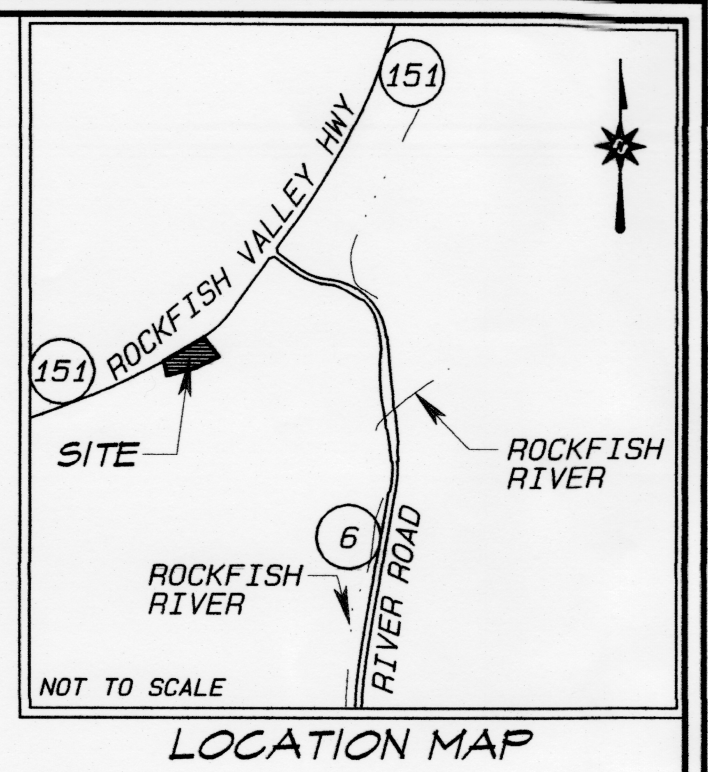
- NOTES:
- THIS PLAT WAS PREPARED AT THE REQUEST OF KELLY A. KAHLE.
 - NO DETERMINATION OF WETLANDS WAS REQUESTED OF NOR WAS ANY DETERMINATION/DELINEATION MADE BY ACRES OF VIRGINIA, INC. OR THIS SURVEYOR. THIS PLAT DOES NOT ADDRESS THE EXISTENCE OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS IN OR AROUND THE BOUNDARIES OF THIS PROPERTY.
 - SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OR STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
 - THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR IMPROVEMENTS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
 - THIS PROPERTY AS PLATTED FALLS WITHIN THE FLOOD ZONE "X" AS DETERMINED BY F.E.M.A. AND SHOWN ON THEIR MAP. NO CERTIFICATION BY THIS SURVEYOR IS MADE TO THE ACCURACY OF THE FLOOD INSURANCE RATE MAP.
 - IN PROVIDING THIS PLAT NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTING SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL OR PUBLIC OWNED.
 - ANY SUBAQUEOUS BEDS LOCATED WITHIN THE BOUNDARIES OF THIS PROPERTY MAY BE THE PROPERTY OF THE COMMONWEALTH OF VIRGINIA. THIS SURVEYOR HAS MADE NO ATTEMPT TO DETERMINE SAID OWNERSHIP. THEREFORE THE AREA SHOWN ON THIS PLAT IS PLUS OR MINUS AND IS INCLUSIVE OF ANY SUBAQUEOUS BEDS UNLESS OTHERWISE NOTED.
 - IT IS UNLAWFUL TO DISTURB ANY GRAVE OR GRAVE MARKER, ACCORDINGLY, ANY GRAVE OR ANY OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL IDENTIFIED DURING THE SURVEY, PROPERTY RESEARCH OR PLAT PREPARATION OR AS DENOTED ON THIS PLAT, ACRES OF VIRGINIA, INC. AND THIS SURVEYOR EXPRESSLY DISCLAIM ANY RESPONSIBILITY (MONETARY OR OTHERWISE) FOR THE DESTRUCTION, REMOVAL OR DISTURBANCE OF ANY GRAVES OR GRAVE MARKERS THAT MAY NOT HAVE BEEN DETECTED OR SHOWN ON THIS PLAT AS WELL AS ANY GRAVES OR GRAVE MARKERS THAT HAVE BEEN SHOWN.
 - THIS PROPERTY IS ZONED A1 AGRICULTURAL.
 - SETBACK REQUIREMENTS:
 FRONT YARD: 75 FEET FROM CENTERLINE OF THE ROAD OR 50 FEET FROM THE RIGHT-OF-WAY FOR INTERNAL LOTS WITHOUT ROAD FRONTAGE; 50 FEET FROM THE PROPERTY LINE DESIGNATED AS THE FRONT YARD
 SIDE YARD: LOTS 1 TO 5 ACRES IN SIZE: 10 FEET, 25 FEET TOTAL LOTS GREATER THAN 5 ACRES IN SIZE: 20 FEET, 50 FEET TOTAL
 REAR YARD: LOTS 1 TO 5 ACRES IN SIZE: 25 FEET LOTS GREATER THAN 5 ACRES IN SIZE: 50 FEET
 ACCESSORY STRUCTURES: 15 FEET FROM PROPERTY LINE NO ACCESSORY STRUCTURES WITHIN THE FRONT SETBACK

NUMBER OF LOTS ALLOWED: TAX MAP PARCEL 22-A-59B (6.021 ACRES)
 SOURCE OF TITLE: 202100527
 TOTAL NUMBER OF LOTS ALLOWED: (3) TOTAL
 NUMBER OF (PROPOSED) NEW LOTS: 2
 NUMBER OF REMAINING (UNUSED) LOTS: 1
 ASSIGNMENT OF THOSE REMAINING LOTS ALLOWED AMONG THE PARCELS SHOWN
 THE RESIDUE IS ASSIGNED THE REMAINING UNUSED LOT.

THE PLATTING OR DEDICATION OF THE FOLLOWING DESCRIBED LAND (SEE TITLE BLOCK AND NOTES) IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDER-SIGNED OWNERS PROPRIETORS AND TRUSTEES, IF ANY, THE STATEMENT SHALL BE SIGNED BY SUCH PERSONS AND DULY ACKNOWLEDGED BEFORE AN OFFICER AUTHORIZED TO TAKE ACKNOWLEDGEMENT OF DEEDS.

Kelly A. Kahle
 KELLY A. KAHLE
 STATE OF Virginia
 CITY/COUNTY OF Nelson
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 4/11/22 BY
Kelly A. Kahle
Jody Ashton Campbell
 NOTARY PUBLIC
 REGISTRATION NO. 7933737
 MY COMMISSION EXPIRES 9/30/25

JODY ASHTON CAMPBELL
 NOTARY PUBLIC
 Commonwealth of Virginia
 Reg. # 7933737
 My Comm. Expires September 30, 2025

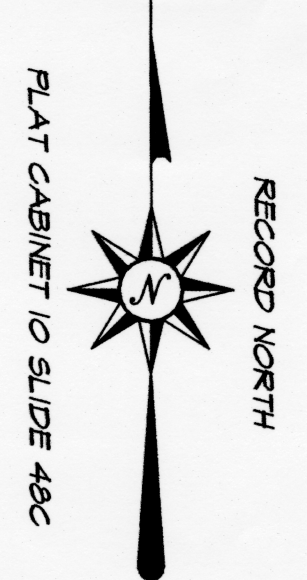
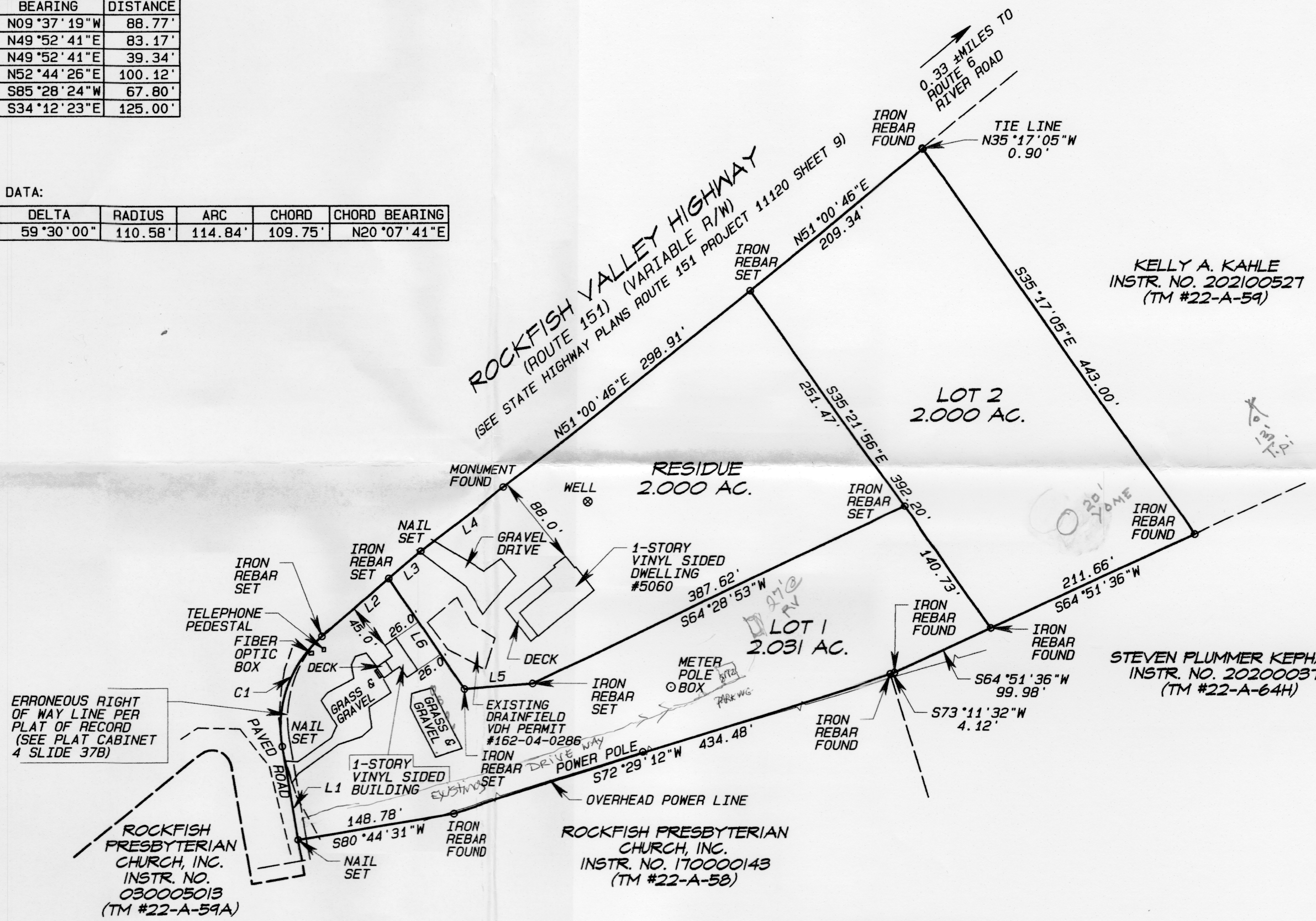


LINE LEGEND:

LINE	BEARING	DISTANCE
L1	N09°37'19"W	88.77'
L2	N49°52'41"E	83.17'
L3	N49°52'41"E	39.34'
L4	N52°44'26"E	100.12'
L5	S85°28'24"W	67.80'
L6	S34°12'23"E	125.00'

CURVE DATA:

LINE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	59°30'00"	110.58'	114.84'	109.75'	N20°07'41"E



KELLY A. KAHLE
 INSTR. NO. 202100527
 (TM #22-A-59)

STEVEN PLUMMER KEPHART
 INSTR. NO. 202000370
 (TM #22-A-64H)

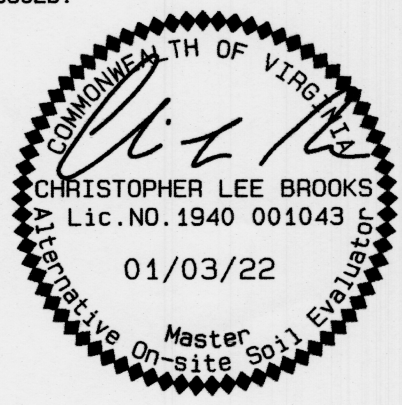
AOSE CERTIFICATION STATEMENT

THIS SUBDIVISION IS APPROVED FOR INDIVIDUAL ONSITE SEWAGE SYSTEMS IN ACCORDANCE WITH THE PROVISIONS OF THE CODE OF VIRGINIA AND THE SEWAGE HANDLING AND DISPOSAL REGULATIONS (12 VAC 5-610-10 ET SEQ., THE "REGULATIONS"), AND LOCAL ORDINANCES IF THE LOCALITY HAS AUTHORIZED THE LOCAL HEALTH DEPARTMENT TO ACCEPT PRIVATE EVALUATIONS FOR COMPLIANCE WITH LOCAL ORDINANCES.

THIS SUBDIVISION WAS SUBMITTED TO THE HEALTH DEPARTMENT FOR REVIEW PURSUANT TO SECTION 32.1-163.5 OF THE CODE OF VIRGINIA WHICH REQUIRES THE HEALTH DEPARTMENT TO ACCEPT PRIVATE SOIL EVALUATIONS AND DESIGNS FROM AN AUTHORIZED ONSITE SOIL EVALUATOR (AOSE) OR A PROFESSIONAL ENGINEER WORKING IN CONSULTATION WITH AN AOSE FOR RESIDENTIAL DEVELOPMENT. THE DEPARTMENT IS NOT REQUIRED TO PERFORM A FIELD CHECK OF SUCH EVALUATIONS. THIS SUBDIVISION IS CERTIFIED AS BEING IN COMPLIANCE WITH THE BOARD OF HEALTH'S REGULATIONS BY: CHRISTOPHER L. BROOKS, AOSE THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THAT CERTIFICATION.

PURSUANT TO SECTION 360 OF THE REGULATIONS, THIS APPROVAL IS NOT AN ASSURANCE THAT SEWAGE DISPOSAL SYSTEM CONSTRUCTION PERMITS WILL BE ISSUED FOR ANY LOT IN THE SUBDIVISION UNLESS THAT LOT IS SPECIFICALLY IDENTIFIED AS HAVING AN APPROVED SITE FOR AN ONSITE SEWAGE DISPOSAL SYSTEM, AND UNLESS ALL CONDITIONS AND CIRCUMSTANCES ARE PRESENT AT THE TIME OF APPLICATION FOR A PERMIT AS ARE PRESENT AT THE TIME OF THIS APPROVAL. THIS SUBDIVISION MAY CONTAIN LOTS THAT DO NOT HAVE APPROVED SITES FOR ONSITE SEWAGE SYSTEMS.

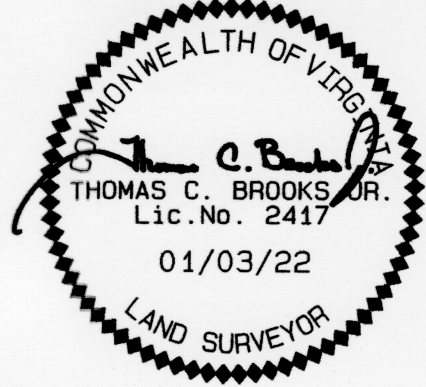
THIS SUBDIVISION APPROVAL IS ISSUED IN RELIANCE UPON THE CERTIFICATION THAT THE APPROVED LOT IS SUITABLE FOR "TRADITIONAL SEPTIC SYSTEM"; HOWEVER, ACTUAL SYSTEM DESIGNS MAY BE DIFFERENT AT THE TIME CONSTRUCTION PERMITS ARE ISSUED.



I CERTIFY THE SOIL EVALUATION FOR THIS PROPERTY HAS BEEN DONE IN ACCORDANCE WITH BOTH STATE LAW, AND NELSON COUNTY ORDINANCES RELATING TO ONSITE SEWAGE DISPOSAL. DATA RESULTING FROM SOIL WORK, INCLUDING TREATMENT SYSTEMS, PRE-TREATMENT SYSTEMS, PRIMARY AND RESERVE DRAINFIELDS, HAS BEEN APPROPRIATELY EVALUATED AND APPROVED BY THE VIRGINIA DEPARTMENT OF HEALTH.

SOURCE OF TITLE:
 INSTRUMENT NUMBER 202100527

THIS PLAT WAS PREPARED (JANUARY 3, 2022) FROM AN ACTUAL AND CURRENT FIELD SURVEY MADE UNDER MY SUPERVISION AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS TO THE BEST OF MY KNOWLEDGE AND BELIEF.



COUNTY APPROVAL
 APPROVED FOR RECORDATION:
Dylan M. Bishop 4/20/22
 DIRECTOR OF PLANNING DATE:
Sean Eide 4-19-22
 VIRGINIA DEPARTMENT OF HEALTH DATE:

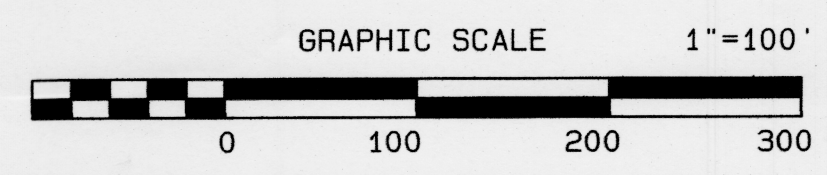
ACRES OF VIRGINIA, INC.
 ENGINEERS SURVEYORS PLANNERS
 ENVIRONMENTAL SOIL CONSULTANTS GEOTECHNICAL
 email: Serca2@aol.com
 www.acresofvirginia.com

404 CLAY STREET
 LYNCHBURG, VA. 24504

OFFICE (434) 528-4674
 FAX (434) 845-1048

PLAT SHOWING
 LOT 1, 2 AND RESIDUE PARCEL
 PROPERTY OF:
KELLY A. KAHLE
 ROCKFISH DISTRICT
 NELSON COUNTY, VIRGINIA

SCALE: 1" = 100' DATE: JANUARY 3, 2022
 COMM. NO. 21957/A21957 - SERVER-NEWJOBS2021
 TAX MAP 22-A-59B COPYRIGHTED





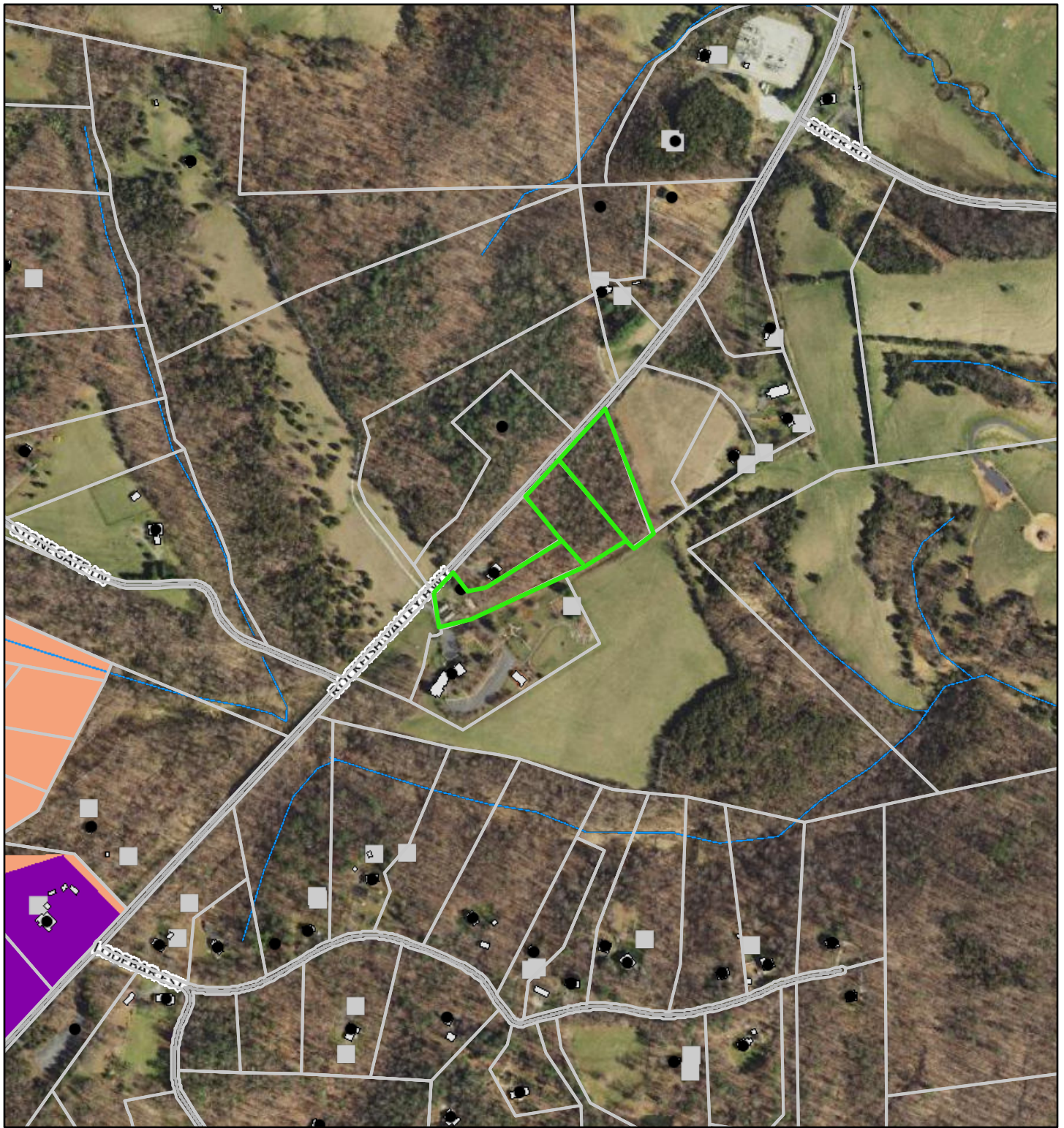
Nomadics' own 24ft showroom tipi, OR





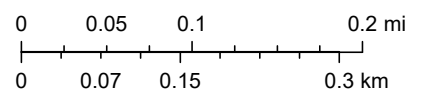


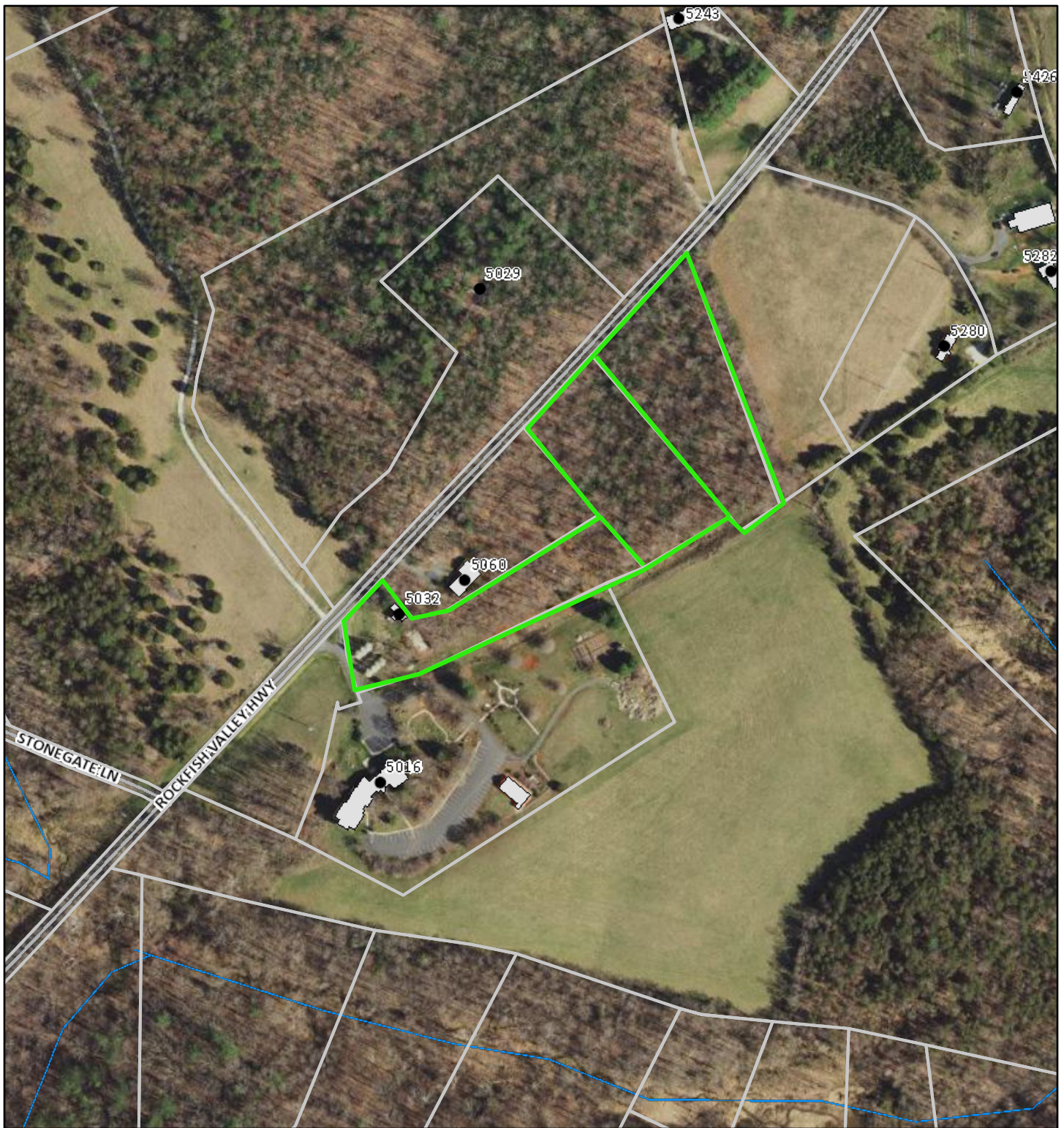




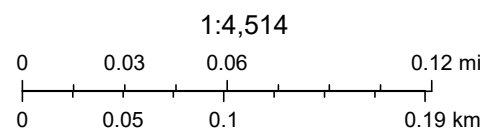
November 8, 2023

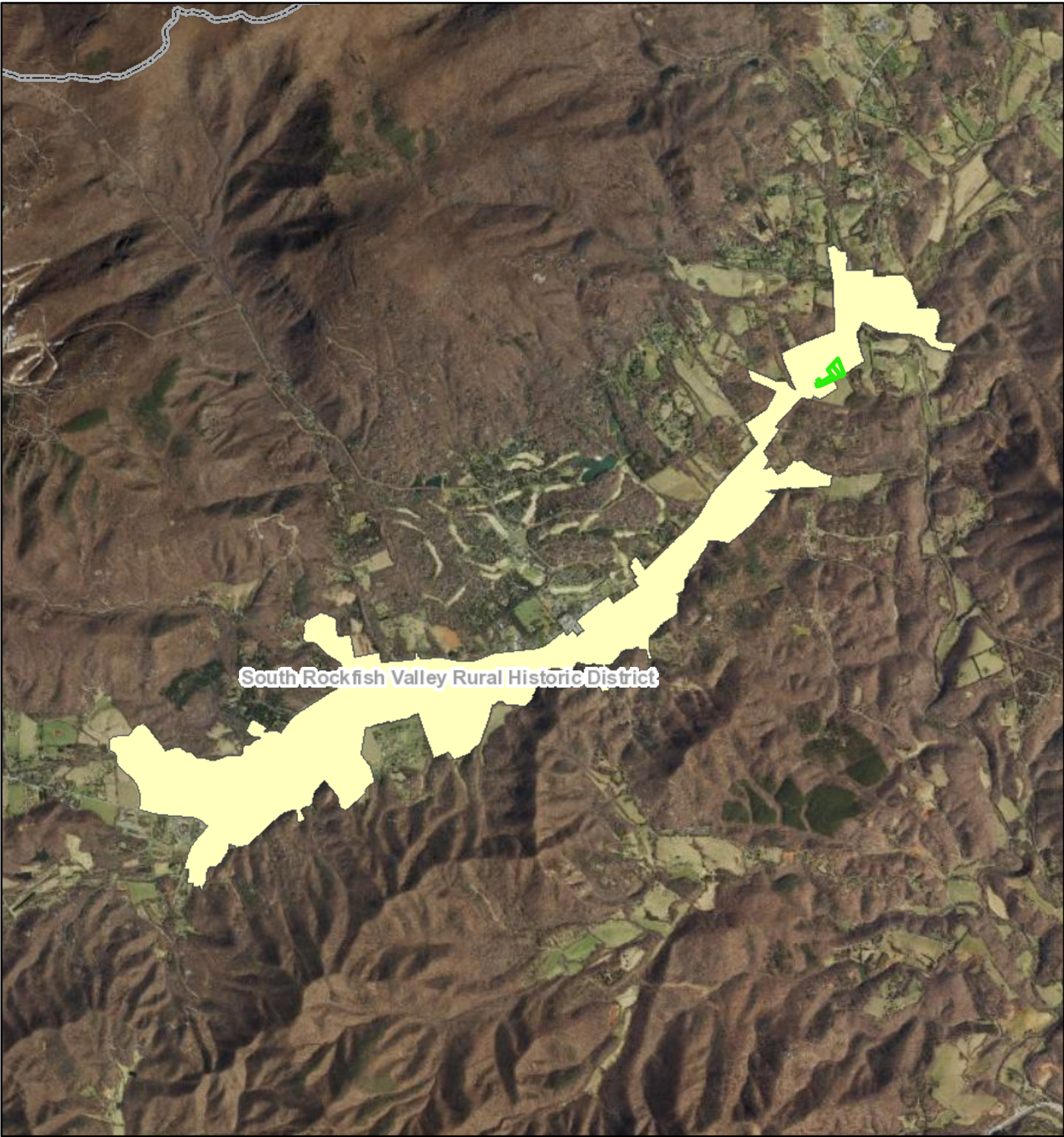
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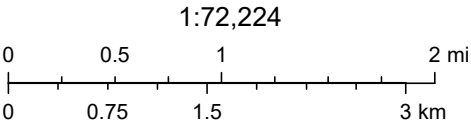


November 8, 2023





November 8, 2023



Rockfish Presbyterian Church
5016 Rockfish Valley Highway
Nellysford, VA 22958

November 7, 2023

BY EMAIL AND BY HAND DELIVERY

Nelson County Planning Commission
80 Front Street
P.O. Box 558
Lovingston, VA 22949

Re: Special Use Permit Application # 1085 Campground (Kelly Kahle)

Members of the Planning Commission,

This letter is a unanimous request by the Board of Directors of Rockfish Presbyterian Church, Inc., Elders of the Session and the Trustees of Rockfish Presbyterian Church. **We are writing to urge you to defer the public hearing on Special Use Permit Application #1085 until the December, 2023 Commission meeting.** Rockfish Presbyterian Church, Inc. is an adjacent owner and shares an entrance onto Route 151 with this proposed campground. We only learned of this application on Friday and do not have sufficient time to understand and consider the impacts on our 277 year old church. **See Exhibit 1.** We were only able to get a small group to meet late Monday afternoon to try to grasp what needed to be done, and with all the missing information and input, and the need to respond for the information package to be sent to the Members of this Commission the very next day, concluded that **in the interests of equity, fairness and due process** we should propose to all the corporate Directors, the Session Members and the Trustees, that **we urgently seek this deferral for just one month** to consider and prepare a reasoned response. The vote was unanimous by all.

Also on Monday, November 6, a request for a delay was made directly to the applicant in order that we might gather more information. She declined, repeatedly stating she did not understand why we would have any concerns, and with threats to interfere with access to the church, alleging we did not have legal access rights. We firmly believe that to be wrong, but have had inadequate time to locate and review all relevant documents. **See Exhibit 2.**

We understand that, per the Nelson County Zoning Ordinance, special use permit applications are reviewed using four criteria (Sec. 12-3-2). Each of these criteria relates to impacts of the use upon our historic church. The Rockfish Meeting House Church was established in 1746, making it one of the oldest Presbyterian churches in the region.

We request sufficient time for due diligence to understand the impact of the proposed use on our church based on all four criteria:

- a. *The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;*
- b. *The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;*

- c. *The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and*
- d. *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

Thus, there are issues which we believe need to be addressed in connection with this application, including but not limited to the following:

- Whether the proposed use is adequately served by fire protection.
- Whether the proposed use is adequately served by private water and sewer facilities and protects adjacent and nearby water source wells (see also the definition of "campground.")
- How the proposed use will be managed by someone onsite to assure that it will not adversely affect the existing use of our property. (Our property is used every day of the week, both inside the building and outside in the pavilion, playground and cemetery areas.)
- How private streets, such as our common entrance and a common portion of the driveway, will be able to accommodate traffic to the proposed campground as well as traffic to the church.

We request that you defer this application to the late December, 2023 Planning Commission meeting.

Respectfully yours, unanimously,

Rockfish Presbyterian Church, Inc., by its Board of Directors,

The Session of Rockfish Presbyterian Church, and

The Trustees of Rockfish Presbyterian Church

By /s/ Susan D. Fulton

Susan D. Fulton, Secretary of the Corporation and Clerk of the Session,

/s/ _____

Judy S. Smythers, Trustee

/s/ _____

David M. Lawson, Trustee

/s/ _____

Harris T. Luscomb, Trustee

Signed in several counterparts for the original, hand delivered copy.

- c. *The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and*
- d. *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*

Thus, there are issues which we believe need to be addressed in connection with this application, including but not limited to the following:

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We request that you defer this application to the late December, 2023 Planning Commission meeting.

Respectfully yours, unanimously,


Rockfish Presbyterian Church, Inc., by its Board of Directors,
The Session of Rockfish Presbyterian Church, and
The Trustees of Rockfish Presbyterian Church

By /s/ _____

Susan D. Fulton, Secretary of the Corporation and Clerk of the Session,

/s/ 
Judy S. Smythers, Trustee

/s/ 
David M. Lawson, Trustee

/s/ 
Harris T. Luscomb, Trustee

Signed in several counterparts for the original, hand delivered copy.

EXHIBIT 1

RA 4

ROCKFISH CHURCH

The Rockfish meetinghouse was established here by 1746, making it one of the oldest Presbyterian churches in the region. James McCann conveyed land for a church and school. Samuel Black became the first pastor of the church in 1747. Thomas Mason built a new frame structure for the congregation about 1771. The present Greek Revival brick structure was constructed by 1854. Further modifications have been made to the building and grounds since that time, including an addition completed in 1995.

DEPARTMENT OF HISTORIC RESOURCES, 2002

November 7, 2023
BY EMAIL

Dear Ms. Kahle,

Unfortunately, we were totally unaware of and did not receive any information about you or your plans prior to your email to Reverend Manchester on Friday, November 3 at 1pm. Her day off is Friday, so your email was not read until the weekend. We reached out to you on Monday, November 6 as we scrambled to get some members together in hopes to better understand your intentions and to walk the property. You were unable to meet with us. You also made several verbal threats that if we did not go along with your plan, "things would not go well for the church." This was said several times in both conversations with our member, Amelia. This did not inspire confidence.

We also then learned that we had only until Tuesday morning to send in comments to the Planning Commission. When informed of your plans, the Board of Directors of Rockfish Presbyterian Church, Inc., unanimously agreed that we needed to seek a deferral so we can adequately address several aspects of your requested planned usage that are likely to impact us.

It is not our desire to be unsupportive neighbors, however, you have made the timing very difficult, and we do need to have a complete understanding of your Special Permit Application and how your proposed business plan will affect Rockfish Presbyterian Church, a church that has been in place for 277 years and serves the Nelson community in many ways. We ask for your understanding of our position, and obligation to our members, and look forward to reviewing the plans more fully in the future.

Kindly direct all replies and future communications to this email address.

Respectfully,

The Session of Rockfish Presbyterian Church, and
Rockfish Presbyterian Church, Inc.

Amelia McCulley
395 Pine Needles Lane
Afton, VA 22920

November 8, 2023

Nelson County Planning Commission
80 Front Street
P.O. Box 558
Lovingston, VA 22949

Re: Concerns about Special Use Permit #1085 Kelly Kahle

Dear Members of the Planning Commission,

I am writing to you as a property owner and resident of Nelson County, and as a member of the historic Rockfish Presbyterian Church adjacent to this proposal. The Rockfish meeting house was established in 1746 and is noted by an historic marker along Route 151. I am a nationally certified Planner, and have practiced planning and zoning for a nearby local government for over 39 years. **I strongly urge you to defer this application until the late December Planning Commission meeting.** If instead you chose to act on this application on November 15th, **I strongly urge you to recommend denial to the Board of Supervisors.** I will explain the basis for these requests.

The Rockfish Presbyterian Church was just informed of this application adjacent to our property last Friday. We have not had sufficient time to consider the implications on the use of our historic church. We are directly abutting neighbors to one of the three lots involved in this application. We also share an entrance onto Route 151 with these properties. There are many direct impacts from a proposed use such as this. There is not sufficient information or time for us to conduct due diligence on the impacts to our 277 year old church. **Please defer this application to the late December Planning Commission meeting.**

In the event you chose to consider and act upon this application, please consider the following.

1. The application is incomplete and insufficient for review.
 - a. Per Nelson County Zoning Ordinance Section 12-3-4 c (1), a special use permit must be accompanied by a minor site plan. The minor site plan submitted by the applicant is woefully inadequate and does not address the minor site plan application requirements per Section 13.4 of the Nelson County Zoning Ordinance. The plan that was submitted does not sufficiently show the proposed use at a scale or detail to adequately depict the proposed use. It is missing information critical to understanding the proposed use and its impact on our historic church - such as existing and proposed topography, amount of land to be disturbed, and the location of all utilities and easements. The narrative refers to locating sites at the "edge of the woods," and the plan does not show a woodline or dimensions to clarify where the sites will be.
 - b. Per Nelson County Zoning Ordinance Section 12-3-4 c (3), a special use permit must include a written statement of project compatibility with the (iii) surrounding properties, (iv) Current and future neighborhood conditions and (v) traffic patterns, on-site and off-site. The applicant's narrative does not adequately address these important aspects.

- c. Per Nelson County Zoning Ordinance Appendix A, Article 2, the definition of “campground” states “Campgrounds require the provision of potable water and sanitary facilities.” The use of a camp toilet with deodorizer and only a 5-gallon water station should not be considered adequate. Even if this proposal somehow meets the minimum Health Department standard, it should not be permitted as adequate for a use by special use permit adjacent to an active and historic church. There is potential for this small amount of water and this form of bathroom facilities, to be inadequate - leading to offsite impacts, including odor.

As the Commission is aware, a use requiring a special use permit is a use that may be appropriate in a zoning district, but because of its nature, extent, or external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. **The proposed use fails to meet all four criteria for issuance of a special use permit.** Per 12-3-2 of the Nelson County Zoning Ordinance, a special use permit “shall be reviewed using the following criteria:

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

Having campers in 3 temporary structures adjacent to our historic church will change the character and established pattern of development of the area. The statement of intent for this zoning district, Agricultural A-1, states: *This district is designed to accommodate farming, forestry, and limited residential use. While it is recognized that certain desirable rural areas may logically be expected to develop residentially, it is the intent, however, to discourage the random scattering of residential, commercial, or industrial uses in this district.* The proposed use is not consistent with the intent of this district and represents random scattering of a commercial use.

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

The applicant does not live on the subject property. And while she’s indicated she is planning to do so, she notes that she is disabled and has physical limitations. To assure that this type of use does not adversely impact neighbors, it is critical to have an onsite manager. The Rockfish Presbyterian Church outdoor areas include several cemeteries, a playground, a pavilion and a garden. As proposed, this use will adversely impact our existing uses. There are potential impacts from noise, traffic, and people coming in our direction in need of more adequate water and sanitary disposal needs.

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

The proposed use is proposed to be served by a “road” off Route 151 that is not currently adequate for traffic from transient lodgers as well as for trucks pulling a camper. The “road” does not meet most standards for adequate access. Part of the camping experience includes sitting outside by the fire. As we recently saw with a brush fire last weekend along Route 151 off Avon Road, it is very easy to start a brushfire. The proposed use does not have a water supply or well that could easily put out a fire and prevent it from becoming a larger brush fire, that could then impact nearby structures, including our historic church.

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

The Rockfish Presbyterian Church is a property of historic importance as determined by the Virginia Department of Historic Resources. As noted in the concern about fire under criteria c), there is the potential for the destruction or damage of this property of historic importance. As noted under the other criteria, the impacts of campers and their activities could adversely impact our church.

A special use permit must satisfy all four of the previously mentioned criteria. This application does not fully satisfy any of these criteria.

I ask the Planning Commission to consider whether recommending approval of this application will set a dangerous precedence for campgrounds throughout the County on A-1 property. Especially on properties adjacent to uses of historic importance and on properties that are not adequately served by well, septic, etc. There are appropriate locations for campgrounds in Nelson County on properties that have adequate utilities and infrastructure, and do not adversely impact adjacent historic properties.

If you chose to act on this application on November 15th, please vote to recommend denial.

Sincerely,



Amelia G. McCulley, American Institute of Certified Planners

To whom it may concern at Nelson County,

I am the current owner of 5060 Rockfish Valley Hwy. I heard my neighbor Kelly Kahle had ambitions to start some campsites on adjacent plots to mine and I wanted to express my support for this project. I purchased the house over a year ago and she has been a kind and supportive neighbor. I believe her project would be a successful business and contribution to the local economy. Please reach out to me if you have any concerns.

Best,

A handwritten signature in black ink, appearing to read "Jerry Uejio". The signature is fluid and cursive, with the first name "Jerry" being larger and more prominent than the last name "Uejio".

Jerry Uejio

415-350-7621

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