



Nelson County Joint Planning Commission/Board of Supervisors  
Meeting Minutes  
September 28<sup>th</sup>, 2023

**Present:** Board of Supervisors: Jesse Rutherford, Skip Barton, David Parr, and Ernie Reed - Planning Commission: Chair Mary Kathryn Allen and Commissioners Chuck Amante, Mark Harman, and Phil Proulx

**Staff Present:** County Administrator Candy McGarry and Deputy Clerk Amanda Spivey - Dylan Bishop, Director

**Call to Order:** Mr. Rutherford and Ms. Allen called the meeting to order at 6:33 PM in the Old Board of Supervisors Meeting Room, County Courthouse, Lovingsston.

**2023-59 Gladstone Depot TAP Grant**

**Mr. Parr made a motion to approve Resolution R-2023-59. Mr. Barton seconded the motion.**

**Yes:**

Jesse Rutherford

David Parr

Ernie Reed

Skip Barton

**2023-60 Lovingsston TAP Grant**

**Mr. Reed made a motion to approve Resolution R-2023-60. Mr. Parr seconded the motion.**

**Yes:**

Jesse Rutherford

David Parr

Ernie Reed

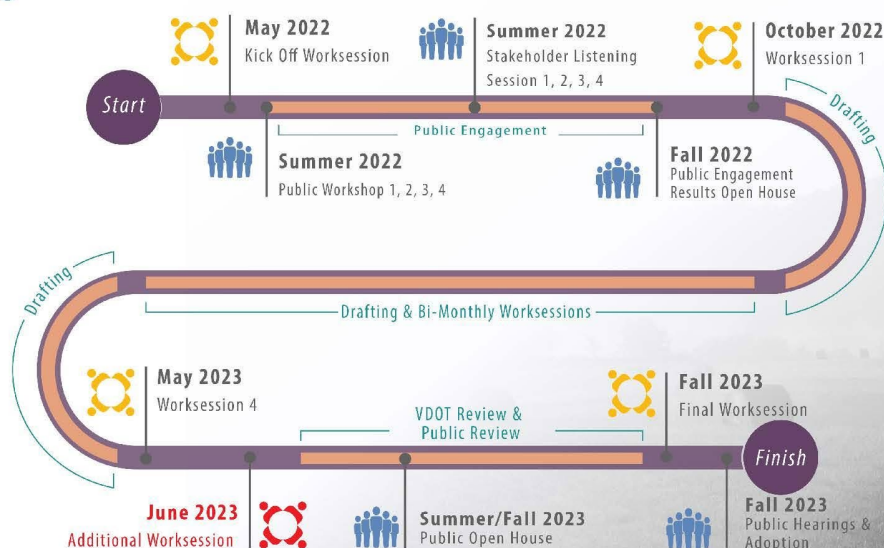
Skip Barton

Mr. Rutherford complemented the Berkley Group on a job well done at the recent open house and that he looked forward to continuing with the process as scheduled. Ms. Allen agreed with Mr. Rutherford.

Ms. Redfearn thanked them and noted that when emotions get high it is because people care. She added that they have taken care to document all comments received from the public and the purpose of this meeting was to review those comments and come to decisions.

*Ms. Redfearn presented the following information:*

## Project Schedule



Ms. Redfearn explained that they are nearing the finish line. She noted that this is the final joint work session and the only thing to follow would be incorporating final edits and then holding public hearings to consider adoption.

# Meetings & Events

## ☒ Review by VDOT August (90 Days)

- VDOT will review plan for Compliance with State Code & VDOT Requirements

## ☒ Public Open House (Aug 29)

- Open House to Present the Draft Plan to County Citizens & Stakeholders
- Receive Comments & Answer Questions on the Draft Plan

## ☐ Final Joint Worksession with BOS & PC (Sep 28)

- Review VDOT Comments
- Review Public Comments
- Make Final Edits to Plan

## ☐ Joint Public Hearing & Adoption (Date TBD)

- BOS & PC to Hear Public Comments
- PC to Consider Recommendation of Adoption
- BOS to Consider Adoption

Ms. Proulx noted that they should have separate public hearings for Planning Commission and Board of Supervisors. Ms. Redfearn confirmed that separate public hearings were the plan. Ms. Allen asked if there were any public hearings prior to the Planning Commission public hearing. Ms. Redfearn confirmed this was the last work session and the public hearings would occur with the Planning Commission and Board of Supervisors. She added that there have not been any formal public hearings yet. Mr. Reed asked about the timing of receiving the final draft and other deadlines. Ms. Redfearn confirmed that they would go over the timeline.



## Comment Review

Ms. Redfearn explained that they would be reviewing the complete list of comments received before, during, and after the August open house. She explained that there are four key areas of interest that they need consensus on.



## Memo

Subject: Summary of Public Review & Feedback

Date: September 21, 2023

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The following summarizes comments received on the draft Nelson 2042 Comprehensive Plan as of September 21, 2023. These comments will be discussed at the September 28, 2023 Joint Worksession with Nelson County's Planning Commission and Board of Supervisors. The purpose of the Joint Worksession is to reach consensus on policy or content changes based on community feedback.

### A. Summary of Comments

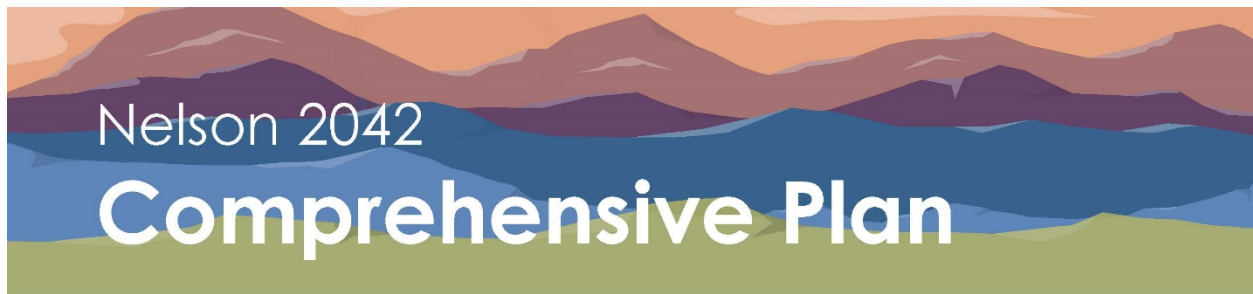
#### 1. Virginia Department of Transportation (VDOT) Comments

VDOT reviewed the draft Nelson 2042 Comprehensive Plan through their 729 review process and had no edits. See attached email.

#### 2. Public Comments

The Berkley Group received over 100 comments from the community regarding the draft *Nelson 2042 Comprehensive Plan*. These comments were submitted through the Nelson 2042 online comment form or other electronic submittal (both before and after the August 29<sup>th</sup> Open House), verbally, or through the print comment cards available at the Open House. All comments are included in the attached spreadsheet. Comments include typographical edits, data clarifications, changes to strategies or policy language, and requests for additional comment time and/or public engagement. The Berkley Group has prepared an initial response and action for each of the comments. The Joint Worksession on September 28<sup>th</sup> will focus on policy comments that require direction from the Planning Commission and Board of Supervisors. These comments are highlighted in yellow in the attached spreadsheet.

The following summarizes the most frequent areas of comment or concern for community members, and will be discussed at the Joint Worksession:



- **Route 151 Vehicle, Bike, and Pedestrian Safety. Comments #44-53.**  
Traffic safety along Route 151 continues to be an important issue for the community. Concerns have been raised over vehicle speeds, commercial traffic, and bicycle and pedestrian safety. The County should evaluate these topics within the Comprehensive Plan and determine how to best address these concerns.
- **Nellysford. Comments# 69-76.**  
*The Nellysford Land Use Area is a clear point of contention. The community submitted comments both supporting the land use text as written and requesting significant changes. Additionally, comments both for and against the study for a potential UDA were received. The County must weigh these comments and determine how best to reach consensus.*
- **Multi-family Dwellings & Land Use Types. Comments # 30-33.**  
Related to the comments received on Nellysford, is the issue of allowable housing types in the different land use designations. Of particular concern, is multi-family housing in certain land use designations. Nelson County should reevaluate guidance for housing land uses in the land use framework of the Comprehensive Plan.
- **Additional Engagement & Planning Process. Comments #8-10.**  
The County should decide if they wish to expand community engagement and/or community feedback.

### 3. Data Clarifications

Additional data clarifications are needed before the Plan can be finalized. These data clarifications are highlighted in blue in the attached spreadsheet. The Berkley Group will need assistance from the County to ensure the data is updated accurately.

Data updates include:

- Updating the median gross rent and home value numbers included in the Plan.
- Updating short-term rental numbers from the Wintergreen Property Owners Association (WPOA).
- Correcting water and sewer capacity and service data throughout the Plan.
- Correcting and updating lists of local trails and other recreational amenities.



## B. Additional Edits to Consider

In addition to edits based on direct community feedback, the County should consider the following edits to the Plan.

### 1. Urban Development Area (UDA)

The Comprehensive Plan should be updated to reflect the recent decision to withdraw the application to study the potential for UDA designation in the County. This should include removal of any reference to the grant/study and a review of references to UDA potential within the Land Use and Transportation Chapters of the Plan.

### 2. Implementation Matrix

Implementation is a key part of the Comprehensive Plan, and the County may wish to reevaluate the prioritization of strategies in the implementation matrix based on community feedback.

## C. Next Steps

### 1. Submit Final Edits (County)

The County will have until October 26, 2023 (tentative) to submit final edits to the Berkley Group. These should include the requested data clarifications (Items listed in A.3.), any agreed upon changes based on Items B.1 and B.2., as well as any other edits identified before October 26th.

### 2. Incorporate Edits (BG)

Based on the direction and decisions of the Planning Commission and Board of Supervisors, the Berkley Group will incorporate all edits and prepare a Final Draft of the Plan by December 7, 2023 (tentative).

### 3. Schedule Joint Public Hearing (County)

Early Winter 2024.

comments and thought the plan was well done.

9/21/20239



[illegible]

### Route 151 comments #44-53

Mr. Harman asked if there was potential to reduce the speed limit. Mr. Reed noted that there are possible ways to reduce the speed limit such as reducing it in the school zone at particular times. Ms. Proulx noted that the area is already 45 mph. Mr. Reed noted that it could still be reduced with signage and flashing lights to hold vehicles accountable. Ms. Redfearn confirmed that reducing speeds on Route 151 was referenced in the plan priority projects but that they could be more specific on the locations in which they want speeds reduced. Ms. McGarry mentioned that the Route 151 Corridor Study would

include recommendations for Route 151. Ms. Redfearn asked what the Route 151 Corridor Study timeline was. Ms. McGarry noted that they should be submitting it for approval by winter.

Mr. Barton noted that the people of Nelson County are pretty universal in wanting to limit the trucks coming through. He supported including it in the Comprehensive Plan although it was not likely to happen right away. Ms. Redfearn asked if they would like to include language similar to “Support reducing commercial traffic and speed limits as laid out in the Route 151 Corridor Study. Mr. Reed recommended not referencing the Route 151 Corridor Study specifically. He noted that they could craft an amendment when the plan is completed. Ms. Proulx noted that there had been four accidents recently on Route 151 where three were caused by local residents and one was non-local. She added that there were no trucks or alcohol involved in those accidents. Ms. Proulx indicated that they did not have enough data at that point. Mr. Reed noted there were tools but they did not know enough information. He added that leaving the language open would allow them to plan as needed.

Mr. Amante clarified that they could request speed reductions but it would be a state responsibility through VDOT. He questioned if engineering commercial traffic was a supply chain issue with truck routing. Mr. Reed noted that GIS does not communicate with GIS mapping tools. He added that a possible way to affect the traffic would be to make Route 151 not the quickest route. He noted that a roundabout at the intersection of Routes 6 and 151 was already funded and had the potential for discouraging heavy commercial traffic. Ms. Allen added that roundabouts are discouraging to truck traffic. Ms. McGarry noted that they should specify commercial tractor trailers. Ms. Redfearn indicated they would go through the plan to reflect these comments.

Ms. Redfearn noted the concern for bicycle and pedestrian traffic on Route 151. Mr. Reed noted that they do not want to close the door on it and that it should be included but it did not need specifics at that time.

#### **Nellysford comments #69-76**

Ms. Redfearn explained that some of the comments in this group had overlap with concerns about the Urban Development Area (UDA) and language regarding land use designation, specifically page 44 of the plan regarding Nellysford. Mr. Barton noted that he did not know of anyone promoting economic growth in Nellysford and thought the language was the problem. Ms. Proulx noted that she saw the concerns as mainly being with housing density. Mr. Reed noted the description on page 44 was fairly accurate, but the core concept instead of prioritizing redevelopment, would rather prioritize protection of the rural landscape and a moderate small village residential and commercial development. He explained that using a qualifier such as ‘moderate’ and including restoration, connectivity, efficient and effective provision of community services, and improving quality of life would take the intense development scenario off the table. He added that it would be allowed but not incentivized.

Ms. Redfearn noted there will be at least one month to submit additional comments after the work session.

Mr. Reed noted that primary land use types should lead with conservation and preservation including historical and environmental. He added that leading with that makes everything else a question of scale. He noted that when listing the different intensity levels of residential they could use “small scale”. He

added that doing this would speak to the intention of not having intense development. He explained that it might be contrary to an UDA designation but he considers the issue to be with scale. He noted that the number 1 priority for Nellysford is that it is not a designated growth area. Ms. Proulx indicated this area may fit into the unfortunately named UDA due to Wintergreen development that is out of the scope of the Comprehensive Plan. Mr. Reed noted he did not want to take an UDA off the table but they should have all tools available to them. Ms. Proulx noted the language could be changed if/when there is a designation, for example a “town” or “village.”

### **Multi-family Dwellings & Land Use Types comments #30-33**

Mr. Harman noted they should define what large scale and small scale mean. Mr. Rutherford noted that they should be defined in the Zoning Ordinance after Comprehensive Plan adoption. Mr. Rutherford noted that “multi-family” was a relative term and had changed over the years in different areas. Ms. Redfearn noted that duplexes, triplexes, and fourplexes were a primary land use type in rural villages. She noted that they could be a subdivided house as opposed to a row of townhouses. Mr. Rutherford questioned how they would define several roommates sharing a house. Mr. Reed noted that style of housing was very common in resort communities and patrons and employees commute due to high cost and lack of housing. Mr. Reed noted that having a connected location for employees to reside has been talked about at Wintergreen for a long time. Ms. Proulx noted that there had been some employee housing primarily for employees from foreign countries.

Mr. Reed noted that Nellysford is unique and looking at it separately from the rest of the county in how things are defined could be valuable. Ms. Redfearn clarified the discussion on scale and questioned if it should this apply to other Rural Villages as well. Mr. Rutherford noted that he had no issue including it with Rural Villages. Ms. Redfearn noted a strong sentiment in comments that Faber does not belong as a Rural Village and should be a Rural Destination. Mr. Rutherford noted that it would be consistent with the other areas categorized as Rural Villages. He noted that they were all train depots historically. Ms. Bishop noted that the intent was to support mixed uses in these areas. Mr. Rutherford noted they all have access to infrastructure such as water/sewer.

Ms. Redfearn referenced comment #32 regarding cluster subdivisions, adding that this is an issue of education and defining what they mean by a cluster subdivision. Mr. Rutherford and Ms. Redfearn noted that this would be more specifically defined in the Zoning Ordinance. Ms. Bishop added that the Planning Commission had a work session to go over the current cluster ordinance and determined that a lot of the information needed would come out of the Comprehensive Plan update. Ms. Proulx noted that conservation subdivision could be a term used for cluster housing. Ms. Redfearn noted that they could look at alternate terms.

### **Additional Engagement & Planning Process comments #8-10**

Mr. Harman noted that the bulk of the comments came from Nellysford and Afton and did not have much input from other areas. Ms. Redfearn noted that those numbers are true for the survey but they had a lot of people participate in workshops that were from other areas. Mr. Rutherford noted that they made an effort to get residents out to the workshops. Ms. Proulx noted that some of these comments were made likely because they were not aware earlier. She added that the county can only do so much

and it is their responsibility to pay attention to local government activities. Mr. Barton noted that the south district knew there was a plan going on and took interest. He added that their constituents noted they were confident in the process and felt that all Board of Supervisors members could say the same. He added that it was the Board's responsibility to represent their interests. Mr. Reed noted they had done an exemplary job of soliciting public comment and adding an additional public meeting. He added his only concern was that there be ample time for public review of the final draft before the public hearings begin. Ms. Allen asked if there were ways to reach the public better. Ms. Redfearn suggested having public review copies at churches. She confirmed the website remained open indefinitely. Mr. Reed noted that there should be an executive summary so that everyone would not have to read the entire plan. Ms. Allen recommended running an extra ad before the public hearings. Mr. Musso noted that for a small community they have had great turn out so far. Mr. Rutherford noted that they have added work sessions and have been working on this for well over a year.

Comment #1 regarding Spanish translation. Mr. Amante noted he did not think this was necessary. Mr. Barton noted that they could include this in the Comprehensive plan recognizing agricultural workers in the community. Mr. Parr noted that more Spanish accessibility is worth considering, for example the county website for tax payments and other county services, especially internet based. Ms. Allen noted that schools send out mailings in English and Spanish. Ms. Proulx noted that it could be incorporated in the plan where services and equity are addressed.

Comment #2. Mr. Rutherford noted that Mr. Parr researching the idea of county social media could be a positive resource to get word out to the community. Mr. Rutherford and Mr. Parr added that it could be used to diffuse misinformation and cover a lot of ground quickly when getting information out. The consensus was not to include quarterly public forums. Mr. Parr noted that he was available through email and phone as well as at their monthly meeting. Mr. Rutherford added that a public forum should be at the discretion of the supervisor.

Comment #5. Mr. Reed noted the term "agritourism" is problematic because it was unclear and included much of the food and beverage industry. Mr. Musso noted that the General Assembly had just passed more stringent guidance for farm wineries. Mr. Reed noted they want to support agriculture at all scales, not specifically agritourism. Mr. Rutherford noted that many farms might not survive without agritourism. Ms. Proulx noted that farm wineries are keeping the land in agricultural use. Mr. Rutherford noted that there should be additional definitions for clarity. Ms. Redfearn noted that they could read through the economy chapter to incorporate agriculture of all scales. Mr. Reed asked if they could have a redline version of the plan after the session. Ms. Redfearn confirmed that they would.

Comment #14. Ms. Redfearn questioned if they should have a local housing plan rather than a regional one. Mr. Rutherford noted that housing was a regional issue. He was not against having a local plan but noted that they could not have a local plan without a regional plan. He added that the regional plan is updated actively but that there are housing issues specific to Nelson County. The consensus was to pursue a Nelson County Affordable Housing Study.

Comments #18-19. Mr. Rutherford noted that most of these uses are by Special Use Permit. He noted that the industrial park in Colleen still did not have much in it and was not comparable to industrial parks in nearby localities. Consensus was to not make any changes.

Comments #20-21. Mr. Rutherford noted that Mr. Reed had already recommended prioritizing preservation. Mr. Reed noted that many things in the Comprehensive Plan need to remain broad. Consensus was to not make any changes.

Comments #34-36. Consensus was to not make any changes regarding comment #34. Mr. Rutherford noted that they did not have mechanisms to regulate clear cutting. Consensus was to not make any changes regarding comment #35. Ms. Allen noted that it would not be practical to include a resource list in the plan because they require updating. She noted that this should be on the county website. Ms. Redfearn noted that it could be done by including a strategy in the plan to provide these resources.

Comments #60-61. Ms. Redfearn noted that comment #60 should be addressed in a recreation plan. Consensus was to not make any changes regarding comment #60. Mr. Rutherford noted that it has been interesting to see electric vehicle fleets in certain industries. He added that there are now residential building code requirements to include EV charging. Ms. Allen questioned how many people travel through the county and would stop to charge their vehicle. Ms. Redfearn questioned if they need to be specific about solar powered stations. The consensus was to leave the strategy broad.

Comment #82. Ms. Redfearn noted that they would be including an Executive Summary.

Ms. Redfearn questioned how they should change the language in the plan regarding the UDA. Ms. Bishop noted that the plan is to remove language about GAP due to withdrawal of the UDA application. She added that the plan would be updated at least every five years. Ms. Redfearn noted that they would accept any edits regarding prioritization in Implementation Matrix prior to the final draft.

## Next Steps

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Public Hearings and Adoption – November

Ms. Redfearn noted that they would like final edits by October 26th but that this date can be extended. She added that they could have the final draft available for posting by December 7th and then schedule

public hearings early-mid Winter of 2024. She noted that there would be separate hearings at Planning Commission and Board of Supervisors. Mr. Rutherford noted that these should not be during regular meeting times. Ms. Bishop noted that the meetings should be held at the high school. It was noted that the Planning Commission public hearing could be January at earliest with the Board of Supervisors in February or March.

Mr. Musso asked if October 26th was a good date to turn off public comments. Consensus was to do so and have all comments due by then. Ms. Redfearn added that after that all comments would go through the public hearing process.

**Mr. Reed made a motion to adjourn the Planning Commission at 8:02 PM. Ms. Proulx seconded the motion.**

**Yes:**

Mary Kathryn Allen

Phil Proulx

Ernie Reed

Mark Harman

Chuck Amante

**Mr. Parr made a motion to adjourn the meeting at 8:02 PM. Mr. Barton seconded the motion.**

**Yes:**

Jesse Rutherford

David Parr

Ernie Reed

Skip Barton

**The meeting adjourned at 8:02 PM**

Respectfully submitted,

A handwritten signature in black ink, reading "Emily Hjultrom". The signature is written in a cursive style with a long horizontal flourish at the end.

Emily Hjultrom

Planner/Secretary, Planning & Zoning