

BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District



CANDICE W. MCGARRY  
County Administrator

AMANDA B. SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**AGENDA  
NELSON COUNTY BOARD OF SUPERVISORS  
JUNE 11, 2024**

**THE REGULAR MEETING CONVENES AT 2:00 P.M. IN THE  
GENERAL DISTRICT COURTROOM AT THE COURTHOUSE IN LOVINGSTON**

**I. CALL TO ORDER**

- A. Moment of Silence
- B. Pledge of Allegiance

**II. PUBLIC COMMENTS**

**III. CONSENT AGENDA**

- A. Resolution – **R2024-40** Minutes for Approval
- B. Resolution – **R2024-41** Budget Amendment
- C. Resolution – **R2024-42** Petition for Writ of Special Election, Treasurer Seat

**IV. PRESENTATIONS**

- A. VDOT Report
- B. Smart Scale Applications (**R2024-43**)

**V. NEW & UNFINISHED BUSINESS (AS MAY BE PRESENTED)**

- A. 2042 Comprehensive Plan Follow-up
  - 1. Summary of Land Use Policy Diagnostic Report
  - 2. Proposed Work Order Amendment for Zoning and Subdivision Ordinance Updates
- B. FY25 Budget Adoption (**R2024-44**)
- C. FY25 Budget Appropriation (**R2024-45**)

**VI. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

- A. Reports
  - 1. County Administrator's Report
  - 2. Board Reports
- B. Appointments
- C. Correspondence
- D. Directives

**VII. ADJOURNMENT (AN EVENING SESSION WILL NOT BE CONDUCTED)**



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**RESOLUTION R2024-40**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**APPROVAL OF MINUTES**  
**(March 12, 2024, March 15, 2024 and March 20, 2024)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **March 12, 2024, March 15, 2024 and March 20, 2024** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

Approved: June 11, 2024

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors

March 12, 2024

**Virginia:**

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

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

**I. CALL TO ORDER**

Mr. Parr called the meeting to order at 2:01 p.m. with five (5) Supervisors present to establish a quorum.

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

Addition: Introduction of new hire

Jerry West introduced Nelson County Parks and Recreation's new Recreation Specialist, Jacob Floyd. Mr. West reported that Mr. Floyd started with the department on March 8<sup>th</sup>. He noted that Mr. Floyd was a Nelson native who participated in the County's programs as a youth. He noted that Mr. Floyd was excited to oversee the County's recreation programs in a professional role. Mr. West reported that Mr. Floyd would be graduating in May from Liberty University where he was currently finishing up his last class online for a degree in Sports and Recreation Management. Mr. West noted that Mr. Floyd was also helping coach Varsity Baseball at Nelson County High School this spring. Mr. West indicated that it was an intense interview process. He noted that they were excited to have Mr. Floyd on board and he commented that he would do great work for the County.

**II. PUBLIC COMMENTS**

*Hank Gibb - Nellysford, VA*

Mr. Gibb stated that he was an Aqua customer, representing the Aqua customers in Nellysford. He noted that the Aqua customers appreciated the Board's interest in their efforts to take issue with Aqua's request for rather onerous rate increases. He noted his appreciation to Mr. Reed for his efforts to get the issue before the Board. Mr. Gibb explained that they were a small part of Aqua in Virginia with 450 customers. He stated that Aqua was requesting a statewide revenue increase of 34 percent for water and 21 percent for sewer, which he noted was about a \$6.97million. He reported that the Aqua rates at Wintegreen would increase 52 percent and 25 percent respectively. He noted that they felt the increase was not justified or supported. Mr. Gibb reported that they were mounting a comments campaign, and had submitted 150 comments out of the 450 customers represented. He noted that they wanted to add a letter of comment from Nelson County, a comment similar those submitted by Middlesex and Powhatan. Mr. Gibb restated that the Aqua customers were simply asking Nelson County's support for the concern about fair treatment for a portion of its residents. He noted that the County's support of their efforts was much appreciated.

*William Percy - Lovington, VA*

Mr. Percy requested that the Board of Supervisors reconsider the program to use speed control in the school zones via video cameras. He reported that another company interested in addressing the subject to the Board. He noted it would be an opportunity for the Board to look at a competitive scenario with similar offerings, which included school bus stop arm enforcement. He suggested that they consider it as a safety program to reduce the speed in the school zones during those times of day. Mr. Percy noted there had been debate as to whether the County would be responsible for those violators that do not pay the fee. He commented that there may have been some confusion that led to the denial of the previous program. He noted that this would afford them the opportunity to look at a competitive bid. Mr. Percy also asked the Board to consider a proposal to VDOT for a Smart Scale evaluation to consider the intersection at Route 29 and Callohill for an overpass. He noted that the Callohill business park would add quite a bit of traffic to that intersection.

*Steve Bayne - Nellysford, VA*

Mr. Bayne stated that he had a summary request regarding the fiscal budget and process. He asked that the County live within its means with respect to expenditures and debt. He asked that the County partner with Nelson County schools, and not just write a blank check. He asked that the County ensure that it has fiscally responsible reserves for operating and cap ex requirements. Mr. Bayne also asked that the County overall ensure that Nelson County is efficient for its residents and the Board's constituents.

### **III. CONSENT AGENDA**

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

#### **A. Resolution – R2024-13 Minutes for Approval**

**RESOLUTION R2024-13  
NELSON COUNTY BOARD OF SUPERVISORS  
APPROVAL OF MINUTES  
(October 10, 2023, November 16, 2023, December 4, 2023 and December 12, 2023)**

**RESOLVED**, by the Nelson County Board of Supervisors that the minutes of said Board meetings conducted on **October 10, 2023, November 16, 2023, December 4, 2023 and December 12, 2023** be and hereby are approved and authorized for entry into the official record of the Board of Supervisors meetings.

#### **B. Resolution – R2024-14 Budget Amendment**

**RESOLUTION R2024-14  
NELSON COUNTY BOARD OF SUPERVISORS  
AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET  
March 12, 2024**

#### **I. Appropriation of Funds (General Fund)**

March 12, 2024

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account(+)</u>
\$ 15,000.00	3-100-003303-0055	4-100-032010-5508
\$ 66,524.00	3-100-002404-0015	4-100-032020-5648
\$ 18,321.68	3-100-002404-0002	4-100-032020-5650
\$ 2,763.80	3-100-002404-0001	4-100-031020-5419
\$ 4,613.63	3-100-002404-0009	4-100-022010-1006
\$ 10,765.12	3-100-003303-0036	4-100-022010-1006
\$ 30,000.00	3-100-001899-0030	4-100-081020-7056
<hr/>		
<b>\$ 147,988.23</b>		

**II. Transfer of Funds (General Fund Non-Recurring Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 10,000.00	4-100-999000-9905	4-100-091030-5617
\$ 11,000.00	4-100-999000-9905	4-100-091030-5617
\$ 20,531.91	4-100-999000-9905	4-100-091050-7014
\$ 23,022.68	4-100-999000-9905	4-100-091050-7085
<hr/>		
<b>\$ 64,554.59</b>		

C. Resolution – **R2024-15** FY25 Creative Communities Partnership Grant

**RESOLUTION R2024-15  
NELSON COUNTY BOARD OF SUPERVISORS  
VIRGINIA COMMISSION OF THE ARTS  
FY24-25 CREATIVE COMMUNITIES PARTNERSHIP GRANT**

**BE IT RESOLVED**, by the Nelson County Board of Supervisors that said Board endorses the County's submission of an application to the Virginia Commission of the Arts for 2024-2025 Creative Communities Partnership Grant funding (formerly Local Government Challenge Grant).

**BE IT FURTHER RESOLVED**, said application includes a local match of \$4,500.00 to be confirmed upon formal adoption of Nelson County's Fiscal Year 2024-2025 Budget by the Board of Supervisors.

D. Resolution – **R2024-16** Opposition to Aqua Virginia Rate Increase

**RESOLUTION R2024-16  
NELSON COUNTY BOARD OF SUPERVISORS  
OBJECTION TO AQUA VIRGINIA, INC. RATE INCREASE**

**WHEREAS**, Aqua Virginia Inc. ("Aqua"), a state-wide, investor-owned water and sewer utility company, owns and operates a water and wastewater system in the Nellysford area of Nelson County; and

**WHEREAS**, Aqua is a utility company whose rates are regulated by the Virginia State Corporation Commission ("Commission") and has filed a rate case in the Commission, Application of Aqua Virginia,

March 12, 2024

Inc. for an Increase in Rates, Case No. PUR-2023-00073, seeking an increase in water and sewer rates; and

**WHEREAS**, Aqua is seeking an increase in its water revenues of \$5,214,892 and an increase in wastewater revenues of \$1,696,121, for a combined increase of \$6,911,013; and

**WHEREAS**, the requested increases constitute an approximate 33.88 percent increase in water revenues and a 21.08 percent increase in wastewater revenues, for a combined increase of 29.49 percent with potentially much greater impacts on certain individual customers in Nelson County; and

**WHEREAS**, this increase in rates would have deleterious effects on the County and its citizens and appears unjustified based on the filings made in the aforementioned case.

**NOW THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors calls upon the staff of the Commission and the Office of the Attorney General Office of Consumer Counsel to investigate the application carefully and thoroughly analyze the basis therefor, if any.

**BE IT FURTHER RESOLVED**, that the Nelson County Board of Supervisors authorizes and directs the County Administrator to file this resolution with the Virginia State Corporation Commission as Nelson County's objection to Aqua Virginia's proposed rate increase.

E. Resolution – **R2024-17** Virginia Main Street Annual Compliance

**RESOLUTION R2024-17**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION IN SUPPORT OF CONTINUED PARTICIPATION IN THE**  
**VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S**  
**EXPLORING MAIN STREET PROGRAM**

**WHEREAS**, the Virginia Department of Housing and Community Development (DHCD) has established the Virginia Main Street Program, which provides technical assistance, consulting services, training and grant funding to communities of all sizes with different levels of experience in, and commitment to, commercial district revitalization; and

**WHEREAS**, interested cities, towns and counties that are exploring the Virginia Main Street program designation may participate as an affiliate through the Exploring Main Street tier, wherein Lovingson is currently best suited and currently participates as an affiliate member; and

**WHEREAS**, participation in the Virginia Department of Housing and Community Development's Exploring Main Street Program continues to be of benefit to Nelson County and the Lovingson community; and

**WHEREAS**, Lovingson understands that participation as an affiliate community does not guarantee selection as a Virginia Main Street Community, and the County will be able to receive affiliate community services from the Exploring Main Street Program as long as the requirements stated in the Program Guidelines are met; and

**WHEREAS**, as a matter of program compliance, the Exploring Main Street Program guidelines require a resolution of support from the Governing Body be maintained on file with DHCD;

**NOW THEREFORE, BE IT RESOLVED**, that the Nelson County Board of Supervisors hereby supports

Lovington's continued participation in the Exploring Main Street Program, and

**BE IT FURTHER RESOLVED**, the Nelson County Board of Supervisors hereby assigns the Director of Tourism and Economic Development to serve as the County's liaison to the Virginia Main Street Program.

#### **IV. PROCLAMATION – AMERICAN RED CROSS MONTH (P2024-01)**

Mr. Rutherford read aloud **Proclamation P2024-01** made a motion to approve it as presented. Mr. Harvey seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the following proclamation was adopted:

**PROCLAMATION P2024-01  
NELSON COUNTY BOARD OF SUPERVISORS  
MARCH IS AMERICAN RED CROSS MONTH**

**WHEREAS**, During American Red Cross Month in March, we recognize the compassion of people in Nelson County and reaffirm our commitment to care for one another in times of crisis; and

**WHEREAS**, this generous spirit is woven into the fabric of our community and advances the humanitarian legacy of American Red Cross founder Clara Barton — one of the most honored women in our country's history — who nobly dedicated herself to alleviating suffering; and

**WHEREAS**, today, kindhearted individuals in our community exemplify Barton's commitment as they step up through your American Red Cross, Central Virginia Chapter to provide a beacon of hope for our neighbors in need; and

**WHEREAS**, through their voluntary and selfless contributions, they make a lifesaving difference in people's darkest hours — More than 250 Red Cross volunteers provided 134 Central Virginia families with shelter, food, and comfort after a home fire; helped collect and process more than 18,000 blood donations for hospital patients; supported hundreds of military families, veterans and caregivers through the unique challenges of service; and helped save lives through providing nearly 14,000 residents with first aid, CPR and other skills training; and

**WHEREAS**, the Nelson County Board of Supervisors hereby recognizes this month of March in honor of all those who lead with their hearts to serve people in need, and we ask everyone to join in this commitment to strengthen our community.

**NOW, THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors do hereby proclaim March 2024 as Red Cross Month. We encourage all citizens of Nelson County, Virginia to reach out and support its humanitarian mission.

#### **V. PRESENTATIONS**

##### **A. VDOT Report**

Robert Brown of VDOT reported the following:

Mr. Brown reported that the data has been collected for the traffic study on 151. He noted that the data was still in raw form, and the traffic engineers were in the process of reviewing the counts as well as the previously conducted speed studies. He indicated that they hoped to have final conclusions in April.

Mr. Brown reported that he had not yet received any recommendations back for extending the 45 mph speed limit on Route 29 south of Lovington. He noted that VDOT was working on their pedestrian study on Route 29 in Lovington at the Main Street intersection. He commented that they had collected some good data and there appeared to be a lot more pedestrians crossing there than they originally thought. He noted they were working on recommendations for that.

Mr. Brown reported on Route 674 (Jenny's Creek Road), noting that the culvert was ordered and had to be fabricated. He indicated that they were expecting to have the culvert delivered at the beginning of April, and it would take a few weeks to install it and have the road reopened.

Mr. Brown reported that the truck restriction signs for the Tye River Road underpass had been ordered but had not been received yet. He hoped the signs would be in soon so that the project could be completed.

Mr. Brown noted that brush cutting operations were taking place along Route 151 toward Route 250. He reported that they were working on improving sight distances at entrances. He noted it was slow going, but they were making good progress and it was going to look a lot better.

Mr. Brown reported that they needed to set a date for the public hearing on the Secondary Road Six Year Plan for FY25-30. He noted that the public hearing was typically done in May, which would put them at May 14<sup>th</sup>. Ms. McGarry indicated that the Board could authorize the public hearing for May 14<sup>th</sup> at their April meeting.

Mr. Rutherford:

Mr. Rutherford noted that he and Mr. Brown needed to pick a date to meet at Laurel and Peavine. He also asked about Front Street, noting that Mr. Brown had indicated that there was nothing that could be done to mediate speeders coming through, with the exception of the Sheriff's Office setting up there. He asked if a four-way stop was possible. Mr. Brown noted that the engineers found that a four-way stop was not necessary at the Front and Main Street intersection. Mr. Parr noted it would be better if no one parked in front of the antique store in the no parking area. Mr. Rutherford asked if that would be enforced by the Sheriff's Office. Mr. Brown confirmed that it would. Mr. Rutherford asked if the Callohill intersection would be studied for Smart Scale. Mr. Brown noted he was not sure. Mr. Rutherford asked to get some correspondence regarding Callohill.

Dr. Ligon:

Dr. Ligon had no VDOT issues to report.

Mr. Reed:

Mr. Reed thanked Mr. Brown for the report. He reported that he had a request from the residents along Old Ridge Road (Route 700) by Wood Ridge Brewery. He noted that a few years ago, they had discussed the possibility of getting the road paved, but he could not remember the process for having the road considered. He asked for the process to have road considered to be paved. He asked if there was a possibility to make that happen. Mr. Brown noted that Old Ridge Road had been looked at before, but he did not think there was a designated/platted right of way in there. He explained that the only avenue for Old Ridge to become a state maintained road, would be through VDOT's Revenue Sharing program. He noted that in the current year, they were doing Smart Scale, and next year would be the Revenue Sharing program. He indicated that the County could apply for Revenue Sharing on behalf of the Homeowners Association (HOA). He noted that it did not have to be the entire road, it could be any portion. Mr. Reed suggested up to Laurel Lane would be good, most of the residences were beyond that. Mr. Brown noted that he would look into



it. He recalled that closer to Laurel Lane there were likely some utility conflicts, but nothing they could not overcome. Mr. Reed asked Mr. Brown to see if Revenue Sharing would be an option. Mr. Brown asked someone could check to see if there was an established platted right of way on Old Ridge Road, he noted that would be a good place to start. Ms. McGarry noted that could be done. She also noted that the minutes could be pulled from when this was previously discussed.

Mr. Parr:

Mr. Parr noted the May Six Year Plan and asked if Mr. Brown wanted any notes on roads that the Board would like to add for consideration. Mr. Brown explained that they would do the Six Year Plan, but they also had a secondary list called the Rural Rustic Unpaved Road List. He noted that when the Board received requests, they sent them to VDOT and the roads were placed on the Rural Rustic Unpaved Road List. He noted that the list is where the projects are pulled from to go into the Six Year Plan. Mr. Brown explained that when they received new requests, they were prioritized by the Board. Mr. Brown asked the Board to send any requests to him or to Ms. McGarry. He noted that he would send the Board a list well before the public hearing. Mr. Parr asked if Mr. Brown could take a look at Bradley Lane and Spy Run Gap the next time he was in that area. He noted that there was more traffic coming through and a lot more wear and tear on the roads. Ms. McGarry noted that staff would like to get the list from Mr. Brown and include it in the April Board packet for the Board to review it and discuss it in April. She explained that when they authorized the public hearing in April, they would be authorizing that list to be published.

Dr. Ligon noted that Mr. Barton had requested VDOT to look at Findlay Gap Drive in reference to the Sturt property. She asked if she could get the information from that evaluation and how much it would cost. Mr. Brown noted a complete estimate had not been completed yet. He noted that they had looked at the road and done some assessments but they had not inventoried the assets to see what would have to be replaced. He indicated that the biggest thing would be determining what to do at the stream fords. He noted that they could look into that again.

**B. VDOT Smart Scale Pre-Applications – Carson Eckhardt**

Mr. Carson Eckhardt of VDOT provided a report on the 151 study and Smart Scale. He reported on the Route 151 update, noting that the second public hearing was held on November 1<sup>st</sup>. He noted that it was generally well received and the feedback from the public indicated that they were supportive of the alternatives that VDOT pushed forward for the study. Mr. Eckhardt also noted that the feedback would help form the basis of what would be submitted for the upcoming round of Smart Scale. He reported that the public survey period ran from December to January with 829 participants and over 1,000 comments on the survey, with over 7,000 responses to the questions. He noted that following the next steps from the public survey, they would be refining the alternatives, which would then be pushed into the current round of Smart Scale. He indicated that they would work to detail the estimates and sketches, and the final study would follow shortly after.

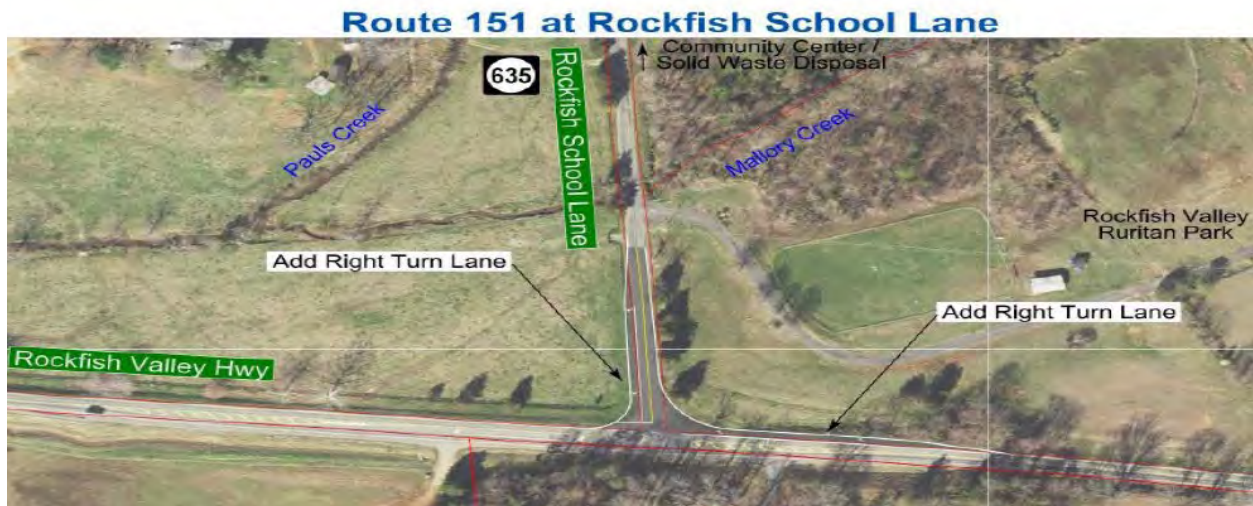
Mr. Eckhardt reported that the first intersection being submitted to Smart Scale was Route 151 and Tanbark. He noted that it had a proposed roundabout alternative, which was well received from the public. He indicated that it had VTrans support, noting that it was a safety intersection and there was transit access. He noted that it was 115 for PSI (potential for safety improvement) ranking. He explained that if the intersection had a PSI ranking, it meant that VDOT and OIPI determined that there was a need for an improvement. Mr. Eckhardt showed a preliminary concept sketch of what the roundabout would look like at Route 151 and Tanbark. Mr. Eckhardt explained that the concept sketch would be further refined during the Smart Scale period.



Mr. Eckhardt then reported on the next intersection being submitted to Smart Scale, which was Route 151 and Mill Lane. He noted that intersection did have VTrans support but it did not have PSI points. He reported on the problems at the intersection which included access management and sight distance concerns. He noted that the proposed solutions would be to add a dedicated northbound left turn lane and to modify access to the gas station on 151. He also noted that the costs would be updated with the final application, along with the project sketch.



Mr. Eckhardt then reviewed the intersection at Route 151 and Rockfish School Lane, which he noted did not have VTrans support, but he noted that they could push it into Smart Scale due to the fact that it was part of the 151 Corridor study. He indicated that OIPI may try to fight the intersection application, but he noted that his feeling was to go ahead and put it in Smart Scale if it was a problem intersection. He noted that they would see if it scored well. He reported that it had the need from the Corridor study. He showed the proposed improvements at Route 151 and Rockfish School Lane.



Mr. Eckhardt reported that Round 6 of Smart Scale would be a little different than previous rounds. He explained that Round 6 had a heavy emphasis on internal review and validation from VDOT and DRPT. He noted that for any projects put into the Smart Scale system for Round 6, the data had to be up to date for the internal review process, in order for VDOT to check off on the project submission. Mr. Eckhardt reviewed the upcoming schedule for Smart Scale. He reported that on March 1, 2024, the pre-app period would open, and then on April 1, 2024, the pre-app period would close. He noted that all supporting



documentation was due for all applications on July 15, 2024. He then reported that on August 1, 2024, Round 6 full applications would be due.

Mr. Reed asked about the schedule, noting that the pre-apps closed in a few weeks. He asked how important it was that the County got something in during the pre-app period. Mr. Eckhardt explained that the projects had to be put in during the pre-app stage. He noted that the TJPDC would be submitting the project applications on the County's behalf. Mr. Eckhardt explained that the Tanbark application was already in the portal. He noted that VDOT would be meeting with the Nelson County planners and the TJPDC the following week to discuss the other two submissions.

Mr. Harvey asked what they hoped to accomplish. Mr. Eckhardt explained that they hoped to reduce crashes, noting there were a lot of rear end collisions on 151 due to vehicles having to stop and turn onto Mill Lane. He noted the hope was to reduce crashes and the roundabout would also reduce speed on the 151 corridor. Mr. Harvey asked Mr. Eckhardt where he was getting his information on accidents. Mr. Eckhardt noted the information was from the consultants doing the study. Mr. Harvey asked if the consultants had been out to Nelson. Mr. Eckhardt indicated that the consultants had been present for the public input meeting. Mr. Harvey commented that he did not think that the information was valid. Mr. Harvey then commented that they were just rushing it through.

Ms. McGarry made note that there would be some budget work sessions scheduled to take place prior to the date that pre-applications were due in the portal. She indicated that if needed, they could discuss the pre-applications more during the work sessions.

#### C. Parks and Recreation Upcoming Projects – Jerry West

Mr. West reported the following:

- We have kicked off 2 new campaigns enhance both the Piney River Trailhead of the Virginia Blue Ridge Railway Trail as well as the Blue Ridge Tunnel.
  - Cover The Caboose
    - Nelson County Parks and Recreation has teamed up with the Fleetwood Harmony Masonic Lodge No. 92 to raise funds to construct a cover over the Piney River Caboose.
    - The Caboose sits at the Piney River Trailhead of the Virginia Blue Ridge Railway Trail. It had been used in the area for many years before being decommissioned in 1960 to make way for newer steel, bay window cabooses. In the 2010's Nelson native, the late Ted Hughes sought after the caboose where it had been sitting in Rapidan, VA to return it to its glory and be placed alongside the now Virginia Blue Ridge Railway Trail adjacent to the Piney River Depot. Mr. Hughes along with many friends completed the restoration of the caboose in its current location during 2019.
    - It is the goal of Nelson County Parks and Recreation to minimize weathered wear to the caboose by constructing a structure over the caboose which will help preserve it and extend the pristine lifespan made possible by Mr. Hughes and crew.
    - Donations can be made to the Fleetwood Harmony Masonic Lodge in the form of cash, check or online by card. Please indicate "Cover The Caboose" on all donations.

- Mail donations to: Fleetwood Harmony Masonic Lodge No. 92, PO Box 172, Lovington, VA 22949 or drop off to the Nelson County Parks and Recreation Department office located in The Nelson Center.
  - Donation Tiers (including benefits at each level)
    - \$100: Brakeman – Limited Edition PRVA Sticker available only to CTC Sponsors
    - \$250: Conductor – Limited Edition PRVA Sticker available only to CTC Sponsors and Name on Plaque
    - \$500: Iron Horse – Limited Edition PRVA Sticker available only to CTC Sponsors, Name on Plaque, Engraved Glass. 2 Tickets to Completion Reception
    - \$1000: Club 1914 – Limited Edition PRVA Sticker available only to CTC Sponsors, Name on Plaque, Engraved Glass, 4 Tickets to Completion Reception
  - Each ticket to the reception will also receive a complementary engraved glass.
  - “Club 1914” Corporate sponsors will have the opportunity to have their logo on a banner displayed at reception and will remain at the trail for 12 months following the reception.
  - All donors of \$100 or more will be included on a plaque to be displayed on site.
- Blue Ridge Tunnel: Western Portal Stone
- The Crozet Tunnel Foundation has kicked off a fundraising campaign to return and display the Western Portal Stone to the Western Trail of the Blue Ridge Tunnel Trail.
    - This two-piece portal stone, or plaque, once filled the now-empty space you see at the highest point of the western portal entry arch. It features the names of public figures important to the tunnel’s planning and completion in the 1850’s. The western portal stone was placed in the early 1900’s, well after the tunnel was first built in the 1850’s. However, historic photos tell us that the plaque likely broke into several pieces almost immediately after installation.
    - The stone was removed from the tunnel around 1970 and moved to VMI where it was planned to be permanently displayed in a ceremony during their Founders Day program that year. However, plans fell through when Albert Sincolf, C&O Railroad public affairs manager fell ill and the ceremony was cancelled. The stones have been sitting on a pallet at VMI ever since.
    - The VMI Museum has agreed to gift the portal stones back to the Blue Ridge Tunnel Foundation and Nelson County to be on permanent display outside of the Western Portal.
    - While all monetary donations are welcome, donors of \$1000 and above will receive a custom engraved brick that will be incorporated into the interpretive display of the portal stones. Financial supporters who contribute above \$2500 will receive a brick and 2 VIP passes to a private unveiling ceremony followed by a reception at a local vineyard.

Mr. West asked all to support each of the campaigns. He noted that the Parks and Recreation page on the County’s website had additional information on each of the fundraising campaigns.

#### D. FY25 Budget Introduction and Proposed Schedule

Ms. McGarry noted that she agreed with Mr. Bayne's comments under the Public Comment section. She noted that those were the principles by which they worked within to develop and approve a budget for Nelson County. She thanked all of the County's departments and Constitutional offices for their budget submissions, which included their hopes and wishes for the next fiscal year, while keeping in mind the greater picture and the County's overall responsibilities. Ms. McGarry also thanked the County's Finance Department and County Admin staff for their hard work in getting the budget ready. She noted that it was a snapshot in time and a starting point. She commented that she looked forward to working with the Board through the budget process.

Ms. McGarry reported the following information on the FY25 Revenues:

**FY25 Revenues – Introduced Budget 3/12/24**

- Revenues = Expenditures at **\$49,487,653**
- No changes in tax rates or fees have been incorporated:
  - o Real Estate/Mobile Home Tax Rate - \$.65/\$100 value  
100% Value of Penny in RE Tax = **\$321,707**
  - o Personal Property Tax Rate - \$2.79/\$100 value
  - o Machinery & Tools Tax Rate - \$1.25/\$100 value
  - o Transient Occupancy Tax – 7% as of July 1, 2024
- High School renovation and DSS building project Bond Anticipation Note proceeds and expenditures have not yet been incorporated into the budget.

**FY25 Revenues by Category Compared to FY24 Amended Budget through February 2024 and FY24 Budget Projections:**

	<u>FY24 Amended Budget</u>	<u>FY24 Projected Budget</u>	<u>FY25 Estimated Budget</u>	<u>\$ Change FY24 Amended Budget</u>	<u>% Change</u>	<u>\$ Change FY24 Projected Budget</u>	<u>% Change</u>
<b>Local</b>	\$ 38,070,221	\$ 39,246,797	\$ 39,668,527	\$ 1,598,306	4.20%	\$ 421,730	1.07%
<b>State</b>	\$ 5,273,382	\$ 5,293,188	\$ 4,895,240	\$ (378,142)	-7.17%	\$ (397,948)	-7.52%
<b>Federal</b>	\$ 1,731,120	\$ 1,742,236	\$ 1,346,459	\$ (384,661)	-22.22%	\$ (395,777)	-22.72%
<b>Other</b>	\$ 6,690,916	\$ 6,982,439	\$ 3,577,427	\$ (3,113,489)	-46.53%	\$ (3,405,012)	-48.77%
<b>Total</b>	<b>\$ 51,765,639</b>	<b>\$ 53,264,660</b>	<b>\$ 49,487,653</b>	<b>\$ (2,277,986)</b>	<b>-4.40%</b>	<b>\$ (3,777,007)</b>	<b>-7.09%</b>

**FY25 Local Revenue Factors (Compared to FY24 Amended Budget):**

- A slight increase of 1.39% in Real Estate Taxes is expected due to natural growth = \$285,390. **The FY25 value of the penny in Real Estate Tax at 100% collection is \$321,707**

- A decrease of -22.7% in Public Service Tax is expected due to a decrease in the assessed values of Public Service Corporations including rolling stock between tax year 2022 and 2023 = (\$295,291)
- A decrease of -1.2% in Personal Property Taxes is utilized due to a decline in overall vehicle values from tax year 2023 to 2024 (PP Book as of March 7th as compared to April 17th) = (\$71,902); \$100,000 in tax revenue was added in anticipation of some increase between now and April. 2025 tax year Personal Property Taxes are estimated including an increase of 1%.
- Local Sales and Use taxes are included at no change and have not yet been provided by the State; this should be received sometime in March.
- An increase in Meals and Lodging Taxes of 17.7% and 26.0% respectively is expected = \$707,026, FY24 Meals tax projections are higher than budgeted and the Lodging tax rate was increased from 5% to 7% effective July 1, 2024. A 10% reduction factor was applied to anticipated TOT collections to allow for a possible decline in short term rentals or overall bookings.
  - o Meals tax increase = \$239,026
  - o Lodging tax increase = \$468,000
- An increase in Building Permit Fees of 26.3% is anticipated by the Building Inspections department = \$72,726
- A significant increase in Interest earnings of 169.2% is expected in comparing FY25 (\$1,345,860) to the amended budget of FY24 (\$500,000), due to the low estimate budgeted in FY24 and inflationary economic conditions precipitating the persistence of higher interest rates over the past year = \$845,860. The FY24 projection for interest earnings is \$1,373,610 which is slightly higher, by 2.06% than the estimate for FY25. These rates are expected to maintain current levels or drop slightly over the next year (-2.06% or -27,750).

**FY25 State Revenue Factors (Compared to FY24 Amended Budget):**

- A 3.7% increase in salary and benefits reimbursements from the State Compensation Board for their proportionate share of covered positions is included and includes a full year of the 2% salary increase provided in December 2023. The General Assembly's recommended budget contains a 3% salary increase for State supported local offices; the State reimbursement for this salary increase is TBD and will offset an associated increase in expenditures to some degree.
- A 6.0% increase in State reimbursements for expenditures related to the Children's Services Act (CSA) is expected = \$77,600. The State share of these expenditures is 68.68% and local share is 31.32%.
- An increase of 3.9% is anticipated in reimbursement for Department of Social Services costs due to a higher level of staffing expected in FY25 = \$39,934. The non-local portion of their budget is funded by 40% State funds. The General Assembly's recommended budget contains a

3% salary increase for State supported local offices; the State reimbursement for this salary increase is TBD and will offset an associated increase in expenditures to some degree.

- Other Categorical Aid from the State includes grants received during the year which fluctuates between fiscal years. These include Fire Funds, Four-for-Life funds, State appropriated project funds, Tourism and Economic Development grants, Library of Virginia grants, and other Sheriff's Department grants; which at the beginning of the new fiscal year show a decrease of -74.6% = (\$579,357). These grants are appropriated within the budget when awarded or received.

**FY25 Federal Revenue Factors (Compared to FY24 Amended Budget):**

- A significant reduction of -22.2% in ARPA Grant funds from FY24 to FY25 = -\$424,000
- A 5.9% increase is anticipated in reimbursement for Department of Social Services costs due to higher overall expenditures related to an anticipated higher level of staffing = \$59,899. The non-local portion of their budget is funded by 60% Federal funds.

**FY25 Other Revenue Factors (Compared to FY24 Amended Budget):**

- Other revenues have decreased from last fiscal year -46.53% = -\$3,113,489. This is primarily because FY24 utilized a higher level of Year Ending Balance or Carry Over funds, consisting of \$2.8 Million in ARPA funds carried forward for the NCHS Roof Project, \$2.6M in Capital Outlay and funding of \$399,920 of Non-recurring contingency plus other appropriations throughout the fiscal year. Additionally, the Broadband Authority transferred \$300,000 to the General Fund during FY24, which is not being utilized and is carried forward to FY25.
- The FY25 Year Ending Balance (FY24 Revenues > Expenditures) utilizes \$3,577,427 consisting of:
  - o \$1,533,840 in FY24 net expenditure savings anticipated including:
    - Departmental Operations: -\$381,006
    - Non-Departmental Operations: -\$291,323
    - Unspent Capital Outlay: -\$63,887
    - Capital Projects: -\$149,570
    - Contingencies: -\$648,054
  - o \$1,499,021 in FY24 net revenue increase anticipated including:
    - Local: \$1,176,576 (Recordation Tax, Meals Tax, Court Fines, & Interest Earnings)
    - State: \$19,806 (State Shared Expenses & CSA Reimbursement)
    - Federal: \$11,116 (CARES Act, SCAAP, Misc.)
    - Other: \$291,523 (Insurance recoveries, cancelled checks, NCBA Transfer)
  - o On the expenditure side, these funds are the balance of ARP funds from the NCHS Roof project which can be used with no restrictions, funding of Capital Outlay expenditures, carry forward of unspent FY24 miscellaneous funds, non-recurring costs and non-recurring



contingency. Additionally, \$350,000 in fund balance is proposed to be used for replacement of the Piney River pump station.

Mr. Rutherford asked what the original transient occupancy tax (TOT) revenue number was when it was approved, he commented that he thought it was around \$700,000. Ms. McGarry noted that amount sounded close, but she would have to look it up. Mr. Rutherford commented that it would be helpful to see a spreadsheet of what the year-to-year revenues looked like in a constant fashion. He offered his assistance if needed. Ms. McGarry commented that she thought it would be good to look at the data going forward, not including the pandemic. Mr. Rutherford noted it would provide good metrics and they would be able to see what factors could affect changes.

Ms. Staton reviewed the following FY25 expenditure information:

### **FY25 Expenditures – Introduced Budget 3/12/2024**

#### **Summary:**

The introduced budget for FY25 is \$49,487,637, a decrease of \$2,277,984 or 4.40% less than the FY24 amended budget. Revenues projected for FY25 are estimated at an equivalent decrease from FY24 balancing the budget.

#### **Employee Salaries and Benefits:**

- New Full-Time Positions proposed and funded:
  - o Assistant Director of Special Projects for Tourism and Economic Development salary & benefits at \$82,417
  - o Family Services Specialist IV, Senior Worker salary and benefits at \$79,143 (state funding requires a 76% local match of \$60,149)
- 2% COLA increase to salary and benefits for FT and PT employees at \$176,716
- Implement third and final stage of (MAG) Pay Study, equity adjustments of salaries and benefits at \$76,768
- 11.0% Health Insurance increase for Key Advantage 500 & Key Advantage 250 plans with an estimated budget of \$90,000 (TBD); option to add a High Deductible Health Plan included in rate projections to offer lower rates for employees and County
- Overall VRS employer contribution rate is decreasing from 11.47% to 10.77%; short-term disability rates are decreasing from 0.85% to 0.74%
- \$15,669 earmarked for estimated increase in Worker's Comp Premium (TBD)

#### **Other Expenditures:**

- Incremental increases in utilities, fuel, mileage, postage, telecommunications, maintenance service contracts, and repairs and maintenance, and equipment
- Year #2 of Adult Drug Court expenditures covered through four-year federal Department of Justice (DOJ) grant at the direction of the Commonwealth Attorney's Office; second year funding FY25 is \$171,794
- Regional Jail operational increase of \$229,018, includes \$31,740 in Debt Service for the Bond Anticipation Note issued to cover Architectural and Engineering services related to the renovation project. The County's 5-year average census increased from 14.74% in FY24 to 15.87% of the total. The 5-year average census determines the percentage share for each member jurisdiction.
- Paid EMS increase of \$216,609; this includes the additional \$195,000 required in salaries and benefits due to transitioning to 24/72 shift scheduling changes presented to the Board at the January 9, 2024 meeting, \$25,000 for increasing mileage costs, \$15,000 for increased medical supply costs, and \$10,000 for repair and maintenance costs of older transport units; one option for potential increase in revenue recovery to offset these costs is to increase transport rates
- Capital Outlay of \$2,247,243 covered by Carryover Funds from Year End Balance (FY24 Revenues > FY24 Expenditures) includes \$391,511 for Emergency Services Vehicles, \$256,000 for four (4) Law Enforcement vehicles, \$40,000 and \$72,500 for Motor Pool and County EMS Response Vehicle, \$292,900 for IT Microwave Network Upgrade (replacement of 8 antennas), \$196,000 to improve Emergency Services radio communications with Wintergreen, \$260,000 to replace Transfer Station tipping floor, \$140,000 for Parks and Recreation Master Plan, and \$151,200 to replace Voting Machine Equipment
- Level funding of most Agency requests in FY25; exceptions being JMRL (Regional Library), Nelson EMS Council, and Community Investment Collaborative
- Transfer to Debt Service of \$3,935,284 includes \$610,000 toward the County's debt capacity building strategy not included in FY24
- Level funding of School Nurses; formal request is pending from the School Division
- Level funding in operational budget for School Division of \$18,379,837; additional request TBD once state budget is resolved and Schools submit a formal request
- County's ARPA carry-over funds of \$128,138, the balance of funds not required for NCHS roof project
- Increase in Transfer to VPA Fund (Social Services Departmental Costs) of \$79,143 for additional cost to add a Family Services Specialist IV, Senior Worker (state funding requires a 76% local match of \$60,149)

- Transfer to Reassessment Fund of \$100,000 for next reassessment

**Contingencies:**

- Recurring Contingency of \$482,693
- Non-recurring Contingency of \$441,288
- Total all Contingency funds for FY25 = \$923,981

Mr. Rutherford noted that the State budget was not yet complete and he asked if there was a speculative difference in funding for the School system. Ms. Staton noted there were three (3) different options in funding difference. Mr. Rutherford indicated that the funding shortage options were \$1.8 million, \$2.4 million and \$2.6 million. Ms. Staton confirmed that the range was \$1.8 million to \$2.6 million. She noted that was a pretty wide range. She indicated that once there was a better understanding of where it was leaning, they would have a better ability to act.

Ms. McGarry added that staff was trying to be more proactive versus reactive when it came to maintaining County assets. She noted that the Board may see that reflected a little bit in the County's expenditure budget, in terms of slightly higher maintenance contracts, and some higher repairs and maintenance costs. She commented that staff felt that money spent on the front end for maintenance would save the County some money in the long run.

The Board and staff discussed potential dates to hold budget work sessions. Ms. McGarry indicated that if decisions were made to authorize any tax increases, the Board would have to authorize the public hearing before March 25<sup>th</sup> so that it could be properly advertised for an April 11<sup>th</sup> public hearing. The Board decided on the following dates for the first three work sessions:

- March 15th at 1p.m.
- March 18th at 1p.m.
- March 22nd at 9:30 a.m.

Ms. McGarry noted that one of the first things they would need to discuss, would be the County's health insurance renewal. She indicated that staff would be presenting the options. Mr. Rutherford commented that the high deductible plan sounded like a good addition. Ms. McGarry agreed, noting that it provided options. Dr. Ligon commented that every work place she had been in, that had the high deductible plan, the employer contributed partially to the health savings plan, which she noted, was not always a savings for the employer. Ms. McGarry noted there would be an option to establish the Health Savings Account (HAS), and the Board could decide whether the County would contribute to it, or it could be set up for the employees to contribute to their accounts as means to save for the deductible. Mr. Rutherford commented that he knew some people who would probably utilize the Health Savings Account as a long term investment for themselves. Dr. Ligon commented that her accountant would call a HAS the best retirement plan of all time. She noted that after someone turned 65, they could use those funds however they wanted. Mr. Rutherford commented that the high deductible plan was a good option to provide.

**VI. NEW & UNFINISHED BUSINESS**

**A. Shipman Historic District Cost Share Grant Application**

Ms. Kelley reported that the Board had allocated \$16,000 to do the entire project at their meeting on March

14, 2023, which was to complete the nomination for Shipman as a designated Historic District. She noted that the first phase had been completed. Ms. Kelley explained that her ask for the meeting was to obtain the Board's permission to apply for a second cost share grant. She noted that the first phase of the project completed a Preliminary Information Form and some survey work. She explained that the second phase would finish out the survey work and possibly allow for the addition of a few properties that had not been included in the first phase. She noted that the consultant who was hired by the Department of Historic Resources would complete the nomination to the State and National Register of Historic Places for the Village of Shipman. Ms. Kelley reiterated that the request was to apply for a second cost share grant through the Department of Historic Resources. Ms. McGarry noted the Board could approve the request by formal vote, or by consensus, because the funding was already in place. The Board was in consensus to proceed with the application for the cost share grant.

#### B. Comprehensive Plan – Planning Commission's Recommendations

Ms. Hjulstrom noted that they were wrapping up the Comprehensive Plan. She provided the following report:

The Planning Commission conducted a public hearing for the 2042 Comprehensive Plan Update on January 31st, 2024. On February 28th, the Planning Commission met at their regular meeting to review all comments and to make a recommendation to the Board, including any recommended revisions or updates to the 2042 Comprehensive Plan.

The Planning Commission voted unanimously (6-0) to recommend approval of the 2042 Comprehensive Plan with the following revisions/amendments:

1. Table 3.1 p. 32 – Check boxes for steep slopes and floodplain for Montebello
  2. P. 36-41 – Remove Montebello from 'Rural Destination' and add to 'Rural Areas' and 'Conservation Areas'
  3. P. 41 Montebello – in description, add references to Priest and Three Ridges Wilderness areas and access to primitive recreation
  4. P. 149 Local Assets – add Priest and Three Ridges Wilderness areas and state fish hatchery
  5. P. 67 indicate that railway runs through the county but doesn't currently serve its residents
  6. P. 90 Housing Quality and Maintenance – take out "..., and 37.9% of homes are considered vacant. This is relatively high compared to the statewide vacancy rate of 11%."
- Ms. Hjulstrom explained that the reason for the #6 amendment was because the number was heavily influenced by Wintergreen condos and residences.
7. P. 171 – Tuckahoe Clubhouse "Serves as the community center for the Wintergreen area..."
  8. P. 172 – Sentara does not offer dermatology
  9. Glossary – definition of "easement" should be "conservation easement"

10. Add “by-right” definition to glossary

11. Add strategy #16 to P. 50 “Discourage the use of large scale development in Montebello through zoning.”

The Board of Supervisors will be holding a public hearing regarding the 2042 Comprehensive Plan Update at the Nelson County High School on March 20<sup>th</sup>, 2024.

Ms. Hjulstrom noted that the Board could make a decision to approve the Comprehensive Plan at their April 9<sup>th</sup> meeting. Mr. Parr asked if there was a definition of by-right. Ms. Hjulstrom indicated that they did not currently have a definition of by-right, but she noted that they could come up a staff recommended definition. She commented that by-right was pretty well known terminology in Planning language. Ms. Hjulstrom noted that staff could see if other localities had an existing definition for by right and possibly use part of their definition. She commented that by right essentially meant that a particular use was permitted in a defined zone, by right, it was not something that required special permission. She pointed out that by right use may still require other agency approvals, but the use itself would not be subjective by the Board. She commented that it would be great to add the by right definition to the Comprehensive Plan, as well as the Zoning Ordinance.

Mr. Rutherford noted that during the Planning Commission’s public hearing, there was an echo that made it hard for the Planning Commissioners to hear at times. He asked if that could be resolved. Ms. Hjulstrom noted that one of the issues with the microphone at the high school was that the speaker had to be right on the microphone in order to be heard. She commented that she was not sure how the sound was for those in the audience. Mr. Rutherford indicated that it seemed to only be an issue for the Planning Commissioners. He asked that the issue be worked through, prior to the Board’s public hearing at the high school. Ms. Hjulstrom indicated that they would see what they could do to fix it.

The Board took a brief recess.

## **VII. REPORTS, APPOINTMENTS, DIRECTIVES AND CORRESPONDENCE**

### **A. Reports**

#### **1. County Administrator’s Report**

Ms. McGarry noted the new Promethean screen in the meeting room. She thanked the County’s IT department, and the School Division’s IT department, for collaborating and helping the County to get a great deal on the new technology.

Ms. McGarry provided the following report:

- A. Comprehensive Plan:** The project website is [www.Nelson2042.com](http://www.Nelson2042.com). The Board has reviewed the Planning Commission’s recommendation today and will hold its public hearing on March 20<sup>th</sup> at 7pm at NCHS. Final adoption of the Plan will not be scheduled until at least the Board’s regular meeting on April 9, 2024.
- B. Gladstone TAP Applications/Award:** The Board previously authorized the submittal of FY25/26 Transportation Alternative (TA) Program grant funding pre-applications for further funding of the Gladstone Depot Relocation and Restoration Project, which received an initial funding award in September of 2022. The pre-application was screened in for submittal of a final application due October 2, 2023. In September 2023, VDOT advised that the County needed to have the following eligibility issues addressed prior to the application deadline; which was impossible. In November,

they then advised that we could submit them by December 31, 2023 or the application would be screened out:

1. A formal letter on DHR letterhead that states that moving of the depot and interior modifications to the depot building will not degrade/undermine the historic integrity of the structure.
2. An updated letter from CSX is needed that includes a new achievable relocation timeline. The original letter dated April 29, 2019 states that the Depot must be moved by June 30, 2020.

County Staff worked with Friends of Gladstone Depot who were able to secure #2 before the December 31<sup>st</sup> deadline; however, #1 was not attainable in the timeframe allowed, even though DHR staff was more than willing to help- the information needed to complete their review was too extensive. The current FY25-26 application was screened out by Central Office Local Assistance Division in January 2024 and VDOT is highly recommending the cancelation of UPC 121612, the selected FY23-FY24 TAP Application, to keep the project from appearing on FHWA's Financial Integrity Evaluation & Review (FIRE) Report due to the project's inability to progress and lack of billings. They noted that if the County cancels this funding, it would be accessible in the future, but if FHWA reclaims the funds, the County would not have access to them in the future for this project. No expenditures have occurred to date, so there are no concerns with potential payback related to cancelation. **I am herein recommending these funds be canceled immediately to preserve their future accessibility for this project and ask for the Board's concurrence.**

Ms. McGarry indicated that staff would continue to look for funding and other ways to move and restore the depot. Mr. Rutherford noted that with Lovington also having a TAP grant application and he suggested that concluding Gladstone's TAP grant may help Lovington's application look competitive. Mr. Reed asked if there was going to be any incentive to try and get DHR's review of the possible degradation of the historic integrity. He asked if they may want to reapply in the future. Ms. McGarry commented that she thought it would be beneficial to continue to have DHR make the determination, and then they would have it for future funding purposes. She noted they could proceed with that. The Board was in consensus to cancel the TAP funds from UPC 121612.

- C. Lovington Front Street Sidewalk Improvements TAP Grant:** This application has scored very well for potential funding and is now in the Commonwealth Transportation Board's arena for funding consideration and inclusion in the Six Year Improvement Plan. This project includes widening of sidewalks on the west side of Front street between Main Street and Theater Drive in order to meet accessibility standards. Curb ramps with detectable warning surfaces will be installed and curb extensions and bump-outs will be constructed at future crosswalk locations. Additional work includes replacing driveway ramps that don't meet ADA standards and utility pole relocation from the sidewalk area so they are unobstructed. Citizens are encouraged to contact State CTB members to advocate for this project; their contact information can be provided by County Administration or found on the CTB website. The Board and public will be advised of future important CTB meeting/public hearing dates.

TAP Grant Funds Requested: \$2,500,000 (Maximum) with a Local Match Requirement: \$625,000 (20%) and project costs over \$3,125,000.

Mr. Rutherford stated that whenever they could also justify infrastructure improvements such as water or sewer, in the event that a sidewalk was in that area, additional support from other entities saying if this is underway, this could promote a more cost effective way to improve infrastructure. He suggested that he, Mr. Reed and Robert McSwain could work to determine whether there was any infrastructure underneath the sidewalks and roads in Lovington. He noted that the more

support they could garner from the community, businesses and quasi-government entities, the more chances the grant would have to come through. Robert McSwain commented that the sewer line ran behind the homes in Lovington, but he noted that the water lines could be in that area.

- D. Route 151 Through Truck Restriction: No Change.** I am still working on getting the required information together for the Board's consideration of authorizing a public hearing on a Route 151 through truck restriction. Some questions regarding the process were submitted to VDOT; specifically, I have asked if the Board can request that VDOT perform an assessment of Route 151 for the through truck restriction prior to holding a public hearing on the matter. I have also asked if the beginning termini of the route to be restricted can start at the intersection of Route 250 and Route 151 in Albemarle County or if it has to begin and end in Nelson County. The proposed beginning and ending termini of the route to be restricted is a requirement for the public hearing notices. In a follow up conversation about this with Robert Brown last week, he indicated that he thought we would need the cooperation and concurrence of Albemarle County since he thought the beginning termini would have to be at the Route 250/Route 151 intersection. Mr. Brown was not sure at that time if VDOT could do the through truck restriction assessment of Route 151 prior to the Board authorizing a public hearing but he said he would inquire.
- E. 24-Hour Library Kiosk in Nellysford:** The ribbon cutting ceremony will be held on Wednesday March 13<sup>th</sup> at 3pm at the site with Chair Parr and Vice Chair Reed in attendance. Light refreshments will be served.
- F. Piney River Solar, LLC Special Exception 2023-369 – Amherst County:** The Special Exception permit was denied by the Amherst County Board of Supervisors.
- G. Staff Reports:** Department and office reports for February/March have been provided.

Mr. Reed noted the public hearing on the Comprehensive Plan and wanted clarification on the process. He asked if they were to consider the recommendations from Planning Commission or discuss any other recommendations, when that discussion would take place. Ms. McGarry noted that the Board could choose to schedule a separate work session, or they could choose to have discussion at the next regular Board meeting on April 9<sup>th</sup>. Mr. Reed noted that he had a recommendation from his constituents, regarding a word definition in the glossary. He explained that it had to do with single and multiple dwellings, and adding view sheds to the concerns in trying to preserve them. Ms. McGarry asked if the Board was comfortable with having discussions and review of the Comprehensive Plan recommendations on April 9<sup>th</sup>. She suggested that the Board send any comments to staff to be compiled into a list for review at the meeting on April 9<sup>th</sup>. She noted they could adopt the Plan at another meeting. Mr. Rutherford asked how quickly they would move on to zoning. Ms. McGarry noted that she was unsure, but that was also a question on her mind. Mr. Rutherford commented the he felt it should happen pretty quickly. Ms. McGarry agreed.

## 2. Board Reports

### Dr. Ligon:

Dr. Ligon had nothing to report.

### Mr. Reed:

Mr. Reed reported that he and Dr. Ligon met with Marta Keane, Jefferson Area Board on Aging (JABA). He noted that he had also met Dorothy Wilson, JABA's new Aging Services Coordinator at the Nelson Center for Nelson County. He reported that the Hat and Black Creek meeting with DEQ was going forward,

with a possible watershed approach to deal with phosphorus and cooperation from landowners. He noted there would be at least one more meeting on Hat and Black Creek. Mr. Reed also reported that he and Dr. Ligon attended the Gladstone meeting on the proposed solar facility.

Mr. Reed reported that the TJPDC had a big discussion about the problems with rural transportation that the metropolitan transit authority does not quite address. He noted he was looking to have more opportunities to address that directly with TJPDC. Mr. Reed reported that during the TJPDC meeting, they also discussed land trusts. He noted that he was still trying to get more information on land trusts. He commented that it would take a community wide conversation to move anywhere on it. He noted that, at some point, they would need to come up with some sort of strategy to start making something like land trusts a reality in Nelson County.

Mr. Reed reported that he saw Mamma Mia at the High School and noted that it was great to see everybody get together. He then noted that the Service Authority was moving forward on getting some federal Rural Development money for the Lovington sewer improvements. He reported that they were hoping to have the Wintergreen Wastewater Treatment Plant completed by the end of the year. Mr. Rutherford asked what the final cost ended up being. Mr. Reed noted it was around \$17 million.

Mr. Reed also reported that he attended the EDA meeting where they were give a presentation for \$25 million School renovation project financing that would pass through the EDA. He noted that no action was taken, it was just a presentation only.

Mr. Rutherford:

Mr. Rutherford reported that he was unable to attend the TJPDC. He noted that the Line of Duty Benefits (LODA) had kept him busy lately. He reported on the process noting that the bill failed. Mr. Reed asked if there would be an opportunity to bring it back in the future. Mr. Rutherford said yes, and indicated that every stakeholder was interested in sponsoring it again. He noted there were a lot of politics that had to be played between now and December.

Mr. Reed expressed his gratitude for all that Mr. Rutherford and Mr. Parr had done on LODA, and he hoped for better results next time. Mr. Rutherford thanked Ms. Ann Mische for being present and keeping the community members apprised. He noted that Ms. Mische spoke in front of committee as well. Mr. Rutherford commented that LODA was a non-partisan issue that was made into a partisan issue.

Mr. Harvey:

Mr. Harvey had nothing to report.

Mr. Parr:

Mr. Parr reported that he attended the EMS Council on February 20<sup>th</sup>. He noted that the knox box equipment had been received and was ready to be installed in the school buildings. He reported that they also discussed planning an active shooter drill. He noted they were also hoping to work with North Branch School to determine how they may be impacted if an active shooter situation were to happen, and how the County could assist. He noted that the drill may involve some volunteers to act as victims.

Dr. Ligon asked if the volunteer vouchers were discussed during the EMS Council meeting, particularly how they were going to address volunteers who were not residents in Nelson County. Mr. Parr commented that they did discuss that the County did not have much leeway to work with for non-resident volunteers, in being able to offer them the same tax breaks as Nelson County residents. Mr. Parr asked if staff had



reached out to any adjoining localities to see what they were offering. Ms. Spivey reported that she reached out to both Appomattox and Amherst counties. She noted that both counties provided the volunteer benefit that they offered to their residents, to volunteers who live in their locality but serve in Nelson. She noted that she was not sure how something more equitable would work. Mr. Parr commented that it was good to know that the volunteers' localities were recognizing them as volunteers, even though that volunteer work was in an adjoining county. Mr. Parr commented that the volunteers seemed to understand and it was not an issue for them, noting that the volunteers were not serving for a tax credit or free County sticker. He indicated that he wished they could do more for those non-resident volunteers, noting there were quite a few between Roseland and Piney River that lived in Amherst County. He noted that the good thing was, that they were getting the same thing as any other Amherst resident that volunteered in an Amherst agency. He commented that there may be a few volunteers in Buckingham, but mainly Appomattox and Amherst were the biggest ones.

Ms. McGarry asked if any other follow up was needed from staff on the subject. Mr. Parr indicated that he would speak with the EMS Council to find out how many Nelson volunteers lived in other counties. Ms. Spivey reported that she did send a request to the EMS Council President, asking how many out of County volunteers Nelson had. She noted that she had not gotten anything, but it was in process. Mr. Parr noted maybe the information would also include which County the volunteers were from. He indicated if they were somewhere other than Appomattox or Amherst, maybe there could be follow up to those localities as well.

Mr. Parr reported that he had attended a community meeting in Montebello earlier in the day. He commented that it was a nice get together, and concerns were shared over the Comprehensive Plan, as well as suggestions. He noted that some previous concerns were reflected in the recommendations from the Planning Commission, which was good. He reported that the Montebello community members were pleased that they were heard.

Mr. Parr then reported on the DSS building and noted that they were moving forward with discussions with the architects. He noted that an onsite meeting was one week ago to look at storm water concerns and get a visual on where the building was proposed to be situated.

He noted that the EDA had their meeting on February 26<sup>th</sup>, which he and Mr. Reed both attended. He commented that he felt there was support from all except one EDA member, who said there was another location option, but he had not heard anything further about where that may be. He noted that if it was the location that they thought it was, it had already been explored by the County for another project, and it did not prove economically feasible. He commented that he thought the presentation was well received and supported by the EDA. He noted that the EDA would have another meeting coming up soon.

Mr. Parr then reported that he attended Sheriff Embrey's pinning ceremony for the full department, which was a fantastic event. He noted that everyone from Dispatch to the Sheriff, and everyone in between were in attendance, along with the State Police, Ms. McGarry and Mr. Rutherford. He commented that it was a wonderful event to showcase the employees and their families. He noted it would be an annual event going forward.

#### B. Appointments

Ms. Spivey reported that there had not been any applications received for the upcoming vacancies.

#### MACAA Board of Directors

She noted that Mr. Sandquist was not interested in serving another term on the MACAA Board of Directors.

She indicated that they were advertising the position.

Ag and Forestal District Advisory Committee

Ms. Spivey reported that they had a position on the Ag and Forestal Advisory Committee expiring in May. She noted that she had reached out to the incumbent, Sunny Taylor, and was waiting to hear back. She also indicated that the position had been advertised, and noted that the position was a landowner position, it could be any landowner in the County interested in serving.

Economic Development Authority

Ms. Spivey reported that there was still a vacancy on the EDA following Natt Hall's passing. She noted that the vacancy had been advertised and no applications had been received to date. Mr. Parr asked if the EDA appointments were by district. Ms. Spivey indicated that the EDA appointments were County wide.

C. Correspondence

The Board had no correspondence.

D. Directives

Mr. Rutherford indicated that he had a member moving away that served on the Electoral Board, and was also responsible for starting the Quarry Gardens. Mr. Rutherford asked if it would be possible to draft something for him to be read at the next meeting. He noted that he would draft up something to be placed on the Consent Agenda. The Board was in consensus.

**VIII. CLOSED SESSION PURSUANT TO §2.2-3711 (A)(7) & (A)(8)**

Ms. McGarry noted that the Closed Session on the agenda for the meeting was not going to occur. She noted that it would likely be rescheduled for the April meeting during the evening session.

**IX. ADJOURN AND CONTINUE TO \_\_\_\_\_ FOR A BUDGET WORK SESSION, AN EVENING SESSION WILL NOT BE CONDUCTED.**

At 4:12 p.m., Mr. Rutherford made a motion to adjourn and continue to March 15<sup>th</sup> at 1 p.m. for a budget work session. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

March 15, 2024

**AT A CONTINUED MEETING** of the Nelson County Board of Supervisors at 1:00 p.m. in the Former Board of Supervisors Room located on the fourth floor of the Nelson County Courthouse in Lovingston, Virginia.

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

## **I. CALL TO ORDER**

Mr. Parr called the continued meeting to order at 1:05 p.m. with four (4) supervisors present to establish a quorum with Dr. Ligon arriving later.

Ms. McGarry presented the Board with the FY25 Budget Review Working Outline:

### FY25 Budget Review Working Outline

- A. Anthem Health Insurance Plans and Rates Review
  - a. Consider Resolution Authorizing Anthem Renewal on **March 18<sup>th</sup> or 22<sup>nd</sup>**
- B. Expenditures Review
  - a. County Departments
    - 1. Note any Department Heads to Attend Future Work Session
  - b. Agency and Non-Departmental Expenditures
    - 1. Note any Agencies to Attend Future Work Session
    - 2. Consider Employee Compensation Increase
  - c. Capital Outlay Review
  - d. General Fund Transfers
    - 1. Reassessment Fund
    - 2. Virginia Public Assistance (VPA/DSS) Fund
      - i. Note if DSS Staff to Attend Future Work Session
    - 3. School Operating Fund and School Nurses
      - i. Note if School Staff to Attend Future Work Session
    - 4. Debt Service Fund
    - 5. Piney River Water/Sewer Fund
- C. Revenues Review
  - a. Local, State, Federal, and Other
  - b. Consider 2024 Tax Rates by **March 25<sup>th</sup>**
- D. Other Funds Review
  - a. Debt Service Fund
  - b. Capital Fund
  - c. VPA/DSS Fund
  - d. School Fund
  - e. Piney River Water/Sewer Fund

- E. Authorize Budget Public Hearing at **April 9<sup>th</sup>** Regular Board Meeting for May 14<sup>th</sup> Regular Board Meeting.

## **II. FY25 GENERAL FUND BUDGET WORK SESSION (AS TIME ALLOWS)**

### **A. Anthem Health Insurance Plans and Rates Review**

Ms. McGarry reported that the health insurance renewal was due to Anthem by April 1<sup>st</sup>. She noted that staff would also need time to get the information together and uploaded into Anthem's system. She explained that staff would present the Board with three (3) different health insurance options to consider. She noted that the proposed options for the upcoming year were the Key Advantage 250 and Key Advantage 500 as they had been offering, along with a new option for a High Deductible Health Plan to provide employees with another choice.

Ms. Staton noted that the current FY24 Health Premiums were included for comparison purposes. She explained the three (3) proposed Plan options as follows:

#### Current FY24 Health Premiums:

Key Advantage 250 (KA250)

Key Advantage 500 (KA500)

\* County paying full Key Advantage 500 Comprehensive Single Premium and Dependents at 31%

FY24 Cost: \$841,284

#### FY25 Proposed Plan Option 1:

Key Advantage 250

Key Advantage 500

High Deductible Health Plan (HDHP)

\*County paying 100% HDHP Single Premium, or 90% KA 250/ KA500 Single Premium and Dependents at 31%

FY25 Employer Cost: \$902,748

FY25 Employer Cost **with HDHP**: \$919,200

Ms. Staton noted that when staff spoke with the Anthem representatives, they indicated that when employers elected to add a High Deductible Health Plan (HDHP) approximately 10 to 20 percent of employees opted for that plan which lowered the employer cost.

She showed an estimation of employees if 10% selected HD plan which would put eight (8) employees in the HDHP, with the rest remaining in either KA250 or KA500. She noted that the Employer cost calculated for the Option with High Deductible Health Plan, was based on the assumption that 10 percent of employees changed from KA250 and KA500 to a HDHP during Open Enrollment.

#### FY25 Proposed Plan Option 2:

Key Advantage 250

Key Advantage 500

High Deductible Health Plan (HDHP)

\*County paying 100% HDHP Single Premium, or 93% KA 250/ KA500 Single Premium and Dependents at 31%

FY25 Employer Cost: \$943,428

FY25 Employer Cost **with HDHP**: \$924,540

FY25 Proposed Plan Option 3:

Key Advantage 250

Key Advantage 500

High Deductible Health Plan (HDHP)

\*County paying 100% HDHP Single Premium, or 93% KA 250/ KA500 Single Premium and Dependents at 35%

FY25 Employer Cost: \$954,876

FY25 Employer Cost **with HDHP**: \$935,892

Ms. McGarry noted that the overall health insurance cost increase was 11 percent. Ms. Staton indicated that they had set aside \$90,000 to cover potential increases in health insurance costs. She noted that if they needed to make adjustments to that amount, they could. Mr. Reed asked what that meant. Ms. McGarry noted that in the Employee Benefits line of the budget, there was a placeholder of \$90,000 for the health insurance increase. Ms. Staton explained that currently, in all of the departments, the health insurance was based on current costs because the new costs were currently unknown. Ms. McGarry explained that this was handled similarly for employee increases. She noted that they lumped it all together in the Employee Benefits line and then once a decision was made, it would be divvied out to the departments during the year.

Mr. Rutherford asked if the High Deductible Health Plan had been floated around to staff. Ms. Staton noted that it had not, as they did not like to do that without discussing it with the Board first.

Ms. McGarry noted that a lot of employers offering a High Deductible Health Plan offered the option of a Health Savings Account (HSA) for employees. She indicated that if the County were to offer a HDHP, they may also offer the opportunity for employees to have a payroll deduction that would go into a Health Savings Account. She noted that would help build up a nest egg that could be applied towards any health care costs as the deductible amount was so high. She explained that the employee would have to pay health care costs until they met the deductible out of pocket. Ms. Staton reported that the deductible for an individual was \$3,200. She noted that the reason for the Health Savings Account (HSA) was so that money could be contributed and be available to spend as needed. Mr. Reed asked if the HSA could earn interest. Mr. Rutherford noted that it depended on who the HSA was done through.

Ms. McGarry noted Dr. Ligon had mentioned that employers sometimes also contribute a certain amount to the employee's HSA. Ms. McGarry commented that at this point, she did not think they were looking to do that, rather just offering the opportunity for the employee to contribute would be the first step.

Ms. Staton also noted that the County's employer size limited them to only offering two (2) Key Advantage Plans and one (1) High Deductible Plan. She reported that each of the Key Advantage Plans offered a Preventative Dental option, which was a slightly lower premium than the Full Comprehensive Plans. Ms. Staton also noted that the Advantage 65 Medicare Eligible Retiree plans were increasing by \$6 per month. Mr. Parr noted that basically, a Key Advantage 500 Family Comprehensive was going to go from \$824 per month to \$1,056 per month in Option 1. Mr. Parr and Mr. Reed noted higher increases for the employees cost. Ms. Staton noted that last year, the County covered the full 9 percent increase and the employees did not see an increase.

Ms. McGarry reported that in Option 1, with no High Deductible Plan offering, the increase would be \$77,916 on the employer side. She noted that if they did include the HDHP and 10 percent of employees switched to that plan, it would be an increase of \$61,464.

Mr. Parr asked if there was a downside to offering a High Deductible Health Plan. Ms. McGarry noted that there were no known downsides, other than the fact they were using that as the base plan. She explained that if the HDHP was not the base plan anymore, then it would go back to the Key Advantage 500 again. Mr. Rutherford suggested that it would be a good option for young employees. Ms. McGarry commented that they thought it would be another alternative for employees. Ms. Staton noted that costs would not stop escalating. Mr. Rutherford noted they had a 20 percent health insurance cost increase in two (2) years. Ms. Staton noted if costs increased in the next year by another 8 to 12 percent, they would be back in the same position again. She suggested if they were to add the HDHP now, it would give them time to see if employees take advantage of the offering and how it affected the budget. She noted that they could then take a look at offering a subsidy to the health insurance for those on the HDHP, to get even more people interested in switching to it. Ms. McGarry indicated that at a minimum, the County was required to cover at least 80 percent of the employee single premium. She noted that they did not have to provide any dependent coverage, but they did continue to provide it because the costs were so high.

Mr. Reed asked if the Human Resources (HR) Department would be responsible for communicating the benefit options. Ms. Staton noted that the Anthem representative would be onsite to meet with employees to discuss the plan options and answer any questions. She indicated that benefit information would also be distributed to all employees. She noted that open enrollment would take place during the first two weeks of May.

Mr. Reed commented that someone opting for the HDHP would save money that could either be put into a Health Savings Account, or cash in their pocket. Ms. Staton noted that was how she understood it. She commented that the Health Savings Account would belong to the employee, not the County. The Board discussed the benefits of an HSA. Ms. McGarry noted that the funds carried over year to year. Ms. Staton noted that the County had tried Flexible Spending Accounts (FSA) in the past, but there were drawbacks to Flexible Spending Accounts. She commented that if the funds were not spent from a FSA within the 12-month period, the money was lost. Mr. Reed noted that funds could be drawn from a HSA to cover some health services that may not be covered by insurance. Ms. McGarry noted that main task for the meeting was to review the options and determine which one the Board wanted to choose. Ms. McGarry commented that she did not think any of the options were bad options. Mr. Parr noted that Options 1, 2 and 3 went from Good (1), Better (2) and Best (3), for the employee. Ms. McGarry indicated that Option 1 was better for the County on cost. She noted that it was a higher jump in cost for employees with dependents, but not as much for a single employee.

Ms. McGarry noted that in the previous year, the Board chose to absorb the total cost of the increase in health insurance. She commented that it was very generous on the Board's part, but she was not sure it was appreciated as much by the employees that the County take on all of that increase, versus considering the cost of living adjustments that may be possible. She noted that employees could better see a benefit to a salary increase, rather than the County picking up additional health insurance costs. Mr. Parr asked what the School Division's health insurance situation was. Ms. McGarry reported that the School Division's rates did not change, noting they had a 0 percent increase. Ms. Staton and Ms. McGarry both noted that the County had a few larger claim experiences in the current year.

Mr. Rutherford asked if there had been more discussion on combining insurance pools with the Schools. Ms. McGarry noted that that had not been any discussion for a long time. Ms. Staton noted that the County's insurance pool included the County, Social Services and the Service Authority. Mr. Rutherford asked

whether there be any benefit joining with the Schools. Ms. McGarry noted when it previously looked at, school systems tended to have a higher experience, which was not a benefit. She commented that even though they had a larger number of employees, their claims experiences were typically worse. Ms. Staton noted that the zero percent increase for the Schools was unprecedented. Mr. Parr noted it was a tight year.

Ms. Staton reported that out of the County's full time staff, there were 15 people who waived health insurance coverage. She noted if they were to give funding to a particular benefit versus a pay increase, it would only be affecting the people who had the insurance. She commented that most people needed insurance and she was not advocating that they not do something. Mr. Parr commented that it was more of an equitable spend if they spent it on a salary, rather than a benefit.

The Board was in consensus with Option 1 to include the High Deductible Health Plan. Ms. McGarry noted that staff would return with a formal resolution at the next budget work session for the Board to officially approve.

Ms. McGarry indicated that staff would investigate HSA options. Ms. Staton noted that she had also spoken with the Schools to find out who they were using for the HSA services. She explained that the Schools were currently using a third party benefits company. She also noted she was speaking with the bank about their offerings. Mr. Rutherford suggested that staff may want to reach out to Davenport to learn more about their HSA offerings.

#### B. Expenditures Review

##### a. County Departments

The Board reviewed the General Fund Expenditures with staff. They discussed the funding amounts for specific budget lines as indicated below (line items only listed with the funding amounts were generally accepted and not discussed):

-Board of Supervisors \$173,472

Ms. McGarry reported that the Board's budget had 9.3 percent increase (\$14,792) to \$173,472 for FY25. She indicated that more funding had been built in for professional services, which included auditing services. She noted that auditing costs had increased for the next year. Ms. Staton explained that there were now more accounting standards and regulations. Ms. McGarry noted that more regulations required more time and greater costs. Ms. McGarry reported that the Travel (Subsistence and Lodging) line had been increased slightly.

Ms. McGarry asked if the Board wished to review department by department, or only review the increases and staff changes. Mr. Parr commented that he did not think they needed to review line by line. He suggested that they have explanations on staff changes and any substantial increases. Ms. McGarry asked what would be considered a substantial increase. She noted Technology was one line that had increased. Mr. Parr commented that Technology had increased by nearly 10 percent. Mr. Rutherford noted that some increases like the Regional Jail could not be controlled.

-County Administration \$379,892

-County Attorney \$100,000

-Commissioner of Revenue \$325,693

-Treasurer \$426,179

-Finance \$400,676

-Technology \$367,576

-Land Use Panel \$1,077

Ms. McGarry explained that Land Use Panel had been reduced because historically they were not spending that much money. She noted that staff would certainly fund them if they had more activity in the next fiscal year. She reported that they had decreased the Land Use budget by \$4,500.

-Board of Elections \$66,612

Mr. Parr asked about the 41 percent decrease for Board of Elections. Mr. Reed noted that primaries had taken place in the current year. Ms. McGarry explained that the Board of Elections budget was amended for primary stuff as it occurred. She noted that they would see decreases in departments throughout the budget. She explained that some departments were showing decreases in their budgets due to grant funding or some other affect in the current fiscal year versus the next year.

-Registrar \$288,758

-Courts (all) including Drug Court \$793,167

Ms. McGarry explained that the Circuit Court Compensation for Jurors and Witnesses budget line had been reduced by \$10,000, back to the \$15,000 level, instead of \$25,000. She indicated that they had not spent that much in the past and noted that Circuit Court may be catching up on their docket. She noted that they would keep an eye on that budget line to see how it goes. She then reported that Detention Homes Services had requested \$75,000, and staff reduced that amount down to \$50,000 which was the current year's budget. She noted that was another budget line that staff would have to keep an eye on. She commented that if utilization went up, they would have to cover it. Ms. Staton reported that the Detention Homes had used less than half of their funding in two-thirds of the year, so they were projecting that they would not use the whole \$50,000 for FY24.

-Commonwealth Attorney \$677,586

-Sheriff \$2,833,173

-Public Safety & Emergency Services (Dispatch) \$729,409

-Emergency Services Council \$633,779

-E-911 Program \$698,319

Ms. McGarry explained that the E-911 Program was reduced due to grant fund in FY24 that included a Dispatcher Recognition Grant that would not be in next year's budget.

-Forest Fire Service \$20,986

-Paid EMS \$1,618,223

-Regional Jail \$1,622,450

-Building Inspections \$405,433



-Animal Control \$364,841

Ms. McGarry reported that Kevin Wright had requested a large increase in funding for the Professional Services line which covered veterinarian care, as well as animal rescue groups that transport animals from Nelson's shelter to other rescues. She commented that she personally supported funding those things. She noted that she thought they had cut out half of what Mr. Wright requested on that line. Ms. Staton reported that Mr. Wright had requested \$10,000 more in that line and staff had reduced that amount by \$5,000.

Ms. McGarry also noted staff changes that reduced the Overtime line amount requested by \$6,000. She explained that part of the Overtime reduction was tied to some personnel changes that staff was looking at to make the department more efficient. She reviewed the Animal Control Department staff noting that Kevin Wright and Jesse Johnson were serving as Animal Control Officers (ACOs). She then noted that Ethan Wood was the Shelter Manager, but he was also still certified as an ACO, to be able to provide some ACO field work when he was available and not needed in the Animal Shelter. Mr. Parr asked if the current operation was working well, and whether they were still looking to fill Mr. Wood's former ACO position. Ms. McGarry noted the staffing set up was working well, but part of the personnel change that she was looking to do, was to make the part-time Shelter Attendant a full-time position. She noted the shift from part-time to full-time for the Shelter Attendant would provide 10 more hours from that position to help with the shelter and free up Mr. Wood a little more to do ACO work. She indicated that the change should help with the Overtime in the Animal Control department. Ms. McGarry indicated that she was looking to make the position change in April. She noted that they could do it in the current budget and have some savings left over. She commented that they would not be spending any more money in the current fiscal year, because they would not be filling the ACO position, which was a higher position than the Shelter Attendant. Ms. McGarry reiterated the reductions to Mr. Wright's request by \$5,000 for Professional Services and \$6,000 in Overtime.

-Medical Examiner \$160

-Waste Management \$1,541,632

-Building & Grounds \$955,339

-Motor Pool \$247,000

Mr. Parr asked about the increases in Motor Pool. Ms. McGarry reported that they were expecting an increase in vehicle insurance. She explained that the vehicle repair and supply line had been increase by \$10,000 (from \$50,000 in FY24 to \$60,000 in FY25). She noted that as of February, the County had spent \$48,800 in the Vehicle Repairs and Supplies line. She also reported that they had budgeted \$115,000 in FY24 for Gas, Oil and Grease, and they were expecting to spend \$145,000, so that it what they budgeted for FY25.

Ms. McGarry noted that they could go back and review anything that the Board wanted to discuss more. Mr. Rutherford indicated that he did not see anything currently that he wanted to modify.

-At Risk Youth & Families (CSA) \$2,032,511

-Parks & Recreation \$360,283

-Extension Service \$57,216

Ms. McGarry reported that the Extension Service had requested a Program Manager, which would be a locally funded position only, with no State funding commitment. She noted that staff did back out that request, which reduced the requested budget by \$34,775, to a total budget of \$57,216 for FY25.

-Tourism & Economic Development \$513,506

Ms. McGarry reported that Tourism & Economic Development had a \$120,000 grant for their department for the current fiscal year (FY24), which was not in next year's budget. She noted that it was not a reduction to their budget. She reported that another position was requested and it was included in the budget. Mr. Reed asked Ms. McGarry's opinion on the new position. Ms. McGarry commented that she felt it would be very beneficial for the department. She noted that she had not spoken with Maureen Kelley in terms of her plan for the department other than what was submitted with the budget. Ms. McGarry commented that she wondered if the new position would be some sort of succession planning. Mr. Reed commented that he hoped so. Mr. Rutherford noted that the Tourism Director position was an important role and had important relationships. Ms. McGarry noted that Ms. Kelley had been particularly busy over the last year, and the new position would be a great help to her and the County. Ms. Staton noted that in the description for the position request, Ms. Kelley described the position of Assistant Director of Special Projects with work relating to: Historic Districts, VA 250, Lovingson DHCD Main Street Grants, AFID, Virginia Tourism, DHR, Reporting, Data Analysis, Business Retention, Public Information office duties, and website management. Ms. Staton also noted the reason given for the new position was because the Director could not maintain the current level of activity with current staffing. Ms. McGarry commented that with the Transient Occupancy Tax revenues (TOT), a certain amount of the revenues needed to be used towards Tourism and Economic Development activity.

-Planning and Zoning \$235,994

Ms. McGarry noted that staff had reduced Planning and Zoning's budget request by \$4,450. She explained that \$6,300 had been requested for Planning Commission remuneration, and staff reduced that by \$2,250 because it had not reached that level in the past. She noted that it looked like they would spend \$4,000 in the current year for Planning Commission remuneration. She also indicated that the Board of Zoning Appeals remuneration had been reduced by \$450 for the same reason. Mr. Reed asked if that was due to absences at the meetings. Ms. McGarry noted it was mainly based on how the funds were tracking for the year. Ms. Staton noted that the Planning Commission and Board of Zoning Appeals did not always have meetings. Ms. McGarry reviewed other reductions to Printing and Binding (reduced by \$500), Advertising (reduced by \$500), Postal Services (reduced by \$400), Travel (Subsistence and Lodging reduced by \$300) and Training (reduced by \$50). Mr. Rutherford asked how much professional development the County ended up compensating for employees. Ms. McGarry noted that it was not a lot. She indicated that the main departments were Planning and Building Inspections. She explained that those departments had to maintain Continuing Education requirements for their certifications. She also noted that Solid Waste had some Continuing Education requirements.

Mr. Reed asked about the increase in the Board of Supervisors budget. He noted the costs of the Homestead were going up and the VACo meetings. Ms. McGarry confirmed those were in the Travel (Subsistence and Lodging) line in the Board's budget. She noted that the main increases were in the Professional Services line for auditing services.

Ms. McGarry noted in the Planning and Zoning budget, the \$5,000 in Junkyard Grant funds were not used in the current year, so they were rolling into next year. She indicated that things did not work out for Ms. Bishop to implement the program in the current year. Ms. McGarry explained that they were going to be

using year-end balance funds for the Junkyard Grant. She noted it was kind of a one-time pilot program, so they were going to supplant the recurring funding with some of the carryover funds expected from FY24.

-Economic Development \$20,000

-Refunds \$32,000

-Employee Salary Adjustment/Benefit Cost \$361,479

-Worker's Comp Premium Increase \$15,669

-Transfer to Social Services (excludes CSA) \$2,190,378

-Transfer to Debt Service \$3,935,284 (flagged)

Mr. Reed asked to flag Transfer to Debt Service. He commented that he knew that was what they were doing, but he noted that it was significant expense in a year that was tight. He indicated that he did not want to change the transfer amount and he was not suggesting that they do that, but he wanted to flag it. Ms. McGarry noted that the debt capacity strategy was to build enough to fund \$54 million in Debt Service. She commented that if the Board thought Davenport needed to run some more numbers on a lower debt capacity amount, they could do that. Ms. McGarry explained that there was a bill in the works that would allow localities to do a one percent local option sales tax by referendum, if it were to pass. She noted that those revenues could be used for School Capital or School Debt Service. Mr. Reed asked if it could be used for Transportation. He noted that was one of the things in the Rural Transit Governance Study. Ms. McGarry noted that she had not seen that. Mr. Reed commented that he thought it was in there. Ms. McGarry noted they would look at it. She noted if the one percent local option sales tax were to pass and the County held a referendum, in which it passed, that would be about \$1 million in new money that could go towards School Construction Debt Service. She indicated that could free up some of the County's debt capacity related to the School renovation project. She noted that staff was keeping an eye on the status of the bill. She reiterated that if the Board wished to get information on a different debt capacity amount from Davenport, staff could do that. Mr. Reed noted that he did not know how the rest of the Board felt, but it seemed that the only place for wiggle room was the Transfer to Debt Service.

-Transfer to Piney River Water and Sewer \$350,000

Ms. McGarry reported that the Transfer to Piney River Water and Sewer included \$350,000 from the year ending balance for replacement of the Piney River Pump Station, which needed to be replaced in the near future. She explained that staff would coordinate with the Service Authority on that. She noted that the Service Authority used Smith and Lovelace pump stations, which they had indicated that they had no issues with them. Ms. McGarry indicated that she was not sure the \$350,000 was enough money. She reported that the quote for the pump station was about \$220,000, and they would still have other costs related to the installation.

-Transfer to Reassessment Fund \$100,000

Ms. McGarry explained that the Transfer to Reassessment Fund was increased from \$85,000 to \$100,000. She noted that the costs for reassessments was increasing. Ms. McGarry indicated that staff would start the process of hiring an Assessor in the fall, with the next reassessment to be effective in 2026.

b. Agencies & Non-Departmental

The Board opted to review Agency Requests and Non-Departmental Expenditures another day.

c. Capital Outlay

Ms. McGarry explained that the items in Capital Outlay came from the Department Heads with their budget submissions.

-Voting Machine Replacement \$151,200

Ms. McGarry noted that Registrar Jackie Britt had requested the replacement of voting machines for the Registrar's Office. Mr. Rutherford asked if the County always paid for that expense and whether the State covered any of the costs. Ms. McGarry noted that they were not aware of the State paying anything for the machines. She indicated that Ms. Britt had obtained three to four quotes, with the \$151,200 quote being the lowest one. Ms. Staton noted that another quote was just under \$190,000. Mr. Parr asked if the purchase would provide new voting machines Countywide. Ms. McGarry noted it would.

-IT Network Server Replacement

Ms. McGarry explained Susan Rorrer had requested a replacement network server for \$30,000. Mr. Rutherford asked if the County was on the cloud or running their own terminal services. Ms. McGarry commented that she thought it was a little of both.

-Circuit Court A/V Replacement \$18,000

Ms. McGarry then reported that Circuit Court was requesting an audio/visual equipment replacement for \$18,000. Mr. Reed mentioned a recommendation from Dr. Hester that they should have a monitor in the General District Courtroom so they could see what was being projected online in real time during the Board meetings. He noted that it would also show those in attendance that there were additional options for access to the meetings. He asked if that would be helpful. Ms. Spivey noted IT did monitor the meeting streams and if something was not working, an effort was made to resolve it when possible. Dr. Ligon arrived at 2:12 p.m. and joined the meeting.

Mr. Reed noted that nothing else needed to be added, but he just wanted to mention it. Ms. McGarry noted that the Circuit Court A/V replacement was also through local funding, with no State funding to cover costs. Ms. Staton explained that Susan Rorrer was assisting with the A/V equipment in Circuit Court. She noted that Ms. Rorrer had indicated that the equipment in the Courtroom currently was not well supported and the Supreme Court was wanting the Court to update their equipment. Ms. Staton reported that the Supreme Court had not yet provided a list of the approved updated equipment so they recommended that until new equipment is installed, a maintenance agreement should be in place to cover that. Ms. Staton noted that for the current year, the maintenance agreement was taken care of in another part of the budget. She indicated that the maintenance would be an ongoing item so it would be moved into the Circuit Court budget going forward. She reported that the current year maintenance agreement was \$9,400, with a costing projection of a 5 percent increase, so it would be just under \$10,000 for next year. She noted that the maintenance for next year was already built into the budget, but the \$18,000 was being requested for the new equipment. Ms. Staton noted that Ms. Rorrer had put together the information for the A/V equipment from Polycom, so she would be able to provide more information to the Board if needed.

-IT Network Penetration Testing \$21,000

Ms. McGarry reported that the IT Network Penetration Testing was slightly higher than what was in the budget for the current year. She explained that the County had a company that did testing of the County's IT network for hacking vulnerabilities. She noted that a lot of the cyber security done by the County was necessitated by the Board of Elections to ensure election security. Dr. Ligon asked if that service was

shopped around for. Ms. McGarry indicated that it was. Dr. Ligon asked if the company was changed frequently. Ms. McGarry noted that she was unsure and could check. Ms. Staton noted to Dr. Ligon that any of the Department Heads could be asked to attend and answer any budgetary questions that the Board may have.

-Phone System Configuration (Federal Standards) \$10,000

Ms. McGarry explained that the request for \$10,000 was to reconfigure the County's phone system to meet Federal Standards that the IT department was aware of.

-Microwave Batteries DC Plant \$98,850

Ms. McGarry explained that the batteries were for the County's microwave system towers.

-Replace CAD/Mapping Workstation \$6,000

Ms. McGarry explained that \$6,000 was being requested to replace a CAD/Mapping Workstation in the ECC (Emergency Communications Center).

-Sturt Park Development (Moved from Non-Departmental) \$71,600

Ms. McGarry noted that they were including the Sturt Park Development and carrying it forward every year they had money that was dedicated to the development. She noted that they had \$71,600 remaining in that line. Dr. Ligon asked if anyone had pursued the logging that encroached on the Sturt property and if anything had been done. Ms. McGarry noted that staff would have to check. Dr. Ligon commented that the Parks and Recreation Director was at the meeting in Wingina and it sounded like he knew about the logging.

-7 Sheriff Vehicles & Equipment (flagged)

Ms. McGarry reported that Sheriff Embrey had requested seven (7) new vehicles at a cost of \$448,000 (estimated \$65,000 each). She noted that staff had reduced the request down by three (3) vehicles at \$192,000 to four (4) vehicles at \$256,000. Mr. Parr noted that after a pursuit the night before, the Sheriff may need nine (9) vehicles. Ms. McGarry indicated that staff was waiting to hear the status of the vehicles involved so they could proceed with any necessary insurance claims. Mr. Rutherford asked how many totaled cars they had insurance claims on each year. Ms. Staton and Ms. McGarry noted they had lots of damage claims each year, but maybe one (1) or two (2) totaled vehicles per year. Ms. McGarry and Ms. Staton noted that they did not get full vehicle value on totaled vehicles. Ms. McGarry noted that the Sheriff's Office claims were isolated from the County's claims, so the County's claims had not been unusual.

Mr. Reed noted that the Sheriff's vehicles were considered in Capital Outlay and Non-Recurring expenses. He commented that it was his understanding that School Buses were part of the Capital Program. He noted that they were not part of the School budget, they were part of the Capital budget. He commented that the School buses should be part of the Capital because they were ongoing expenses and they had to have them when they needed them. Ms. McGarry noted she understood where Mr. Reed was coming from. She noted that it made sense because it was a recurring cost, but buses were a Capital asset, so that was why it was done that way. Ms. McGarry noted that the Schools could request funding for four (4) School buses along with their Operational budget.

Ms. Staton noted that the Sheriff had asked for seven (7) vehicles and staff recommended only four (4) vehicles. She explained that part of the thought was that the Sheriff's vehicles were in high use, and they were in a rotating cycle, so if they put seven (7) vehicles in this coming year, it would mean that soon they would need seven (7) again in probably another four (4) years. She noted in previous years, they had budgeted for four (4) vehicles because they could generally afford that annually in keeping that rotation going. Ms. McGarry noted that the costs included the striping, lights and equipment needed. Dr. Ligon noted that there were many vehicles over mileage, she pointed out that four (4) vehicles per year may not be enough. Ms. McGarry agreed and noted that the fleet management needed some work. Ms. Staton noted that part of the probably had been due to shortages during COVID really affected the ability to get vehicles. She noted that some purchase orders took two (2) years from the time of the order to the delivery of the vehicle. Ms. McGarry noted it was up to the Board to decide whether they wanted to make any changes to the vehicle funding to include additional vehicles.

Mr. Rutherford noted concern that if all seven (7) vehicles were replaced, in four years, they would have to buy seven (7) vehicles again. He suggested that they would need to determine a reasonable fleet replacement cycle. Dr. Ligon commented that a four (4) vehicle replacement per year seemed outdated and she noted that the vehicles were getting more expensive. Ms. McGarry noted when a police vehicle was retired, they tried to utilize as much of the equipment as possible and move it to the new vehicle. She noted that 100,000 miles was the standard for replacement so that the older vehicle still had some value and they could potentially recoup some of that to apply to the new vehicles. Mr. Rutherford explained to Dr. Ligon that when they retired police vehicles they typically moved them to another department for use when possible. Ms. McGarry noted that the custodial staff typically used the older vehicles. Ms. Staton noted that they were sometimes used by the Schools as well.

Ms. McGarry reported that everything in Capital Outlay was currently funded from the anticipated carryover from the current fiscal year. She noted that these were Non-recurring funds going toward one-time purchases. Mr. Reed noted that they could flag any of the items being discussed and return to them when they had more information. Dr. Ligon asked if a Motor Pool vehicle would still be needed if they were going to retire several police vehicles. Ms. McGarry noted that they did need something reliable to drive to conferences in places like Richmond or Roanoke. She indicated that the retired vehicles were mainly used for local driving.

The Board flagged the Sheriff's vehicles for further discussion.

- 1 Motor Pool vehicle (flagged)

Ms. McGarry reported that the 2014 Explorer was the only vehicle in Motor Pool and it was available to other departments for use to travel to conferences and things. She noted that they could probably do without for the upcoming year, but it would be good to have something else.

The Board flagged the Motor Pool vehicle for more discussion.

- ECC First Response Vehicle (flagged)

Ms. McGarry reported that John Adkins was requesting \$72,500 for a 2024 Tahoe. Ms. Staton noted that the cost included all of the needed lights and equipment. Mr. Rutherford asked if Mr. Adkins was responding to calls. Mr. Parr noted that Mr. Adkins did respond, particularly to big things and he attended the Emergency Services Council meetings. Mr. Rutherford noted that \$70,000 was a big number. Ms. McGarry agreed. She noted that most of the vehicle quotes came from the state contract website or the Virginia Sheriff's Association because the County could purchase directly from their vendors without any

procurement or competition. Ms. Staton noted the base price of the 2024 Tahoe was \$57,000 and then about \$15,500 for the cost to add the lights, striping, and equipment. Dr. Ligon asked if Mr. Adkins was having issues with his current Tahoe. Ms. McGarry noted it had some issues. She explained that it was an older vehicle that was donated to the County by Wintergreen.

The Board flagged the ECC response vehicle for further discussion.

-Emergency Vehicles \$391,511

Ms. McGarry reported that the funding included a fire truck for Faber. She then explained that Curtis Sheets had proposed purchasing an ambulance from Rockfish Fire and Rescue. She noted that the cost would be \$50,000 but instead of having an outlay of \$50,000, Mr. Sheets had proposed that the Board consider relieving \$50,000 from Rockfish's current loan. She explained that they would not be spending \$50,000 but they would be writing it off. She then noted that the ambulance would need to have a new power cot and lift. She noted that the funds for the cot and lift were included in the Emergency Vehicle line with the Faber fire truck amount. Ms. McGarry indicated that they would be putting off a new ambulance for a year. Mr. Harvey indicated that he would like to speak with Curtis Sheets to understand his reasoning for it. Mr. Parr noted that the vehicle in question was Rockfish 56. Ms. McGarry indicated that she could have Mr. Sheets call Mr. Harvey. She noted if they were in favor of the \$50,000 loan write off relief, they would do something formal at a later date.

-Radio Improvements Wintergreen (flagged)

Ms. McGarry reported that Susan Rorrer had requested \$196,000 for radio improvements. Ms. McGarry noted that a lot of the capital was related to IT and public safety. Ms. Staton explained that Ms. Rorrer had described the radio improvements as a radio system reconfiguration for improved reliability and to better facilitate communication with Wintergreen. Ms. McGarry noted that staff would get more information and they could discuss it further.

-Animal Shelter Roof Replacement

Ms. McGarry noted that Kevin Wright had obtained a quote to replace the asphalt shingle roof at the Animal Shelter with a metal roof for \$38,982. Dr. Ligon indicated that the roof was currently leaking, and the location where it was leaking was in the isolation area and she noted that the State Veterinarian could have a problem with that. Ms. McGarry noted that the roof was something that could be taken care of in the current year, particularly if it was emergent. She asked if the Board had any preference for shingles or metal. Mr. Parr noted that metal was the best choice. Ms. McGarry noted that the \$38,982 was the only quote so far, just for budget purposes only. She indicated that Mr. Wright would still have to get at least three (3) quotes. Ms. McGarry indicated that roofing could be considered construction, and the Code of Virginia required sealed bids for construction projects.

-Phone System Upgrade \$7,800

Ms. McGarry reported that \$7,800 was requested for a phone system upgrade. Mr. Parr asked if that was just for the phone system in the Courthouse. Ms. McGarry noted that the County also had remote sites on the County phone system as well. She noted the upgrade would include those sites also. Mr. Rutherford asked if the Schools were also on the County phone system. Ms. McGarry indicated that the Schools were on their own system.

-Department of Elections Security Compliance \$36,900

Ms. McGarry noted the funding amount of \$36,900 was provided by Ms. Britt. Dr. Ligon asked if this was separate from the other funding request for IT Network Penetration Testing. Ms. McGarry confirmed that it was separate and she noted that it was multi-faceted as there was a lot with elections and cyber security.

-Transfer Station Tipping Floor \$260,000

Ms. McGarry indicated that the \$260,000 for the tipping floor was a ball park price. She reported that Architectural Partners and Hurt & Proffitt were currently evaluating the tipping floor to provide a better cost estimate. She noted that the work was just for the tipping floor only, not including costs related what would be done with trash during the 28-day concrete curing time. She noted that the floor was last done in 2006 and the rebar was now starting to show through. She reported that the engineers had said that the County got their money's worth on the floor. She noted that there was also a concrete wall that may also need to be replaced that runs alongside the tipping floor.

-IT Network Event Logging Solution \$12,000

Ms. McGarry reported that Ms. Rorrer had requested \$12,000 for an IT Network Event Logging Solution. She noted that part of cyber security was having a way to track any events or attempts to hack the County's IT system. She indicated that a lot of the need was precipitated by the Department of Elections.

-BOS Meeting Streaming/Indexing/Transcription Solution

Ms. McGarry noted that the IT department had vetted vendors for a meeting streaming, indexing and transcription solution for an initial cost of \$76,000. She noted that annually going forward, the cost would be around \$22,000 after that. She indicated that the amount was just a placeholder to see if that was something that the Board may be interest in pursuing. Ms. McGarry noted that she needed to get more information on the services that the company offered. She indicated that the service would involve some additional equipment and cameras to enhance the streaming experience. She commented that the transcription solution was intriguing because that could be helpful with meeting minutes. She noted that they could discuss it more and have Ms. Rorrer provide a little more information on the services. Dr. Ligon noted that she would like to see a packet with the information on the service offerings. Ms. McGarry noted that Ms. Spivey was doing a lot of other things besides minutes and it would be nice to have a solution for that particular task. Mr. Parr noted that they were probably close to the point where Artificial Intelligence could take a recording and translate it into and transcribe it into minutes. Dr. Ligon noted that her office used a program that put notes into Microsoft Word. Mr. Parr noted that the technology was out there and it was something they needed to be doing.

-Marcus Alert System

Ms. McGarry noted that Ms. Rorrer had estimated a cost of \$20,000 for the Marcus Alert System. She explained that the Marcus Alert System had to do with mental health and possibly tracking mental health calls within the ECC (Emergency Communications Center). She noted that it was optional for certain size localities, so Nelson had not opted to do it yet. She commented that in case they did decide to proceed, Ms. Rorrer had included the \$20,000. Ms. Staton noted that the \$20,000 was a worst case scenario on cost. Mr. Parr suggested that Ms. Rorrer attend an upcoming work session, as there were several items through her department.

-Parks and Recreation Master Plan

Ms. McGarry reported that Jerry West of Parks and Recreation was requesting \$140,000 for a Parks and Recreation Master Plan. She noted that Mr. West had talked with several other localities and looked at



other plans. The Board wanted more information on what the cost would include. Ms. McGarry noted that she would look for more information on what the plan would encompass and what the cost would include.

#### -IT Microwave Network Upgrade

Ms. McGarry reported that Ms. Rorrer had requested \$292,900 for the replacement of eight (8) antennas and wave guides for the microwave system. Dr. Ligon asked what the other microwave item in the budget was. Mr. Parr noted that it was for batteries. Ms. Staton explained that the request was due to the age and recent failure on one path of the microwave network.

Ms. McGarry noted that was the end of the Capital Outlay. She reported that it was \$887,675 less than last year.

The Board and staff reviewed the items to be brought back for discussion at the next work session. Ms. McGarry indicated that they would return on Monday with the Health Insurance Resolution. She noted that they would have Ms. Rorrer present to answer questions related to Capital Outlay items and anything else in her budget. She indicated that staff would get more information on the Marcus Alert system, she also noted that Ms. Rorrer may be able to answer any questions on that. Ms. McGarry noted that staff would send the Board some information on the Parks and Recreation Master Plan. Mr. Rutherford asked to discuss vehicles further on Monday. He suggested that the Sheriff be present during the Sheriff vehicle discussion. Ms. McGarry noted they would also discuss Agencies and Non-Departmental.

Ms. McGarry noted that they had listed to consider an employee compensation increase. She asked the Board if they wanted to have information ready for next time. Mr. Parr suggested that they should have the information available because that would be a big number. Mr. Rutherford asked if the School Division had an increase included. Ms. McGarry noted that the School Division had priced in a three (3) percent increase. She reported that the Compensation Board was also doing three (3) percent for Constitutional offices for both years of the biennium. She indicated that staff had included a two (2) percent increase and the last piece of the equity from the MAG study. She noted that the Schools had the option to do an average of a 1.5 percent increase each year, in order to get a pro-rated amount of the State funding. Ms. Staton pointed out that the Schools had budgeted for a health insurance increase, but since there was no increase, that meant there were some savings. Ms. McGarry indicated that the School Division had adopted their budget the night before, based on the Senate version. She noted that they had not received a formal request from the Schools, but it should include a \$1.8 million deficit for them. She commented that she thought the Schools wanted to go ahead and adopt their budget to be able to provide something to the Board. She noted that they were still waiting to see where things settled with the State budget to be able to determine what work needed to be done. She pointed out that a lot of the budget issues were related to the Composite Index change, as well as the salary increases.

Mr. Rutherford stated that he had no interest in revenue enhancements on major tax rates. He noted the budget would be tight. Ms. McGarry asked if staff should look at some of the local fees. She noted that staff was working on getting updated information on the Revenue Recovery fees. She commented that the Building Inspections Department was also looking at increasing some of their fees. She asked if the Board would be interested in taking a look at some proposed fees. She noted that they would be a drop in the bucket and not impact a \$1.8 million deficit but it could help. Dr. Ligon indicated that she would be interested in looking at fees. Ms. McGarry noted that the only way to really put a dent in the \$1.8 million would be major revenue enhancements, or major expenditure cuts.

March 15, 2024

Ms. McGarry noted that the 100 percent value of the penny was \$321,707 which did not account for any collection rate reduction.

**III. OTHER BUSINESS (AS MAY BE PRESENTED)**

The Board had no other business to discuss.

**IV. ADJOURN AND CONTINUE TO MARCH 18, 2024 AT 1 P.M. FOR A BUDGET WORK SESSION**

At 3:14 p.m., Mr. Rutherford made a motion to adjourn and continue to March 18, 2024 at 1 p.m. for a budget work session. Mr. Reed seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

March 20, 2024

**Virginia:**

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 7:00 p.m. at the Nelson County High School Auditorium in Lovingston, Virginia.

Present: J. David Parr, West District Supervisor – Chair  
Ernie Q. Reed, Central District Supervisor – Vice Chair  
Thomas D. Harvey, North District Supervisor  
Jesse N. Rutherford, East District Supervisor  
Dr. Jessica L. Ligon, South District Supervisor  
Candice W. McGarry, County Administrator  
Amanda B. Spivey, Administrative Assistant/Deputy Clerk  
Dylan M. Bishop, Director of Planning and Zoning  
Emily Hjulstrom, Planner  
Catherine Redfearn, Berkley Group  
Chris Musso, Berkley Group

**I. CALL TO ORDER**

Mr. Parr called the continued meeting to order at 7:03 p.m. with five (5) Supervisors present to establish a quorum.

**II. PUBLIC HEARING**

**A. 2042 Comprehensive Plan**

Berkley Group will provide a presentation on the draft 2042 Comprehensive Plan. Following the presentation, the Board will receive public input regarding the draft Comprehensive Plan. The Comprehensive Plan is the County's key policy document for land use, development, housing, infrastructure, transportation, and related economic and social issues.

Ms. Redfearn presented the following information:

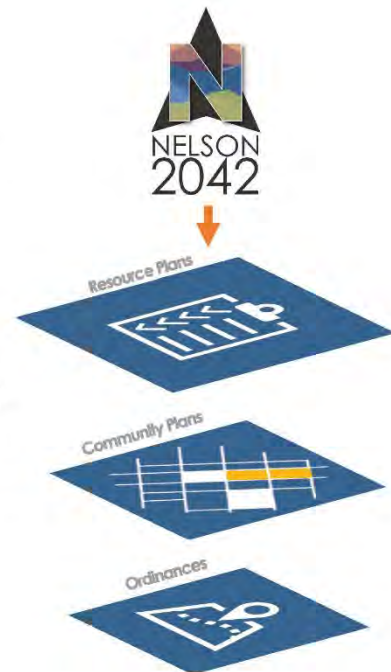
# NELSON COUNTY, VA

## Comprehensive Plan Update



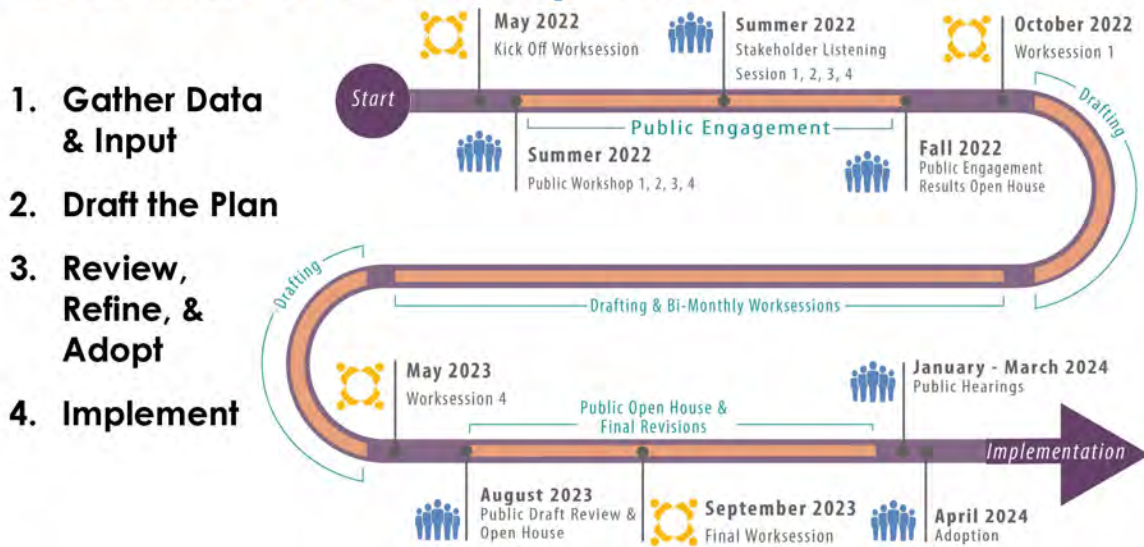
## What is Nelson 2042?

- ☐ A community-guided vision for the future of the County
- ☐ The guiding framework for the community's planning tools: Zoning Ordinance, Subdivision Ordinance, Capital Improvements Program, and other Plans & Studies
- ☐ A legally required document by Virginia State Code Section § 15.2-2223



Ms. Redfearn added that the Berkley Group has been working with Nelson County for the past two years to draft the 2042 Comprehensive Plan. She explained on February 28<sup>th</sup> the Planning Commission recommended to adopt the plan with the inclusion of several edits. She added that most of the edits are editorial in nature but there are two that that incorporate policy changes.

## How Was the Plan Updated?












Ms. Redfearn explained that the 2042 Comprehensive Plan update was the culmination of bringing the community together and questioning what was valued, important to the community, and the future direction of the county. She noted that the Comprehensive Plan translated that input, data, and research into a policy and decision making guide for public officials. She added that the plan itself was not regulatory but provided the framework for updating and improving the county's regulatory tools.

Ms. Redfearn explained that implementation was the most important part of the process and the plan would only work if it was utilized. She added that it was their charge, as community members, staff, and

officials to ensure that the vision and policies in the document come into reality.

## How Was the Community Involved?

Educate & Inform		Listen & Consult				Receive Feedback		
 <b>Fliers &amp; Guides</b> <ul style="list-style-type: none"> <li>• Fliers &amp; Postcards</li> <li>• Social Media</li> <li>• CBS 19 News</li> <li>• Nelson County Times</li> <li>• Crozet Gazette</li> </ul>	 <b>Project Website</b> nelson2042.com	 <b>Interactive Engagement</b> <ul style="list-style-type: none"> <li>• Youth Art Challenge</li> <li>• Describe Nelson in 1 Word</li> <li>• Idea Wall</li> </ul>	 <b>Public Survey</b> <ul style="list-style-type: none"> <li>• July - August 2022</li> <li>• Online &amp; Print</li> <li>• 885 Responses</li> </ul>	 <b>Public Workshop</b> <ul style="list-style-type: none"> <li>• 4 Community Workshops</li> <li>• Over 150 participants</li> <li>• 1 Input Results Forum</li> </ul>	 <b>Focus Groups</b> <ul style="list-style-type: none"> <li>• 4 Focus Groups</li> <li>• 35 different groups or businesses participated</li> </ul>	 <b>Draft Review</b> <ul style="list-style-type: none"> <li>• Chapter drafts posted online</li> <li>• Comment form available for public feedback</li> </ul>	 <b>Public Open House</b> <ul style="list-style-type: none"> <li>• Draft Plan posted in July</li> <li>• Gather to review and get feedback</li> <li>• Comment form available for public feedback</li> </ul>	 <b>Public Hearing</b> <ul style="list-style-type: none"> <li>• Comments accepted from Public before adoption consideration</li> </ul>
✓	✓	✓	✓	✓	✓			
✓	✓	✓				✓		
✓	✓					✓	✓	✓

She explained that this process was designed to be inclusive and robust as possible. She noted that all comments from the community were recorded and considered during plan development and refinement.



Ms. Redfearn pointed out that the beauty and rural environment were what drew people to live and recreate in Nelson County. She noted that it was not surprising that the key takeaway from community



engagement was that there was a rural character that the county must strive to protect as well as environmental resources worthy of protection. She explained that the county must limit new development to specific areas of the county in order to achieve that goal. She added that it must be in balance with the need for housing choice, economic and educational opportunities, improved transportation safety and recreational amenities.

## Key Takeaways from the Community



**Rural character & environment** considered most valued asset



**Any new development should be strategic** and not impact rural character



Nelson has a strong **sense of community and identity**



**Transportation safety** improvements are a top priority



Improving **housing choice & quality** is a priority focus



**Schools & educational opportunities** are top priorities for the future



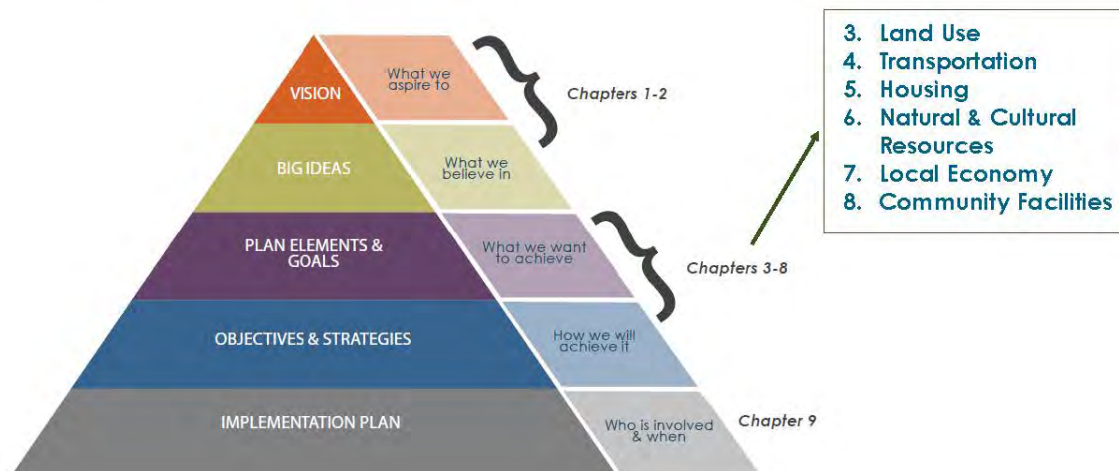
Target **commercial & economic** growth on the 29 corridor



Improve **recreation & alternative transportation**

6

## What is in the Comprehensive Plan?





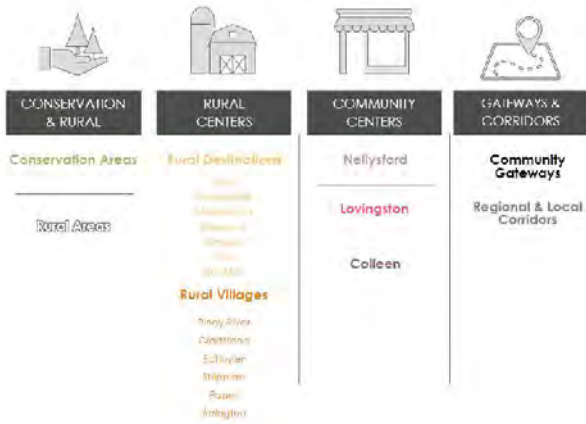
Ms. Redfearn explained that the four big ideas and the vision statement came directly from the community engagement process. She added that these big ideas and vision statement form and inform the policy content of the plan.





Ms. Redfearn explained that Chapter 3 addresses future land use and includes a policy framework for strategic investment in the county, a conceptual future land use map, land use pattern areas, design principals, and supporting strategies. She described the land use categories.

## Future Land Use Framework



## Future Land Use Framework



### PC RECOMMENDATION

#### 1. Remove Montebello from Rural Destination Land Use Category

- Delete from Future Land Use Map
- Delete Description on page 41

#### 2. Add a Strategy to Land Use Chapter

- Discourage the use of large-scale development in Montebello through zoning.

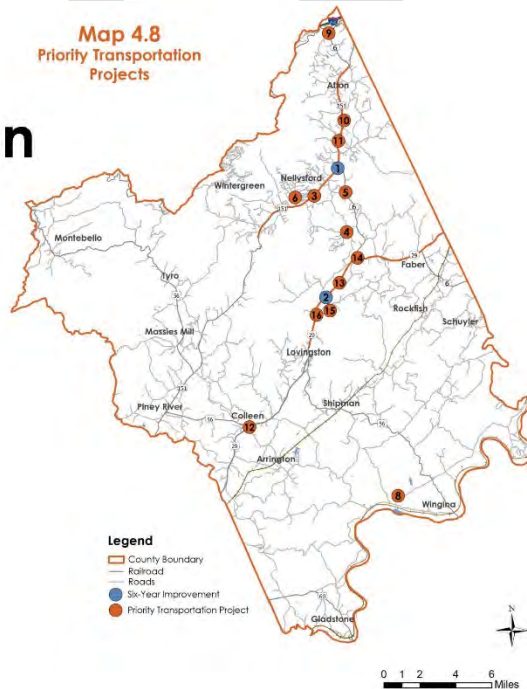
Ms. Redfearn noted that a recommended revision from the Planning Commission was to clarify the intent behind the land use designations and Nellysford in particular. She then reviewed the two recommendations shown on the slide above that pertain to the Future Land Use Framework and Montebello. She explained that this would restrict Montebello to conservation and rural area types.

## Chapter 4 - Connecting People and Places

*Our Goal  
Nelson County  
maintains a  
transportation  
system that provides  
a safe and efficient  
multimodal network  
to connect residents  
and visitors to places  
they live, work,  
recreate, and access  
services throughout  
the County and  
region.*

### Priority Transportation Projects

**Map 4.8**  
Priority Transportation  
Projects

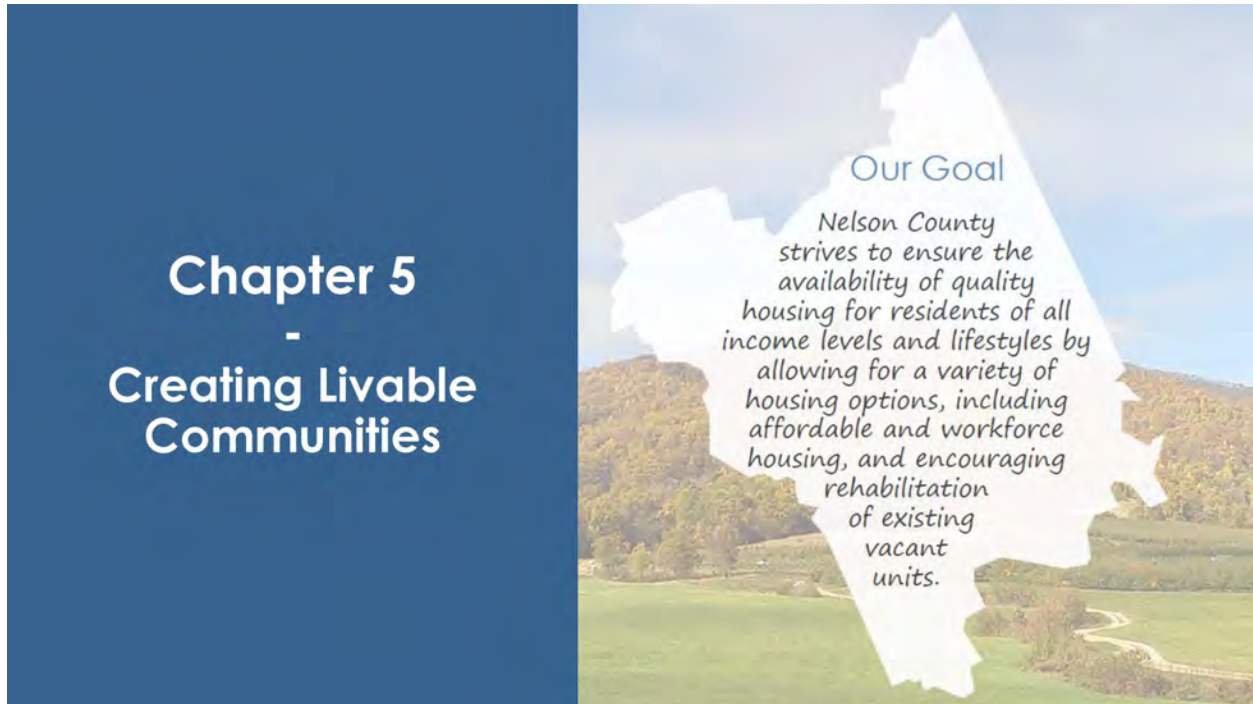


Ms. Redfearn noted that this chapter described the transportation inventory, needs, planning assumptions, and recommended connectivity projects and strategies across the county. She added that focus areas included improving the existing transportation network with a key emphasis on vehicular safety improvements, investing in alternative transportation, and coordinating those projects with the Future Land Use Map.

Ms. Redfearn showed the priority projects map and associated list from the plan. She noted that these projects had been identified in coordination with VDOT and approved by VDOT. She noted that these

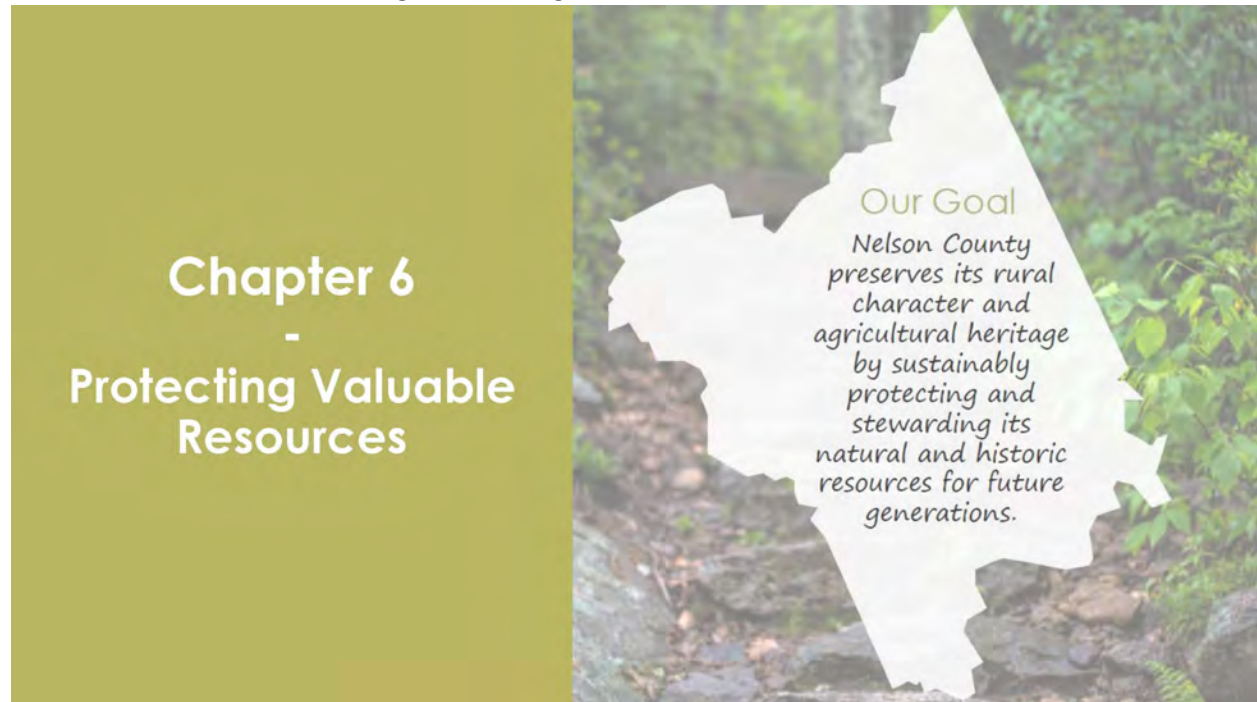


projects prioritized safety improvements, investments in trails and sidewalks, continued coordination with VDOT through further plans and studies. She explained that language in this section had been further refined and edited to clarify the need for transportation safety improvements along the Route 151 corridor.

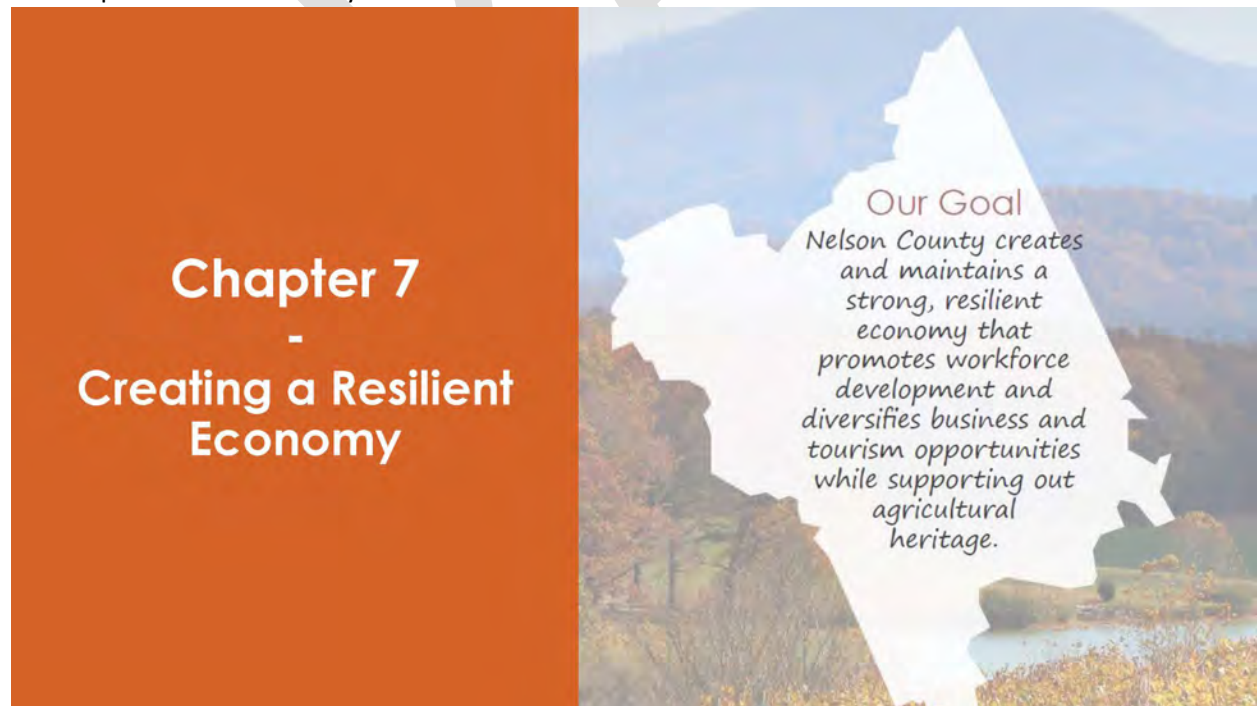


Ms. Redfearn explained that this chapter addressed housing. She noted that the chapter described the existing housing conditions, ways to promote affordable housing, housing choice, and healthy livable neighborhoods. She added that key objectives included improving the quality of the existing housing stock, expanding allowable housing types, and supporting livable connected communities by locating

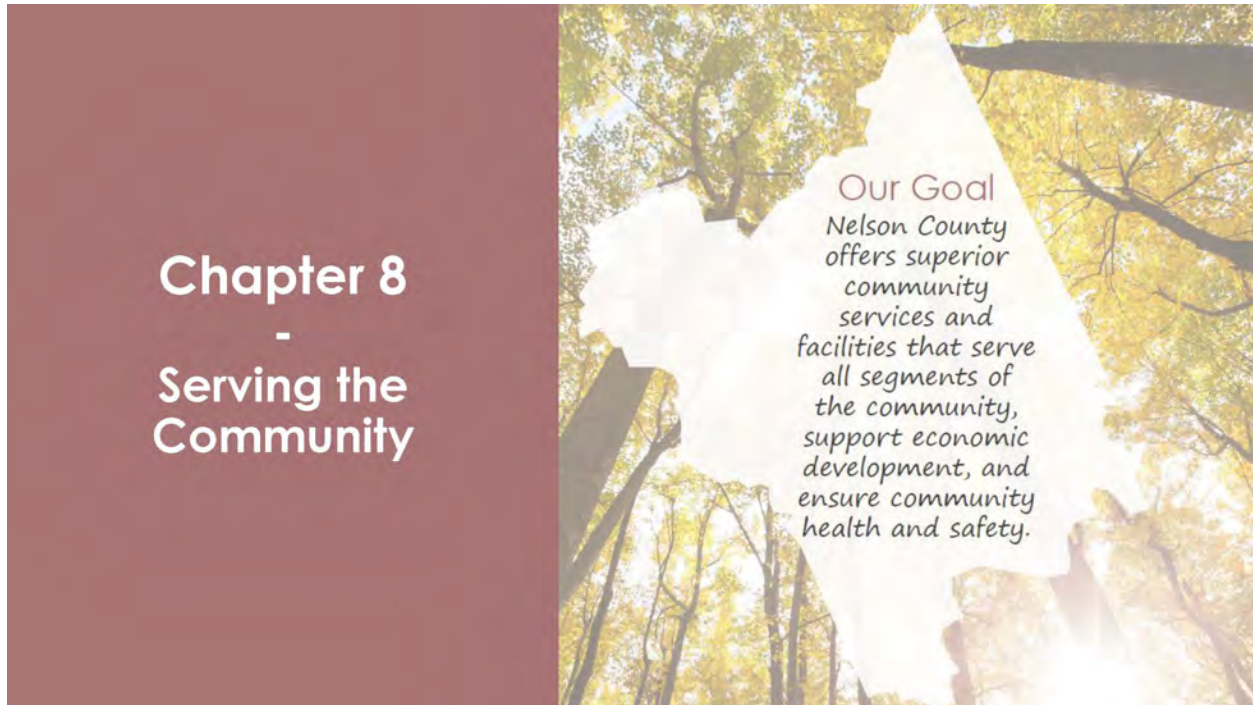
amenities and services near villages or existing residential areas.



Ms. Redfearn explained that this chapter addressed natural and historical resources. She noted that the chapter described information on items such as topography, water resources, flood hazards, cultural/historical sites, and strategies for sustainable growth and development. She added that the key focus areas were planning for resiliency in the community while protecting the sensitive resources and landscapes within the county.



Ms. Redfearn explained that this chapter addressed the economy within the county. She noted that the chapter described economic data and drivers within the county, key industries, and strategies for economic growth. She added that the key focus areas included supporting today's work force through education and training opportunities, diversifying and enhancing the community's economy by supporting both traditional and emerging industries (many of which are based on the tourism and recreation).



Ms. Redfearn noted that Chapter 8 described anticipated needs and improvements to public facilities, recreational amenities, educational needs, and other public assets. She added that the key focus areas included enhancing the effectiveness and the efficiency of county government, improving infrastructure, and providing quality of life services to all segments of Nelson County.



## Chapter 9 - Implementation



### Implementing the Plan



- **Annual Budget**
- **Capital Improvement Plan**
- **Land Use Regulations**
- **Land Use Actions**
- **Intergovernmental Cooperation**
- **Annual Review**

#### IMPLEMENTATION TYPE

- Regulation Updates and Enforcement
- Programs & Services
- Community Outreach and Education
- Partnerships
- Plans and Studies
- Capital Projects

#### RESPONSIBLE AGENCY

- Nelson County
- Nonprofit Organizations
- Regional and Institutional Partners
- State and Federal Agencies
- County Citizens

#### SCHEDULE

- Short-term (1-3 years)
- Mid-term (3-5 years)
- Long-term (5+ years)
- Ongoing

Ms. Redfearn noted that Chapter 9 categorized and prioritized all of the strategies from the previous chapters and provides a list of tools for their successful implementation. She noted that a plan is only successful if it is used. She explained that the implementation matrix is the tool to keep the county on track and monitor progress towards the Nelson County of 2042. She added that the plan should be used daily or as they are making development decisions as well as reviewing the matrix annually and updating

the document as necessary to keep them on track.

# Thank you!



*Chair Parr opened the public hearing at 7:22 PM*

Sherri Smith explained that she was from a first family Virginia farming legacy. She added that she has lived in Montebello since the 1990's raising her family. She explained that she was speaking on behalf of the Keep Montebello Rural Coalition (KMRC). She thanked the Board of Supervisors and Planning Commission for the recent revisions that were recommended for the plan, with emphasis on the provisions pertaining to the Montebello region. She noted that there was a full copy of the comments from the KMRC that has been submitted to the Board.

Ms. Smith explained that the KMRC requested Montebello not be referred to as a gateway or a basecamp for other parts of the county. They felt that Montebello was the destination to protect, that it was unique in and of itself, a gem for the generations, and distinctive. She added that Montebello was not a passthrough to the county.

The KMRC requested that 'by right' be strictly defined. Ms. Smith added that the KMRC had looked at definitions from other localities and found very little in common. She added that not having a definition for 'by right' in Nelson County suggested a latitude that other counties were not allowing. The KMRC asked they address 'by right' by both what it was, and what it was not. They felt that this could be easily done without conflict with the Code of Virginia. They further requested that upon finalization of the plan that 'by right' is strictly defined as it pertains to zoning applications, especially Major Site Plans.

Ms. Smith stated that it has been indicated that 'by right' will be looked into when the county reviews the Zoning Ordinance. The KMRC asked that this be a total revision, and not just a review, to protect these regions from unweildly commercial development. They also requested that further site plans and



Special Use Permits for significant developments be put on hold in the Montebello area until the anticipated zoning revisions are finalized.

She added that it appeared evident that developers who built groups of cabins or multiple small dwellings were ultimately and intentionally planning them as short-term vacation rentals and that this type of development should be viewed as a commercial endeavor (whether or not that is stated in the building permit or site plan). She explained that although very small structures (such as cabins) may meet building requirements, if they are discharging into a natural water source, there should be some regulations through DEQ that monitor their high volume of discharge so as not to disrupt the sensitive ecosystem that provides a life source for their native Brook Trout. In addition, during past hurricanes there had been massive property damage and even loss of life from collapse of buildings that have been situated too close to the river or in the floodplain. Their great concern was protecting Montebello's way of life and our headwaters, which ultimately affect every waterway from here to the Chesapeake Bay.

Ms. Smith noted that Nelson County zoning code does not define the word "cabin." Therefore, when the word "cabin" was used with a multiple dwelling "by right" use provision in a Major Site Plan application, it suggested that the county must trigger a more profound inquiry to determine commercial intent and the potential development of a campground, thus requiring a Special Use Permit. She asked that the county recognize such cabins as having C-1 or A-1 zoning intent.

She added that they do not want to see their roads damaged by the overuse of such developments. The KMRC thanked the Board for listening to their community and asked that the county assist them in fulfilling their mission to protect the rural resources and character of the region.

**Keep Montebello Rural Coalition**  
**Nelson County Board of Supervisors Comprehensive Plan Hearing**  
**March 20, 2024, 7 PM, Nelson County High School**

*The Keep Montebello Rural Coalition (KMRC) is committed to preserving our Community's unspoiled nature, neighborly relationships, cultural heritage, authenticity, and rural character.*

We thank the Planning Commission and the Nelson County Board of Supervisors for the recent changes recommended for the Comprehensive Plan by the Planning Commission on February 28, 2024, and the Nelson County Board of Supervisors on March 12, 2024, pertaining to the Montebello region (see Background & History).

Regarding wording used, we further request that Montebello not be referred to as a “gateway” or “basecamp” for other parts of the County, as stated in the current draft of the Comprehensive Plan. We feel that Montebello is THE destination to protect, unique in and of itself. Montebello IS a gem for the generations, and we want to assist Nelson County in keeping it that way, distinctive in every way.

**Additional Matters of Concern**

1. The KMRC has researched the use and definition of “by right” use. In this search, KMRC found nothing instructing counties on what to include as a “by right” use. Although there are other references to “by right” in the VA code, there is no definitive definition. Comparing Nelson County's “by right” uses with other counties in Virginia, we found very little in common, and the uses by other counties do not appear to offer the latitude that Nelson does for short-term rental developers.
  - a. KMRC agrees with the Board of Supervisors’ decision to define “by right” in the comprehensive plan and asks that said definition cover what it is and what it is not. We suggest that this could easily be done without conflict with Virginia codes.
  - b. KMRC further requests that upon finalization of the Comprehensive Plan, the provision of “by right” as pertains to Zoning applications be strictly defined, especially in the context of a Major Site Plan application.

2. As the Board of Supervisors has indicated at public hearings, beyond defining "by right" in the Comprehensive Plan, the "by right" use provision in the County's zoning ordinances needs to be "fixed."
  - a. KMRC requests that zoning ordinances be overhauled, updated, and revised per the intentions behind the new Comprehensive Plan. This will protect unique rural regions like Montebello from unwieldy commercial development, expressly yet not limited to commercial development under the vague "by right" use loophole.
  - b. The KMRC respectfully requests that Major Site Plans and Special Use Permits for significant development applications/projects in the Montebello area (subdivisions, groups of cabins, golf courses, etc.) be put on hold until the anticipated zoning revisions are finalized.
3. It appears evident that developers who build groups of cabins or multiple small dwellings are ultimately and intentionally planning them as short-term vacation rentals; therefore, this type of development should be viewed as a commercial endeavor (whether or not this is stated in the building permit or site plan).

Although very small structures (such as cabins) may meet building requirements, if they are discharging into a natural water source, there should be some regulations through DEQ that monitor their high volume of discharge so as not to disrupt the sensitive ecosystem that provides a life source for our native Brook Trout. In addition, during past hurricanes there has been massive property damage and even loss of life from collapse of buildings that have been situated too close to the river in the floodplain. Our great concern is protecting Montebello's way of life and our headwaters, which ultimately affect every waterway from here to the Chesapeake Bay.

- a. Of note: The Nelson County zoning code does not define the word "cabin." Therefore, when the word "cabin" is used with a multiple dwelling "by right" use provision in a Major Site Plan application, it suggests that the county must trigger a more profound inquiry to determine commercial intent and the potential development of a campground, thus requiring a Special Use Permit.

- b. The KMRC asks Nelson County to recognize this kind of grouping of dwellings for what it is because commercial endeavors in an area such as Montebello stress rural infrastructure, destroying its pristine nature and rural character, and is contrary to the current A-1 "Agricultural Intent" and C-1 "Conservation Intent" as currently defined by Zoning.

*"A-1 Statement of intent: 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."*

*"C1 Statement of intent: This district covers portions of the County which are occupied by various open spaces such as steep slopes, forests, parks, farms, marshland, lakes or stream valleys. This district is established for the specific purpose of facilitating existing and future farming operations, conserving water and other natural resources, reducing soil erosion, protecting watersheds, reducing hazards from flood and fire and preserving wildlife areas of the County."*

- c. KMRC does not want to see our picturesque and rural country roads utilized as primary conduits for traffic destined for scattered campgrounds, groups of short-term rentals, golf courses, or wineries. With only a few roads in this pristine area, KMRC asks Nelson County to respect the extreme need for safety, congestion, and wear and tear prevention, as it seeks to preserve the rural and historical character that our backroads represent.

#### 4. In Conclusion

As members of the KMRC, we are looking to Nelson County to assist in fulfilling our community mission of protecting the valued resources and rural character of our Region.

KMRC respectfully requests the County's continued support, ensuring that future growth in our community respects the core rural values and attributes we've identified herein with reasonable and substantive changes to the current Comprehensive Plan and to the revision of zoning ordinances that is to follow.

Stephen Bayne – Nellysford, Virginia

Mr. Bayne read the following quote from the Comprehensive Plan Executive Summary “While Lovington and Colleen have the capacity to absorb new growth, provide regional services, and provide for housing needs within the County, Nellysford is at capacity and planning should focus on targeted investment in services, amenities, rehabilitation, and redevelopment.”. He added that they are aware Nellysford was at capacity to absorb new growth. He stated that language on Page 44 of the Comprehensive Plan draft was likely contradictory and certainly insufficient. He believed that increasing density in Nellysford was likely contrary to the fact that Nellysford was at capacity. Mr. Bayne read the following from Page 44:

- “...encourage a mix of use types in a traditional Village development pattern.”
- “Focus on allowing for a mix of uses in a village setting.”
- “...ensure compatibility with ... traditional Village development patterns.”
- “Allow the development of a variety of housing types.”

Mr. Bayne requested that Traditional Village Development Pattern be defined in the glossary. He questioned how encouraging mixed-use types would not increase density and contradict that Nellysford was at capacity. He explained that this was heightened with the use of “encourage and focus on” rather than “allow”. He questioned how they could allow a variety of housing types without increasing density. He asked that the language be clarified so that the constituents could understand. He asked that in Appendix B they update the definition of ‘Small-Scale Multi-Family Residential’ as follows “Housing options such as apartments, duplexes, triplexes, or townhomes that are developed in a way to have a small impact to the surrounding area in regard to such things as traffic volume, noise, lighting, **viewshed**, etc.” He stated that it was important to itemize ‘viewshed’. He asked that the Board address these concerns and added that it was important that they have the best Comprehensive Plan possible with known improvements as it would inform and guide the zoning rework to follow. He requested that those comments be addressed prior to finalization of the Comprehensive Plan.

Paul Davis – Nellysford, Virginia

Mr. Davis stated that he supported exactly what Mr. Bayne presented. He questioned why it was so difficult to change the language used for the Nellysford area. He explained that the residents he had spoken to had noted that Nellysford was at capacity. He noted that he had gone door to door from Black Bear Creamery down to the entrance of Stoney Creek along Route 151. He explained that the residents were all scared of big developments coming in and changing the area. He added that all the residents he spoke to were living in homes that had been in their families for decades. He questioned how difficult it would be to change the language of the plan when it was only a guide line that could be manipulated. He asked that they take the time to speak with the residents along that stretch of Route 151. He explained that big developments could change the area for their own profit. He added that this could cause Nelson County to lose a way of life that the county had.

Stanley Milesky – Nellysford, Virginia

Mr. Milesky addressed growth and development along the Route 151 corridor and its impact on highway safety and traffic flow issues, and possible water table depletion. He noted that the underlying highway safety problems of Route 151 were the consequence of a complex mix of local and through traffic. He explained that the same 14.1 mile stretch of two-lane road was used by that varied mixture for different purposes. He added that drivers also have differing expectations regarding appropriate speed and destination for themselves and other drivers utilizing the same road. He noted that a relatively long stretch of road between Wintergreen and US 250 with its average speed of 55 mph was almost the perfect recipe for conflicts and near misses daily experienced on Route 151. He explained that this mix of traffic types was not likely to change and the conflicts they produce remained a problem that could be expected to exacerbate as traffic volumes increase. He noted that there are at least 20 agritourism businesses located along Route 151 or adjacent access roads. He explained that these establishments bring additional traffic on Route 151 as well as significant increase in tax revenues to both the Commonwealth of Virginia and Nelson County. He added that it was likely that additional similar businesses would seek to locate along Route 151. He noted that there were already restaurants and other business located along the corridor that were also likely to increase. He stated that it was fair to designate some portion of the increased revenues to the mitigation of the traffic conflicts resulting from that increased growth. He added that it would also be fair to require developers of businesses submit newly revised Special Use Permits to share in the cost of the mitigation. He explained that otherwise the cost of mitigation was placed solely on the taxpayers and citizens of Nelson County. He added that the same dynamics affecting traffic were also affecting the water table and aquifers across the entire county, but especially in Nellysford and Stoney Creek. He stated that a formal process was needed for any Special Use Permit with entry on the Route 151 corridor. He noted that this should include an analysis of the additional traffic (present and future) likely to be generated, the impact of that traffic on highway safety, and the likely use from the aquifer.

Bonnie Seaman Nedrow – Greenville, Virginia

Ms. Seaman Nedrow stated that she was originally from Montebello but currently lived in Augusta County. She explained that she still owned the property where she was born and raised on Fork Mountain. She stated that she did not want to see that property be encircled by development of campgrounds, cabins, or anything else that took away from the beauty of her home town. She implored the Board to look at the plan very carefully. She requested that they look at 'by right'. She asked them to take all the people that live and have lived in Montebello into consideration. She explained that their community was as important to them as it was to anyone else that travels Route 56 from Steele's Tavern at Route 11 to Route 151 in Nelson County. She asked that they keep Montebello and Nelson County from being developed by big developers that only want to put money in their own pocket. She noted that there was already a development occurring. She added that she did not want to see condos that remind her of California.

Susan McSwain – Shipman, Virginia

Ms. McSwain noted that the Comprehensive Plan lived up to the definition of comprehensive. She explained that the plan covered all aspects of Nelson County and presented a lot of data. She suggested

March 20, 2024

that it can be a guide post on county ordinances and it was a great resource for citizens to learn about the county. She noted that it could apply to newcomers to the county or long time residents. She noted that she liked the list of documents and resources provided in Appendix C. She noted that Appendix D currently had no information so it should either be deleted or have the information included. She thanked county staff and elected officials for the work done to complete the plan. She thanked the Berkley Group for coalating all of the input received from citizens. She believed that the finished Comprehensive Plan would serve the county well.

*Chair Parr closed the public hearing at 7:43 PM*

### **III. ADJOURN AND CONTINUE TO MARCH 22, 2024 AT 9:30 A.M. FOR A BUDGET WORK SESSION.**

At 7:44 p.m., Mr. Reed made a motion to adjourn and continue to March 22, 2024 at 9:30 a.m. for a budget work session. Dr. Ligon seconded the motion. There being no further discussion, Supervisors approved the motion by vote of acclamation and the meeting adjourned.

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

**RESOLUTION R2024-41**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**AMENDMENT OF FISCAL YEAR 2023-2024 BUDGET**  
**June 11, 2024**

**I. Appropriation of Funds (General Fund)**

<u>Amount</u>	<u>Revenue Account (-)</u>	<u>Expenditure Account (+)</u>
\$ 314.28	3-100-002404-0001	4-100-031020-5419
\$ 2,266.95	3-100-002404-0001	4-100-031020-5419
\$ 1,742.00	3-100-002404-0034	4-100-031020-1014
\$ 765.00	3-100-002404-0006	4-100-022010-5419
\$ 183,058.30	3-100-002401-0045	4-100-053600-3164
\$ 18,000.00	3-100-002404-0061	4-100-081020-7067
<b>\$ 206,146.53</b>		

**II. Transfer of Funds (General Fund Departmental - From Employee Benefits Line)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 2,065.00	4-100-091030-5615	4-100-043020-2011
\$ 1,000.00	4-100-091030-5616	4-100-012090-2005
\$ 3,000.00	4-100-091030-5616	4-100-021010-1009
\$ 1,100.00	4-100-091030-5616	4-100-053600-1003
<b>\$ 7,165.00</b>		

**III. Transfer of Funds (From General Fund Non-Recurring Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 11,000.00	4-100-999000-9905	4-100-011010-3002
\$ 2,500.00	4-100-999000-9905	4-100-011010-5501
\$ 4,953.00	4-100-999000-9905	4-100-043040-5305
\$ 36,983.00	4-100-999000-9905	4-100-043040-5408
\$ 55,127.00	4-100-999000-9905	4-100-043040-5415
\$ 6,878.77	4-100-999000-9905	4-100-053600-3164
<b>\$ 117,441.77</b>		

**IV. Transfer of Funds (From General Fund Recurring Contingency)**

<u>Amount</u>	<u>Credit Account (-)</u>	<u>Debit Account (+)</u>
\$ 76,600.93	4-100-999000-9901	4-100-053600-3164
<b>\$ 76,600.93</b>		

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk

Nelson County Board of Supervisors



## **EXPLANATION OF BUDGET AMENDMENT**

- I. Appropriations are the addition of unbudgeted funds received or held by the County for use within the current fiscal year budget. These funds increase the budget bottom line. The General Fund Appropriations of \$206,146.53** reflect requests of (1)(2) **\$314.28 + \$2,266.95** appropriation requests for FY24 Sheriff's Department DCJS Asset Forfeiture funds received; (3) **\$1,742.00** appropriation request for Sheriff's Department FY24 DCJS Temporary Detention Order & Emergency Custody Order transport wages funding May 2024; (4) **\$765.00** appropriation request for Commonwealth Attorney's FY24 DCJS Asset Forfeiture funds received; (5) **\$183,058.30** supplemental appropriation request for State funds (68.68%) for additional State mandated CSA (Children's Services Act) services costs through June 30th totalling \$266,538.00; (6) **\$18,000.00** appropriation request for Virginia Tourism Corporation 2024 DMO Grant for Stars & Spurs at Oak Ridge. *The total appropriation request for this period is below the 1% of expenditure budget limit of \$769,182.05 for June.*
- II. Transfers represent funds that are already appropriated in the budget but are moved from one line item to another. Transfers do not affect the bottom line of the budget. General Fund Departmental Transfers of \$7,165.00** are requested in the amounts of (1) **\$2,065.00** to cover increase in FY24 Worker's Compensation insurance premium expense in Maintenance Department; (2) **\$1,000.00** to cover increase in VRS (retirement benefit) costs in Commissioner's budget; (3) **\$3,000** to cover Circuit Court cost of compensation for jurors summoned due to increased number of jury trials in FY24; (4) **\$1,100.00** to cover CSA part-time wages through June due to 2% wage increase in December 2023 and occasional increased work hours.
- III. Transfers represent funds that are already appropriated in the budget but are moved from one line item to another. Transfers do not affect the bottom line of the budget. Transfers from General Fund Non-Recurring Contingency in the amount of \$117,441.77** are reflected in (1) **\$11,000.00** for increased financial auditing services costs for the FY23 audit due to additional auditing requirements in GASB 87 & 96 (Governmental Accounting Standards Board); (2) **\$2,500.00** is requested to cover Board of Supervisors FY23 and FY24 mileage expenses paid in FY24; (3) **\$4,953.00** is requested to cover increased cost of Motor Pool vehicle insurance in FY24; (4) **\$36,983.00** is requested to cover increased Motor Pool vehicle repairs and maintenance costs; and (5) **\$55,127.00** is requested to cover increased fuel costs for Motor Pool and agency vehicles in FY24; (6) **\$6,878.77** is requested to cover a portion of the local share cost (31.32%) of State CSA (Children's Services Act) mandated services through June 30, 2024. The total local share is \$83,479.70 of which the balance of \$76,600.93 is required from Recurring Contingency balance. *Following approval of these expenditures, the balance of Non-Recurring Contingency would be \$ 0.00.*
- IV. Transfers represent funds that are already appropriated in the budget but are moved from one line item to another. Transfers do not affect the bottom line of the budget. A Transfer from General Fund Recurring Contingency in the amount of \$76,600.93** is requested to cover (1) **\$76,600.93** of remaining local costs (31.32%) of additional State CSA (Children's Services Act) mandated services through June 30, 2024. *Following approval of these expenditures, the balance of Recurring Contingency would be \$433,101.07.*

Department of Criminal Justice Services  
1100 Bank Street - 12th Floor  
Richmond, VA 23219



Asset Forfeiture Proceeds

Disbursements for: 5/13/2024 through 5/13/2024

Date to Finance	DCJS Seizure No	Asset Description	Value	Disbursal Amt	Voucher No
County of Nelson					
Nelson County Sheriff's Office					
5/13/2024	21-FS23101	2012 Volkswagen Jetta Sale Date: 11/17/2021	\$8,000.00	\$314.28	15636
		Sale Price: \$1,800.00		Expenses: \$54.00 Fees	
		Subtotal:		\$314.28	
		Total:		\$314.28	

FDRG  
3-100-2404-0001  
4-100-31020-5449  
(4)



Disbursements for: 5/23/2024 through 5/23/2024

Date to Finance	DCJS Seizure No	Asset Description	Value	Disbursal Amt	Voucher No
County of Nelson					
Nelson County Commonwealth's Attorney					
5/23/2024	21-FS31701	U.S. Currency	\$9,500.00	\$765.00	15746
			Expenses: \$1000.00 To be returned to defendant.		
			\$765.00 → <u>FDRCGA-3-100-2404-0006</u>		
			4-100-22010-5419		
			Subtotal:		
			\$9,500.00		
Nelson County Sheriff's Office					
5/23/2024	21-FS31701	U.S. Currency	\$9,500.00	\$2,266.95	15746
			Expenses: \$1000.00 To be returned to defendant.		
			\$2,266.95 → <u>FDRA-3-100-2404-0001</u>		
			4-100-31020-5419		
			Subtotal:		
			\$3,031.95		
			Total:		

Linda Staton

From: Neely Hull  
Sent: Thursday, June 6, 2024 8:53 AM  
To: Linda Staton  
Cc: Sandy Neblett  
Subject: TDO/ECO money

Good Morning!

These funds were deposited today. Posted to DCJSTD

Total Amount: 1,742.00

Deposit Date: 06/07/2024

Trace Number: 82393204

Agy No	Amount	CDS		Invoice Number	Invoice Date	Customer Number	Voucher Number	Description
		Offset Amount	TOP Offset Amount					
140	1,742.00	0.00	0.00	TDO/ECO Reim	05/23/2024		00033879	Sheriff's Office: Temp

Tot 140: 1,742.00

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

DCJSTD  
3-100-2404-0034  
4-100-31020-1014

June 3, 2024

Chairman Parr and Board Members,

The Children's Services Act (CSA) is the result of a 1993 Virginia Law that provided for the pooling of eight specific funding streams used to purchase services for high-risk youth. The pool of funds comes from the Department of Social Services, Department of Juvenile Justice, Department of Education, Department of Mental Health, and an Interagency Consortium. Currently, the County Administrator supervises the program, and the Director of Finance and Human Resources serves as the fiscal agent. The CSA Coordinator is a part time position housed in the Court Service Unit office space and oversees all aspects of the program including budget, payments, and reimbursement. The program has served 42 children thus far in FY24.

The FY24 budget allocation for the CSA program is \$2,000,000 with a local share of \$626,400 (31.32%). Current expenditures are projected at \$2,266,538 which will require an additional local share of \$83,479.70 (31.32%). The increase in expenditures is a result of the increase in number of children in foster care, their increasing level of needs, the increase in valid CPS complaints resulting in foster care prevention services, the increase in children placed in private day schools through IEP's, the increase in parental requested placements and overall, the increase in pricing of services. Due to these factors that have resulted in an increase in projected expenditures, I am requesting an additional \$266,538, \$83,479.70 in local funds, be appropriated to the FY24 CSA budget.

Respectfully,



Allison McGarry  
Nelson County CSA Coordinator

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

**RESOLUTION R2024-42**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**PETITION OF CIRCUIT COURT FOR WRIT OF ELECTION**  
**TREASURER SEAT**

**WHEREAS**, the serving Treasurer, Angela F. Hicks, has submitted her resignation effective August 1, 2024; and

**WHEREAS**, the next regularly scheduled election for the office of Treasurer is in 2027; and

**WHEREAS**, a special election to fill a vacancy in any constitutional office shall be held promptly pursuant to Virginia Code § 24.2-682; and,

**WHEREAS**, Virginia Code § 24.2-228.1 directs that the governing body of the county in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy.

**NOW, THEREFORE, BE IT RESOLVED**, that the County Attorney be and hereby is directed to petition the Circuit Court of Nelson County requesting the issuance of a Writ of Special Election for Tuesday, November 5, 2024, to fill the unexpired term of the Treasurer's current term of office.

Adopted: June 11, 2024

Attest: \_\_\_\_\_, Clerk  
 Nelson County Board of Supervisors

VIRGINIA:

IN THE CIRCUIT COURT OF NELSON COUNTY

BOARD OF SUPERVISORS )  
OF NELSON COUNTY, )  
 )  
Petitioner. )

COMES NOW the Board of Supervisors of Nelson County, by counsel, and pursuant to Virginia Code Sections 24.2-226, 24.2-228.1 and 24.2-682, requests the issuance of a Writ of Special Election for Tuesday, November 5, 2024, to fill the unexpired term of the Treasurer, stating her reasons therefor as follows:

1. The serving Treasurer, Angela F. Hicks, has submitted her resignation effective August 1, 2024.
2. The next regularly scheduled election for the office of Treasurer is in 2027.
3. A special election to fill a vacancy in any constitutional office shall be held promptly pursuant to Virginia Code § 24.2-682.
4. Virginia Code § 24.2-228.1 directs that the governing body of the county in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy.
5. At its regularly scheduled meeting held on June 11, 2024, the Board of Supervisors voted to request the issuance of a writ by this Court for a special election on November 5, 2024, being the same date as the general election.
6. Deputy Treasurer Neely T. Hull as the highest ranking deputy officer shall be vested with the powers and shall perform all of the duties of the office.

WHEREFORE, the Board of Supervisors of Nelson County requests the issuance of a Writ of Special Election for Tuesday, November 5, 2024, to fill the unexpired term of the Treasurer's current term of office.

Board of Supervisors  
of Nelson County

By \_\_\_\_\_  
Phillip D. Payne IV

Phillip D. Payne IV  
County Attorney  
Post Office Box 299  
Lovingston, Virginia 22949  
VSB #25405  
Telephone (434) 263-5555  
Facsimile (434) 263-4440  
Counsel for the County of Nelson



VIRGINIA:

IN THE CIRCUIT COURT OF NELSON COUNTY

BOARD OF SUPERVISORS	)	
OF NELSON COUNTY,	)	Writ of Special Election
	)	
Petitioner.	)	

On this day came the Board of Supervisors of Nelson County, by counsel, and requested, due to the resignation of the Treasurer of Nelson County effective August 1, 2024, that a Special Election be ordered for November 5, 2024, to fill the remainder of the unexpired Treasurer's term, and for good cause shown, it is

ORDERED that a WRIT OF SPECIAL ELECTION be and hereby is issued directing the Electoral Board of Nelson County to conduct a special election to fill the remainder of the term of the Treasurer to be held on the date of the next general election, November 5, 2024, in the manner and at the places as would be executed for the general election to be conducted on that date.

IT IS FURTHER ORDERED that the Electoral Board and the Registrar observe the directives of Code section 24.2-681 *et seq.* in the conduct of the special election and that the Secretary of the Electoral Board cause notice of the special election to be published in a newspaper of general circulation in Nelson County at least ten days prior to such election.

The clerk is directed to provide forthwith a certified copy of this writ to the Registrar, secretary of the Electoral Board, and to Mr. Payne.

And this matter is ended.

ENTER this \_\_\_\_\_, 2024

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Judge

I ask for this:

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Phillip D. Payne IV  
County Attorney

## § 24.2-226. Election to fill vacancy

A. A vacancy in any elected local office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled as provided by § 24.2-228 or for constitutional officers as provided in § 24.2-228.1, or unless provided otherwise by statute or charter requiring special elections within the time limits provided in this title. The governing body or, in the case of an elected school board, the school board of the county, city, or town in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy, petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly and shall order the special election to be held on the date of the next general election in November or in May if the vacant office is regularly scheduled by law to be filled in May. However, if the governing body or the school board requests in its petition a different date for the election, the court shall order the special election be held on that date, so long as the date requested precedes the date of such next general election and complies with the provisions of § 24.2-682. If the vacancy occurs within 90 days of the next such general election and the governing body or the school board has not requested in its petition a different date for the election, the special election shall be held on the date of the second such general election. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body or school board, as the case may be, may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

B. Notwithstanding any provision of law or charter to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

C. Notwithstanding any provision of law or charter to the contrary, when an interim appointment to a vacancy in any governing body or elected school board has been made by the remaining members thereof, no election to fill the vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.

Code 1950, §§ 24-145, 24-147.1; 1958, c. 621; 1970, c. 462, §§ 24.1-76, 24.1-79; 1975, c. 515; 1976, c. 616; 1977, c. 490; 1984, c. 480; 1993, c. 641; 1996, c. 873; 2000, cc. 787, 1045, 1070; 2003, c. 1015; 2010, cc. 431, 449, 645; 2011, c. 206; 2014, c. 476.

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

## § 24.2-228.1. Election to fill vacancy in constitutional office

A. Notwithstanding any provision of a charter to the contrary, a vacancy in any elected constitutional office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election, except as provided in subsection B. Within 15 days of the occurrence of the vacancy, the governing body of the county or city in which the vacancy occurs shall petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall promptly issue the writ ordering the election for a date determined pursuant to § 24.2-682. However, the governing body may request in its petition that the special election be held on the date of the next general election in November, and the court may order the special election to be held on that date.

B. If a vacancy in any elected constitutional office occurs within the 12 months immediately preceding the end of the term of that office, the governing body may petition the circuit court to request that no special election be ordered. Upon receipt of such petition, the court shall grant such request. The highest ranking deputy officer, or in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, who is qualified to vote for and hold that office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, for the remainder of the unexpired term.

C. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the thirtieth day before the date set for the special election.

D. Notwithstanding the provisions of subsection A, a vacancy in any elected constitutional office in any county or city with a population of 15,000 or less, or shared by two or more units of government with a combined population of 15,000 or less, shall be filled by a special election ordered by the court to be held at the next ensuing general election to be held in November. If the vacancy occurs within 90 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election.

E. Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

F. Notwithstanding any provision of a charter to the contrary, the highest ranking deputy officer, or in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, if there is such a deputy or assistant in the office, who is qualified to vote for and hold that office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, until the qualified voters fill the vacancy by

election and the person so elected has qualified and taken the oath of office. In the event that (i) there is no deputy officer or full-time assistant attorney for the Commonwealth in the office or (ii) the highest-ranking deputy officer or assistant attorney for the Commonwealth declines to serve, the court shall make an interim appointment to fill the vacancy pursuant to § 24.2-227 until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office.

G. The absence from the county or city of a constitutional officer by reason of his service in the Armed Forces of the United States shall not be deemed to create a vacancy in the office without a written notification by the officer of his resignation from the office. Notwithstanding any other provision of law, including § 19.2-156, the power to relieve a constitutional officer of the duties or powers of his office or position during the period of such absence shall remain the sole prerogative of the constitutional officer unless expressly waived by him in writing.

2000, cc. 787, 1070;2003, c. 1015;2006, cc. 120, 253;2009, c. 157;2011, c. 599;2015, c. 648;2016, cc. 453, 511.

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

## § 24.2-681. How special elections superintended and determined

All special elections shall be superintended and held, notice thereof given, ballots prepared, returns made and certified, votes canvassed, results ascertained and made known, and certificates of election given, by the same officers, under the same penalties, and subject to the same regulations as prescribed for general elections, except as otherwise provided by law.

Code 1950, § 24-140; 1970, c. 462, § 24.1-164; 1973, c. 30; 1993, c. 641.

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

## § 24.2-682. Times for special elections

A. Notwithstanding any charter or special act to the contrary, the following provisions govern the times for holding special elections. Every special election shall be held on a Tuesday. No special election shall be held within the 55 days prior to a general or primary election. No special election shall be held on the same day as a primary election. A special election may be held on the same day as a general election.

B. A referendum election shall be ordered at least 81 days prior to the date for which the referendum election is called.

C. A special election to fill a vacancy in any constitutional office shall be held promptly and in accordance with the requirements of subsection A.

Code 1950, §§ 24-44, 24-136, 24-137, 24-138, 24-139, 24-141, 24-346; 1956, c. 378; 1966, c. 115; 1970, c. 462, §§ 24.1-1(5)(c), 24.1-163, 24.1-165; 1971, Ex. Sess., c. 119; 1972, c. 620; 1973, c. 30; 1974, c. 428; 1975, c. 515; 1976, c. 616; 1977, c. 30; 1978, cc. 258, 304, 778; 1979, c. 37; 1980, c. 639; 1981, c. 367; 1982, cc. 498, 650; 1983, c. 461; 1989, c. 322; 1991, c. 592; 1991, 1st Sp. Sess., c. 12; 1993, c. 641; 2000, cc. [787](#), [1070](#); 2008, cc. [107](#), [385](#); 2010, cc. [431](#), [542](#).

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



BOARD OF  
SUPERVISORS

THOMAS D. HARVEY  
North District

ERNIE Q. REED  
Central District

JESSE N. RUTHERFORD  
East District

J. DAVID PARR  
West District

DR. JESSICA LIGON  
South District

CANDICE W. MCGARRY  
County Administrator

AMANDA SPIVEY  
Administrative Assistant/  
Deputy Clerk

LINDA K. STATON  
Director of Finance and  
Human Resources

**RESOLUTION R2024-43**  
**NELSON COUNTY BOARD OF SUPERVISORS**  
**RESOLUTION ENDORSING THE SUBMISSION OF SMART SCALE (HB2)**  
**APPLICATIONS REQUESTING TRANSPORTATION FUNDING**

**WHEREAS**, the Thomas Jefferson Planning District Commission (TJPDC) in cooperation with VDOT and DRPT completed a comprehensive Rural Long Range Transportation Plan (RLRP 2040); and

**WHEREAS**, the 2040 RLRP includes the following transportation improvements noted below; and

**WHEREAS**, during its 2014 session, the Virginia General Assembly enacted legislation in the form of House Bill 2 ("HB2") now titled "Smart Scale", which established new criteria for the allocation of transportation funding for projects within the state; and

**WHEREAS**, the Commonwealth Transportation Board (CTB) during its board meeting of June 17, 2015, approved the Policy and Guidelines for Implementation of a Project Prioritization Process in accordance with Smart Scale; and

**WHEREAS**, many of the transportation projects identified by the Commission meet the eligibility criteria for funding under Smart Scale; and

**WHEREAS**, it is in the best interests of Nelson County to submit Smart Scale applications requesting state funding for eligible transportation projects;

**NOW THEREFORE BE IT RESOLVED**, that the Nelson County Board of Supervisors does hereby endorse the submission of 2024 Smart Scale applications requesting funding for the following transportation projects:

1. Route 151 at Tanbark Road Intersection Improvements: This project will construct a Roundabout at the intersection of Route 151 and Tanbark Drive, and expand gas station curb to restrict driveway opening nearest to proposed Roundabout on Route 151. Relocate the existing parking lot entrance on Northbound 840, south of the intersection. Regrade Tanbark Road embankment to improve visibility to Route 151, geometric improvements in the form of curve radius modification and realignment to Route 151 south of the Tanbark intersection.
2. Rockfish School Lane & Route 151 Turn Lanes: This project will install dedicated right turn lanes in the southbound and eastbound legs of the Rockfish School Lane and Rockfish Valley Highway intersection.

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors





**RESOLUTION ENDORSING THE SUBMISSION OF SMART SCALE APPLICATIONS REQUESTING  
TRANSPORTATION FUNDING BY THE LOCALITIES**

**WHEREAS**, the Thomas Jefferson Planning District Commission (TJPDC), in cooperation with VDOT and DRPT, completed a comprehensive Rural Long Range Transportation Plan (RLRP 2040); and

**WHEREAS**, the 2040 RLRP supports the transportation improvements noted below; and

**WHEREAS**, during its 2014 session, the Virginia General Assembly enacted legislation in the form of House Bill 2 ("HB2") now titled "Smart Scale," which established new criteria for the allocation of transportation funding for projects within the state; and

**WHEREAS**, the Commonwealth Transportation Board (CTB) during its meeting of December 4, 2023, adopted updated policies and approved the updated Guidelines for Implementation of the SMART SCALE Project Prioritization Process; and

**WHEREAS**, many of the transportation projects identified by the TJPDC meet the eligibility criteria for funding under Smart Scale; and

**WHEREAS**, it is in the best interests of the Thomas Jefferson Planning District to submit and/or support Smart Scale applications requesting state funding for eligible transportation projects;

**NOW, THEREFORE, BE IT RESOLVED**, that the Thomas Jefferson Planning District Commission fully endorses the submission of Smart Scale applications requesting funding for the following transportation projects:

**Applicant: Albemarle County**

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- 1. US 29 and Plank Road Intersection Improvements**

**Applicant: Fluvanna County**

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**None**

**Applicant: Greene County**

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1. Rt. 29-616 RCUT Project
2. US 33-743 (Advance Mills) and 1050 (Greencroft) Intersections

**Applicant: Louisa County**

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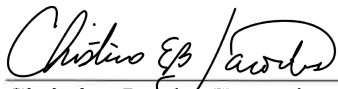
1. US 15/250 Roundabout
2. Route 208/250 Intersection Improvements
3. Route 15/22 Intersection Improvements

**Applicant: Nelson County**

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1. Route 151 at Tanbark Drive Roundabout
2. Rockfish School Lane and Route 151 Turn Lanes

Adopted by the Thomas Jefferson Planning District Commission at its Monthly Commission Meeting of June 6, 2024, in the City of Charlottesville, Virginia, a quorum being present.



Christine Jacobs, Executive Director  
Thomas Jefferson Planning District Commission

6/6/2024

Date



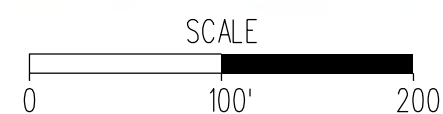
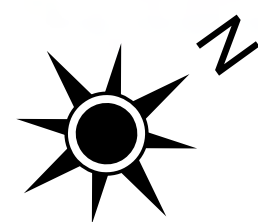
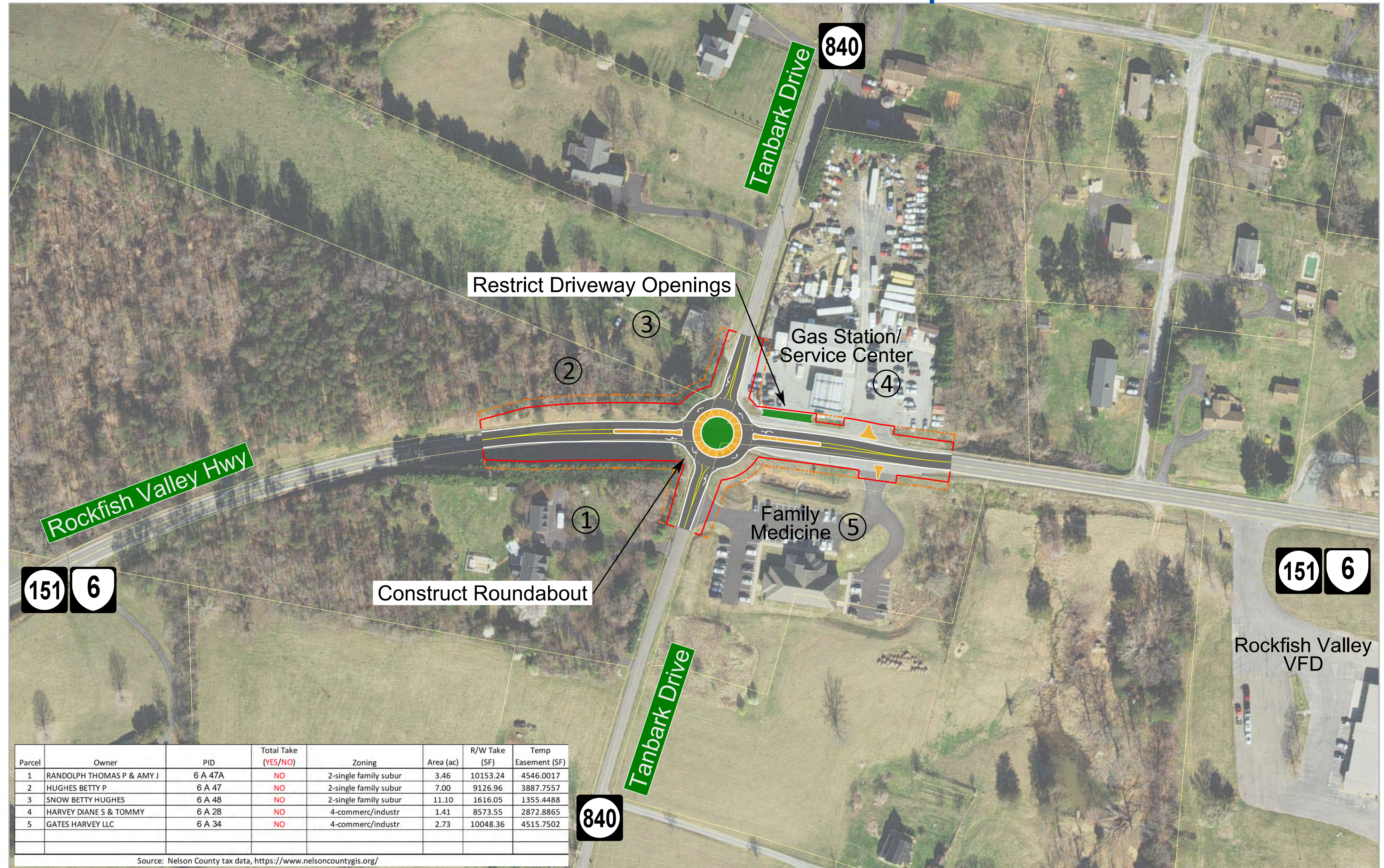
Ned Gallaway, Commission Chair  
Thomas Jefferson Planning District Commission

6/6/2024

Date



# Route 151 at Tanbark Drive - RW Impacts



## Legend

	Proposed Road		Proposed Concrete Island, Apron		Proposed Shared Use Path		Proposed Grass Area		Propose Right-of-Way		Proposed Construction Easement		Existing GIS Parcel Boundaries
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Project Name - Nelson County, Virginia - UPC XXXXX

These plans are unfinished and unapproved and are not to be used for any type of construction or the acquisition of Right of Way. Additional Easements for Right of Way may be required beyond the proposed right-of-way shown on these plans.



**Rte. 151 Corridor Study, Nelson County, Lynchburg District - Tanbark Dr Roundabout**

**Opinion of Probable Project Costs - March 8, 2024**

Non-inflated Costs are in **FY2024** Dollars

Project Tier I	Phase of Project Development Pre-Scoping			Project Complexity Moderately Complex	
Pay Item #	Description	Unit	Quantity	Unit Cost	Extension
<b>Mobilization Items</b>					
513SD20-0001	Mobilization	LS	1	\$ 166,000	\$ 166,000
517SD20-0001	CN Surveying	LS	1	\$ 28,000	\$ 28,000
	Construction Contingency (50%)	LS	1	\$ 97,000	\$ 97,000
	<b>MOBILIZATION SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 194,000</b>
<b>Maintenance of Traffic (MOT) Items</b>					
	Maintenance of Traffic Allowance (20%)	LS	1	\$ 329,856	\$ 329,856
	Construction Contingency (50%)	LS	1	\$ 164,928	\$ 164,928
	<b>MAINTENANCE OF TRAFFIC (MOT) SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>
<b>Roadway Items</b>					
301SD20-0002	Clearing and Grubbing	ACRE	0.23	\$ 5,200	\$ 1,183
	Pavement - Mill and Overlay	SY	2,491.52	\$ 38	\$ 95,176
	Pavement - Wedging	SY	176.30	\$ 52	\$ 9,115
	Pavement - Full Depth Asphalt	SY	897.87	\$ 96	\$ 86,509
412SD20-0044	Saw Cutting (Pavement)	LF	1,174	\$ 26	\$ 30,524
508SD20-0004	Demolition of Pavement (Flexible)	SY	330.06	\$ 35	\$ 11,552
	Concrete Curb, Curb & Gutter (CG-3)	LF	383	\$ 70	\$ 26,829
502SD20-0053	Concrete Median Strip/Island (MS-1)	SY	449.51	\$ 205	\$ 92,149
514SD20-0002	Field Office Type II	MO	12	\$ 3,500	\$ 42,000
108SP20-0001	Progress Schedule Baseline	LS	1	\$ 30,000	\$ 30,000
108SP20-0002	Progress Schedule Updates	EA	12	\$ 1,000	\$ 12,000
	Allowances for Items (10%)	LS	1	\$ 43,704	\$ 43,704
	Construction Contingency (50%)	LS	1	\$ 240,370	\$ 240,370
	<b>ROADWAY SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 437,037</b>
<b>Hydraulics Items</b>					
	SWM Basin	EA	1	\$ 200,000	\$ 200,000
	Nutrient Credits	LBS/YR		\$ -	\$ -
	E&S Controls Allowance (2.5%)	LS	1	\$ 41,232	\$ 41,232
	Drainage Items Allowance (5.0%)	LS	1	\$ 82,464	\$ 82,464
	Storm Water Management Allowance (2.5%)	LS	1	\$ 41,232	\$ 41,232
	Construction Contingency (50%)	LS	1	\$ 202,464	\$ 202,464
	<b>HYDRAULICS SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 200,000</b>
<b>In-Plan Utilities Items</b>					
	In-Plan (Wet) Utilities Allowance (2.5%)	LS	1	\$ 41,232	\$ 41,232
	Construction Contingency (50%)	LS	1	\$ 20,616	\$ 20,616
	<b>IN-PLAN UTILITIES SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>
<b>Traffic Items</b>					
704SD20-0006	TYPE B CLASS I PVMT LINE MRKG 4"	LF	2944	\$ 1	\$ 2,944
704SD20-0047	PVMT.SYMB MRKG SGL TURN ARR. TY B CL I	EA	4	\$ 88	\$ 352
704SD20-0050	DBL TURN ARR.THUR/LT OR RT TY B, CL I	EA	4	\$ 400	\$ 1,600
	Ground Signing and Pavement Markings Allowance (2.5%)	LS	1	\$ 41,232	\$ 41,232
	Construction Contingency (50%)	LS	1	\$ 23,064	\$ 23,064
	<b>TRAFFIC SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 4,896</b>
<b>Structures/Bridges Items</b>					
	<b>STRUCTURES/BRIDGES SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>

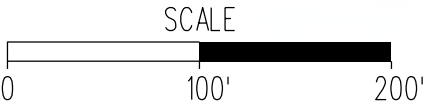
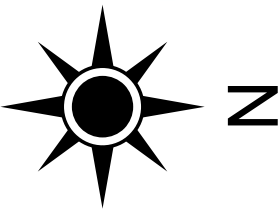
Earthwork/Materials Items					
303SD20-0001	Regular Excavation	CY	43120	\$ 28	\$ 1,207,346
	Allowances for Items (10%)	LS	1	\$ 120,735	\$ 120,735
	Construction Contingency (50%)	LS	1	\$ 664,040	\$ 664,040
	<b>EARTHWORK/MATERIALS SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 1,207,346</b>
Environmental/Sound Wall Items					
	<b>SOUND WALL SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>
Other Items					
	Roadside Development Allowance (5%)	LS	1	\$ 82,464	\$ 82,464
	Construction Contingency (50%)	LS	1	\$ 41,232	\$ 41,232
	<b>OTHER SUB-TOTAL</b>				<b>\$ -</b>
DEFINED COSTS SUBTOTAL					
					<b>\$ 2,043,279</b>
Construction Totals					
	Allowances on Base Estimate (47%)	LS	1	\$ 864,150	\$ 864,150
	<b>Construction Contract Total</b>				<b>\$ 2,907,429</b>
	Construction Contingency	LS	1	\$ 1,453,715	\$ 1,453,715
	<b>Construction Total (Before CEI and Require.)</b>				<b>\$ 4,361,144</b>
	Management Reserve/Construction Contract Contingency (5%)	LS	1	\$ 218,057	\$ 218,057
	<b>Construction Total (Before CEI)</b>				<b>\$ 4,579,201</b>
	Construction Engineering & Inspection (20%)	LS	1	\$ 872,229	\$ 872,229
	CEI Construction Contingency (50%)	LS	1	\$ 436,114	\$ 436,114
	<b>CEI &amp; Work Order Total</b>				<b>\$ 1,308,343</b>
				<b>Total Construction Phase (in FY2024 Dollars)</b>	
				<b>\$ 5,888,000</b>	

Preliminary Engineering					
	Preliminary Engineering				\$ 1,157,000
	Preliminary Engineering Contingency				\$ 578,500
				<b>Total Preliminary Engineering Phase (in FY2024 Dollars)</b>	
				<b>\$ 1,736,000</b>	

Right of Way & Utility Relocation					
	Utility Relocation Allowance	LS	1	\$ 654,172	\$ 654,172
	Utility Relocation Contingency				\$ 327,086
	Utility Administration RW Phase	LS	1	\$ 218,057	\$ 218,057
	Right of Way Acquisition	LS	1	\$ 290,000	\$ 290,000
	Right of Way Contingency				\$ 145,000
				<b>Total Right of Way Phase (in FY2024 Dollars)</b>	
				<b>\$ 1,634,000</b>	
				<b>Total Project Cost in FY2024 Dollars</b>	
				<b>\$ 9,258,000</b>	



# Route 151 at Rockfish School Lane - RW Impacts



### Legend

- Proposed Road
- Proposed Concrete Island, Apron
- Proposed Shared Use Path
- Proposed Grass Area
- Proposed Right-of-Way
- Proposed Construction Easement
- Existing GIS Parcel Boundaries

Project Name - Nelson County, Virginia - UPC XXXXX  
These plans are unfinished and unapproved and are not to be used for any type of construction or the acquisition of Right of Way. Additional Easements for Right of Way may be required beyond the proposed right-of-way shown on these plans.



**Rte. 151 Corridor Study in Nelson County, Lynchburg District - Rockfish School Lane Turn Lanes**

**Opinion of Probable Project Costs - March 20, 2024**

**Non-inflated Costs are in FY2024 Dollars**

**Project Tier**

I

**Phase of Project Development**

Pre-Scoping

**Project Complexity**

Non-Complex

Pay Item #	Description	Unit	Quantity	Unit Cost	Extension
<b>Mobilization Items</b>					
513SD20-0001	Mobilization	LS	1	\$ 32,000	\$ 32,000
517SD20-0001	CN Surveying	LS	1	\$ 4,000	\$ 4,000
	Construction Contingency (35%)	LS	1	\$ 12,600	\$ 12,600
	<b>MOBILIZATION SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 36,000</b>
<b>Maintenance of Traffic (MOT) Items</b>					
	Maintenance of Traffic Allowance (25%)	LS	1	\$ 58,555	\$ 58,555
	Construction Contingency (35%)	LS	1	\$ 20,494	\$ 20,494
	<b>MAINTENANCE OF TRAFFIC (MOT) SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>
<b>Roadway Items</b>					
301SD20-0002	Clearing and Grubbing	ACRE	0.04	\$ 5,200	\$ 208
	Pavement - Mill and Overlay	SY	1028	\$ 38	\$ 39,270
	Pavement - Full Depth Asphalt	SY	350	\$ 96	\$ 33,723
412SD20-0044	Saw Cutting (Pavement)	LF	863	\$ 26	\$ 22,438
507SD20-0001	Fence, Woven Wire (FE-W1)	LF	188	\$ 31	\$ 5,828
514SD20-0002	Field Office Type II	MO	12	\$ 3,500	\$ 42,000
108SP20-0001	Progress Schedule Baseline	LS	1	\$ 30,000	\$ 30,000
108SP20-0002	Progress Schedule Updates	EA	12	\$ 1,000	\$ 12,000
	Allowances for Items (10%)	LS	1	\$ 18,547	\$ 18,547
	Construction Contingency (35%)	LS	1	\$ 71,404	\$ 71,404
	<b>ROADWAY SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 185,466</b>
<b>Hydraulics Items</b>					
	E&S Controls Allowance (2.5%)	LS	1	\$ 5,855	\$ 5,855
	Drainage Items Allowance (2.5%)	LS	1	\$ 5,855	\$ 5,855
	Storm Water Management Allowance (2.5%)	LS	1	\$ 5,855	\$ 5,855
	Allowances for Items (20%)	LS	1	\$ -	\$ -
	Construction Contingency (35%)	LS	1	\$ 6,148	\$ 6,148
	<b>HYDRAULICS SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>
<b>In-Plan Utilities Items</b>					
	In-Plan (Wet) Utilities Allowance (2.5%)	LS	1	\$ 5,855	\$ 5,855
	Allowances for Items (20%)	LS	1	\$ -	\$ -
	Construction Contingency (35%)	LS	1	\$ 2,049	\$ 2,049
	<b>IN-PLAN UTILITIES SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>
<b>Traffic Items</b>					
704SD20-0006	TYPE B CLASS I PVMT LINE MRKG 4"	LF	1572	\$ 1	\$ 1,572
704SD20-0010	TY.B CL.I PAVE. LINE MARK. 24"	LF	46	\$ 11	\$ 502
704SD20-0047	PVMT.SYMB MRKG SGL TURN ARR. TY B CL I	EA	4	\$ 88	\$ 352
	Ground Signing and Pavement Markings Allowance (2.5%)	LS	1	\$ 5,855	\$ 5,855
	Construction Contingency (35%)	LS	1	\$ 2,899	\$ 2,899
	<b>TRAFFIC SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 2,426</b>
<b>Structures/Bridges Items</b>					
	<b>STRUCTURES/BRIDGES SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>
<b>Earthwork/Materials Items</b>					
303SD20-0007	Borrow Excavation	CY	1494	\$ 31	\$ 46,327
	Allowances for Items (10%)	LS	1	\$ 4,633	\$ 4,633
	Construction Contingency (35%)	LS	1	\$ 17,836	\$ 17,836
	<b>EARTHWORK/MATERIALS SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ 46,327</b>
<b>Environmental/Sound Wall Items</b>					
	<b>SOUND WALL SUB-TOTAL (DEFINED COSTS)</b>				<b>\$ -</b>

Other Items							
	Roadside Development Allowance (5%)	LS	1	\$	11,711	\$	11,711
	Construction Contingency (35%)	LS	1	\$	4,099	\$	4,099
	OTHER SUB-TOTAL					\$	-
	DEFINED COSTS SUBTOTAL					\$	270,219
Construction Totals							
	Allowances on Base Estimate (52%)	LS	1	\$	122,723	\$	122,723
	Construction Contract Total					\$	392,942
	Construction Contingency	LS	1	\$	137,530	\$	137,530
	Construction Total (Before CEI and Require.)					\$	530,472
	Management Reserve/Construction Contract Contingency (5%)	LS	1	\$	26,524	\$	26,524
	Construction Total (Before CEI)					\$	556,995
	Construction Engineering & Inspection (20%)	LS	1	\$	106,094	\$	106,094
	CEI Construction Contingency (35%)	LS	1	\$	37,133	\$	37,133
	CEI & Work Order Total					\$	143,227
Total Construction Phase (in FY2024 Dollars)						\$	700,223
Preliminary Engineering							
	Preliminary Engineering					\$	379,000
	Preliminary Engineering Contingency					\$	132,650
Total Preliminary Engineering Phase (in FY2024 Dollars)						\$	512,000
Right of Way & Utility Relocation							
	Utility Relocation Allowance	LS	1	\$	39,294	\$	39,294
	Utility Relocation Contingency					\$	13,753
	Utility Administration RW Phase	LS	1	\$	1,227	\$	1,227
	Right of Way Acquisition	LS	1	\$	80,000	\$	80,000
	Right of Way Contingency					\$	28,000
Total Right of Way Phase (in FY2024 Dollars)						\$	162,000
Total Project Cost in FY2024 Dollars						\$	1,374,223



Nelson County  
Board of Supervisors

# Memo

To: Board of Supervisors

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

Date: June 11, 2024

Re: Summary of *Land Use Policy Diagnostic* and Proposed Work Order Amendment for Zoning and Subdivision Ordinance Updates

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As part of the current contract with the Berkley Group, a diagnostic report of the County's zoning and subdivision ordinances was developed to assess compliance with Virginia state code and provide recommendations for consistency with the newly adopted 2042 Comprehensive Plan. The strategies identified in the comprehensive plan were reviewed to identify opportunities for implementation through ordinance updates.

Key findings include:

- Combining zoning and subdivision ordinances into a single document, making it more clear and user friendly.
- Low impact design and landscaping standards.
- Greater conservation regulations.
- Alternative residential uses and increased density in appropriate areas.
- Compliance with state code
  - o Zoning Ordinance 50-70% compliant (graph on p.4)
  - o Subdivision Ordinance 50-80% compliant (graph on p.13)
- Update uses and definitions, utilizing the comprehensive plan glossary, modernize uses, identify outdated uses, combine like uses.
- Review by Planning Commission annually.

The recommended structure is identified on p. 6 of the report and is as follows:

1. General Provisions
2. Administration
3. Permits and Applications
4. Primary Districts
5. Overlay Districts

6. Use Matrix
7. Use Performance Standards
8. Community Design Standards
9. Nonconformities
10. Subdivision
11. Definitions

One recommendation is to identify those special use permits that are frequently approved with similar conditions, potentially converting them to by-right uses with those customary conditions codified as regulations.

Short term rentals, accessory dwelling units (ADUs), green infrastructure, signs, design standards, connectivity, recreation, and overlay districts are all included for review and consideration. Overlay districts are delineated areas with increased restrictions that are in addition to the underlying zoning designation. Some potential options for overlay districts are a mountain ridge district to regulate or restrict steep slope development, a tourism development district to identify/condense prime tourism areas, and/or a Route 151 Corridor overlay to regulate access management and density of development.

A diagnostic matrix is provided which identifies each section of Virginia code 15.2, Chapter 22, which governs zoning and land use. The grey line items are identified as optional provisions of the code. The report also notes implementation strategies from the comprehensive plan with associated actions to be taken in the ordinance.

Under the County's existing contract with the Berkley Group, a work order amendment has been submitted for the Board's review and consideration to continue Phase 2 of ordinance updates. If approved, the kickoff would be scheduled for July 2024. The process is very similar to the comprehensive plan update process, with public engagement, public workshop, focus groups, joint work sessions on topics such as permitting, district intent and standards, uses, and community design, and an open house followed by public hearings through the adoption process. The proposed timeline is approximately 18 months, with a tentative adoption date in Spring 2026.



# Land Use Policy Evaluation

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Nelson County, Virginia

April 19, 2024



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# Overview

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*The recommendations included in this diagnostic report provide a framework for updating Nelson County's Zoning Ordinance and Subdivision Ordinance in a manner that will improve the ability of County officials, community members, and stakeholders to build their envisioned community.*

## Purpose and Scope

The Zoning and Subdivision Ordinances are the key tools localities use to oversee the use and development of the land in their jurisdiction. Nelson County, Virginia commissioned a diagnostic study to examine the Zoning and Subdivision Ordinances for compliance with the Code of Virginia and other land use and planning best practices. The information included in this report will provide Nelson County with a strong foundation for future updates to their land use tools.

The Berkley Group, a Virginia-based local government consulting firm, completed this assessment, which included the following tasks:

- Analyze the strategies of the Nelson 2042 Comprehensive Plan with the Zoning and Subdivision Ordinance to identify specific actions needed to address those strategies (Appendix A).
- Analyze the Zoning Ordinance (Appendix B) and the Subdivision Ordinance (Appendix C), for compliance with the Code of Virginia.
- Provide best practice recommendations for the Ordinances, along with recommendations for alignment with the Code of Virginia.
- Incorporate known strengths and weaknesses as provided by County staff, Planning Commission, and Board of Supervisors.

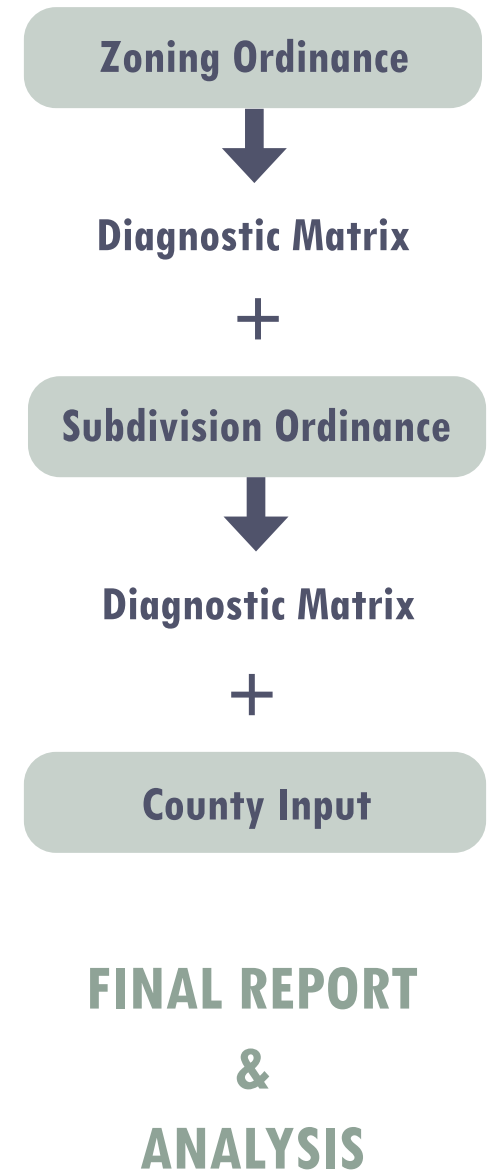
## Diagnostic Process

The diagnostic process began immediately following the completion of the Nelson 2042 Comprehensive Plan update, adopted in April 2024.

The Zoning and Subdivision ordinances were reviewed for compliance with Code of Virginia Chapter 22: Planning, Subdivision of Land and Zoning. Each ordinance was assessed for compliance with each pertinent Code of Virginia section and analyzed for potential improvements to structure and content.

Additionally, Berkley Group reviewed the strategies found in the newly adopted Nelson 2042 Comprehensive Plan to identify opportunities to implement policies and principles through a Zoning and Subdivision ordinance update. These diagnostic matrices are included in the appendices of this report for easy reference and examination.

- Appendix A: Zoning Ordinance Diagnostic
- Appendix B: Subdivision Ordinance Diagnostic
- Appendix C: Comprehensive Plan Diagnostic: Implementation Strategies.



# Zoning and Subdivision Ordinances

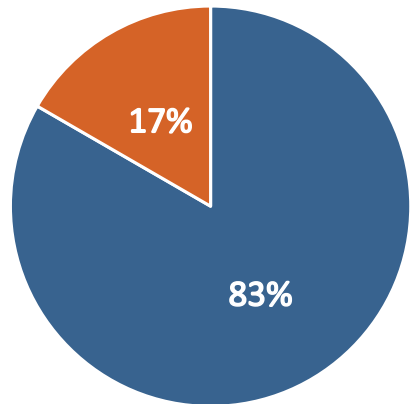
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## Key Findings

Nelson County's Zoning and Subdivision Ordinances should be revised to reflect current best practices in zoning and land use; to strengthen the ability to implement the strategies and priority items of the current Comprehensive Plan; and to improve clarity and ease of use with the following actions:

- The Zoning Ordinance and the Subdivision Ordinance should be restructured into a streamlined, clear, and user-friendly document. Combining both Ordinances into a single document would help achieve these objectives.
- The Zoning and Subdivision Ordinances should be updated to meet the strategies of the Nelson 2042 Comprehensive Plan, including adding low impact design and landscaping standards, allowing for increased density and alternative residential uses, implementing greater conservation regulations in sensitive areas, and others.
- Both Ordinances should be updated to achieve full compliance with the Code of Virginia, as detailed in the recommendations of the Zoning and Subdivision Diagnostic Matrices (Appendices A and B). Optional provisions of the Code should be incorporated as desired by the County.
- The Zoning Ordinance would greatly benefit from graphical representations of the information contained to increase ease of use for the document. This should include tables and charts to convey information, such as a use permissions matrix, district standards table, and design standard illustrations, among others.
- Uses and definitions within the Zoning Ordinance should be updated to include modern uses, while omitting outdated uses and definitions that may no longer comply with the Code of Virginia. Additionally, consideration can be given to organizing permitted uses for all zoning districts into a single matrix for clarity. All uses and use standards should be reviewed thoroughly and updated as needed to comply with the Code of Virginia and modern planning and zoning best practices.
- The Zoning and Subdivision Ordinances should be reviewed and updated annually with the Planning Commission and Board of Supervisors. This is a best practice technique which ensures that the Ordinances remain both compliant with the Code of Virginia and relevant and responsive to community needs.

**Chart 1**  
Applicability of  
Code of Virginia Sections

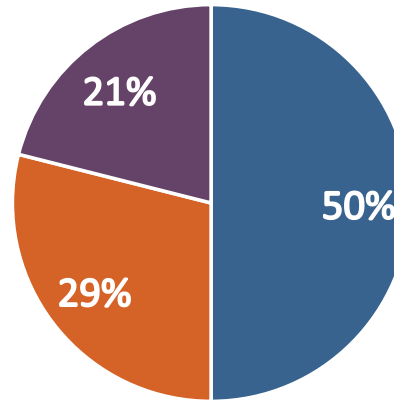


**Applicable**  
(110 Sections)

**Not Applicable**  
(22 Sections)

**Chart 2**  
Compliance with Mandatory\* Sections

\* Chart does not include Optional or Non-Applicable percentages



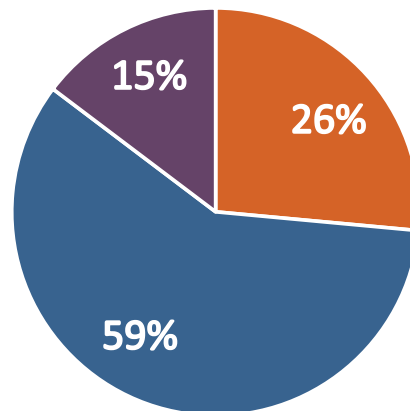
**Included**  
(38 Sections)

**Not Included**  
(22 Sections)

**Partially Included**  
(16 Sections)

**Chart 3**  
Optional\* Provisions Usage

\* Total Optional Provisions: 26% of all provisions



**Included**  
(9 Sections)

**Not Included**  
(20 Sections)

**Partially Included**  
(5 Sections)

*This set of diagrams showcases the Zoning Ordinance's overall applicability and compliance with the Code of Virginia's zoning regulations. A detailed analysis of each Code section is provided in Appendix A; these charts offer a broad look at Nelson County's standing.*

*Chart 1 highlights the percentages of the Code of Virginia regulations that are and are not applicable to the Zoning Ordinance. The applicable percentage includes both mandatory and optional provisions.*

*Chart 2 highlights the collective percentage of the Zoning Ordinance that fully complies, does not comply, or partially complies with the mandatory provisions of the Code of Virginia. These figures do not include optional or non-applicable provision percentages.*

*Chart 3 highlights the percentage of optional provisions that are included, not included, or partially included in the Zoning Ordinance.*



*The Zoning Ordinance is the local code that provides regulations and requirements for the use and development of land. Zoning divides a locality into specific districts and establishes regulations concerning the use, placement, spacing, and size of land and buildings within the respective districts. Nelson County's Zoning Ordinance can be updated and improved to set clear and organized standards for desired types of land uses and development, incorporate business-friendly language and procedures, and ensure compliance with the Code of Virginia (Appendix A).*

## Zoning Ordinance Analysis

### State Regulations

Any Zoning Ordinance update should incorporate current Code of Virginia references and address recent amendments to the Code of Virginia. The current Zoning Ordinance provides multiple references to outdated sections of the Code of Virginia; careful attention should be given to updating all references with the most up-to-date section numbers. Additionally, the text may simplify Code of Virginia requirements for readability and administration but should comply with the overall intent. A state code compliance analysis is included that shows the breakdown of how the Zoning Ordinance is fully, partially, or not in compliance with the Code of Virginia. Appendix A itemizes each Code of Virginia section that must be addressed.

### Administration

The Zoning Ordinance should clearly articulate administration, application, and notice procedures and responsibilities in a logical structure. Restructuring the Zoning Ordinance to streamline content would ease administration and enhance readability. All general and administrative provisions (e.g., authority, effective date, severability, conflict)

should be placed together at the beginning of the Ordinance. Another article should detail all application processes and procedures, including those for text amendments, map amendments (i.e., rezonings), special use permits, variances, site plans, and appeals. This should be followed by articles for district dimensional standards, uses, community design, and subdivision.

### Processes and Procedures

The Zoning Ordinance would benefit from reformatting the current processes and procedures of zoning actions, including permits, rezonings, special use permits, and site plans. Currently, this information is found within Article 12-General Provisions but should be contained within a separate Article that explicitly details the requirements for all zoning actions and clearly lays out the procedure, from start to finish, of how to accept, review, and approve or deny those actions.

The County may also consider eliminating the legislative role of the Board of Zoning Appeals (BZA) in favor of a single permitting process for special use permits, as is more common across Virginia. The Code of Virginia allows special permitting approved by the BZA, which Nelson

County has used to alleviate the burden on the Board of Supervisors. However, reducing the amount of special uses throughout the County may be a better option for alleviating this burden, and instead allow those commonly approved special uses to be allowed by right, with appropriate use standards.

### ***Civil Penalties***

Nelson County currently does not provide procedures for civil penalties for zoning violations. Misdemeanor penalties for violations of the Zoning Ordinance are utilized; however, as a best practice, the County should introduce civil penalties and use such penalties as a first line of defense, moving to misdemeanors as appropriate. Utilizing this more gradual approach will ease the burden of enforcement, saving the County time and money and allowing the most effort to be put towards repeat or serious violations. A uniform schedule and summons procedure should be applied for civil penalties as detailed in the Code of Virginia.

### ***District Standards***

The Zoning Ordinance provides district standards that address height, area, setbacks, and lot coverage. These district standards should be evaluated to ensure consistency and that the standards are promoting the desired

type of development and match the goals and objectives of the Comprehensive Plan.

Currently, district standards are listed in each zoning district's respective article. It is recommended to display district standards in a chart or matrix that clearly shows the minimum and maximum regulations (see page 8). A new matrix can streamline and simplify district standards; easily show minimum and maximum regulations; and include new standards while still being readable and easy to interpret and implement. Grouping these district requirements together will make it easy to evaluate and apply standards.

In addition, illustrations of district regulations should be added to the ordinance to allow for easier interpretation of regulations, especially from community members and users not familiar with zoning.

A general increase in density for residential zoning districts would help increase housing availability for Nelson County. This can be achieved through a reduction in minimum lot sizes in the existing districts or by creating a new residential zoning district with more dwelling units per acre than the existing ones.

## **Recommended Ordinance Structure:**

- 1. General Provisions***
- 2. Administration***
- 3. Permits and Applications***
- 4. Primary Districts***
- 5. Overlay Districts***
- 6. Use Matrix***
- 7. Use Performance Standards***
- 8. Community Design Standards***
- 9. Nonconformities***
- 10. Subdivision***
- 11. Definitions***

## Definitions and Uses

### Definitions

The definitions section of the Zoning Ordinance should be reviewed and updated to ensure consistency, clarity, and ease of interpretation. The County should ensure that every land use permitted in the Ordinance has an accompanying definition. Additionally, the County should enhance the clarity of definitions to avoid interpretation issues.

The current Zoning Ordinance contains several outdated terms and definitions, which should be updated to reflect recent revisions to the Code of Virginia as well as general modern best practices. Further, the Zoning Ordinance lacks several key terms, such as: “by right use”, “plat”, “site plan”, and “special use permit”; these should be added to comply with the Code of Virginia, along with several other terms that are required by the Code of Virginia but not currently incorporated in the Zoning Ordinance.

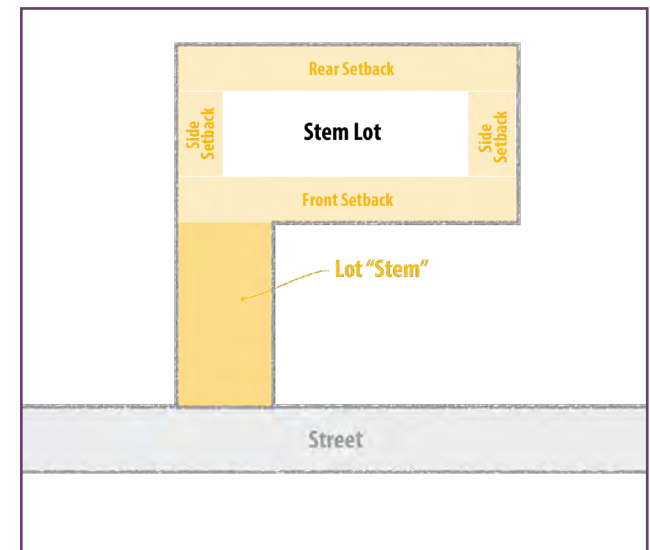
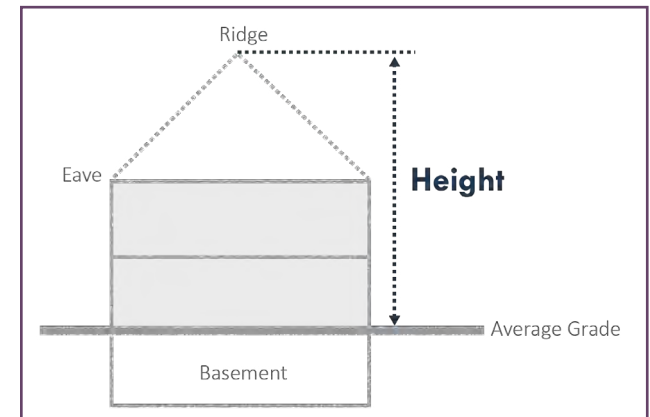
### Uses

Each zoning district contains an expansive and highly specific use list that is inflexible and overly complex. It is recommended to closely review permitted uses to identify

opportunities to consolidate similar uses under more general categories for easier administration, interpretation, and flexibility. Where appropriate, uses should be streamlined to combine specific terms into broad categories. This creates a more organized and flexible use list, reducing the amount of future text amendments for new uses.

Additionally, uses should be modernized to align with today’s economy and provide flexibility to adapt to new uses. This eases administration and development while also reducing requests for zoning text amendments. It also communicates Nelson County’s readiness to welcome in modern land uses that can be economically beneficial for the community. Examples of outdated or overly specific uses that could be removed or combined and generalized are “banquet hall”, “blacksmith shop”, and “labor camp facilities”, while examples of modern uses seen in many localities that should be introduced include “mobile restaurant” and “co-working space”.

There are a number of uses absent from the Zoning Ordinance that are required by the Code of Virginia and should be defined and added as allowable uses in appropriate zoning districts. These include “agritourism”, “small cell wireless facilities”, and “family day homes.”



*Dimensional standards can be easily communicated through the use of graphics.*

*Top Image: Height*

*Bottom Image: Stem Lots*

The example below, from the City of Emporia, Virginia's draft Zoning Ordinance, demonstrates how district standards for commercial districts are easily organized in a table format, serving to ease the burden of staff administration and providing clear direction to the community.

	DT	C-1	C-2
Minimum Lot Area:			
All lots	No minimum; if structures/uses on the lot utilize private well and/or septic system(s), the minimum area shall be determined by the Health Official.		
Minimum Lot Width:			
All lots	No minimum		
Maximum Lot Coverage:			
All Lots, all structures	No maximum; entire lot may be covered, provided that all other district standards of this Article are met		
Minimum Required Setbacks: <sup>35</sup>			
Front			
Principal Structures	0 ft.; Buildings shall be in line with surrounding existing buildings. If there are no immediately adjacent buildings, a maximum setback of 5 ft.	25 ft.	25ft.
Accessory Structures	Not permitted in front yard		
Side			
Principal Structures	None except when abutting a residential district; When abutting a residential district: 25 ft.		
Accessory Structures	5 ft.		
Rear			
Principal Structures	None except when abutting a residential district; When abutting a residential district: 25 ft.		
Accessory Structures	5 ft.		
Maximum Structure Height: <sup>36,37</sup>			
Principal Structures	45 ft.	45 ft. <sup>1</sup>	45 ft. <sup>1</sup>
Accessory Structures	No taller than principal structure		

## Use Permissions

Currently, use regulations are provided in district-by-district articles of the Zoning Ordinance. Many localities utilize a composite use matrix that shows all districts, uses, and how those uses are regulated. The Berkley Group recommends adding a use matrix to the Ordinance as a fundamental improvement. Nelson County should decide if a use matrix is something that they would like to include in the Zoning Ordinance, and whether the matrix will be in addition to, or in lieu of, listing the uses in each district article. If a use matrix is incorporated, it allows a user to easily identify where a use is permitted, either “by-right” or “by special use permit” without looking in more than one section of the Zoning Ordinance. This is particularly useful for potential businesses considering locating or relocating in the County. Utilizing a use matrix also makes it easy for the County to ensure uses are appropriately permitted and to avoid conflicts or repetition. Uses should also be reviewed to make sure they are being permitted in appropriate zoning districts; for example, low-impact uses such as a photography studio can be permitted in all business districts, and could also be included as a home occupation in residential districts.

## Use Performance Standards

During a review and reorganization of uses, use performance standards should be established for any use deemed appropriate by the County. Use performance standards are additional regulations above and beyond what is required by the underlying zoning district to enhance the quality and character of development and to limit adverse impacts on potentially incompatible uses. Uses that are largely permitted by-right but that may have more significant impacts – for example, a gas station or an industrial site – should be given appropriate use standards to help ensure a business-friendly process while simultaneously addressing potential conflicts between uses.

Occasionally, use performance standards can be used in lieu of Special Use Permit (SUP) requirements. This means that a use requested frequently for a SUP can be changed to a by-right use, and customary conditions of the permits would be inserted as regulations within the use performance standards article.

There are some existing use standards in the Zoning Ordinance currently, though these are spread out through several different Articles and can be difficult to find. Use standards should be consolidated to one Article with the express purpose of listing those standards by their specific use.

## Use Recommendations

### *Addition for Compliance with the Code of Virginia:*

- Agritourism
- Small cell wireless facility
- Family day home

### *Recommended Added Uses for*

#### *Consolidation:*

- Store, small/large
- Office, general
- Farm Brewery, distillery, or winery
- Light/heavy manufacturing

### *Recommended Modern Uses for*

#### *Introduction*

- Mobile Restaurant
- Mixed-Use Development
- Medical treatment facility
- Recreation, active/passive/  
commercial
- Short-term rental
- Solar facility, accessory

## Short-term Rentals

Short-term rental regulations are currently split between two uses, bed and breakfasts and vacation homes. These regulations should be evaluated and modified to provide for short-term rentals as either by right or special use permissions with appropriate use standards throughout the County. This can help provide the community with a desired use, while also ensuring that short-term rentals are not overly taxing on the housing supply, and that existing patterns of residential development are protected. A short-term rental registry is permitted by the Code of Virginia and should be implemented by the County to track and monitor the number of short-term rentals.

Use	Districts												Use Performance Standards
	A-1	A-2	A-3	R-1	R-2	R-3	C-1	C-2	I-1	I	R-C	M-U	
	<i>B = By-Right</i>			<i>SE = Special Exception</i>				<i>Blank = Not Permitted</i>					
Agricultural Uses													
Agriculture / Silviculture	B	B	B										7-2-1
Agriculture, Intensive	B	B											7-2-2
Agriculture, Residential				B	B								7-2-3
Agritourism	B	B	B										7-2-4
Biosolid Application	B	B											7-2-5
Farm Winery	B	B											
Meat Processing Facility	SE	SE											7-2-6
Stable, Commercial	B	B	SE								B		7-2-7
Stable, Private	B	B	B										7-2-8
Roadside Farm Stand	B	B	B										

*This example from King George County's Zoning Ordinance demonstrates how a use matrix can be a simple tool to clearly communicate use permissions and identify if use performance standards apply.*



## Accessory Dwelling Units

Accessory Dwelling Units (ADUs) are a type of accessory use that allow homeowners to build or utilize smaller accessory structures, both attached or detached, as long term dwelling units. This can help expand the availability of housing in the County and should be considered as an added use in residential zoning districts, with appropriate use standards that can restrict the size and placement of such structures.

## Green Infrastructure

Accessory uses such as small-scale or rooftop solar and wind facilities and electric vehicle (EV) chargers can be added to the Zoning Ordinance to provide the community with alternative energy sources and help Nelson County move towards a greener and more climate resilient community.

## Telecommunications

Various telecommunications regulations have been added to the Code of Virginia over the last fifteen years. Telecommunications regulations should be reviewed annually to ensure that new state-required provisions are considered. The Zoning Ordinance should be updated to comply with all applicable Code of Virginia

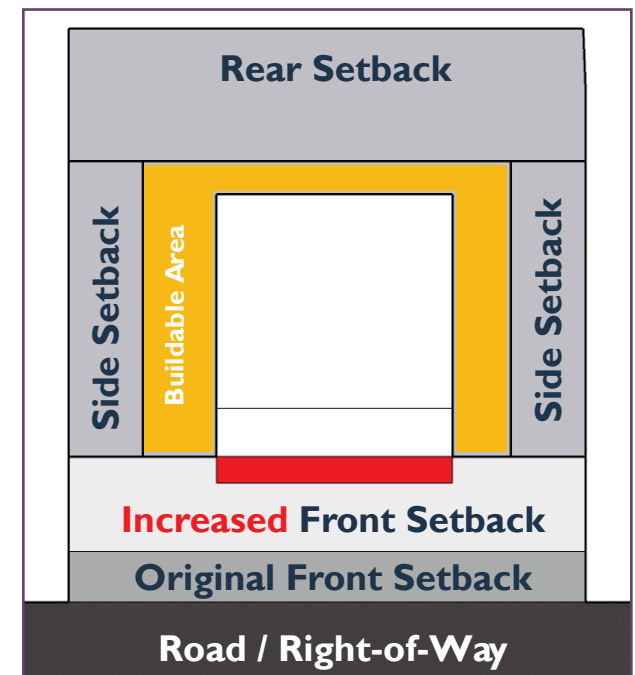
requirements. Recommended revisions to the standards include adding necessary terms that are not defined, such as “small cell facility” and “administrative review only projects” and placing Code-compliant telecommunications standards within the article for use performance standards.

## Community Design Standards

Community Design Standards guide community development to ensure that it complements Nelson County’s unique character and implements the vision of the Comprehensive Plan. Typical standards include regulations for landscaping, parking, and signs – all of which are addressed in the current Ordinance to some extent. Reviewing and amending requirements in the Ordinance for landscaping, parking, and signs will improve understanding and enforcement of these items.

## Landscaping

Landscaping requirements are one of the tools Virginia localities have available to them to enhance community character, protect environmental resources, and reduce the impact of potentially incompatible uses. The Zoning Ordinance’s landscaping standards should be reviewed for any necessary changes and additions.



*In this diagram, the portion of the structure shown in red extends into the increased front setback. Areas where an expansion is permitted are identified in yellow.*

## Signs

Nelson County's current sign regulations are not content-neutral as required under the findings of U.S. Supreme Court case *Reed v. Town of Gilbert*. Any future sign regulations should pay respect only to the physical characteristics – for example, height, materiality, or square footage – and not supplied content or messaging to comply with the aforementioned court case. There are many community benefits of regulating the physical qualities of signs, including reducing clutter, minimizing distractions to drivers, and enhancing community aesthetics.

Sign regulations should be applied consistently across districts as appropriate. Clearly identifying and defining sign types in the Ordinance would help eliminate confusion and inconsistency. The use of tables and illustrations to depict sign requirements would also be beneficial in ensuring that regulations are applied consistently and are easy to understand.

## Lighting

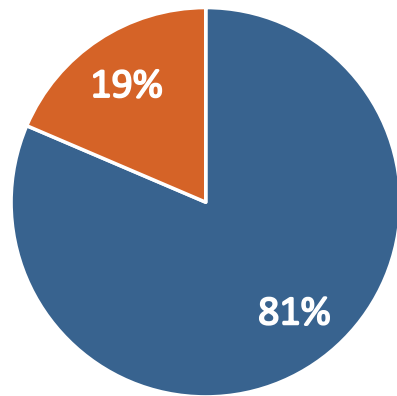
The International Dark Sky Association (IDSA) has created a standard for lighting to ensure the preservation of authentic night sky without undue light pollution. Adopting design standards into the Nelson County Zoning Ordinance to reflect these IDSA standards can help preserve the rural setting of the County and restrict unnecessary light pollution.





# Subdivision Ordinance Analysis

**Chart 1**  
Applicability of  
Code of Virginia Sections

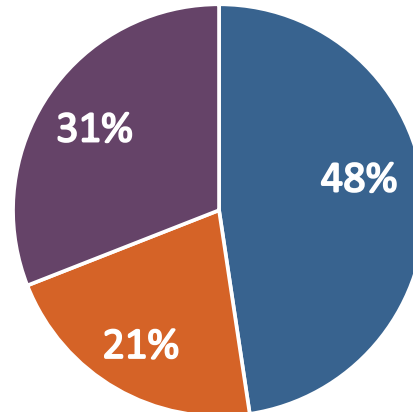


**Applicable**  
(57 Sections)

**Not Applicable**  
(13 Sections)

**Chart 2**  
Compliance with Mandatory\* Sections

\* Chart does not include Optional or Non-Applicable percentages



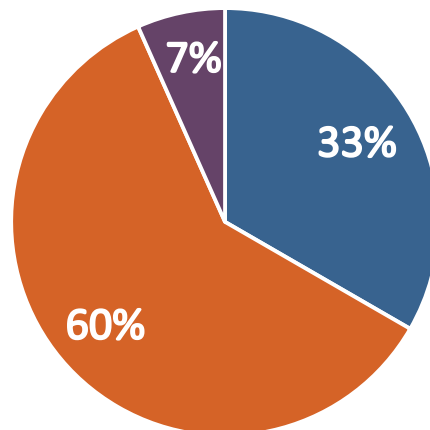
**Included**  
(20 Sections)

**Not Included**  
(9 Sections)

**Partially Included**  
(13 Sections)

**Chart 3**  
Optional\* Provisions Usage

\* Total Optional Provisions: 21% of all provisions



**Included**  
(9 Sections)

**Not Included**  
(20 Sections)

**Partially Included**  
(5 Sections)

*This set of diagrams showcases the Subdivision Ordinance's overall compliance with applicable Code of Virginia regulations. A detailed analysis is provided in Appendix B; these charts offer a broad look at Nelson County's standing.*

*Chart 1 highlights the percentages of the Code of Virginia regulations that are and are not applicable to Nelson County's Subdivision Ordinance. The applicable percentage includes both mandatory and optional provisions.*

*Chart 2 highlights the collective percentage of the Zoning Ordinance that fully complies, does not comply, or partially complies with the mandatory provisions of the Code of Virginia. These figures do not include optional or non-applicable provision percentages.*

*Chart 3 highlights the percentage of optional Code provisions that are included or not included in the Subdivision Ordinance.*

## Recommended Article Structure for Subdivision:

1. *General*
2. *Types of Subdivisions*
3. *Design Requirements*
4. *Guarantees*
5. *Platting Requirements*
6. *Preliminary Plats*
7. *Final Plats*
8. *Vacation of Plats*
9. *Enforcement, Violations, and Fees*

## Organization and Structure

Reorganizing both the Zoning and Subdivision Ordinances into one single Ordinance, with subdivision regulations operating as a standalone Article, would help ease administration, clarity, synchronization, and updates. Further organization should occur through careful and logical rearrangement of relevant information. Examples of reorganization include providing for plat requirements in one division or section; providing a section on process and recordation of plats; and providing a section on plat vacation.



## Definitions

The current Subdivision Ordinance includes an article dedicated to definitions relating to subdivisions. These definitions should be combined with the Zoning Ordinance definitions for consolidation into one Article. This would help to improve conflict with the Zoning Ordinance, as many terms are used throughout both Ordinances. The consolidation of definitions would happen in conjunction with combining the Zoning and Subdivision Ordinances into one document.

## Code of Virginia References

A comprehensive review of the current references in the Ordinance should be conducted. Currently there are a number of Code of Virginia references that refer to Chapter 15.1 of the Code of Virginia which have all since been changed. Chapter 15.2 is now the Code of Virginia chapter which regulates the subdivision of land in a locality.

### ***Preliminary Plats***

The Code of Virginia §15.2-2260 permits localities to require a preliminary plat for subdivisions of more than 50 lots. However, smaller subdivisions may not require a preliminary plat. Currently, the Subdivision Ordinance requires preliminary plat approval for subdivisions of all sizes. Preliminary plat requirements need to be softened for compliance with the Code of Virginia. This is often done by stating that preliminary plats may be submitted for review as part of a pre-application meeting. This allows the applicant to voluntarily submit a preliminary plat, provides the County with a ‘first glance’ if submitted, but does not reach beyond the limits of state code.

### ***Vacation of Plats***

Provisions for the vacation of plats are required by the Code of Virginia and are not fully included in the Subdivision Ordinance. Code of Virginia § 15.2-2270 through 15.2-2275 provides language that includes the process before and after the sale of lots and appropriate fees for processing vacation applications. These provisions need to be included in the Subdivision Ordinance for compliance with the Code of Virginia and to facilitate the administration of these actions.

### ***Plat Recordation and Validation***

The Code of Virginia requires final site plans be valid for five years or more, and new legislation states that if a recorded subdivision plat dedicates real property to a locality, then the approved final subdivision plats shall remain valid indefinitely. The Subdivision Ordinance does not currently include this language and should be amended for compliance with the Code of Virginia.

### ***Performance Bond***

Nelson County currently allows for a periodic partial release of a performance bond for up to 80% of the bond. The Code of Virginia requires that these partial releases be no less than 90% of the bond. Nelson County should modify this section of the Subdivision Ordinance to become compliant with Section § 15.2-2245 of the Code of Virginia.

### ***Environmental Assessments***

The Code of Virginia includes optional provisions to include in a Subdivision Ordinance, two of these are requirements for Phase 1 Environmental Assessments and a remediation disclaimer for all previously industrial uses or land. Nelson County should consider if there are relevant areas that would benefit from this provision and incorporate as needed.





# Comprehensive Plan Analysis

The Nelson 2042 Comprehensive Plan includes goals, objectives, and strategies for land use, transportation, housing, the natural environment, the economy, and community services throughout Nelson County. The Zoning Ordinance is one of the primary land use tools to implement these goals, objectives, and strategies of the Comprehensive Plan. Best practice is to amend the Zoning Ordinance to align with and implement the Comprehensive Plan.

A comprehensive list of the strategies found in Nelson 2042 is included in Appendix C of this report, which details specific actions to be taken in the Zoning and Subdivision Ordinances to address these strategies. Some of the key changes that should be taken in a Zoning and Subdivision Ordinance update are as follows:

- Amending the community design standards to better protect rural landscapes and implement green infrastructure principles. This includes additional buffering and landscaping requirements, lighting and noise regulations, and alternative energy solutions.
- Increase residential densities and allow for alternative housing options, such as multi-family and accessory dwelling units, to increase the housing stock and reduce housing cost burdens on the community.
- Strengthen the requirements for connectivity and recreation in new development to better connect the developed community to the rural landscape through shared use trails and recreation amenities.
- Create overlay zoning districts to protect sensitive areas of the County and encourage development in the areas that it is desired. This could include conservation districts such as a mountain ridge district, to protect mountain ridges from overdevelopment, and a tourism development district to allow for easier development of the tourism industry in logical growth areas.



# Next Steps

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The Planning Commission and Board of Supervisors will meet with County staff to review the findings of this report and should relay any questions or comments back to the BG for additional consultation. Reviewing and discussing this report will help build a strong foundation for future updates to the County's Zoning and Subdivision Ordinances.

The priority items for Nelson County should be as follows:

- Amending the Zoning Ordinance comprehensively to ensure compliance with the Code of Virginia requirements, enhance clarity and usability, and reflect best practices included in this evaluation.
- Amending the Subdivision Ordinance comprehensively to comply with Code of Virginia requirements, organize for ease of administration, and incorporate other recommended best practices.
- Amending specific sections of the Zoning Ordinance to address key issues identified by Planning Commission and the Board of Supervisors.
- Updating the County's Zoning Map to align with the Comprehensive Plan's future land use plans.

***Developing a realistic schedule and budget to accomplish these tasks is strongly recommended.***

***The County should consider how best to manage this process, such as retaining outside parties to assist staff in moving forward with the chosen direction or accomplish the chosen tasks in-house. Performing this work in-house and managing day-to-day operations may result in a lengthier product delivery.***

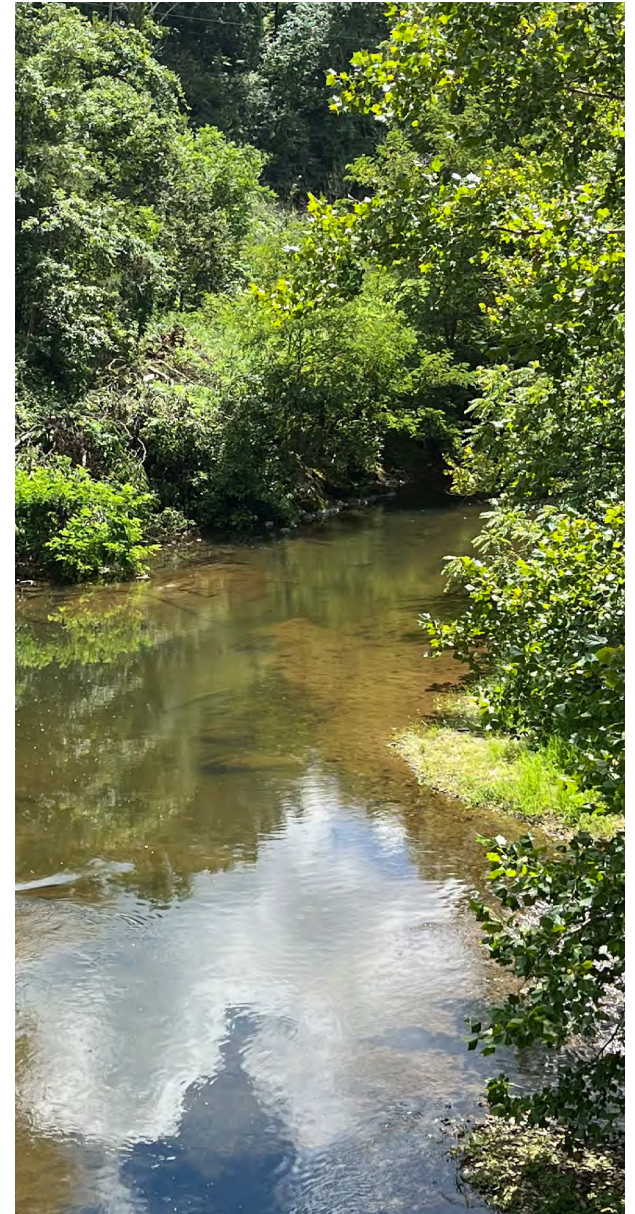
# Conclusion

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Nelson County's desire to ensure effective, efficient, and code-compliant Zoning and Subdivision Ordinances should be commended. As noted in this report, the County's Zoning and Subdivision Ordinances are mostly compliant with and inclusive of Code of Virginia Requirements. However, the ordinance(s) can be greatly strengthened with a modern revision and restructuring for full conformity to Code of Virginia requirements, as well as best planning and zoning practices, to better protect the unique assets and character of the County while continuing to serve the community.

The recommendations outlined in this report constitute a detailed analysis of the Nelson County Zoning and Subdivision Ordinances. Revising the County's Zoning and Subdivision regulations according to these recommendations will ensure that the ordinances are legally defensible, ease administrative burden for staff, and promote economic development. An updated Zoning Ordinance will also ensure modernity with new uses and aid in realizing the future envisioned in Nelson County's Comprehensive Plan. Keeping these land use tools up-to-date and in compliance with the Code of Virginia should be a commitment the County continues to uphold on an ongoing basis, including periodic reviews and amendments.

The Berkley Group looks forward to continuing their support of Nelson County's long-range planning, land use, and development goals.





# Appendix

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**Appendix A: Zoning Ordinance Code of Virginia  
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**Appendix B: Subdivision Ordinance Code of Virginia  
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# Appendix A

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## Zoning Ordinance Code of Virginia Diagnostic Matrix



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
1.	2200	Declaration of legislative intent	Yes	1-1 1-2	<p>This section of the Code of Virginia provides the purpose of Chapter 22 of the Code of Virginia, which is subsequently the purpose for each of the tools discussed therein (Comprehensive Plan and Ordinances).</p> <p>Article 1 declares the legislative authority of Nelson County to regulate zoning pursuant to this section of the Code of Virginia.</p>
2.	2201	Definitions	Partial	Article 2	<p>This section of the Code of Virginia provides foundational definitions for terms used throughout the Chapter 22 regulations of the Code of Virginia. Article 2 of the Ordinance includes a section of relevant definitions for the Ordinance.</p> <p><b>Recommend including definitions found in this section of the Code of Virginia, as well as the Comprehensive Plan glossary, that are currently missing from the Ordinance. These include; “conditional zoning”, “development”, “incentive zoning”, “mixed use development”, “official zoning map”, “planning commission”, “planned unit development”, “plat”, “preliminary plat”, “site plan”, “special use permit”, and “zoning.”</b></p>
3.	2202	Duties of state agencies; electric utilities	N/A	N/A	<p>This section of the Code of Virginia states that any department, board, bureau, commission, or other agency of the Commonwealth that proposes a project in any locality shall, upon the request of the local planning commission, furnish reasonable information requested by the local planning commission relative to the proposed plans.</p> <p>This section of the Code of Virginia is not and does not need to be included in the Zoning Ordinance, but the Zoning Administrator and Planning Commission should be aware of this code section.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
4.	2203	Existing planning commissions and boards of zoning appeals; validation of plans previously adopted	Partial	17-4	<p>This section of the Code of Virginia states that upon adoption of Chapter 22 of the Code of Virginia, already established planning commissions and boards of zoning appeals would continue to operate as if they were created under the terms of Chapter 22.</p> <p><b>The effective date of the Ordinance is established in Article 17. The creation of the Nelson County Planning Commission is established in Chapter 9 of the County Code. While this section of the Code of Virginia does not need to be incorporated into the Ordinance, it is recommended that the establishment, authority, composition, and duties of the Planning Commission be incorporated into the Zoning Ordinance or at minimum reference Chapter 9 of the County Code to create connection and awareness.</b></p>
5.	2204	Advertisement of plans, Ordinances, etc.	Yes	12-3 14-5 16-2	<p>This section of the Code of Virginia requires that localities advertise notice of any plans or Ordinances, or amendments thereof, in the local newspaper. The Ordinance requires that public hearings be conducted and advertised pursuant to this section of the Code of Virginia for all rezonings and zoning amendments, as well as appeals to the Board of Zoning Appeals. The Ordinance also requires a public hearing for any special use permit in accordance with state law.</p> <p><b>Recommend strengthening Sections 12-3-5 and 12-3-6 by including a reference to this section of the Code of Virginia.</b></p>
6.	2205	Additional notice of planning or zoning matters	Optional, Not Includ- ed	No Refer- ence	<p>This section of the Code of Virginia allows a locality, in addition to specific notice required by law, to provide notice by any method on any planning or zoning matter that it deems appropriate for notice.</p> <p><b>Nelson County should consider requiring a posted sign on all properties undergoing zoning permit review by the Planning Commission or Board of Supervisors to help inform the community. If already conducted in practice, it should become a codified portion of the ordinance for the purpose of transparency and consistency.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
7.	2206	When locality may require applicant to give notice; how given	Optional, Not Included	No Reference	<p>This section of the Code of Virginia allows for a locality to require the applicant of any application to the local governing body, local planning commission or Board of Zoning Appeals be responsible for all required notices.</p> <p><b>Nelson County should clearly state in the Ordinance who is required to provide public notice for any public hearing pursuant to §15.2-2204 of the Code of Virginia. As a best practice, this responsibility should be the duty of the Zoning Administrator or their agent rather than the applicant.</b></p>
8.	2207	Public notice of juvenile residential care facilities in certain localities	N/A	N/A	<p>This section of the Code of Virginia allows a locality (which does not have an applicable zoning ordinance) to require public notice and hearing for any applicant who wishes to establish a public or private detention home, group home, or other residential care facility for children in need of services, or for delinquent youth.</p> <p>This section of the Code of Virginia only applies to those localities that do not utilize a zoning ordinance and, as such, is not applicable to Nelson County.</p>
9.	2208	Restraining violations of the chapter [Chapter 22 of the Code of Virginia]	Optional, Partially Included	15-2 20-1	<p>This section of the Code of Virginia allows that any violation or attempted violation of this chapter [Zoning Ordinance] may be restrained, corrected, or abated by injunction or other appropriate proceeding. Article 15 of the Ordinance details violations and enforcement of provisions in the Ordinance and mentions abatement, but does not give the authority to enforce this directly to the Administrator. Article 20 includes more precise language relating to this section to the Code of Virginia, related to communications towers.</p> <p><b>Recommend strengthening Article 15 of the Ordinance with language from, and a reference to, this section of the Code of Virginia and including one single section relating to enforcement of the Ordinance.</b></p>
10.	2208.1	Damages for unconstitutional grant or denial by locality of certain permits and approvals	No	No reference	<p>The Code of Virginia § 15.2-2208.1 states that any applicant aggrieved by a grant or denial of any zoning-related approval or permit – when such grant or denial was unconstitutional pursuant to either federal or state law – shall be entitled to compensatory damages.</p> <p><b>The Zoning Ordinance does not include language addressing damages for an unconstitutional grant or denial; however, these determinations are likely occurring in practice. Nelson County should be aware of this section of the Code of Virginia and may add a direct reference to this section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
11.	2208.2	Damages for an enforcement action undertaken by a locality with willful disregard for applicable law	No	No Refer- ence	<p>The Code of Virginia § 15.2-2208.2 states that any persons subject to an enforcement action, when the enforcement action was based upon a willing disregard for the applicable law, shall be entitled to compensatory damages.</p> <p><b>The Zoning Ordinance does not include language addressing damages for an enforcement action taken with willful disregard. Nelson County should be aware of this section of the Code of Virginia and may add a direct reference to this section of the Code of Virginia.</b></p>
12.	2209	Civil penalties for violations of zoning Ordinance	No	15-2	<p>Code of Virginia § 15.2-2209 states that this schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$200 for the initial summons and not more than \$500 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.</p> <p><b>Recommend Nelson County modify penalties to violations of the Zoning Ordinance to include civil penalties as a first offense before enforcing misdemeanor violations to better match the provisions found within this section of the Code of Virginia. In addition, the Ordinance should set a specific fine for misdemeanor charges, rather than the range that is provided now, with a reoccurring fine for repeat offenses, not to exceed the amounts found in this section of the Code of Virginia.</b></p>
13.	2209.1	Extension of approvals to address housing crisis	N/A	N/A	<p>Code of Virginia § 15.2-2209.1 extends the approval of final site plans, special exceptions, special use permits, and rezoning to assist in addressing the housing crisis to July 1, 2020, and allows further extension of approval by locality.</p> <p>Extension period has passed; no change required.</p>
14.	2209.1:1	Extension of approvals to address COVID-19 pandemic	Yes	No refer- ence	<p>Code of Virginia § 15.2-2209.1:1 extends the approval of final site plans, special exceptions, special use permits, and rezoning to July 1, 2025, and allows further extension of approval by locality.</p> <p>A text amendment is not necessary to comply with this section of the Code of Virginia, but Nelson County should be implementing this in practice.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
15.	2209.1:2	Extension of land use approvals for solar photovoltaic projects.	Yes	No reference	Code of Virginia § 15.2-2209.1:1 extends the approval of any valid special exception, special use permit, or conditional use permit for a photovoltaic project to July 1, 2026, and allows further extension of approval by locality.  A text amendment is not necessary to comply with this section of the Code of Virginia, but Nelson County should be implementing this in practice.
16.	2209.2	Public infrastructure maintenance bonds	N/A	N/A	This section of the Code of Virginia applies only to the City of Charlottesville.
17.	2209.3	Residential land development and construction fee transparency; annual report	No	No Reference	This section of the Code of Virginia requires any locality, with a population over 3,500, to submit a report annually of their total fee revenue pertaining to all residential development.  <b>This new provision of the Code of Virginia is one that Nelson County should be fulfilling in practice, as its population is 14,790 people. The Ordinance can be enhanced by including language about this report requirement and the responsible party required to submit the report.</b>
18.	2210 – 2222.1	Local Planning Commissions	Yes	Chapter 9, Article II	Code of Virginia § 15.2-2210 et. seq. regulates the required establishment, authority, and purpose of local planning commissions.  Chapter 9, Article II, of the County Code, details the creation and composition of the Planning Commission, with one member from each of the five election districts and one Board of Supervisors member.  <b>Recommend that Nelson County revise the Planning Commission structure to ensure an odd number of voting members. This may be happening in practice already with the Board of Supervisors representative not voting, though if this is the case it should be detailed in this section of the Ordinance.</b>
19.	2223 – 2232	The Comprehensive Plan	N/A	N/A	Code of Virginia § 15.2-2223 et. seq. regulates the requirements and provisions for comprehensive plans only.  These Code of Virginia sections are not relevant to this diagnostic but are included here for transparency – and to highlight a full list of sections provided in Chapter 22 of the Code of Virginia.  The Nelson County Comprehensive Plan has recently been updated to comply with the Code of Virginia.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
20.	2233 – 2238	The Official Map	N/A	N/A	<p>Code of Virginia § 15.2-2233 et. seq. regulates the requirements for a locality’s Official Map. These sections grant planning commissions the authority to request a map be made that shows streets, waterways, and public spaces. These sections apply to localities that do not have a Zoning Ordinance, thus no zoning maps.</p> <p><b>Recommend Nelson County include a section in the Zoning Ordinance detailing the creation of an official Zoning Map, including who is responsible for its upkeep and where it is located.</b></p>
21.	2239	Capital Improvement Plan	N/A	N/A	<p>Code of Virginia § 15.2-2239 authorizes a planning commission to prepare a CIP based on a locality’s Comprehensive Plan.</p> <p>This Code of Virginia section is not relevant to this diagnostic but is included here for transparency – and to highlight a full list of sections provided in Chapter 22 of the Code of Virginia.</p>
22.	2240 – 2279	Land Subdivision and Development	Yes	N/A	<p>Code of Virginia § 15.2-2240 et. seq. regulates the orderly subdivision of land. Every locality must have a subdivision ordinance and ensure the orderly subdivision of land.</p> <p>Several of these Code of Virginia sections are also relevant to the Zoning Ordinance and are assessed below. All other Code Sections of the Land Subdivision and Development section of the Code of Virginia are related to the County’s Subdivision Ordinance, which is a standalone Ordinance outside of the Zoning Ordinance. Nelson County’s Subdivision Ordinance diagnostic is included separately.</p>
23.	2246	Site plans submitted in accordance with zoning Ordinance	Partial	13-1	<p>The Code of Virginia requires that site plans submitted for compliance with the Zoning Ordinance must also comply with the Code of Virginia bonding and performance release requirements.</p> <p><b>Recommend including language related to bonding for site plans in Article 13. This should include what types of bonds are accepted and the process for partial release of said bond.</b></p>
24.	2258	Site plan requirements for submission for approval	No	13-4	<p>The Code of Virginia § 15.2-2258 requires that a site plan include the locations of drainage districts, dam break zones, graves/burial sites, and areas of joint locality control.</p> <p><b>Article 13 provides for what must be included on major and minor site plans. Recommend that this section be enhanced to include the details required by this section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
25.	2259	Local planning commission or other agent to act on site plan	Yes	13-6	<p>The Code of Virginia § 15.2-2259 establishes a required timeline – 60 days – for the review and approval or disapproval of site plans.</p> <p>Article 13 requires that approvals of final site plans be conducted in accordance with this section of the Code of Virginia.</p>
26.	2261	Recorded plats or final site plans to be valid for not less than five years	Yes	13-5	<p>The Code of Virginia requires final site plans be valid for five or more years and allows for planning commissions or other agents to grant extensions for approval periods.</p> <p>Article 13 details the validity of site plans pursuant to this section of the Code of Virginia.</p>
27.	2261.1	Recorded plat or final site plans; conflicting zoning conditions	No	No Refer- ence	<p>This section of the Code of Virginia provides that if the governing body approves a plan that is not in accordance with the rezoning, the final site plan/plat governs. Thus, it is imperative that localities review the final site plan/plat for compliance with the rezoning in addition to the zoning Ordinance.</p> <p>Recommend including language from this Section of the Code of Virginia in Article 13 of the Ordinance to clearly state that an approved plan or plat is valid regardless of the underlying Zoning District.</p>
28.	2270	Vacation of interests granted to a locality as a condition of site plan approval	No	No refer- ence	<p>This section of the Code of Virginia provides two methods that allow a locality to vacate any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility that were granted as a condition of the approval of a site plan.</p> <p><b>As a best practice, recommend including a State Code reference in the Zoning Ordinance for this vacation process.</b></p>
29.	2280	Zoning general description	Partial	1-1 1-2	<p>This section of the Code of Virginia allows for localities to regulate items such as the use of structures, buildings, and land; size, height, area, etc. of buildings; the area of land, water, and air space; and the excavation or mining of soil or other natural resources.</p> <p><b>Article 1 provides the legislative authority and intent for zoning in Nelson County but can be enhanced with language from, and a reference to, this section of the Code of Virginia.</b></p>



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
30.	2281	Zoning jurisdiction of county and incorporation	Yes	1-4	<p>This section of the Code of Virginia states that a county shall have jurisdiction over unincorporated areas and a municipality shall have jurisdiction over its incorporated area.</p> <p>Article 1 adequately provides the enumeration of Zoning Districts to all unincorporated areas of Nelson County.</p>
31.	2282	Uniformity of regulations	Yes	N/A	<p>This section of the Code of Virginia states that regulations within a district must be uniform for each class or kind of building and use, but that district regulations may differ from one another.</p> <p>While the Zoning Ordinance does not contain a reference or explicitly state the requirements of this State Code section, it is inherently achieved. The district regulations are uniform for each class or kind of building within a district.</p> <p><b>Ensure compliance with this section of the Code of Virginia throughout any future Ordinance updates.</b></p>
32.	2283	Purpose of zoning, mandatory provisions: <i>(Line items 32 – 43)</i>	– <i>(See below)</i>		<p>Article I provides the intent of the Zoning Ordinance with some language from this section of the Code of Virginia.</p> <p><b>Section 1-2 should be enhanced by providing additional language from this section of the Code of Virginia.</b></p>
33.	i.	Light, air, convenience of access, fire, flood, impounding structure failure, crime	Partial	1-2	<b>Recommend updating Section 1-2(2) to match this subsection of the Code of Virginia.</b>
34.	ii.	Reduction of street congestion	Yes	1-2	Section 1-2(5) adequately provides for this subsection of the Code of Virginia.
35.	iii.	Convenient, attractive, harmonious community	No	No Refer- ence	<b>Recommend including this subsection of the Code of Virginia in section 1-2 of the Ordinance.</b>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
36.	iv.	Adequate police & fire protection, evacuation, defense, transportation, water, sewage, flood protection, schools, parks, forests, playgrounds, recreation facilities, airports	Partial	1-2	<b>Recommend updating Sections 1-2(2) and 1-2(6) to match this subsection of the code of Virginia.</b>
37.	v.	Protection of historic areas and working waterfront development areas	No	No Refer- ence	<b>Recommend including this subsection of the Code of Virginia in section 1-2 of the Ordinance.</b>
38.	vi	Protect against overcrowding, undue density, light and air obstruction, danger in transportation, public safety	Partial	1-2	<b>Recommend updating Sections 1-2(2) and 1-2(3) to match this subsection of the code of Virginia.</b>
39.	vii.	Economic development, employment, tax base	No	No Refer- ence	<b>Recommend including this subsection of the Code of Virginia in section 1-2 of the Ordinance.</b>
40.	viii.	Ag/Forestal and natural environment protection	Partial	Chapter 9, Article V	<b>Chapter 9, Article V, of the County Code includes provisions for the creation of Agricultural and Forestal Districts. These provisions are better suited within the County's Zoning Ordinance as it is best suited to keep all items of the Code of Virginia § 15.2 – 2283 together.</b>  <b>Recommend including this subsection of the Code of Virginia in section 1-2 of the Ordinance.</b>
41.	ix.	Protect airports, U.S. government and military facilities	No	No Refer- ence	<b>Recommend including this subsection of the Code of Virginia in section 1-2 of the Ordinance.</b>
42.	x.	Create and preserve affordable housing	No	No Refer- ence	<b>Recommend including this subsection of the Code of Virginia in section 1-2 of the Ordinance.</b>
43.	xi.	Provide against encroachment on military bases	No	No Refer- ence	<b>Recommend including this subsection of the Code of Virginia in section 1-2 of the Ordinance.</b>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
44.	xii.	Reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable	No	No Refer- ence	<b>Recommend including this subsection of the Code of Virginia in section 1-2 of the Ordinance.</b>
45.	2283.1	Sexual offender treatment services prohibition in residential area	Yes	No Refer- ence	There is nothing in the Zoning Ordinance that references this use, therefore it is not permitted and complies with this section of the Code of Virginia.
46.	2284	Drawing up zoning Ordinance matters- process	No	No Refer- ence	This section of the Code of Virginia states the basis for how district boundaries should be determined.  <b>Each district in the Ordinance includes an intent statement for the purpose of the district but does not include considerations of establishing districts. Recommend adding language from this section of the Code of Virginia to Article 1 of the Ordinance.</b>
47.	2285	Ordinance and map development, adoption- process	Partial	16-1 through 16-4	This section of the Code of Virginia provides the general process for the creation of, and amendments to, zoning ordinances and zoning maps.  Article 16 details the process for amendments to the Zoning Ordinance and Zoning Map, however the Ordinance does not provide for the process for the creation of the Zoning Ordinance and Zoning Map.  <b>Recommend including additional provisions from this section of the Code of Virginia in the Zoning Ordinance, including: the creation of an official zoning map, the authority of the Planning Commission to create the Zoning Ordinance, and that the Planning Commission must make a recommendation to the governing body within 100 days rather than the currently stated 30 days.</b>
48.	2286 (A)	Permitted provisions in zoning Ordinances. (Line items 48 – 63)	– (See below)		This section of the Code of Virginia provides <b>optional</b> provisions. The County should consider the provisions listed below for inclusion in the updated Ordinance, if not already.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
49.	1.	Variances and special exceptions	Optional, Partially Included	12-3 14-2-4	<p>Article 12 outlines the provisions for Special Use Permits in Nelson County, including application and approval requirements. Variances are detailed as a power authorized to the Board of Zoning Appeals in Article 14. The definition of a variance is included in Article 2, but no definition is included for a Special Use Permit.</p> <p><b>Recommend including a definition of Special Use Permit in Article 2. Recommend including a section for the application of a variance outside of Article 14. Nelson County should create a specific article that includes all possible zoning permits, including SUPs and variances, that details application requirements, approval requirements, and validity.</b></p>
50.	2.	Annexation or boundary adjustment provision	Optional, Not Includ- ed	No Refer- ence	<p>This item allows a locality to temporarily apply the Zoning Ordinance to any property coming into the jurisdiction by annexation or otherwise.</p> <p><b>Nelson County may wish to consider including this optional provision of the Code of Virginia in the Zoning Ordinance.</b></p>
51.	3.	Governing body special exception permits- Affordable housing special exception provisions	Optional, Included	12-3-3	<p>This item allows a locality to impose conditions with special exception permits and requires conditions associated with residential special exceptions that include affordable housing to be in keeping with the objective of providing affordable housing.</p> <p>Article 12 includes the authority for the Board of Supervisors to impose necessary conditions for Special Use Permits. The Ordinance does not need to include the language from this Section of the Code of Virginia, but Nelson County should be aware of it.</p>
52.	4.	Zoning administrator authorities, provisions, processes	Optional, Partially Included	17-1	<p>This item provides for the administration and enforcement of the Ordinance including the appointment or designation of a zoning administrator.</p> <p>Article 17 gives authority to the Administrator to enforce the Ordinance. <b>This section of the Ordinance can be enhanced by including specific duties of the Administrator related to this section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
53.	5.	Imposition of penalties- misdemeanor fines	Optional, Included	15-2	<p>This section of the Code of Virginia allows localities to impose penalties, in the form of a misdemeanor punishable by a fine of no more than \$1,000, for violations of the zoning Ordinance.</p> <p>Article 15 includes regulations regarding violations of the Ordinance to be considered misdemeanors with a penalty between \$10 and \$1,000.</p> <p><b>Recommend establishing a set penalty for violation of the Ordinance rather than the included range, no greater than \$1,000 for the initial and second unabated violation fine, no more than \$1,500 for the third unabated violation fine, and no more than \$2,000 for the fourth unabated violation, pursuant to this section of the Code of Virginia.</b></p>
54.	6.	Collection of fees	Optional, Partially Included	12-1 12-3 13-9 16-1	<p>Fees for various actions and permits are included in the Ordinance, though often not specifically. Rather, the Ordinance includes provisions that an applicant must submit the required fee.</p> <p><b>Recommend Nelson County create a fee schedule for all applicable land use fees (including zoning and subdivision) and adopt it by Ordinance as a separate Chapter of the County Code. Where applicable, Nelson County should reference this fee schedule in the Ordinance.</b></p>
55.	7.	Zoning Ordinance amendment timelines and process	Optional, Included	16-1 through 16-4	Article 16 details the provisions for amendments to the Zoning Ordinance and Zoning Map.
56.	8.	Plan of development submission and approval	Optional, Included	13-1 through 13-10	Article 13 details the provisions for site plans, including when they are required, what is required on them, who shall approve them, and the timeline associated with the process.
57.	9.	Mixed-use or PUD developments	Optional, Included	7-1 through 7-10	<p>Article 7 details provisions for the Residential Planned Community District (RPC).</p> <p><b>Nelson County should consider allowing mixed-use development as a use in certain districts or as an overlay district. This may be happening in practice, but the Ordinance should clearly state that it is allowed and where it is allowed.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
58.	10.	Incentive zoning administration	Optional, Included	21-1 through 21-7	<p>Incentives may be used, as appropriate, to accomplish development goals. An example would be increased project density or other benefit in return for the developer providing specific site design, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, or historical preservation.</p> <p>Article 21 details the provisions for cluster housing development, allowing a developer additional residential density in the C-1, A-1, or R-1 Zoning Districts in exchange for the preservation of open space.</p> <p><b>Recommend reevaluating the existing cluster housing development ordinance to ensure it's compliance with the updated Comprehensive Plan, and incorporating required design standards, as needed.</b></p>
59.	11.	Downzoning tax credit	Optional, Not Included	No Reference	<p>This provision allows for the downzoning of a landowner's undeveloped or underdeveloped property in exchange for tax credits. This can be used to defer development.</p> <p><b>Nelson County should consider using this as a land conservation tool.</b></p>
60.	12.	Environmental site assessments and review	Optional, Not Included	No Reference	<p>This provision of the Code of Virginia allows localities to require Phase I or II environmental site assessments based on the anticipated use of the property.</p> <p><b>Nelson County should consider requiring environmental impact assessments for large developments or uses that may adversely impact the natural environment.</b></p>
61.	13.	Safety standards for solar panels and battery technologies	Optional, Included	22A-4	<p>Article 22A provides for solar energy installations and includes requirements for a decommissioning plan to be submitted that addresses the proper disposal of all solid or hazardous materials and wastes.</p> <p><b>Recommend reevaluating the Ordinance's provisions for solar energy facilities to ensure that they are in conformance with the County's Comprehensive Plan and include adequate provisions for environmental safety standards.</b></p>
62.	14.	Environmental disclosure and remediation	Optional, Not included	No Reference	<p>This requirement is typically applicable to industrial redevelopment projects. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.</p> <p><b>Recommend adding this section of Code of Virginia for possible redevelopment of industrial areas.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
63.	15.	Single-family residential occupancy regulations	Optional, Not Includ- ed	Article 2	<p>This section of the Code of Virginia allows for the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided that such enforcement is in compliance with applicable local, state, and federal fair housing laws.</p> <p>Article 2 of the Ordinance defines family as “One (1) or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boardinghouse, hotel, or motel. “</p> <p><b>Recommend reevaluating this definition to ensure that it complies with the County’s standard for how many people shall be allowed to live within a single dwelling unit. This can be derived from statewide building code occupancy requirements.</b></p>
64.	16.	Zoning inspection warrants	Optional, Not includ- ed	No Refer- ence	<p>It is a best practice to include this provision, as it allows for a locality to acquire a warrant if there is a suspected zoning Ordinance violation.</p> <p><b>Nelson County should consider including this optional provision of the Code of Virginia for transparency.</b></p>
65.	2286 (B)	Payment of outstanding debt, taxes, fees	Optional, Not Includ- ed	No Refer- ence	<p>The Zoning Ordinance does not include a requirement that any delinquent real estate taxes or debts be paid before approval of any applications.</p> <p><b>Recommend adopting this optional provision as a requirement.</b></p>
66.	2286.1	Open space provision, cluster dwellings	N/A	21-1 through 21-7	<p>This section of the Code of Virginia only applies to localities with a population growth of 10% or higher. While this provision of the Code of Virginia is not a requirement for Nelson County, the Ordinance does include provisions for cluster housing developments.</p> <p><b><i>For recommendation, see line item 58, above.</i></b></p>
67.	2287	Optional requirement regarding property interest of local officials	Optional, Not includ- ed	No Refer- ence	<p>This section of the Code of Virginia allows localities to require that applicants disclose any members of the Planning Commission or governing body that have a vested interest in property being considered for zoning action.</p> <p><b>Nelson County should include this provision of the Code of Virginia in the Ordinance to increase transparency in the application and review process.</b></p>
68.	2287.1	Disclosures in land use proceedings	N/A	N/A	<p>This section of the Code of Virginia only applies to Loudoun County.</p>



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
69.	2288	Localities may not require special exception permits for certain agriculture activities	Yes	4-1 4-1-a	<p>This section of the Code of Virginia applies to localities that have production, agriculture, or silviculture activity in an area that is zoned as an agricultural district or classification and specifies that localities may not require special use permits for such uses.</p> <p>Articles 4 provides for by right uses and uses by special use permit in agriculturally zoned areas as allowed by this section of the Code of Virginia.</p>
70.	2288.01	Localities may not require special exception permits for small biomass conversion	Yes	No Refer- ence	<p>This section of the Code of Virginia restricts localities from requiring a special exception or a special use permit for small-scale conversion of biomass to alternative fuel.</p> <p>The Ordinance does not currently allow for small biomass converters as a use and therefore the County does not require a special exception or special use permit for their use.</p>
71.	2288.1	Localities may not require a special use permit for certain residential uses	Yes	Article 3 - Article 7	<p>This section of the Code of Virginia says that no local Ordinance shall require a special exception or special use permit for development and construction of residential dwellings at the use, height, and density permitted by right under the local zoning Ordinance.</p> <p>The Ordinance does not require a special use permit for dwellings at the use, height, and density permitted by right. This section of the Code of Virginia does not need to be referenced expressly in the Ordinance, but Nelson County should be aware of these provisions.</p>
72.	2288.2	Localities may not require special exception permits for certain temporary structures (tents)	Yes	24-2	<p>This section of the Code of Virginia restricts localities from requiring a special exception or special use permit for a temporary (less than three days) tent to be constructed on private property that will be primarily used for private or family-related events.</p> <p>Article 24 of the Ordinance details the requirements for temporary events and lists a number of events exempt from acquiring a temporary event permit, which adequately fulfills this provision of the Code of Virginia.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
73.	2288.3	Localities may not unduly regulate farm wineries	Yes	2-1 4-1	<p>Usual and customary activities and events at farm wineries licensed in accordance with Title 4.1 shall be permitted without local regulation unless there is a substantial impact on the health, safety, or welfare of the public.</p> <p>Farm wineries are listed as a by right use in the Agricultural District, A-1. A definition of farm winery is included in Article 2 with some standards of use and reference to the Code of Virginia.</p> <p><b>Recommend including a section of use standards for farm wineries in the Ordinance that detail what activities are permitted on farm wineries, moving much of the standards found in the definition to this new section.</b></p>
74.	2288.3:1	Limited brewery license; local regulation of certain activities.	Yes	2-1 4-1	<p>Limited farm breweries are listed as a by right use in the Agricultural District, A-1. A definition of a limited farm brewery is included in Article 2 with some standards of use and reference to the Code of Virginia.</p> <p><b>Recommend including a section of use standards for limited farm breweries in the Ordinance that detail what activities are permitted on limited breweries, moving much of the standards found in the definition to this new section.</b></p>
75.	2288.3:2	Limited distiller's license; local regulation of certain activities.	No	No Refer- ence	<p>The Ordinance provides for distilleries as a use by special use permit in the Agricultural District, A-1, with a relevant definition in Article 2. The Ordinance does not provide for limited or farm distilleries, however.</p> <p><b>Recommend Nelson County include limited farm distilleries in the Ordinance as a by right use in the Agricultural District, A-1, with a relevant definition and use standards. This type of use should be very similar to farm breweries and wineries.</b></p>
76.	2288.4	Extension of expiration dates for special use permits	N/A	N/A	<p>This section of the Code of Virginia expired in 2011 and no longer applies but is included in this diagnostic for transparency.</p>
77.	2288.5	Definition and uses of cemetery	Partial	2-1 3-1 4-1 8B-1	<p>A cemetery is defined in Article 2 of the Ordinance and provided for as a use by special exception in the A-1 and C-1 Zoning Districts and as a by right use in the Service Enterprise District, SE-1.</p> <p><b>Recommend Nelson County modify the definition of a cemetery to match the definition found in §54.1-2310 of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
78.	2288.6	Agricultural operations; local regulation of certain activities.	Yes	4-1 24-1	<p>This section of the Code of Virginia provides for agritourism and related agricultural activities. The Zoning Ordinance allows for agritourism as a by right use in the A-1 Zoning District and defines agritourism in Article 24.</p> <p><b>Recommend including the definition of agritourism in Article 2, Definitions, rather than Article 24, Temporary Events.</b></p>
79.	2288.7	Solar facilities; local regulation	No	No Refer- ence	<p>This section states that a locality must allow for roof mounted or ground mounted accessory solar energy facilities in most zoning districts, as long as they can meet the zoning standards such as height, setbacks, etc.</p> <p><b>Recommend Nelson County include standards for roof top and ground mounted accessory solar facilities in Article 22A and allow them by right in all agricultural, residential, commercial, and industrial zoning districts.</b></p>
80.	2288.8	Special exceptions for solar photovoltaic projects	Optional, Included	22A-1 - 22A-6	<p>Small- and large-scale solar facilities are uses allowed by special use permit in the A-1 Zoning District. Article 22A details the standards and requirements for all small- and large-scale solar facilities in the County.</p>
81.	2289	Optional requirement of disclosure of real parties in interest for special exception permits, special use permits, amendments to the zoning Ordinance, or variances	Optional, Not Includ- ed	No Refer- ence	<p>This section of the Code of Virginia allows a locality to require any application for a special exception permit, special use permit, zoning text or map amendment, or variance to disclose the equitable ownership of the land to be included in the application and all parties of interest.</p> <p><b>Nelson County may wish to include this provision of the Code of Virginia in the Ordinance.</b></p>
82.	2290	Manufactured housing uniformity (by-right in Ag areas)	Yes	4-1	<p>This section of the Code of Virginia requires that manufactured homes be permitted by right in all agricultural zoning districts and treated as a single-family dwelling in those districts.</p> <p>Manufactured homes are allowed by right in the A-1 Zoning District.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
83.	2291	Assisted living and group homes of 8 or fewer residents	No	8-1-7a	<p>This section of the Code of Virginia requires that zoning ordinances include provisions for allowing assisted living facilities and group homes for up to eight individuals with mental illness, intellectual disability, or developmental disabilities. The Ordinance allows for group homes as a permitted use by special use permit only in the B-1 Zoning District. This use is not, however, defined in Article 2.</p> <p><b>Recommend defining assisted living facilities or group homes and including them as a by right use in all residential zoning districts in conformance with this section of the Code of Virginia.</b></p>
84.	2292	Zoning provision/definition family day home	No	No Refer- ence	<p>Family day homes with less than 5 children must be allowed in residential districts the same way single-family homes are allowed.</p> <p><b>Recommend defining family day homes and including them as a by right use in all residential zoning districts in conformance with this section of the Code of Virginia.</b></p>
85.	2292.1	Provision for temporary family health care structure	Yes	23-1 - 23-9	<p>This section of the Code of Virginia requires that temporary health care structures be allowed on lots containing or zoned for single family dwelling units and provides for standards of those structures.</p> <p>Article 23 adequately details the provisions and requirements for temporary family health care structures pursuant to this section of the Code of Virginia.</p>
86.	2293	Airspace subject to zoning Ordinances	No	No Refer- ence	<p>Although it may occur in practice, the Zoning Ordinance does not include any language subjecting the airspace to the regulations of the Ordinance.</p> <p><b>Recommend including the provisions of this section of the Code of Virginia under authority of the Ordinance.</b></p>
87.	2293.1	Amateur radio antenna placement	Yes	20-4	<p>The Ordinance exempts amateur radio antennas from the height requirements of communications as provided in Article 20.</p>
88.	2293.2	Regulation of helicopter use	Yes	No Refer- ence	<p>This section of the Code of Virginia bars localities from banning regular use of non-commercial helicopters. The Ordinance does not currently provide provisions or standards for non-commercial helicopter use and does not ban them.</p> <p><b>Nelson County should consider including use standards for non-commercial helicopters.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
89.	2294	Airport safety zoning	N/A	N/A	<p>This section of the Code of Virginia only applies to localities where a licensed airport or military air facility is located.</p> <p>While Nelson County does not currently have any licensed airports, they should be aware of this provision of the Code of Virginia and consider including additional standards and regulations to development near any air facility that may be constructed in the future.</p>
90.	2295	Optional aircraft noise attenuation Ordinances	N/A	N/A	<p>This section of the Code of Virginia allows localities to require additional noise attenuation for developments near airports or military facilities and allows localities to create a noise overlay zone for these areas on the Zoning Map.</p> <p>While Nelson County does not currently have any licensed airports, they should be aware of this provision of the Code of Virginia and consider including additional standards and regulations to development near any air facility that may be constructed in the future.</p>
91.	2295.1	Optional mountain ridge construction Ordinances	Optional, Not Includ- ed	No Refer- ence	<p>This section of the Code of Virginia allows a locality with a protected mountain ridge to impose additional restrictions as part of an overlay zoning district to those mountain ridges in order to regulate the height and location of new development.</p> <p><b>Nelson County should consider the creation of a mountain ridge overlay zoning district to protect the natural mountain ridges of the County and the viewshed they provide. In addition, the County should consider defining and regulating steep slopes to better protect mountainous areas of the County.</b></p>
92.	2295.2	Optional authority to create zoning modification in dam break inundation zones	Optional, Not Includ- ed	No Refer- ence	<p>This section of the Code of Virginia allows a locality to, by Ordinance, require modification of an application for zoning modification, conditional zoning, or a special use permit for the area of a development that is proposed within a mapped dam break inundation zone.</p> <p><b>If not already in practice, Nelson County should require all applications for development to indicate if they are within a dam break inundation zone.</b></p>
93.	2296	Conditional zoning – legislative policy	Yes	16-4-1	Article 16 allows for voluntary proffer of conditions associated with a rezoning.
94.	2297	Conditional zoning- rezoning/ map amendments	Yes	16-4-2	Article 16 allows for voluntary proffer of conditions associated with a rezoning, including language found in this section of the Code of Virginia.



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
95.	2298	Conditional zoning- high-growth amendments	Optional, Included	16-4	<p>This section of the Code of Virginia states that any locality which has had population growth of 5% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census; any city adjoining such city or county; any towns located within such county; and any county contiguous with at least three such counties, and any town located in that county may provide for the voluntary proffering of reasonable conditions as outlined by the Code of Virginia.</p> <p><b>Article 16 includes provisions for conditional zoning and proffers. Nelson County should consider allowing for cash proffers per this section of the Code of Virginia.</b></p>
96.	2299	Conditional zoning- enforcement	Yes	16-4-6	Article 16 includes the provisions and language found in this section of the Code of Virginia.
97.	2300	Conditional zoning- records	Yes	16-4-5	Article 16 includes the provisions and language found in this section of the Code of Virginia.
98.	2301	Conditional zoning – petitions for review of decision	Yes	16-4-7	Article 16 includes the provisions and language found in this section of the Code of Virginia.
99.	2302	Conditional zoning- amendments and variations	Yes	16-4-3	Article 16 includes the provisions and language found in this section of the Code of Virginia.
100.	2303	Conditional zoning- certain localities	N/A	N/A	This section of the Code of Virginia only applies to counties with the urban county executive form of government or those adjacent to such county.
101.	2303.1	Binding development agreements- certain localities	N/A	N/A	This section of the Code of Virginia only applies to the County of New Kent.
102.	2303.1:1	Cash proffer option- process	N/A	N/A	<p>This section of the Code of Virginia provides that cash proffers cannot be accepted until after final inspection and prior to certificate of occupancy. The Zoning Ordinance does not provide for the voluntary proffer of cash contributions to offset costs of development associated with a rezoning application.</p> <p><b>If Nelson County decides to allow for cash proffers, they should incorporate this provision of the Code of Virginia into the Zoning Ordinance.</b></p>
103.	2303.2	Proffer cash payments and expenditures- process	N/A	N/A	<p>This section of the Code of Virginia states that localities shall use received cash proffers within 12 years of receipt. The Zoning Ordinance does not provide for the voluntary proffer of cash contributions to offset costs of development associated with a rezoning application.</p> <p><b>If Nelson County decides to allow for cash proffers, they should incorporate this provision of the Code of Virginia into the Zoning Ordinance.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
104.	2303.3	Cash proffer requested or accepted conditions- process	N/A	N/A	<p>This section of the Code of Virginia dictates the timing of when a cash proffer can be collected by a locality. The Zoning Ordinance does not provide for the voluntary proffer of cash contributions to offset costs of development associated with a rezoning application.</p> <p><b>If Nelson County decides to allow for cash proffers, they should incorporate this provision of the Code of Virginia into the Zoning Ordinance.</b></p>
105.	2303.4	Provisions applicable to certain proffers	Partial	16-4-2	<p>This section of the Code of Virginia provides that no locality can require an unreasonable proffer for residential development or uses but allows onsite and offsite proffers that the applicant deems reasonable.</p> <p><b>Article 16 states that proffers must be reasonable conditions, but this section of the Ordinance can be enhanced by articulating what is allowed in accordance with this section of the Code of Virginia.</b></p>
106.	2304	Affordable dwelling Ordinances- certain localities	N/A	N/A	<p>This section of the Code of Virginia only applies to the Counties of Albemarle and Loudoun, and the Cities of Alexandria and Fairfax.</p>
107.	2305	Affordable dwelling Ordinances	Optional, Not includ- ed	No refer- ence	<p>This section of the Code of Virginia applies only to localities that do not qualify under § 15.2-2304 of the Code of Virginia.</p> <p>The Zoning Ordinance does not currently reference or mention affordable housing.</p> <p><b>Nelson County should consider incorporating this optional provision of the Code of Virginia.</b></p>
108.	2305.1	Affordable housing dwelling unit Ordinances	Optional, Not includ- ed	No Refer- ence	<p>This section of the Code of Virginia applies only to localities that do not qualify under § 15.2-2304 of the Code of Virginia. This section of the Code of Virginia allows localities to create an affordable housing dwelling unit program in the Zoning Ordinance to include reasonable regulations and provisions for the construction of affordable housing.</p> <p><b>Nelson County should consider incorporating this optional provision of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
109.	2306	Optional historical site preservation	Optional, Not includ- ed	No Refer- ence	<p>This section of the Code of Virginia allows localities to designate historic preservation districts and sets standards for the development and redevelopment of buildings in those districts. The Ordinance defines historical area in Article 2 and allows it as a permitted use in the C-1 Zoning District, though if there are several historic areas in close proximity to one another these areas would likely be better suited for a historic preservation district.</p> <p><b>The Ordinance does not delineate a historic overlay district, but Nelson County may wish to implement this optional provision of the Code of Virginia.</b></p>
110.	2306.1	Establishment of working waterfront development areas	N/A	N/A	This section of the Code of Virginia allows localities to designate working waterfront development areas which afford incentives to development in the area. Nelson County does not have any waterfront area to warrant a working waterfront development area.
111.	2307	Protection of vested rights for non-conforming uses	Yes	11-1 through 11-7	<p>Article 11 adequately regulates nonconforming uses in Nelson County.</p> <p><b>Recommend reorganizing, reevaluating, and updating Article 11 for clarity of use and separating uses, lots, and structures as separate nonconformities.</b></p>
112.	2307.1	Commercial fishing	N/A	N/A	This section of the Code of Virginia is for the protection of registered commercial fishermen and seafood buyers who operate their businesses from their waterfront residences and have been in operation for at least 20 years. Nelson County does not have any waterfront areas.
113.	2308	Zoning appeal board	Yes	14-1	Article 14 details the regulations governing the Board of Zoning Appeals, including its creation and composition.
114.	2308.1	Boards of zoning appeals, ex parte communications, proceedings.	No	No refer- ence	<p>The Zoning Ordinance does not mention ex parte communications.</p> <p><b>Recommend including a section regarding ex parte communications with the Board of Zoning Appeals members and a reference to this section of the Code of Virginia.</b></p>
115.	2309	Zoning appeal board powers and duties	Yes	14-2	<p>Article 14 includes the general powers and duties of the Board of Zoning Appeals with language from this section of the Code of Virginia.</p> <p><b>Nelson County should reevaluate these powers and duties and may wish to consider removing the authority to grant special use permits from the Board of Zoning Appeals as a best practice.</b></p>
116.	2310	Application for special exceptions and variance	Yes	12-3-4 14-2-4	Article 12 details the requirements for applications of special use permits and Article 14 details the requirements for variances in Nelson County.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
117.	2311	Optional appeals to Board of Zoning Appeals- process	Yes	14-4	Article 14 adequately includes provisions for appeals to the Board of Zoning Appeals and contains language from this section of the Code of Virginia.
118.	2312	Appeals to Board procedure - process	Yes	14-5	Article 14 adequately includes provisions for the procedure of appeals to the Board of Zoning Appeals and contains language from this section of the Code of Virginia.
119.	2313	Prevention of construction not in accordance with Ordinance- process	No	No refer- ence	<p>This section of the Code of Virginia allows the court to hear issues regarding building construction that may be in violation of the Zoning Ordinance without going to the Board of Zoning Appeals.</p> <p><b>Nelson County should be aware of this provision of the Code of Virginia and may wish to include it as a reference in the Ordinance for transparency.</b></p>
120.	2314	Writ of Certiorari to review Board's decision	Yes	14-6	Article 14 adequately includes provisions for appeals of the Board of Zoning Appeals decisions to the circuit court with language from this section of the Code of Virginia.
121.	2315	Conflict of state and local Ordinance	Yes	17-6	Article 17 addresses conflicts between other regulations with language from this section of the Code of Virginia.
122.	2316	Validation of Ordinances prior to 1971	N/A	N/A	<p>This section of the Code of Virginia validates Zoning Ordinances created prior to 1971, provided that they are in conformance with Chapter 22, Article 7, of the Code of Virginia.</p> <p>The Ordinance was adopted in 1977 and, as such, is not subject to this Section of the Code of Virginia.</p>
123.	2316.1	Definitions regarding transfer of development rights (TDRs)	Optional, Not includ- ed	No Refer- ence	<p>This section of the Code of Virginia provides definitions for Transfer of Development Rights programs. Nelson County does not have a transfer of development rights program.</p> <p><b>Nelson County should consider implementing this optional provision of the Code of Virginia if they wish to allow the transfer of development rights in certain areas of the County.</b></p>
124.	2316.2	Optional provisions for transfer of development rights	Optional, Not includ- ed	No Refer- ence	<p>This section of the Code of Virginia allows localities the option to establish TDR programs, in which a locality may designate receiving areas/properties that shall receive development rights <u>only</u> from certain sending areas/properties. This is typically used by counties as a rural area preservation tool.</p> <p><b>Nelson County should consider implementing this optional provision of the Code of Virginia if they wish to allow the transfer of development rights in certain areas of the County.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
125.	2316.3	Definitions regarding small cell facilities	Partial	20-4	<p>This section of the Code of Virginia establishes the definitions for wireless communications facilities and structures.</p> <p><b>Recommend moving the definitions for communications tower from Article 20 to Article 2, Definitions and including all definitions found in this section of the Code of Virginia. This should include “micro-wireless facility” and “small cell facility.”</b></p>
126.	2316.4	Permitting and review of small cell facilities	Partial	20-6	<p>Article 20 includes small cell facilities as Class A personal wireless service facilities that are permitted by right in the County.</p> <p><b>Recommend updating Article 20 of the Ordinance to more closely align with this section of the Code of Virginia, including provisions for the number of permits and review times for permits. The County should also confirm that they are compliant with the allowed review fees per this section of the Code of Virginia.</b></p>
127.	2316.4:1	Zoning; Other wireless facilities	Partial	20-6	<p><b>Article 20 provides regulations for wireless facilities in Nelson County. These regulations should be modified to better match the regulations of this section, and the other subsections of §15.2-2316.4, of the Code of Virginia.</b></p>
128.	2316.4:2	Application reviews for small cell facilities	Partial	No Refer- ence	<p>The Code of Virginia § 15.2-2316.4:2 establishes the guidelines for review applications for small cell facilities. It explicitly prevents applications from being denied for various reasons and states the type of requirements that localities cannot require in their applications.</p> <p><b>Recommend updating Article 20 of the Ordinance to more closely align with this section of the Code of Virginia, including provisions for the number of permits and review times for permits. The County should also confirm that they are compliant with the allowed review fees per this section of the Code of Virginia.</b></p>
129.	2316.4:3	Additional provisions for zoning applications of telecommunications facilities	Partial	20-6 20-17	<p><b>Article 20 provides regulations for wireless facilities in Nelson County and 20-17 addresses administratively approved replacement. These regulations should be modified to include routine maintenance and support structures to better align the regulations of this section, and the other subsections of Code of Virginia § 15.2-2316.4.</b></p>
130.	2316.5	Moratorium on zoning applications from wireless service providers prohibited	Yes	No Refer- ence	<p>Nelson County does not have a moratorium on zoning applications from wireless service providers.</p>



	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
131.	2316.6	Siting of solar projects and energy storage projects – definitions	Optional, Partially Included	22A-3	<p>This section of the Code of Virginia provides definitions that pertain to § 15.2-2316.6 et. seq. of the Code of Virginia, siting of solar projects.</p> <p><b>Nelson County should include these definitions in Article 22A of the Zoning Ordinance.</b></p>
132.	2316.7	Negotiations; siting agreement	Optional, Not Included	No Reference	<p>This section of the Code of Virginia requires that any applicant for a solar project or an energy storage project give written notice to the locality and request a meeting, for the applicant and locality to discuss and negotiate a siting agreement. This section of the Code of Virginia also provides language for siting agreements contents.</p> <p><b>Nelson County may wish to require a formal siting agreement for solar energy facilities.</b></p>
133.	2316.8	Powers of host localities	Optional, Not Included	No Reference	<p>This section of the Code of Virginia states the powers of localities regarding the siting of solar facilities. Powers include: i.) hiring consultants, ii.) discussing a siting agreement with an applicant, iii.) entering into a binding siting agreement; and iv.) presenting the agreement at a public hearing.</p> <p><b>Nelson County should be aware of this section of the Code of Virginia and may wish to include a reference in the Ordinance.</b></p>
134.	2316.9	Effect of executed siting agreement; land use approval	Optional, Not Included	No Reference	<p>This section of the Code of Virginia states that all land use approvals shall be necessary for a solar facility; a siting agreement shall deem the project in accordance with a Comprehensive Plan, but other land use approvals will be required; and that a governing body cannot deny approval solely based on the absence of a siting agreement.</p> <p><b>Nelson County should be aware of this section of the Code of Virginia and may wish to include a reference in the Ordinance.</b></p>
135.	2317	Article 8 – Road Impact Fees - Applicable to 20k persons +5% growth, or 15% growth	N/A	N/A	<p>This section of the Code of Virginia speaks to road impact fees but is only applicable to localities with a population of 20,000 with at least a 5% growth rate, or localities with over 15% growth rate.</p> <p>Nelson County does not qualify for this optional provision of the Code of Virginia.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Sec- tion	Consultant Comments/Recommendations
136.	2318	Definitions	<i>Required_ if Road Impact Fees Ordinance Adopted</i>	N/A	This section of the Code of Virginia includes definitions for terms relating to road impact fees.
137.	2319	Impact fee authority		N/A	This section of the Code of Virginia allows applicable localities to impose road impact fees on new developments to pay all or part of the cost of reasonable road improvements that benefit new development.
138.	2320	Impact fee service area establishment		N/A	This section of the Code of Virginia states that applicable localities shall delineate one or more impact fee service areas within its comprehensive plan.
139.	2321	Adoption of road improvement program (must be done prior to impact fee adoption)		N/A	This section of the Code of Virginia requires that prior to adopting any system of impact fees, road improvements needs must be assessed – and adopt a road improvements plan after a public hearing.
140.	2322	Adoption of impact fee, schedule		N/A	This section of the Code of Virginia requires that an adopted Ordinance or regulation for impact fees contain a schedule of fees.
141.	2323	Applicability of fees		N/A	This section of the Code of Virginia requires that an adopted Ordinance or regulation for impact fees contain a schedule of fees.
142.	2324	Credit against fees		N/A	This section of the Code of Virginia requires that the value of any dedication, contribution, or construction from the developer for off-site road or other transportation improvements benefiting the impact fee service area shall be treated as a credit against the impact fees project.
143.	2325	Updating plan of impact fee		N/A	This section of the Code of Virginia requires that the road improvement plan that is the basis of the impact fees, be updated every two years, with amendments to impact fee schedule, as appropriate.
144.	2326	Proceeds use		N/A	This section of the Code of Virginia requires that a road improvement account be established for the impact fee service area and all funds collected through impact fees shall be deposited in an interest-bearing account. Interest earned on deposits becomes funds of the account. The use of the funds shall be for road improvements benefiting the impact fee service area.
145.	2327	Refund of impact fee		N/A	This section of the Code of Virginia requires that a locality refund any impact fee for which construction of a project is not completed within a reasonable period of time, not to exceed fifteen years.

	VA Code Section 15.2-	Intent	Compliance	Existing ZO Section	Consultant Comments/Recommendations
146.	2328	Applicability of Impact Fees	<i>Required_ if Road Impact Fees Ordinance Adopted</i>	N/A	This Article of the Code of Virginia applies to “urban counties” – which is a county with a population of greater than 90,000, according to the United States Census of 2000.
147.	2329	Imposition of impact fees		N/A	This Article of the Code of Virginia applies to “urban counties” – which is a county with a population of greater than 90,000, according to the United States Census of 2000.

	Additional Comments	Consultant Recommendations
1.	General	<p>A comprehensive review of the current references in the Ordinance should be conducted. Currently there are a number of Code of Virginia references that refer to Chapter 15.1 of the Code of Virginia which have all since been changed. Chapter 15.2 is now the Code of Virginia chapter which regulates the zoning of land in a locality.</p> <p>In general, the Zoning Ordinance should be reviewed on an annual basis as a best practice to ensure that it is remaining up to date with new and modified provisions of the Code of Virginia.</p>
2.	Organization	<p>The Zoning Ordinance would greatly benefit from a reorganization to improve readability and ease administrative burdens. Improvements include:</p> <ul style="list-style-type: none"> <li>• Combine all use standards into one article. Currently some use standards are found in a standalone article and others are listed under general provisions.</li> <li>• Combine all Zoning District Standards into one easy to read matrix or table.</li> <li>• Create an Article containing all responsible bodies with their compositions, powers, and duties.</li> <li>• Include the Subdivision Ordinance as a standalone Article in the Zoning Ordinance. Moving all land use related regulations to one document helps create a single location and eases administration and transparency with the community. This could also extend to the regulations found in Chapter 9, Planning and Development, of the County Code.</li> <li>• Create a table of contents for easy reference.</li> </ul> <p>The following is an example organization: General Ordinance provisions (effective date, severability, applicability, jurisdiction, conflict, etc.); Permits &amp; Applications; Districts (including dimensional standards); District Use Matrix; Use Performance Standards; Community Design Standards; Nonconformities; Subdivision; and Definitions. This may be modified with consideration to the specific administration needs identified by County staff.</p>

	Additional Comments	Consultant Recommendations
3.	Uses	<p>Many uses and corresponding definitions required by the Code of Virginia are missing from the Zoning Ordinance. These include agritourism, small cell wireless facilities, biomass energy converters, administrative review only project, group homes, and family day homes.</p> <p>There are several unnecessary, overly specific, or outdated uses and definitions in the Zoning Ordinance that can be consolidated and converted to more modern land uses. Such uses include; banquet hall, blacksmith shop, day camp, summer camp, and campground, labor camp facilities, and a number of different assorted manufacturers.</p> <p>In addition, not all uses have a corresponding definition in Article 2 of the Ordinance. Recommend defining all land uses within the Ordinance to aid in administration and interpretation.</p>
4.	Use Matrix	An article dedicated to a use matrix that clearly shows all uses, which districts they are allowed in, and whether by-right or by special use permit would greatly improve the process of referencing, reading, and administering the Ordinance. With this structure the uses would not be listed in each zoning district as they are now.
5.	Use Standards	<p>Currently, there is no common location for use standards within the Ordinance. This makes finding standards for a specific use difficult. Nelson County should create an Article specifically for use standards that includes sections for all uses that they wish to have additional standards for.</p> <p>Additionally, Nelson County should evaluate their current use permissions to try and identify uses that currently require a special permit but are often approved with similar conditions. These uses should instead be considered for by-right use and have their common conditions adopted as use standards incorporated in the Ordinance. This can help ease administrative burden on both staff and the governing body.</p>
6.	Community Design Standards	<p>Nelson County should consider including an Article of community design standards that can apply to certain types of uses or development countywide. Currently, the Zoning Ordinance includes standards for parking and signs, but these design standards can be expanded to include landscaping and buffer requirements, lighting, noise regulation, and others.</p> <p>In addition, the existing design standards relating to signs in the County are not currently in compliance with recent Supreme Court precedents, which limits regulations of signs to not pertain to the content of the sign and instead only to the size, type, or color. Nelson County should modify their provisions for sign regulation to ensure they are compliant.</p>
7.	Enforcement & Violations	Nelson County currently enforces a violation of the Zoning Ordinance as a misdemeanor offense. The Code of Virginia allows localities to first enforce a light civil penalties as a first offense for violations before progressing to a misdemeanor charge for a repeat violation. Nelson County should consider adding civil penalties to the Zoning Ordinance as a first step of enforcement.
8.	Accessory Solar Facilities	Nelson County's regulations regarding small- and large-scale solar facilities are adequate for compliance with the Code of Virginia, but the Ordinance does need to be updated to reflect accessory ground mounted and roof mounted solar facilities, rather than just solar facilities as a primary land use. These types of accessory uses should be permitted by-right with additional standards as long as they can meet the required zoning district standards.

	Additional Comments	Consultant Recommendations
9.	Mountain Ridge Overlay District	The Code of Virginia allows for localities to create a Mountain Ridge Overlay Zoning District and Nelson County should be taking advantage of this optional provision to help protect their most environmentally sensitive parts of the County. This district could impose additional restrictions on development along mountain ridges to restrict building size and height. This can help ensure that mountain ridges maintain their natural shapes and preserve natural view sheds throughout the mountainous regions of the County.
10.	Wireless Facilities	While Nelson County has a robust article containing wireless facility standards and regulations, these standards are regularly being changed and updated at the state and federal levels and, as such, this article should be reevaluated to ensure that it is still in compliance with required regulations and maintaining industry best practices. Notably, the Zoning Ordinance does not allow for small cell wireless facilities as a by right use, which is required by the Code of Virginia. In addition, the Code of Virginia requires that all wireless facilities less than 50 feet in height be subject only to an administrative review and not require a special use permit or special use permit for construction.



# **Appendix B**

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**Subdivision Ordinance  
Code of Virginia  
Diagnostic Matrix**

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
1.	2209.1.1	Extension of approvals to address the COVID-19 pandemic.	N/A	No reference	<p>Due to the Covid-19 pandemic, this section of The Code of Virginia extends approvals of plats, final site plans, special exceptions, special use permits, and rezoning to July 1, 2025 – and allows further extension of approval by locality.</p> <p>A text amendment is not necessary to comply with this section of The Code of Virginia, but Nelson County should be implementing this in practice.</p>
2.	2240	Authority to develop subdivision ordinances	Yes	1-1	Section 1 establishes the purpose and title of the Nelson County Subdivision Ordinance.
3.	2241 (A)	Mandatory provisions of a subdivision ordinance:	<p>– (See below)</p>		See line items #4- #14
4.	(1)	Plat standards under Virginia Public Records Act	Yes	5-1 through 5-5	<p>Section 5 of the Ordinance includes the required details for recording final plats and the keeping of public records in accordance with the Virginia Public Records Act is likely being done in practice.</p> <p><b>While likely being done in practice, the Ordinance could also include some of the standards and procedures of the Virginia Public Records Act or a reference to this section of the Code of Virginia.</b></p>
5.	(2)	Street coordination regulations	Yes	4-6 5-4 B.(3)	<p>Section 4 includes the required design standards for all streets constructed in Nelson County. These design standards are split across three different classifications dependent upon the size and number of lots they serve and include standards for both private and public streets.</p> <p>Section 5 requires the name, width, and location of all existing and proposed streets to be identified on preliminary plats.</p> <p><b>Recommend moving the standards for street naming from Chapter 9 of the County Code to Section 4 of the Subdivision Ordinance for easy reference and transparency.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
6.	(3)	Drainage, flood control, impounding structures, dam break inundation zones, light and air, soil characteristics	Partial	4-3	<p>Section 4 includes design standard requirements for stream buffers, drainage, erosion and sediment control, and stormwater management for all new subdivisions in the County.</p> <p><b>Nelson County should include provisions related to Dam Break Inundation Zones in required standards for plats and site plans of all new subdivisions.</b></p>
7.	(4)	Street grading and improvement, water/storm/sewer	Yes	4-4 4-6	Section 4 includes design standard requirements for the grading of streets as well as public and private water and sewer requirements and stormwater management.
8.	(5)	Acceptance of public use of ROW and other site-related improvements that require financing	Partial	4-2 4-6	<p>This section of the Code of Virginia details the acceptance of rights of way or improvement for public use. It includes provisions to allow for required bonding and cost sharing agreements with the locality. Section 4 of the Ordinance details when a public right of way is required and the standards for dedicating a street for public use. In addition, Section 4 includes bonding requirements necessary for any subdivision improvement.</p> <p><b>Recommend modifying Section 4 to be more closely aligned with this section of the Code of Virginia, including limiting allowable costs for inflation and administrative fees to be no more than 10 percent of the estimated construction cost</b></p>
9.	(6)	Conveyance to utility, cable, etc. companies	Partial	4-1	<p>Section 4 requires subdivisions include a 20-foot easement for the use of public and private utilities.</p> <p><b>Recommend including a timeline provision for the granting of such easements within 30 days of the request, per this section of the Code of Virginia.</b></p>
10.	(7)	Monument regulations	Yes	4-6	Section 4 requires permanent monuments be placed by the developer of any subdivision, signifying property and street lines.

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
11.	(8)	Plat recordation period	Partial	5-5	<p>Section 5 requires that an approved plat be recorded within 6 months of approval or it shall be void, pursuant to this section of the Code of Virginia.</p> <p><b>Recommend Nelson County include in this section of the Ordinance that this 6-month timeframe can be extended if an improvement is to be dedicated for public use or a required bond is filed with the County prior to the final plat being recorded.</b></p>
12.	(9)	Administration and enforcement of ordinance (fees)- process	Yes	3-6 7-2	<p>Sections 3 and 7 adequately detail the administration and enforcement of the subdivision ordinance. Fees for the review of subdivision plats are included in Section 3-6.</p> <p><b>Recommend expanding the sections of fees to differentiate between large and small subdivisions that account for more or less administration time, as well as including fees for boundary line adjustments, family subdivisions, inspections, and any other fees related to the administration and enforcement of the Ordinance. If its not already, this information should be incorporated into a County wide fee schedule to include all relevant land use fees. Modify the language of these Sections of the Subdivision Ordinance to refer to the County fee schedule.</b></p>
13.	(10)	Sale of parcel to family member (2244)- process	Yes	3-2	<p>Section 3 allows for the single division of a parcel for gift or sale to an immediate family member pursuant to this section of the Code of Virginia. <i>See Line Items #34 - #38 for additional details on family subdivisions.</i></p>
14.	(11)	Release of performance guarantee (2245)- process	Yes	4-2	<p>Section 4 details the periodic partial release and final complete release of bonds required by the Ordinance.</p>
15.	2241 (B)	Security Requirement must be related to project	Partial	4-2	<p>This section of the Code of Virginia states that bonds can only be required for those improvements that are on the approved plat or plan. Section 4 states that all private streets and public improvements require a bond. Section 5 requires that both of these things be shown on preliminary and final plats.</p> <p><b>The Ordinance can be enhanced by included language and a reference from this section of the Code of Virginia.</b></p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
16.	2241.1	Bonding requirements – guarantees not required prior to construction plans	No	No reference	This section of the Code of Virginia provides that bonds for delineated sections need not be provided for the public use facilities until construction plans are provided.  <b>The Ordinance does not address bonding for projects that have agreed upon sections/stages. Recommend adding a reference to this section of the Code of Virginia and including language that closely mirrors it.</b>
17.	2241.2	Bonding requirements – decommissioning of solar energy equipment, facilities, or devices	Yes	Appendix A, Article 22A	Bonding requirements for solar energy facilities and their decommissioning are found within the County’s Zoning Ordinance.
18.	2242	Subdivision ordinance <b>optional</b> provisions:	– (See below)		This section of The Code of Virginia provides optional provisions. See line items #19 – #30.
19.	(1)	Subdivision exceptions	Optional, Included	7-1	Section 7 allows for the Planning Commission to make an exception to any provision of the Ordinance if the subdivider can show that adherence to the provision would cause unnecessary hardship.
20.	(2)	Public health official opinion or public system connection	Optional, Included	4-4	Section 4 requires that private sewer systems must get Virginia Department of Health approval prior to approval of the subdivision.
21.	(3)	Maintenance disclaimer for private streets (non-VDOT)	Optional, Partially Included	3-2 5-5	This section of the Code of Virginia allows localities to accept plats for the construction of private streets that do not meet the street standards set in the Ordinance for private streets so long as the plat includes a statement to that effect.  <b>The Ordinance includes this requirement for any road serving a parcel of a family subdivision and requires a disclaimer on plats that include any street that does not meet VDOT standards.</b>
22.	(4)	Voluntary funding of off-site road improvements	Optional, Not Included	No Reference	The subdivision ordinance does not provide for voluntary funding of off-site road improvements.  <b>Nelson County should consider providing for this section of the Code of Virginia, if desired.</b>
23.	(5)	Pro-rata reimbursement for roads	N/A	N/A	This section of the Code of Virginia does not apply to Nelson County.

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
24.	(6)	Solar energy provision	Optional, Not Included	No Reference	<p>This section of the Code of Virginia allows localities to detail provisions for the establishment and maintenance of accessways to solar heating and cooling devices in new subdivisions, when requested by the subdivider.</p> <p><b>Nelson County should consider providing for this section of the Code of Virginia, if desired.</b></p>
25.	(7)	Escrowed funds pursuant to provision 5 of Section 15.2-2241	N/A	N/A	<p>This section of the Code of Virginia allows towns with a population between 14,500 and 15,000 to use bonds as delineated in Code of Virginia § 15.2-2241(5) for other purposes than those of which they were bonded.</p> <p>This section of the Code of Virginia does not apply to Nelson County.</p>
26.	(8)	Clustering of single-family dwellings and preservation of open space developments	Optional, Not Included	3-2 Appendix A, Article 21	<p>This section of the Code of Virginia allows localities to permit cluster subdivisions which allow for more density and smaller lots for the developer at the cost of dedicating a percentage of open space for preservation.</p> <p>The Subdivision Ordinance allows for the Planning and Zoning Director to approve or disprove cluster subdivisions. All other cluster subdivision requirements are detailed in the County's Zoning Ordinance.</p> <p><b>Recommend that Nelson County move cluster subdivision requirements to the Subdivision Ordinance for ease of use.</b></p>
27. u	(9)	Sidewalk provision	Optional, Not Included	No Reference	<p>The Subdivision Ordinance does not include a requirement for subdividers to construct sidewalks, only that any sidewalk is required to be built to VDOT standards.</p> <p><b>Nelson County should consider requiring sidewalks be built along newly constructed streets as part of a subdivision based on guidance from the Comprehensive Plan.</b></p>
28.	(10)	Phase I Environmental Assessment provision	Optional, Not Included	No Reference	<p>The subdivision ordinance does not require Phase I environmental site assessments.</p> <p><b>Nelson County should consider requiring Phase I environmental site assessments for certain subdivisions based on their location or proposed use, per guidance from the Comprehensive Plan.</b></p>



	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
29.	(11)	Disclosure and remediate provision	Optional, Not Included	No Reference	<p>This section of the Code of Virginia provides for disclosure and remediation of contamination and other adverse environmental conditions of a property prior to approval of subdivision and development plans.</p> <p><b>Nelson County should consider requiring disclosure and remediation measures for existing adverse environmental conditions of a proposed subdivision property.</b></p>
30.	(12)	Dedication of land for sidewalk in the Northern Virginia Transportation District	N/A	N/A	This section of the Code of Virginia is only applicable to towns located in the Northern Virginia Transportation District.
31.	2243	Pro-rata optional payments	Optional, Not Included	No Reference	<p>This section of the Code of Virginia allows a locality to provide for payments by a developer for the pro-rata share of utilities (water, sewer, and drainage) if located on land outside of the development.</p> <p><b>Nelson County should consider providing for this section of the Code of Virginia, if desired.</b></p>
32.	2243.1	Dam break inundation zone payment	No	No Reference	<p>This section of the Code of Virginia requires developers submit an engineering plan if the proposed subdivision lies within a dam break inundation zone and that the developer pay 50% of the costs of upgrading impounding structures within the subdivision.</p> <p><b>Nelson County should consider providing for this section of the Code of Virginia, if desired.</b></p>
33.	2244	Provisions for family subdivision	<p>— (See below)</p>		See line items # 34-36
34.	(A.)	Subdivision must provide for family conveyance in county	Yes	3-2	This section of the Code of Virginia mandates that any county must provide for the reasonable division of land for conveyance to an immediate family member of the property owner. Section 3 provides for family subdivisions in Nelson County, pursuant to this Section of the Code of Virginia.
35.	(B.)	Subdivision must provide for family conveyance in urban county executive form of government	N/A	N/A	This section of the Code of Virginia only applies to counties with the urban county executive form of government.

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
36.	(C.)	Subdivision may include family conveyance in high growth county or city	Optional, Included	3-2	This section of the Code of Virginia allows any city or county with 10 percent or more population growth, or any neighboring town, city, or town, to provide for the reasonable division of land for conveyance to an immediate family member of the property owner. Section 3 provides for family subdivisions in Nelson County, pursuant to this Section of the Code of Virginia.
37.	2244.1	Additional family conveyance option	Optional, Partially Included	3-2	<p>This section of Virginia Code allows a locality to include provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family, if i) the property has been owned for at least 15 consecutive years by the current owner or member of the immediate family, and ii) the property owner agrees to place a restrictive covenant on the subdivided property that would prohibit the transfer of the property to a nonmember of the immediate family for a period of 15 years.</p> <p>Section 3 mandates that no family subdivision may be sold to a non-family member until at least five years has passed since the division. <b>This section of the Code of Virginia allows localities to restrict sales of such family subdivision property for up to fifteen years and require a restrictive covenant be placed on the property for that time. Nelson County should reevaluate their current family subdivision provisions for compliance with the Comprehensive Plan and consider increasing the required timeline before sale, as well as adding the requirement for a restrictive covenant.</b></p>
38.	2244.2	Conveyance to family trust beneficiaries' option	Optional, Included	3-2	<p>The Subdivision Ordinance does not provide for division of a lot of property held in trust for a family member, though this is likely being done in practice.</p> <p>Section 3 of the Ordinance allows family subdivisions to be put into a trust with the intention of selling or gifting that division to an immediate family member as beneficiary of the trust.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
39.	2245	Subdivision performance guarantees – periodic partial and final release	Partial	4-2	<p>Section 4 provides for periodic partial and final release of surety in accordance with this section of the Code of Virginia.</p> <p>Recommend modifying the percentage amount of partial bond release to be 90%, rather than the current 80%, per this section of the Code of Virginia.</p>
40.	2245.1	Cannot require removal of trees for stormwater pond	Yes	No Reference	This Subdivision Ordinance does not mention the removal of trees for stormwater management ponds; thus, it is in compliance with this section of the Code of Virginia.
41.	2246	Site plans in accordance with zoning ordinance	Partial	Appendix A, Article 13	<p>This section of the Code of Virginia states that any site plans required by the Zoning Ordinance shall be subject to the required provisions of the Subdivision Ordinance. Regulations for site development plans are located in the County's Zoning Ordinance.</p> <p><b>Recommend including language that site plans are subject to the Subdivision Ordinance in Article 13 of the Zoning Ordinance.</b></p>
42.	2247	Applicability of subdivision ordinance to manufactured homes	N/A	N/A	Manufactured homes are provided for in the County's Zoning Ordinance, therefore it is not necessary to provide for them in the Subdivision Ordinance.
43.	2248	Application of subdivision <u>beyond</u> municipal limits (certain counties)	N/A	N/A	This section of the Code of Virginia only applies to municipalities within the counties of Giles, Clarke, Culpeper, Loudoun, or Mecklenburg.
44.	2249	Application of subdivision <u>within</u> municipal limits (certain counties)	N/A	N/A	This section of the Code of Virginia only applies to municipalities within the counties of Giles, Clarke, Culpeper, Loudoun, or Mecklenburg.
45.	2250	County municipality relations (certain counties)	N/A	N/A	This section of the Code of Virginia only applies to municipalities within the counties of Giles, Clarke, Culpeper, Loudoun, or Mecklenburg.

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
46.	2251	Subdivision ordinance requirement	No	1-1 9	Section 1 states the purpose and title of the Subdivision Ordinance. Section 9 establishes the process for amendment of the Ordinance.  Recommend including the authority of Nelson County to allow the Board of Supervisors to regulate the subdivision of land in the Ordinance, with reference to adoption, amendment, and this section of the Code of Virginia.
47.	2252	Filing of subdivision ordinance	Yes	10	Section 10 provides for the filing of the adopted or amended ordinance in the office of the County Administrator and Clerk of the Circuit Court.  This section of the Ordinance can be enhanced by including language that any amendment to this Ordinance shall be filed in the office of the County Administrator and Clerk of the Circuit Court.
48.	2253	Subdivision ordinance amendment process	Yes	9	Section 9 adequately provides for the amendment of the ordinance.  <b>Recommend updating the reference in Section 9 to refer to this section of the Code of Virginia.</b>
49.	2254	Statutory provisions of adopted ordinance	Partial	5-5 7-3	Section 7 includes the enforcement of the ordinance including penalties pursuant to this section of the Code of Virginia.  Recommend including subsections (1) and (3) in the Ordinance, or a reference to this section of the Code of Virginia.
50.	2255	Authority to administer/enforce ordinance	Yes	3-1	Section 3 adequately states that the Planning and Zoning Director has the authority to enforce and administer the ordinance.

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
51.	2256	Procedure to account for fees for common improvements	No	No Reference	<p>This section of the Code of Virginia is for subdivisions that have an HOA, Board of Directors, or similar governing body. It states that the Board shall prepare an annual report of all fees collected and payments made for improvements.</p> <p>The subdivision ordinance does not provide for a HOA Board or similar governing body or procedure to account for fees for common improvements.</p> <p><b>Recommend including this Code of Virginia provision in the Subdivision Ordinance to help direct how an HOA or equivalent body will function.</b></p>
52.	2257	Procedures to modify covenants	N/A	N/A	This section of the Code of Virginia only applies to Shenandoah County.
53.	2258	Plat proposal factors to be submitted	Partial	5-1	<p>Section 5 details the requirements for submittal of preliminary and final plats and includes requirements for final plats to show drainage and burial sites in conformance with this section of the Code of Virginia. The ordinance does not include a requirement that the plat be submitted to another locality in a case where the land involved lies wholly or partly within an area subject to the joint control of that locality or to show when subdivided land lies within a dam break inundation zone.</p> <p>Recommend including requirements that a plat be submitted to any locality that has joint control of the land being platted and show all lands contained within a dam break inundation zone.</p>
54.	2259	Timely action on proposals-review process	Partial	3-7	<p>Section 7 includes a 60-day provision for the time associated with approving or disproving a complete preliminary and final plat.</p> <p>Recommend including that if a plat requires state or federal agency approvals, that plat shall be forwarded to that agency within 10 business days of submittal. Nelson County should also include in the Ordinance that failure to make a decision on a plat within the required 60 days constitutes an approval.</p>

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
55.	2260	Provision for preliminary plat submission- process	Partial	5-1 through 5-4	<p>Section 5 includes the requirements for preliminary plats, while Section 3 includes required time associated for approvals of said plats.</p> <p><b>The Ordinance currently requires that all subdividers submit a preliminary plat for approval. However, this section of the Code of Virginia only allows localities to require a preliminary plat submission for subdivisions of 51 tracts of land or more. Localities can offer approvals of a preliminary plat for subdivisions of less than 51 tracts of land as an option to the subdivider. Nelson County should update their requirements to comply this Section of the Code of Virginia and only require a preliminary plat submittal for subdivisions of 51 tracts of land or greater.</b></p>
56.	2261	Recorded plats or final site plans to be valid for not less than five years, real property to a locality shall remain valid indefinitely	No	No Reference	<p>This section of the Code of Virginia states that approved recorded plats or final site plans shall remain valid for a term of five years. In addition, this section of the Code of Virginia provides that a recorded subdivision plat dedicating real property to a locality shall remain valid indefinitely.</p> <p><b>Nelson County should incorporate some or all of this section of the Code of Virginia or include its reference.</b></p>
57.	2261.1	Recorded plat or final site plans; conflicting zoning conditions	No	No Reference	<p>This section of the Code of Virginia provides precedence for site plans that are approved but in conflict with zoning conditions from previous rezoning approvals.</p> <p><b>Nelson County should consider including reference to this section of the Code of Virginia or maintain this in practice.</b></p>
58.	2262	Requirements of plat	Yes	5-5	<p>This section of The Code of Virginia requires plats to be prepared by a certified professional. Section 5 requires the signature and seal of the certified professional engineer or Virginia licensed land surveyor on all final plats.</p>
59.	2263	Expedited review (certain counties) – process	N/A	N/A	<p>This section of the Code of Virginia only applies to the counties of Hanover, Loudoun, Montgomery, Prince William, and Roanoke, and the Town of Leesburg.</p>
60.	2264	Statement of subdivision consent – process	Yes	5-5	<p>Section 5 requires an owner’s consent and dedication statement on a final plat.</p>



	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
61.	2265	Recordation of approved plat – transportation implications	Partial	5-5	Section 5 details the requirements for preliminary plats to show all areas to be dedicated to public use and final plats to include all streets.  <b>Recommend requiring final plats to detail all public improvements, streets, infrastructure, and rights of way intended to be dedicated for public use, pursuant to this section of the Code of Virginia.</b>
62.	2266	Validation of plats prior to 1975	No	No Reference	This section of the Code of Virginia validates any plat recorded prior to January 1, 1975. Nelson County should be aware of this provision of the Code of Virginia.
63.	2267	Petition to restrict access to certain public streets	Optional, Not Included	No Reference	This section of the Code of Virginia allows a subdivider to restrict access to private streets in a subdivision, with certain conditions. Nelson County should evaluate this provision of the Code of Virginia with its Comprehensive Plan and consider including it in the ordinance.
64.	2268	Localities not obligated to pay for grading, paving, etc.	Yes	4-2	Section 4 states that all improvements shall be installed at the expense of the developer or subdivider unless otherwise agreed upon with Nelson County.
65.	2269	Plans and specifications for utility fixtures and systems to be submitted for approval	Partial	5-4	Section 5 states that all preliminary plats must show proposed provisions for all utilities, including but not limited to electric, telephone, water, sewage, and stormwater management facilities.  <b>Nelson County should include requirements for engineering plans, including when one is required and what must be included in those plans. Include a 45 day review of these plans.</b>
66.	2270	Vacation of plat interest – process	No	No Reference	This section of the Code of Virginia details the process for how a publicly dedicated improvement or easement may be vacated.  Nelson County should include reference or specific language from this section of the Code of Virginia in the Ordinance to facilitate the vacation of public interests.
67.	2271	Vacation of plat before sale – process	Yes	6-1	Section 6 adequately details the requirements for vacation of a plat prior to the sale of a lot.
68.	2272	Vacation of plat after sale – process	Yes	6-2	Section 6 adequately details the requirements for vacation of a plat following the sale of a lot.
69.	2273	Authority to charge fee for plat vacation – process	Optional, Not Included	No Reference	Nelson County should consider including a fee for processing the vacation of a plat, if it is not already included in the County schedule of fees.

	VA Code Section 15.2-	Intent	Compliance	Existing SO Section	Consultant Comments/Recommendation
70.	2274	Effect of plat vacation	No	No Reference	<b>Nelson County should include this section of the Code of Virginia in Section 6 of the Ordinance to detail the effect of the vacation of a plat or public improvement.</b>
71.	2275	Authority to relocate boundary lines	Optional, Included	3-2 6-3	Section 3 authorizes the Planning and Zoning Director to approve boundary line adjustments. Section 6 allows for the vacation of approved subdivision boundary lines.
72.	2276	Clerk duty for vacated plat-process	N/A	N/A	This section of the Code of Virginia applies to Clerks of the Circuit Court in which a boundary line adjustment is recorded.
73.	2277	Franklin County may require that notice be given to deed grantees of certain disclaimers regarding responsibility for roads; county eligible to have certain streets taken into secondary system	N/A	N/A	This section of the Code of Virginia only applies to Franklin County.
74.	2278	Vacating plat subdivision	Yes	Section 6	Section 6 adequately provides for the vacation of plat subdivisions.
75.	2279	Authority to set homebuilding, setback lines, etc.	N/A	N/A	This section of the Code of Virginia allows localities to regulate many provisions that would normally be found in a Zoning Ordinance and which are currently regulated through the Nelson County Zoning Ordinance.

	Additional Comments	Consultant Recommendations
1.	General Structure and Contents	<p>Rather than acting as a standalone document, it is recommended that Nelson County move the Subdivision Ordinance into the Zoning Ordinance as a standalone Article. This can help create a single document containing all applicable land use regulations and ease administration, synchronization, and updates. In addition, the standards for street naming (Chapter 9, Article IV of the County Code) should be moved into the Subdivision Article to further collocate land use regulations.</p> <p>A comprehensive review of the current references in the Ordinance should be conducted. Currently there are a number of Code of Virginia references that refer to Chapter 15.1 of the Code of Virginia which have all since been changed. Chapter 15.2 is now the Code of Virginia chapter which regulates the subdivision of land in a locality.</p>

2.	Preliminary Plats	Rather than require a preliminary plat for all subdivisions, the Code of Virginia only permits localities to require a preliminary plat for subdivisions of more than 50 lots. This does not prevent Nelson County from allowing and encouraging developers to submit a preliminary plat prior to final plat approval, but this process can not be a requirement for plats of subdivisions with less than 51 lots.
3.	Final Plats	Per Section § 15.2-2261 of the Code of Virginia, approved final plats and site plans are considered valid for a term of five years after their approval. Nelson County should be aware of this provision and provide this information for reference within the Subdivision Ordinance.
4.	Performance Bond	Nelson County currently allows for a periodic partial release of a performance bond for up to 80% of the bond. The Code of Virginia requires that these partial releases be no less than 90% of the bond. Nelson County should modify this section of the Subdivision Ordinance to become compliant with Section § 15.2-2245 of the Code of Virginia.
5.	Fees	Required fees in the Subdivision Ordinance are currently limited to preliminary and final plats but there are likely a number of other applicable fees that are necessary for the proper administration of the Ordinance. Simpler procedures like boundary line adjustments or family subdivisions may warrant a lower fee than a plat of a major subdivision, which would take more administrative time and effort. Nelson County should reevaluate their current fee structure for Subdivisions and incorporate them all into a County fee schedule that can be adopted and amended on a yearly basis as needed. If Nelson County is already utilizing an existing County fee schedule, then the Subdivision Ordinance should be updated to refer to such a schedule for all applicable Subdivision fees that may be required.
6.	Dam Break Inundation Zones	Dam Break Inundation Zones should be required to be shown on all preliminary and final plats and site plans in Nelson County, as a best practice. In addition, if a developer is proposing development within these zones, they should be required to explain how they are going to mitigate risk factors and show what infrastructure improvements will be made to do so.
7.	Phase 1 Assessments and Remediation Disclosure	The Code of Virginia includes optional provisions to include in a Subdivision Ordinance, two of these are requirements for Phase 1 Environmental Assessments and a remediation disclaimer for all previously industrial uses or land. Nelson County should consider if there are relevant areas that would benefit from this provision and incorporate as needed.

# **Appendix C**

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## **Comprehensive Plan Diagnostic: Implementation Strategies**

A Comprehensive Plan is the policy tool that lays the groundwork for how a community would like to grow over time. Specific to Zoning and Subdivision Ordinances, the strategies of a Comprehensive Plan can set the stage for the provisions that a locality includes in their ordinances – the provisions of an ordinance can be the means to accomplish the Comprehensive Plan strategies and goals.

The following chart is an overview of the strategies for implementation in the Nelson 2042 Comprehensive Plan as they relate to zoning and subdivision regulations. The following is a comprehensive look at all strategies provided within the Comprehensive Plan. Goals and objectives are not included as they are meant as broad targets applicable to all elements of the Plan. Included in this chart is a summarization of how the strategies can be implemented in the Zoning and Subdivision Ordinances.

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
<b>Chapter 3   Shaping Community Character</b>		
<b>3.1</b>	Review and update alternative energy standards to ensure the adopted standards protect rural character and the interests of the community.	<ul style="list-style-type: none"> <li>• Allow for accessory solar and wind energy facilities to primary land uses to include both rooftop mounted and ground mounted solar, up to an appropriate size to both serve the community and protect rural landscapes.</li> </ul>
<b>3.2</b>	Consider the use of alternative energy on private development through special programs, such as the Code of Virginia permitted solar tax exemption for residential and commercial small-scale solar installations.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>3.3</b>	Reduce or exempt permit fees for residential solar installations.	<ul style="list-style-type: none"> <li>• Adopt a fee schedule ordinance with reduced fees for solar energy permits.</li> </ul>
<b>3.4</b>	Encourage the use of energy-efficient lighting and investigate outdoor light standards to reduce the impacts of over-lighting, glare, and light pollution.	<ul style="list-style-type: none"> <li>• Create lighting design standards that apply to new developments in each Zoning District.</li> </ul>
<b>3.5</b>	Explore changes to zoning and development provisions to update parking requirements and encourage permeable paving and other materials that promote infiltration of stormwater.	<ul style="list-style-type: none"> <li>• Consider a reducing the number of required parking spaces, found in Section 12-7-6 of the Zoning Ordinance, and allowing pervious and semi-pervious materials such as open joint pavers, reinforced grass grids, within Section 12-7-8D. Establish a minimum number of parking spaces to trigger improved surface lots (i.e. lots of 8 spaces or more require an improved surface).</li> </ul>
<b>3.6</b>	Revise landscaping regulations to require the placement of shade trees in parking lots and use of native plants in all commercial and institutional landscaping.	<ul style="list-style-type: none"> <li>• Modify the regulations of Section 12-7-8L to apply to any parking lots that meet a minimum size threshold. Include provisions that require the planting of native trees and shrubbery, as approved by the Administrator.</li> <li>• Create landscaping design standards that apply to all industrial and commercial properties. Buffer landscaping should be required in setback areas and should identify how much space must be landscaped. Ensure that all landscape includes only native trees and shrubbery. Modify existing landscaping requirements to refer to this new landscaping design standard section.</li> </ul>

Strategy Number:	Strategy Text:	Action to be Taken in ZO + SO Update:
3.7	Identify opportunities to connect neighborhoods and development through sidewalks, shared use paths, and trails and require such connections in new development or redevelopment proposals.	<ul style="list-style-type: none"> <li>• Modify design standards of the Subdivision Ordinance to require a minimum of two street connection points for any major subdivision, encouraging through connection with street entrances to multiple streets from the subdivision.</li> <li>• Require sidewalks, trails, and shared use paths for major subdivisions, encouraging through connection.</li> <li>• Specify in open space requirements, percentages of active and passive recreation including trails and shared use paths.</li> </ul>
3.8	Encourage revitalization, repurposing, and rehabilitation of existing structures by promoting available resources, such as grants and tax credits, and pursuing funding to support such efforts.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
3.9	Encourage Low Impact Development practices and alternative wastewater systems in environmentally sensitive areas to ensure the preservation of water quality in the County.	<ul style="list-style-type: none"> <li>• Consider allowing pervious and semi-pervious materials for required parking, utilizing existing landscaping to satisfy necessary landscape requirements, requiring additional landscape buffer widths, and requiring more open spaces for new developments.</li> </ul>
3.10	Continue to encourage and administer cluster subdivision regulations and incentivize their use in rural areas of the County to preserve open space and reduce the impact of development. Regularly evaluate and modify cluster subdivision regulations as needed to ensure they are effective and meet County standards.	<ul style="list-style-type: none"> <li>• Reevaluate current cluster subdivision regulations with a specific emphasis on bonuses provided to developers. Potential bonuses could include allowing for a density of 1 dwelling per 5 acres in the A-1 District and a density of 1 dwelling per acre in the R-1 District in exchange for a dedication of 60% of open space.</li> </ul>
3.11	Conduct a regular review of zoning and land development codes and to ensure compatibility with the goals, objectives, and recommendations of this Plan.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> <li>• Recommend Nelson County review these strategies on an annual basis.</li> </ul>
3.12	Evaluate land use applications for rezonings and special use permits against the criteria contained within this Plan.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> <li>• Recommend Nelson County conduct a review for all potential rezonings, special use permits, subdivision, and site plan to ensure their compliance with the Comprehensive Plan.</li> </ul>
3.13	Update land use regulations to provide clear and simplified requirements that promote economic development, enable creative housing choices, and protect sensitive resources.	<ul style="list-style-type: none"> <li>• Nelson County should conduct a comprehensive review of their Zoning and Subdivision Ordinances and modify permitted commercial and industrial uses to include broader terminology to increase development opportunity and amend housing definitions and permissions to aid variety.</li> </ul>
3.14	Review the zoning ordinance, and amend it as necessary, to allow for a wider mix of use types, including accessory dwellings and mixed-use buildings.	<ul style="list-style-type: none"> <li>• Conduct a review of existing uses for all Zoning Districts. Add and consolidate uses where possible to create more generalized and modernized use types.</li> <li>• Add Accessory Dwelling Units (ADUs) and mixed-use buildings as by right uses or uses by special use permit as desired in agricultural, residential, and commercial Zoning Districts.</li> </ul>



<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
3.15	Ensure that new development complements and enhances its surroundings through proper land use, design, landscaping, and transitional buffers.	<ul style="list-style-type: none"> <li>Nelson County should ensure that this strategy is being practiced in their review of new development throughout the County.</li> <li>See recommendations of strategy 3.6 for landscaping and buffering recommendations.</li> </ul>
3.16	Ensure that a natural transition is maintained between the Land Use Elements through careful development review.	<ul style="list-style-type: none"> <li>Evaluate existing height, area, and setback requirements for all Zoning Districts to ensure that they are appropriate to provide for a natural transition between districts.</li> </ul>
3.17	Discourage the use of large-scale development in Montebello through zoning actions.	<ul style="list-style-type: none"> <li>Reevaluate land use permissions and standards in the A-1 Zoning District and modify them to ensure that large-scale developments would be restricted, or only allowed through the special use permit process, in areas of high conservation value.</li> </ul>
<b>Chapter 4   Connecting People &amp; Places</b>		
4.1	Continue to work with VDOT to develop, design, and implement transportation projects, including, but not limited to, SMART SCALE, Highway Safety, Bike Pedestrian Safety, and Transportation Alternatives projects.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
4.2	Conduct traffic safety and speed studies throughout the County, as necessary, based on an analysis of existing traffic volume and crash statistics. Work with VDOT to address priority traffic safety issues, such as a reduction of speed limits.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
4.3	Work with VDOT to address priority traffic safety issues such as reduction of speed limits, safety improvements at high crash intersections, adequate turn lanes and reduced tractor-trailer “cut through” traffic.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
4.4	Partner with VDOT and the TJPDC to prioritize improvements to bridges and culverts with poor ratings.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
4.5	Continue to work with VDOT and other regional partners to provide essential maintenance and expansion of vital transportation systems throughout the County.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
4.6	Coordinate with neighboring jurisdictions, state, and regional agencies in planning and achieving an efficient and cost-effective transportation network.	<ul style="list-style-type: none"> <li>Include requirements for joint jurisdictional cooperation for any subdivision containing new streets or pathways located near (less than five miles) neighboring Counties. This should include sharing the proposed plat and/or site plan with the neighboring locality and giving them an opportunity to review and provide comments on said plat and/or plan.</li> </ul>

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
<b>4.7</b>	Identify areas to construct or expand natural trails and sidewalks for pedestrian traffic.	<ul style="list-style-type: none"> <li>Consider requiring developer constructed sidewalks for all new major subdivisions in residential districts and shared use or trail paths for all new major subdivisions in agricultural districts.</li> <li>Specify in open space requirements, percentages of active and passive recreation including trails and shared use paths.</li> </ul>
<b>4.8</b>	Explore opportunities to widen County roadways and introduce bicycle lanes to facilitate safe bicycle travel.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>4.9</b>	Support regional partners in their efforts to link the Blue Ridge Tunnel Trail to regional destinations through pedestrian and bicycle infrastructure.	<ul style="list-style-type: none"> <li>Require new sidewalks, trails, or shared use paths for subdivisions to be connected to any existing nearby trail network, if possible.</li> </ul>
<b>4.10</b>	Support an expanded greenway trail network and ensure that the trail network connects to key public destinations such as parks, libraries, schools, and community centers, as well as to private developments and other trail systems, including regional trail networks.	<ul style="list-style-type: none"> <li>Require new sidewalks, trails, or shared use paths for subdivisions to be connected to any existing nearby trail network, if possible.</li> </ul>
<b>4.11</b>	Install EV charging stations at County-owned properties such as administrative offices, schools, and libraries.	<ul style="list-style-type: none"> <li>Allow EV charging stations as an allowable accessory for all government or public uses.</li> </ul>

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
4.12	Evaluate the feasibility of installing solar panels above County-owned parking lots to provide both covered parking and clean energy infrastructure.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
4.13	Work with community organizations to help facilitate the installation of EV charging stations in the County.	<ul style="list-style-type: none"> <li>List EV charging stations as an allowable accessory use throughout Nelson County. Include use standards for EV chargers as necessary.</li> </ul>
<b>Chapter 5   Creating Livable Communities</b>		
5.1	Update the definition of short-term rentals. Maintain an inventory of all short-term rentals in order to track and better understand costs and benefits. Create regulations for short-term rentals as necessary through the Zoning Ordinance and other tools that maintain a significant stock of single-family homes and long-term rentals.	<ul style="list-style-type: none"> <li>The current use definitions related to short-term rentals are “bed and breakfast class A &amp; B”, “transient lodging”, and “vacation house”. Recommend that these uses be changed to “bed &amp; breakfast”, “short-term rental, homestay”, and “short-term rental, whole house.” This would essentially create three classes of short-term residential rentals in the County, one where rooms are rented and meals are provided, one where rooms are rented in an owner occupied dwelling, and one where an unoccupied dwelling is rented.</li> <li>New legislation from the General Assembly has protected owner occupied short-term rentals of rooms as a by-right use in all zoning districts. This use should be listed as such in the Zoning Ordinance but can also include any number of reasonable use standards that the County sees fit.</li> <li>The other two uses, “bed and breakfast” and “short-term rental, whole house”, may be listed as a use by special use permit where desired by the County. Recommend that these uses be listed as by-right in appropriate Zoning Districts, such as residential, with a number of use standards and requiring a special use permit for them in agricultural zoning districts where housing stock is less prevalent.</li> <li>A business license should be required for all short-term rental properties which will allow the Treasurers office to track existing and new short-term rentals by way of a registry.</li> </ul>
5.2	Consider allowing accessory dwelling units by right through zoning changes that can allow affordable rental options that benefit renters and homeowners.	<ul style="list-style-type: none"> <li>Define and add accessory dwelling units (ADU) as a by-right accessory use in residential and agricultural zoning districts. Create use standards for this use, as required, which should include setbacks, size restrictions, attached or detached requirements, and certificate of occupancy requirements.</li> </ul>
5.3	Promote grant programs, provide incentives and partner with Nelson County Community Development Foundation, Habitat for Humanity, and other local organizations and businesses that facilitate investments in maintenance and rehabilitation of existing housing—as well as TJPDC septic and SERCAP—and create a vehicle for enforcement of the zoning ordinance.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
5.4	Create ordinances that offer a mixture of housing types and sizes integrated within the development area, including affordable and senior housing.	<ul style="list-style-type: none"> <li>• Add group homes and assisted living facilities, and their definitions, as uses in the A-1, R-1, and R-2 Zoning Districts.</li> <li>• Consider creating an affordable housing incentives which would allow a developer additional densities or other bonuses in exchange for a percent of units sold only at affordable levels for the median income of the County.</li> </ul>
5.5	Expand the types of allowable housing in appropriate areas to accommodate multi-family housing unit, such as townhouses, condominiums, and duplexes.	<ul style="list-style-type: none"> <li>• Consider the creation of an R-3 Zoning District that would allow for more density of residential housing units.</li> <li>• Reduce the minimum size requirements of the RPC Zoning District.</li> <li>• Add townhomes, condominiums, and duplexes as allowable uses by-right, with appropriate use standards, in the R-1 and R-2 Zoning Districts and as a use by special use permit in the A-1 Zoning District.</li> </ul>
5.6	Evaluate current zoning district densities and adjust them to allow for additional housing in appropriate areas.	<ul style="list-style-type: none"> <li>• Consider a reduction in minimum lot sizes for R-1, and R-2 Zoning Districts or consider adding a new R-3 zoning district to allow for denser housing, at three or four units per acre, in appropriate areas.</li> </ul>
5.7	Work with developers, non-profit agencies, and community groups to preserve and increase the supply of obtainable housing.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
5.8	Explore county investment in a community land trust that can create more affordable housing options.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
5.9	Review related strategies offered in the regional housing study “Planning for Affordability: A Regional Approach” by the Thomas Jefferson Planning District Commission.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
5.10	Pursue a housing study of Nelson County to identify current housing trends and potential strategies specific for Nelson County.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
5.11	Target housing near the County’s existing growth areas where public utilities are available with a range of housing types and densities.	<ul style="list-style-type: none"> <li>• Require developers to create connections to existing utilities, such as water and sewer, when possible, for major subdivisions.</li> <li>• Evaluate the existing Zoning Districts and amend their densities and permitted uses to better match the County’s growth areas, as appropriate.</li> </ul>
5.12	Consider development impacts on public water and sewer systems when reviewing residential rezoning and special use permits.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>

Strategy Number:	Strategy Text:	Action to be Taken in ZO + SO Update:
5.13	In partnership with the Nelson County Service Authority, create a water Master Plan for the County that includes current maximum build out and considers possible expansion of public water and sewer systems to support housing goals and objectives.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
5.14	Consider adding density bonuses and incentives to encourage affordable and senior housing options in denser developments.	<ul style="list-style-type: none"> <li>Consider creating an affordable housing incentives which would allow a developer additional densities or other bonuses in exchange for requiring a number of units be sold only at affordable levels for the median income of the County.</li> </ul>
5.15	Explore opportunities to implement cluster subdivision provisions within the Subdivision Ordinance.	<ul style="list-style-type: none"> <li>See strategy 3.10 for recommendations of cluster subdivision provisions.</li> </ul>
5.16	Protect and connect to the surrounding environment by encouraging cluster developments and green infrastructure principles for new developments.	<ul style="list-style-type: none"> <li>Consider allowing additional densities for cluster subdivisions in exchange for more dedicated open space.</li> <li>Consider allowing pervious and semi-pervious materials for required parking, utilizing existing landscaping to satisfy necessary landscape requirements, requiring additional landscape buffer widths, and requiring more open spaces for new developments.</li> </ul>
5.17	Consider conducting a neighborhood study for the village of Lovington to identify community-based preservation, revitalization, and neighborhood improvement strategies. Pursue grant funding, as appropriate, to implement study recommendations.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
5.18	Ensure that any new housing development is strategically placed to complement the rural landscape and avoid burden to the existing public services.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>Chapter 6   Protecting Natural &amp; Cultural Resources</b>		
6.1	Define and guide development on steep slopes to maintain balance between slope, soils, geology, and vegetation. Where disturbance is unavoidable, enforce erosion and sediment control measures to prevent unnecessary degradation.	<ul style="list-style-type: none"> <li>Add use regulations for steep slopes to the Zoning Ordinance to include defining different levels of steep slopes, restricting development of the steepest levels, and requiring additional protections and controls for minor steep slopes.</li> </ul>
6.2	Direct development and infrastructure away from ecological cores, migration corridors, forest conservation areas, and environmentally sensitive areas.	<ul style="list-style-type: none"> <li>Require environmental impact analysis for major subdivisions of a certain size (i.e., greater than 50 lots) in the County.</li> <li>Assess and amend the Zoning Map in relation to these sensitive areas.</li> </ul>
6.3	Implement green infrastructure principles to preserve and connect natural habitats to support native species and wildlife.	<ul style="list-style-type: none"> <li>Create a list of landscaping and buffering requirements for new developments in the County that ensure new developments connect to the existing natural areas with native species.</li> </ul>

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
6.4	Support the use of low impact development and stormwater best management practices to reduce nonpoint source pollution in local waterways.	<ul style="list-style-type: none"> <li>Consider allowing pervious and semi-pervious materials for required parking, utilizing existing landscaping to satisfy necessary landscape requirements, requiring additional landscape buffer widths, and requiring more open spaces for new developments.</li> </ul>
6.5	Encourage landowners to work with local organizations, such as TJSWCD, for cost-share opportunities to install LID and BMPs catered to agricultural, residential, and commercial sites.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
6.6	Continue to work with state and regional partners (such as DEQ, TJPDC, and TJSWCD) to implement TMDL plans for impaired waterways.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
6.7	Continue to work with regional partners on updates to the Regional Water Supply Plan and implement solutions and sustain the future water supply.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
6.8	Encourage water conservation measures as outlined in the Regional Water Supply Plan.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
6.9	Consider efforts to identify and cap or remove abandoned wells and septic tanks to prevent contamination of the groundwater supply, and continue providing information on VDH's Septic and Well Assistance Program.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
6.10	Condition approval of operations utilizing underground storage tanks (USTs) on assurances guaranteeing proper closure or removal of unused USTs and remediation of impacted soils.	<ul style="list-style-type: none"> <li>Create and add use standards for vehicle refueling stations, and similar uses, that address decommissioning standards and remediation.</li> </ul>
6.11	Support scenic river and blueway designations for local waterways.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
6.12	Explore opportunities for an incentive program to utilize existing recycling and compost facilities. Focus on education and outreach. Continue to support and make better use of the Reuse shed.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
6.13	Invest in partnerships with community organizations to ensure continued support and possible expansion of the Re-use sheds.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
6.14	Carefully consider noise- intensive uses near residential or rural properties, and require noise migration such as perimeter buffers and sound barriers.	<ul style="list-style-type: none"> <li>Create design standards, as applicable, for new uses in all zoning districts that restrict the amount of ambient noise perceivable beyond the property.</li> <li>Reevaluate and modify existing buffer standards to ensure that they are adequate with a specific emphasis on noise buffering, especially between different zoning districts.</li> </ul>



<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
<b>6.15</b>	Adopt an outdoor lighting ordinance with design and performance standards that increase safety and protect dark skies, consistent with International Dark Sky Association recommendations.	<ul style="list-style-type: none"> <li>● Create lighting design standards for new uses in all zoning districts that regulate location, brightness, angles, and allowable lighting times. Use the guidelines provided by the International Dark Skies Association to ensure Dark Skies compliance where it is desired, especially in the A-1 Zoning District.</li> </ul>
<b>6.16</b>	Direct development away from prime agricultural soils and suitable agricultural lands identified on the Virginia Agricultural Model.	<ul style="list-style-type: none"> <li>● Require confirmation through the site plan process that new development is not being placed on prime agricultural land.</li> </ul>
<b>6.17</b>	Protect agricultural and forested landscapes from development through tools such as conservation easements, agricultural and forestal districts, use-value assessments, and purchase of development rights program.	<ul style="list-style-type: none"> <li>● Reevaluate the standards of the Agricultural and Forestal Districts to ensure that it is meeting the County's needs and adequately protecting valuable natural lands.</li> <li>● Reevaluate and modify the existing purchase of development rights program to ensure that it is meeting the County's needs and adequately protecting valuable natural lands.</li> </ul>
<b>6.18</b>	Maintain use-value taxation criteria and qualifications in the best interest of the County and landowners to ensure long-term viability of agricultural, horticultural, and forestal operations.	<ul style="list-style-type: none"> <li>● No land use regulation action required.</li> </ul>
<b>6.19</b>	Continue to utilize the Virginia Department of Forestry's Forest Sustainability Fund to offset reduced tax revenue due to forestland use taxation.	<ul style="list-style-type: none"> <li>● No land use regulation action required.</li> </ul>
<b>6.20</b>	Discourage ridgeline development to protect scenic viewsheds.	<ul style="list-style-type: none"> <li>● Consider creating a Mountain Ridge Overlay Zoning District that restricts development along the County's mountain tops. This district can be as severe as outright restricting all development or simply reduce existing standards such as densities and height regulations.</li> </ul>
<b>6.21</b>	Encourage assessment of unlisted historic sites for inclusion on the Virginia Landmarks Register and/or National Register of Historic Places.	<ul style="list-style-type: none"> <li>● No land use regulation action required.</li> </ul>
<b>6.22</b>	Work with local partners such as the Nelson County Historical Society to identify, protect, and celebrate historic and culturally significant properties.	<ul style="list-style-type: none"> <li>● Consider creating a Historic Areas Overlay Zoning District that identifies areas of historical importance in the County and employs a historic oversight committee to oversee development in these areas, ensuring that they are protecting and maintaining these historic features.</li> </ul>
<b>6.23</b>	Pursue identification, recognition, and protection of historic areas representing Nelson County's diverse culture, including Native American and African American sites.	<ul style="list-style-type: none"> <li>● No land use regulation action required.</li> </ul>
<b>6.24</b>	Encourage architectural compatibility of new development, including infill development, where significant historic resources exist.	<ul style="list-style-type: none"> <li>● If adopted, consider creating a criteria of architectural design standards for new development in the Historic Areas Overlay District.</li> </ul>

<b><u>Strategy Number:</u></b>	<b><u>Strategy Text:</u></b>	<b><u>Action to be Taken in ZO + SO Update:</u></b>
<b>6.25</b>	Work with local and regional partners to create an online repository to support landowners in the preservation of natural resources.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>6.26</b>	Continue to work with regional partners to update and implement the Regional Hazard Mitigation Plan.	<ul style="list-style-type: none"> <li>Ensure that all new development adequately mitigates hazard potentials by requiring necessary mitigation plans for development in susceptible areas of the County.</li> </ul>
<b>6.27</b>	Continue improving flood resiliency by updating the Floodplain District Ordinance as needed to reflect new flood maps and best practices, and participating in FEMA's Community Rating System.	<ul style="list-style-type: none"> <li>Reevaluate and modify Article 10 of the Zoning Ordinance to ensure it is up to date with current FEMA regulations and best practices.</li> </ul>
<b>6.28</b>	Continue working toward the stated goal of becoming a SolSmart-designated community.	<ul style="list-style-type: none"> <li>Reevaluate and modify Article 22A of the Zoning Ordinance to ensure it adequately allows for the development of small- and large-scale solar energy facilities.</li> <li>Define and allow for accessory roof- and ground-mounted solar energy facilities for residential, public, and commercial uses. Include additional use standards as needed.</li> </ul>
<b>6.29</b>	Encourage and incentivize green building certifications, energy efficiency, and renewable energy sources for new developments and existing development retrofits.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>6.30</b>	Consider amendments to existing ordinances to encourage installation of solar panels on existing impervious surfaces, such as rooftops and parking lots.	<ul style="list-style-type: none"> <li>Define and allow for accessory roof- and ground-mounted solar energy facilities for residential, public, and commercial uses. Include additional use standards as needed.</li> </ul>
<b>6.31</b>	Strengthen performance standards for ground- mounted solar energy systems to protect existing landscapes, such as limiting clear-cutting on undeveloped parcels, specifying minimum vegetation requirements, and increasing perimeter buffer widths.	<ul style="list-style-type: none"> <li>Reevaluate and modify Article 22A of the Zoning Ordinance to ensure it adequately allows for the development of small- and large-scale solar energy facilities.</li> </ul>
<b>6.32</b>	Assess County-owned buildings to identify opportunities for improving energy efficiency using the EPA's resources for Energy Efficiency in Government Operations and Facilities, or a similar program.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>Chapter 7   Creating a Resilient Economy</b>		
<b>7.1</b>	Prepare for the needs of the next generation of workers by supporting both traditional higher education and vocational education opportunities.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>7.2</b>	Support Nelson County Public Schools and regional partners in coordinating and enhancing workforce training programs, sponsorships, incentives, and financial support opportunities to promote students' enrollments in such programs.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
<b>7.3</b>	Support dual enrollment programs for high school students that contribute to college- or vocational-level programs.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>7.4</b>	Work with the Virginia Community College system to consider and advocate for a local branch in Nelson County, including collaboration between one or more existing colleges for a satellite branch.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>7.5</b>	Support private and public investments in the County's service economy to provide long-term economic and community growth and stability.	<ul style="list-style-type: none"> <li>Reevaluate and modify existing allowable uses in the A-1, B-1, and B-2 Zoning Districts to ensure they are welcoming to service industry development. A specific focus should be on creating a list of generalized and modern uses to reduce restrictions.</li> <li>Reevaluate and modify service industry use standards to ensure that they are not overly restrictive.</li> </ul>
<b>7.6</b>	Promote and support community centers as hubs for education and economic development.	<ul style="list-style-type: none"> <li>Allow community centers as a by-right use, with appropriate use standards, in all zoning districts. Include appropriate accessory uses to help facilitate recreational and educational opportunities.</li> </ul>
<b>7.7</b>	Continue to support the tourism industry while being mindful of over-tourism; diversify tourism assets across the County to distribute traffic and prevent negative impacts to local quality of life.	<ul style="list-style-type: none"> <li>Consider the creation of a tourism corridor overlay district which can relax regulations for tourism-centric businesses. A board can also be created for this district that oversees design regulations for new development in the district to ensure that they are in keeping with the County's desired aesthetic.</li> </ul>
<b>7.8</b>	Review the DRIVE 2.0 initiative and consider pursuing DRIVE Outdoor grant funding to implement recommendations of the related DRIVE 2.0 strategic and regional plans to increase tourism.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>7.9</b>	Support expansion and diversification in the agricultural and forestry industries while maintaining and encouraging environmentally friendly and sustainable practices.	<ul style="list-style-type: none"> <li>Reevaluate and modify agricultural and forestal uses in the A-1 Zoning District to ensure that they are generalized and allow for all types of agricultural and forestry uses.</li> </ul>
<b>7.10</b>	Expand water access, trails, and bike infrastructure to promote outdoor recreation to encourage connection with the outdoors, encourage healthy recreation activities and enhance transportation options.	<ul style="list-style-type: none"> <li>Consider requiring sidewalks, shared paths, and recreation areas for all new major subdivisions in the County, with a specific emphasis on connecting to existing paths and recreation areas that may be adjacent.</li> </ul>
<b>7.11</b>	Support organizations and initiatives that provide agricultural assistance, community education, marketing strategies, information on agricultural support businesses, and information about alternative agricultural uses.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>7.12</b>	Assess local permitting, licensing, and fees for agricultural producers and streamline processes where practical to remove unnecessary procedural barriers.	<ul style="list-style-type: none"> <li>Examine existing fee structure for farm use, zoning exempt, structures and reduce if necessary.</li> </ul>

Strategy Number:	Strategy Text:	Action to be Taken in ZO + SO Update:
7.13	Support multiple revenue streams for farmers by reviewing and amending ordinances to better allow farmers to host complementary agritourism uses on agricultural properties.	<ul style="list-style-type: none"> <li>Define and allow for agritourism in the A-1 Zoning District as a primary, accessory, or temporary use. Include applicable use standards as desired that aren't too restrictive.</li> </ul>
7.14	Explore opportunities to establish a Tourism Improvement District, ABC-designated Outdoor Refreshment Areas, a Tax-Incremented Finance District, and/or Technology Zones to increase business investment in targeted areas.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
7.15	Continue to extend high-speed internet and cellular service throughout the County with bandwidth capable of serving businesses and maintaining viability during technological advances.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
7.16	Review and modify the Zoning Ordinance, as necessary, for regulations regarding special event venues and temporary events in the County.	<ul style="list-style-type: none"> <li>Define and allow for special event venues in the A-1, B-1, and B-2 Zoning Districts. Include use standards that ensure they are not disrupting local communities and environments.</li> <li>Reevaluate and modify Article 24 of the Zoning Districts to ensure the regulations for temporary events are sufficient for the County.</li> </ul>
7.17	Continue to support placemaking and wayfinding in the village areas, grant opportunities for village branding and identity, and establish village mixed use to incentivize infill and development.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
7.18	Update and enforce the temporary event ordinance to protect Nelson's rural character.	<ul style="list-style-type: none"> <li>Reevaluate and modify Article 24 of the Zoning Districts to ensure the regulations for temporary events are sufficient for the County.</li> </ul>
7.19	Support regional economic development partners that provide local business support services.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
7.20	Work with TJPDC to implement recommendations from the regional Comprehensive Economic Development Strategy	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
Chapter 8   Serving the Community		
8.1	Expand and improve external government communications to increase transparency and public participation across all demographics through the use resources such as Nelson County websites and social media.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
8.2	Enhance interdepartmental communication across County government as well as between the various public boards.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
8.3	Create and maintain a comprehensive facility inventory, maintenance schedule, and level of service standards to protect existing investments and ensure sound planning and budgeting for facility improvements.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
<b>8.4</b>	Ensure that the County is using up-to-date information technology and cybersecurity practices, including technological aptitude and data storage.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.5</b>	Construct a new, centrally located facility to house additional administrative offices.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.6</b>	Construct additional Sheriff facilities to allow for additional training and storage spaces.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.7</b>	Renovate and modernize current Sheriff facilities to meet security standards.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.8</b>	Identify possible mental health emergency service providers to support the community and reduce these burdens from the Sheriff's office. Consider that drug use is a facet of public safety, and pursue greater public education on this matter.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.9</b>	Create a County-wide fire and emergency medical services (EMS) strategic plan that can be regularly updated and maintained to address response time, facility, and staffing needs.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.10</b>	Expand fire and EMS facilities to include additional living spaces such as bunks, kitchenettes, and recreation areas.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.11</b>	Ensure that the Emergency 911 operations center is fully supported, with paid staff and most up-to-date technological capabilities, to continue to respond to community needs as quickly as possible in the face of an aging population.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.12</b>	Continually monitor public safety staffing needs, expanding as needed to maintain public safety as the County experiences additional residential and commercial growth.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.13</b>	Pursue stronger community outreach and training on disaster readiness and resilience.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.14</b>	Seek out stronger partnerships with community-based organizations to educate the public and collect more data on substance abuse in the population.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
<b>8.15</b>	Where possible, provide County information, services, and programs in both Spanish and English languages.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.16</b>	Continue to work with regional partners to upgrade and develop necessary infrastructure to meet the County's long- term water supply demand.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.17</b>	Utilize results of the updated CVPDC water supply plan.	<ul style="list-style-type: none"> <li>Require a water and sewer impact analysis to accompany site plans and plats for any development that will utilize public water and sewer infrastructure.</li> </ul>
<b>8.18</b>	Continue to work with the service authority to create a water and sewer master plan to identify current system needs and target long-term strategies to maintain and expand service areas.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.19</b>	Promote water conservation practices to reduce water use and conserve the water supply.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.20</b>	Work with regional partners to evaluate the needs of the County's solid waste and recycling disposal as the regional landfill nears capacity.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.21</b>	Support waste management and recycling planning through rational, cost effective, and environmentally-safe approaches.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.22</b>	Assist in educating the community on recycling and waste reduction efforts.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.23</b>	Continue the County's partnership with Firefly Fiber Broadband to expand broadband services to all areas of the County.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.24</b>	Promote the broadband expansion project with additional public outreach so that residents remain up to date on deployment and availability of services.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.25</b>	Support expansion of cellular service quality and availability through cooperation with cellular providers. Evaluate the need for planning and zoning changes to improve service.	<ul style="list-style-type: none"> <li>Reevaluate and modify Article 20 of the Zoning Ordinance to ensure that the County's telecommunication regulations are up to date with state and federal regulations and allow the wireless industry to supply adequate service to the community.</li> </ul>
<b>8.26</b>	Support the creation of an up-to-date Nelson County Public School's Master Plan that identifies and plans for critical needs of school facilities.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>



<b><u>Strategy Number:</u></b>	<b><u>Strategy Text:</u></b>	<b><u>Action to be Taken in ZO + SO Update:</u></b>
<b>8.27</b>	Continue to monitor student enrollment to ascertain short-term and long-term needs of students	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.28</b>	Support educational programs through County schools, community centers, community organizations, and regional community colleges to help prepare the community workforce for employment.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.29</b>	Develop a strategy for greater investment in personnel, facilities, and/or public-private partnership as needed to expand access to childcare programs.	<ul style="list-style-type: none"> <li>Define and allow for family day homes as a use in all residential and agricultural zoning districts pursuant to the Code of Virginia §15.2-2292.</li> </ul>
<b>8.30</b>	Create a Parks and Recreation Master Plan that identifies gaps in equitable services and opportunities to expand recreation across the community.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.31</b>	Investigate and pursue options to create a centralized County-owned recreational facility to offer athletic fields, aquatic recreation, and exercise opportunities to the community.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.32</b>	Continue partnerships with local organizations, such as community centers, to provide recreation opportunities across the community.	<ul style="list-style-type: none"> <li>Consider creating use standards for community centers to ensure that accessory uses, such as outdoor recreation and education, are allowed.</li> </ul>
<b>8.33</b>	Create additional family- friendly parks and amenities throughout the County to provide alternative recreational areas for residents.	<ul style="list-style-type: none"> <li>Consider including parks and other similar recreational amenities as a permitted use in appropriate Zoning Districts.</li> </ul>
<b>8.34</b>	Partner with local and regional organizations, as well as private landowners, to increase access to natural areas and riverways.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.35</b>	Create a joint public- private partnership with Nelson County’s community centers to facilitate coordination between different organizations, increase programming, and connect residents with their services.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.36</b>	Promote the use of school buildings, community centers, long-term care facilities, and multi- use facilities for citizens year-round.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.37</b>	Continue to work with the County library to ensure that it meets the needs of the community.	<ul style="list-style-type: none"> <li>No land use regulation action required.</li> </ul>
<b>8.38</b>	Encourage emergency, long-term care, and urgent medical care in appropriate areas of the County.	<ul style="list-style-type: none"> <li>Consider adding emergency, long-term care, and urgent medical care facilities as a permitted use or use by special use permit in appropriate Zoning Districts.</li> </ul>

<u>Strategy Number:</u>	<u>Strategy Text:</u>	<u>Action to be Taken in ZO + SO Update:</u>
<b>8.39</b>	Work with Virginia Department of Health, and other regional partners, to identify community health needs and increase the availability of healthcare services.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.40</b>	Continue to work with Jaunt and other regional transportation providers to expand transportation access to better connect residents to medical care.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>
<b>8.41</b>	Pursue public-private partnerships to expand access to and capacity for social service networks.	<ul style="list-style-type: none"> <li>• No land use regulation action required.</li> </ul>

**Prepared By:**





VA 2

April 30, 2024

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

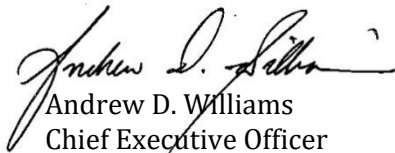
**RE: Comprehensive Plan Update and Recommendations for Zoning and Subdivision  
Ordinance Amendments RFP21-PZ01 Scope of Work  
Amendment 3: Zoning and Subdivision Ordinance Update**

Dear Ms. Bishop:

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

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

Sincerely,



Andrew D. Williams  
Chief Executive Officer

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

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Ms. Dylan Bishop, Director of Planning

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Date

## **SCOPE OF WORK**

### **Deliverables:**

The Scope of Work will result in the following:

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

### **Assumptions:**

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

1. **Initiation:** The County will provide up-to-date copies of the current subdivision ordinance, zoning ordinance and map in original format (.docx and Esri-compatible GIS).
2. **Contact Person:** The County will provide a single contact staff that will be responsible for collecting and transmitting data, resources, and reviews from other departments to the Berkley Group.
3. **Project Management:** Berkley Group will correspond regularly with the County point of contact. Project meetings with County staff will occur virtually up to one (1) hour per month. If the project schedule is extended, project meetings will be charged based on hourly rates for each staff member by position unless a work order amendment occurs.
4. **Kick-off Meeting:** Berkley Group will conduct a virtual kick-off meeting with County staff to review the scope, expectations, and deliverables of the project. This kick-off meeting will occur within 30 days of contract execution and should include key employees from the departments of Community Development, County Attorney, and any others deemed necessary so that their roles, responsibilities, and procedures in the update process can be discussed and clarified.
5. **Public Workshop:** Berkley Group will facilitate one public input workshop. The workshop will include a brief introduction to the Zoning and Subdivision Ordinance update followed by an interactive small group discussion on land use and zoning issues. The County will advertise and promote the meeting and coordinate meeting location and set up. The Berkley Group will provide one (1) promotional flyer.
6. **Focus Groups:** Berkley Group will conduct up to four (4) interviews with focus groups, which will be identified and coordinated by County staff. It is assumed that focusgroup interviews will be conducted on the same day as the public workshop, or virtually by Zoom/phone.
7. **Citizen Advisory Committee Check-Ins:** The County will establish a citizen advisory committee with no more than seven (7) members. Berkley Group will check-in with the committee at specific intervals during the project. The County will be responsible for the coordination of the meetings and delivering materials. The first work session with the committee will be during public engagement to review the Land Use Diagnostic Report and to discuss current ordinance challenges and opportunities based on the Comprehensive Plan. The next check-in will occur midway through the project to update the committee and get additional feedback. A final check-in will occur after all articles are drafted to update the committee on the last articles and receive final comments prior to the final joint work session and Open House.
8. **Engagement Summary:** A summary overview of all public engagement input will be presented for consideration at a joint Board and Commission work session. The summary will also be utilized in drafting the zoning ordinance.

9. **Zoning & Regulation Development:** To the extent possible, the ordinance will follow the Virginia regulations style manual. The ordinance development does not include legal review but this can be included as an optional service.
10. **Meeting Materials:** Meeting materials will be provided in digital format up to, but not earlier than, five (5) business days before a work session. Printing of hardcopy materials necessary for meetings, surveys, documentation, or public review will be the responsibility of the County. Berkley Group will print large format poster boards.
11. **Work Sessions:** This scope of work assumes up to six (6) meetings facilitated by the Berkley Group will be conducted as joint work sessions with the Planning Commission and the Board of Supervisors. The focus of these work sessions will be articles of the zoning ordinance. The drafted text will not include red-line versions due to the complexity of the reorganization. If during drafting, conflicting text is found, these items will be brought to the attention of county staff and incorporated as advised by staff. The incorporation of these edits will be noted in the editor's footnotes of the draft document and can be discussed during work sessions. The last work session will focus on review of the fully drafted ordinance and will include discussion of feedback from the Citizen Advisory Committee.
12. **Comments & Revisions:** One (1) round of revisions is anticipated per article during the ordinance drafting phase. Comments from the Board/Commission will be provided in a consolidated comment response format to Berkley Group for review and consideration. The fee estimate for drafting and final revisions are based on revisions directed during the work sessions identified in the scope of work. Revisions associated with additional work sessions or meetings will require a scope amendment and additional fee.
13. **Changes Matrix & Crosswalk:** Prior to public hearings and adoption, Berkley Group will provide a clean draft ordinance and a summary memo highlighting the major changes proposed in the zoning and subdivision ordinances update. Additionally, a crosswalk will be provided detailing the general location or exclusion of current ordinance items within the proposed ordinance.
14. **Open House:** Berkley Group will draft one (1) flyer for the County and print large boards for up to one (1) open house meeting. The County is responsible for advertising the open house and securing an appropriate location. Berkley Group and County will coordinate the date and times of the event.
15. **Pre-Adoption Joint Work Session:** After the open house, Berkley Group will facilitate one (1) joint work session to discuss public feedback and ordinance refinement.
16. **Public Notification:** The County will be responsible for public notification requirements (e.g., newspaper ads and mailings) associated with the project.
17. **Public Hearings:** The scope of work assumes one (1) public hearing with the Planning Commission and then one (1) hearing with the Board for ordinance adoption.
18. **Meeting Cancellations:** Meetings and work sessions cancelled with notice of less than 10 business days will be counted toward the scoped work sessions, and the client will be charged for the preparation hours for the cancelled meeting.
19. **Graphics:** No illustrations are associated with this scope but can be added as an optional service.
20. **Mapping:** No mapping is associated with this scope but can be added as an optional service.
21. **Optional Services:** Optional services may be added with written authorization from the locality and subject to the following assumptions:
  - A. **Illustrations & Graphics Package:** Basic illustrations by Berkley Group or a full graphics package created by a third-party consultant would be fully integrated into the ordinance.
  - B. **Additional Focus Group Interviews:** Assumptions for focus group meetings apply.
  - C. **Additional Public Outreach:** Assumptions for public outreach events apply.



- D. Additional Work Session / Meeting:** Assumptions for work sessions apply.
- E. Additional Citizen Advisory Check-Ins:** Assumptions for meetings and the citizen advisory check-ins apply.
- F. External Legal Review:** External legal review, if desired, will consist of a single comprehensive review of the draft ordinance prior to public adoption.
- G. Website Hosting:** Berkley Group will host a website for the project. The website may be combined and streamlined with the existing Comprehensive Plan website or hosted on a separate domain. The website would be available throughout the duration of the project and at the conclusion of the project would be discontinued or given to the County for maintenance.
- H. Mapping Support:** The County would provide the current parcel layers and official zoning map in ESRI compatible format. The County would be responsible for any notifications associated with map amendments. Berkley Group will provide final maps in ESRI compatible format.

**Fee:**

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

Phase	Task	Task Description	Total Cost	Est. Hours
Investigation	A1	Project Management / Staff Input	\$ 6,400.00	98
	A2	Project Kickoff (Virtual)	\$ 760.00	12
	A3	Kickoff & Land Use Diagnostic Presentation	\$ 3,000.00	52
	A4	Public Workshop (1)	\$ 3,400.00	56
	A5	Focus Group Listening Sessions (up to 4)	\$ 3,400.00	56
	A6	Engagement Summary	\$ 1,060.00	16
Development	B1	Joint Work Sessions (up to 6)	\$ 18,900.00	315
	B2	Citizen Advisory Committee Check-Ins (up to 3)	\$ 12,075.00	207
	B3	Ordinance Table of Contents & Crosswalk	\$ 4,880.00	80
	B4	Definitions	\$ 5,750.00	98
	B5	General, Administrative, Nonconformity	\$ 5,940.00	110
	B6	Permit & Application Provisions	\$ 7,160.00	130
	B7	District Standards	\$ 9,400.00	168
	B8	Overlay & Special Districts	\$ 7,750.00	138
	B9	Use Matrix	\$ 8,400.00	148
	B10	Use Performance Standards	\$ 7,750.00	138
	B11	Community Design Standards (Signs, Lighting, Landscaping, etc.)	\$ 8,760.00	156
	B12	Subdivisions	\$ 8,300.00	141
	B13	Formatting & Final Review	\$ 3,040.00	52
	B14	Changes Matrix & Contents Crosswalk Update	\$ 3,860.00	62
Adoption	C1	Open House (Public Draft Review) (up to 1)	\$ 4,150.00	70
	C2	Pre-Adoption Joint Work Session (up to 1)	\$ 3,500.00	60
	C3	Incorporate Final Revisions	\$ 3,040.00	52
	C4	PC & Council Public Hearings	\$ 6,000.00	104
	C5	Post-Adoption Deliverables	\$ 2,120.00	36
Subtotal			\$ 148,795.00	2,555
Non-direct expenses including, but not limited to, travel, printing, supplies, etc. (5% of project cost)			\$ 7,439.75	
TOTAL			\$ 156,234.75	

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

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

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

**Schedule:**

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

PROJECT TIMELINE																										
Phase	#	Task Description	2024						2025												2026					
			July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June
Investigation	A1	Project Management / Staff Input																								
	A2	Project Kickoff (Virtual)	V																							
	A3	Kickoff & Land Use Diagnostic Presentation		X																						
	A4	Public Workshop (1)				X																				
	A5	Focus Group Listening Sessions (up to 4)			X	X																				
	A6	Engagment Summary																								
Development	B1	Joint Work Sessions (up to 6)					X		X		X		X		X			X								
	B2	Citizen Advisory Committee Check-Ins (up to 3)			X							X					X									
	B3	Ordinance Table of Contents & Crosswalk					*																			
	B4	Definitions																								
	B5	General, Administrative, Nonconformity							*																	
	B6	Permit & Application Provisions							*																	
	B7	District Standards									*															
	B8	Overlay & Special Districts									*															
	B9	Use Matrix											*													
	B10	Use Performance Standards											*													
	B11	Community Design Standards (Signs, Lighting,													*											
	B12	Subdivisions													*											
	B13	Formatting & Final Review																*								
	B14	Changes Matrix & Contents Crosswalk Update																*								
Adoption	C1	Open House (Public Draft Review) (up to 1)																	X							
	C2	Pre-Adoption Joint Work Session (up to 1)																		X						
	C3	Incorporate Final Revisions																								
	C4	PC & Council Public Hearing																				X	X			
	C5	Post-Adoption Deliverables																								
X = Anticipated In-person Attendance; V = Virtual Attendance; * = Meeting Topic																										

X = Anticipated In-person Attendance; V = Virtual Attendance; \* = Meeting Topic

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

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

**RESOLUTION 2024-44  
ADOPTION OF BUDGET  
FISCAL YEAR 2024-2025  
(JULY 1, 2024 - JUNE 30, 2025)  
NELSON COUNTY, VIRGINIA**

**WHEREAS**, pursuant to the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950, the Board of Supervisors of Nelson County, Virginia has prepared a budget for informative and fiscal planning purposes only and has also established tax rates, as applicable, for Fiscal Year 2024-2025 (July 1, 2024 - June 30, 2025); and

**WHEREAS**, the completed Fiscal Year 2024-2025 Budget is an itemized and classified plan of all contemplated expenditures and all estimated revenues and borrowing; and

**WHEREAS**, the Board of Supervisors has published a synopsis of the budget, giving notice of a public hearing in a newspaper having general circulation in Nelson County and, subsequent thereto, convened a public hearing on the Fiscal Year 2024-2025 Budget on June 4, 2024.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Nelson County, Virginia that the Fiscal Year 2024-2025 Budget be hereby adopted in the total amount (all funds, revenues and expenditures) of **\$98,588,140**. The individual fund totals are denoted as follows:

<u>Fund</u>	<u>Budget</u>
General	\$ 49,530,187.00
VPA(DSS)	\$ 2,111,235.00
Debt Service	\$ 6,562,696.00
Capital	\$ 4,832,372.00
School	\$ 33,765,576.00
Textbook	\$ 729,537.00
Cafeteria	\$ 240,491.00
Piney River Water/Sewer	\$ 539,908.00
Broadband	\$ 276,138.00

- 1) The General Fund includes \$128,138 in COVID-19 Stimulus Funding and \$25,041,291 in local funding transferred to: The Reassessment Fund \$100,000, the Debt Service Fund \$3,325,284 (\$2,028,105 debt service and \$1,297,179 reserve), the Piney River Water & Sewer Fund \$350,000, and the School Fund \$19,154,772 (\$18,989,837 for general operations and \$164,935 allocated for school nurses). Also included is \$2,111,235 in local, state, and federal funds transferred to the VPA Fund (DSS) and contingency/reserve funds of: Recurring Contingency \$612,438, Non-Recurring Contingency \$662,994, and School Capital Reserve \$300,500. Initial Capital Funding for NCHS Renovation Project at \$2,456,071 and DSS Building Project at \$1,656,071 are also included in the Capital Fund.
- 2) The School Fund includes a transfer of \$229,001 to the Textbook Fund, \$504,993 in Federal COVID-19 Stimulus Funding, and \$1,400,000 in State School Construction Assistance Program (SCAP) Grant funding.

**BE IT LASTLY RESOLVED**, that adoption of the Fiscal Year 2024-2025 Budget shall not be deemed to be an appropriation and no expenditures shall be made from said budget until duly appropriated by the Board of Supervisors of Nelson County, Virginia.

Adopted: \_\_\_\_\_, 2024

Attest: \_\_\_\_\_ Clerk,

Nelson County Board of Supervisors

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

**RESOLUTION R2024-45**  
**FISCAL YEAR 2024-2025**  
**APPROPRIATION OF FUNDS**

**WHEREAS**, the applicable provisions of Chapter 25, Budgets, Audits and Reports of Title 15.2 of the Code of Virginia, 1950 require the appropriation of budgeted funds prior to the availability of funds to be paid out or become available to be paid out for any contemplated expenditure; and

**WHEREAS**, the Nelson County Board of Supervisors has heretofore approved the Fiscal Year 2024-2025 Budget (July 1, 2024 to June 30, 2025) for the local government of Nelson County and its component units; and

**WHEREAS**, the Board of Supervisors now proposes to appropriate the funds established in the Fiscal Year 2024-2025 Budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Nelson County Board of Supervisors that the Fiscal Year 2024-2025 Budget be hereby appropriated on an annual basis by fund category, as follows:

<u>Fund</u>	<u>Revenue(s)</u> <u>(All Sources)</u>	<u>Expenditure(s)</u> <u>(All Departments)</u>
General	\$49,530,187.00	\$49,530,187.00
VPA (DSS)	\$ 2,111,235.00	\$ 2,111,235.00
Debt Service	\$ 6,562,696.00	\$ 6,562,696.00
Capital	\$ 4,832,372.00	\$ 4,832,372.00
School	\$33,765,576.00	\$33,765,576.00
Textbook	\$ 729,537.00	\$ 729,537.00
Cafeteria	\$ 240,491.00	\$ 240,491.00
Piney River Water/Sewer	\$ 539,908.00	\$ 539,908.00
Broadband	\$ 276,138.00	\$ 276,138.00
	<u>\$98,588,140.00</u>	<u>\$98,588,140.00</u>

**BE IT FURTHER RESOLVED** by the Board of Supervisors that:

1. The General Fund appropriation includes \$128,138 in COVID-19 Stimulus Funds and the transfers of: \$2,111,235.00 (4-100-093100-9201) to the VPA Fund (DSS) (3-150-004105-0001); 3,325,284.00 (4-100-093100-9204) to the Debt Service Fund (3-108-004105-0100), \$19,154,772 (4-100-093100-9202/Nursing \$164,935, 4-100-093100-9203/Operations \$18,989,837, 4-100-093100-9205/Buses \$0, 4-100-093100-9206/Capital \$0) to the School Fund (3-205-004105-0001); \$0 (4-100-093100-9114) to the Broadband Fund (3-114-004105-0100); \$100,000 (4-100-93100-9101) to the Reassessment Fund (3-101-004105-0001); and \$350,000 (4-100-093100-9207) to the Piney River Water & Sewer Fund (3-501-004105-0001).

2. The amounts transferred from the General Fund to the VPA Fund (DSS), Debt Service Fund, School Fund, Piney River Water & Sewer Fund, and Broadband Fund are also included in the total appropriation for each of these funds.
3. The School Fund includes \$504,993 in Federal COVID-19 Stimulus Funding and \$1,400,000 in State School Construction Assistance Program (SCAP) Grant carryover funding.
4. The Textbook Fund appropriation includes the allocation of \$229,001 from the School Fund.
5. The Debt Service Fund includes \$2,028,105 in current debt service and \$4,534,591 in debt service reserve.
6. The appropriation of funds to the School Fund, Textbook Fund, Cafeteria Fund, and VPA Fund (DSS) shall be in total and not categorically.
7. The appropriation and use of funds within the General, Debt Service, Capital, Piney River Water & Sewer, and Broadband funds shall adhere to the amounts prescribed by the Board of Supervisors for each department therein unless otherwise authorized by the Board of Supervisors.

Adopted: \_\_\_\_\_, 2024

Attest: \_\_\_\_\_, Clerk  
Nelson County Board of Supervisors



## § 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated

A brief synopsis of the budget that, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, at least seven days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon. Any locality not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school division budget, which shall include the estimated required local match, such hearing shall be held at least seven days prior to the approval of that budget as prescribed in § 22.1-93. With respect to the budget of a constitutional officer, if the proposed budget reduces funding of such officer at a rate greater than the average rate of reduced funding for other agencies appropriated through such locality's general fund, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget cuts would impair the performance of his statutory duties, such constitutional officer shall make a written objection to the local governing body within seven days after receipt of the written notice and shall deliver a copy of such objection to the Compensation Board. The local governing body shall consider the written objection of such constitutional officer. The governing body may adjourn such hearing from time to time. The fact of such notice and hearing shall be entered of record in the minute book.

In no event, including school division budgets, shall such preparation, publication, and approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly, or monthly appropriation for such contemplated expenditure by the governing body, except that funds appropriated in a county having adopted the county executive form of government for multiyear capital projects and outstanding grants may be carried over from year to year without being reappropriated.

Code 1950, § 15-577; 1956, Ex. Sess., c. 67; 1959, Ex. Sess., c. 69; 1962, c. 623, § 15.1-162; 1976, c. 762; 1978, cc. 126, 551; 1984, c. 485; 1997, c. 587; 2009, c. 280; 2014, cc. 360, 589; 2021, c. 8; 2021, Sp. Sess. I, c. 155.

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

**(1) New Vacancies/Expiring Seats & New Applicants :**

<b><u>Board/Commission</u></b>	<b><u>Term Expiring</u></b>	<b><u>Term &amp; Limit Y/N</u></b>	<b><u>Incumbent</u></b>	<b><u>Re-appointment</u></b>	<b><u>Applicant (Order of Pref.)</u></b>
Nelson County Service Authority Board - West District	6/30/2024	4 Year Term / No limit	David Hight	Y	David Hight
Nelson County Service Authority Board - South District	6/30/2024	4 Year Term / No limit	Sergio Sanchez	Y	Sergio Sanchez
Region Ten Community Services Board	6/30/2024	3 year term / 3 term limit	Peggy Whitehead (T2)	Y	Peggy Whitehead
Nelson County Library Advisory Committee - West District	6/30/2024	4 year term / No limit	Audrey Diane Evans	Y	Audrey Diane Evans
Board of Building Code Appeals	6/30/2024	4 year term / No limit	R. Carlton Ballowe	Y	R. Carlton Ballowe
Board of Building Code Appeals	6/30/2024	4 year term / No limit	Ben Butler	Y	Ben Butler
Board of Building Code Appeals	6/30/2024	4 year term / No limit	Kenneth Taylor	N	Application pending
Jefferson Madison Regional Library Board	6/30/2024	4 year term/ 2 term limit	Aleta Childs (UT)	Y	Aleta Childs
Planning Commission - West District	6/30/2024	4 year term / No limit	Michael Harman	Y	Michael Harman
Planning Commission - South District	6/30/2024	4 year term / No limit	Mary Kathryn Allen	Y	Mary Kathryn Allen
JAUNT	6/30/2024	3 year term / No limit	Brad Burdette	Y	Brad Burdette
Nelson County Social Services Board - Central District	6/30/2024	4 year term / 2 term limit	Darlene Smith (T2)	N	

**(2) Existing Vacancies:**

<b><u>Board/Commission</u></b>	<b><u>Terms Expired</u></b>				
Ag & Forestal District Advisory Committee	5/13/2024	4 year term / 3 term limit	Sunny Taylor	N	Ben Kessler

## NELSON COUNTY SERVICE AUTHORITY

### NAME, ADDRESS & PHONE

### TERM 4 Years, No Limits

Justin Shimp, P.E.- **North District**  
148 Tanbark Dr.  
Afton, VA 22920  
H: (434) 953-6116  
[Justin@shimp-engineering.com](mailto:Justin@shimp-engineering.com)

July 1, 2022 – June 30, 2026

Ernie Q. Reed - **Central District**  
971 Rainbow Ridge Rd.  
Faber, VA 22938  
H: (434) 971-1647  
C: (434) 249-8330  
[ereed@nelsoncounty.org](mailto:ereed@nelsoncounty.org)  
[lec@wildvirginia.org](mailto:lec@wildvirginia.org)

July 1, 2022 - June 30, 2026

Robert McSwain- **East District**  
3254 Dutch Creek Lane  
Shipman, VA 22971  
H: (434) 263-6714  
[losthorseshoe2@gmail.com](mailto:losthorseshoe2@gmail.com)

July 1, 2022 -June 30, 2026

Sergio Sanchez- **South District**  
1035 Gladstone Road  
Gladstone, VA 22971  
H: (434) 941-1811  
[sergio.sanchez321@yahoo.com](mailto:sergio.sanchez321@yahoo.com)

July 1, 2020 - June 30, 2024  
(appointed 9/13/22)

David S. Hight – **West District**  
P.O. Box 5  
Roseland, VA 22967  
H: (434) 277-5351  
[DHUMINC@gmail.com](mailto:DHUMINC@gmail.com)

July 1, 2020 - June 30, 2024

Authority : Established by the Code of Virginia §15.2-5113 and Nelson County Code Chapter 12 - Utilities

Membership: 5 Members appointed by Election District.

Term: 4 Years, July 1 – June 30. No term limits

Summary of Duties: To serve as the governing Board of the Nelson County Service Authority.

Meetings: Regular meetings are held monthly on the third Thursday of each month at 8:30am. Members are compensated \$100 per meeting plus mileage paid at the existing State mileage rate per BOS Resolution dated February 8, 2022.

## REGION TEN COMMUNITY SERVICES BOARD

### NAME, ADDRESS & PHONE

### TERM :3 Years , July-June

Patricia Heggie  
93 Fox Run  
Nellysford, VA 22958  
(H) 434-325-1254  
[pwheggie@gmail.com](mailto:pwheggie@gmail.com)

July 1, 2022 – June 30, 2025 (T1)

Peggy Whitehead  
25 Willow Brook Lane  
Roseland, VA 22967  
(434) 277-5732  
[Maggie2306.whitehead@gmail.com](mailto:Maggie2306.whitehead@gmail.com)

July 1, 2021 – June 30, 2024 (T2)

Established by the Code of Virginia §37.2-500 et seq.

Membership: 2 local members, with 9-15 total members as apportioned on the basis of population not less than 1 member per subdivision. Members serve on a voluntary basis. 14 members (4 City appointees, 4 Albemarle County appointees, 1 each from Fluvanna and Greene Counties, 2 each from Louisa and Nelson Counties)

Term: 3 years with a 3 consecutive term limit.

Summary of Duties: To Act as a direct agent of the Region Ten member localities in the establishment and operation of community mental health, mental retardation, and substance abuse programs as provided for in the Code of Virginia §37.2-500 et seq. as amended. Reviews and evaluates public mental health, mental retardation and substance abuse services and facilities available to serve the community and such private services and facilities as receive funds through the Board. Submits governing bodies of regions the programs of community mental health, mental retardation and substance abuse services and facilities. Within amounts appropriated, executes programs and services and enters into contracts for rendition of services and facilities. Makes rules and regulations concerning rendition or operation of services and facilities under its directions or supervision.

Meetings: Second Monday of every month at 6PM. **Place:** Region Ten, 502 Old Lynchburg Road Charlottesville VA. 22903

Contact: Region Ten Community Services Board at 434-972-1800 Jessica Phipps  
[JESSICA.PHIPPS@regionten.org](mailto:JESSICA.PHIPPS@regionten.org)

## NELSON COUNTY LIBRARY ADVISORY COMMITTEE

### NAME, ADDRESS & PHONE

### TERM :4 Years, July-June

Jennifer Page – **North District**  
122 Mickens Road  
Afton, Va. 22920  
(571) 246-1297  
[Jpage.nbs@gmail.com](mailto:Jpage.nbs@gmail.com)

July 1, 2022 – June 30, 2026  
(appointed 10-11-22)

Chuck Strauss- **Central District**  
112 River View Lane  
Faber, VA 22938  
[strausshaus@hotmail.com](mailto:strausshaus@hotmail.com)

July 1, 2023 - June 30, 2027

Gloria Ashley- **East District**  
48 Henry's Hill LN  
Lovingston, VA 22949  
H (434) 263-5035  
W (434) 263-4086  
[Gashley3@verizon.net](mailto:Gashley3@verizon.net)

July 1, 2022 – June 30, 2026  
(Appointed 3-10-15)

Jean B. Holliday- **South District**  
24 Kingswood Ln  
Arrington, VA 22922  
(434) 263-5266

July 1, 2021 – June 30, 2025

Audrey D. Evans – **West District**  
1184 Dickie Rd.  
Roseland, VA 22967  
(434) 277-5814  
[bossmare1955@gmail.com](mailto:bossmare1955@gmail.com)

July 1, 2020 - June 30, 2024  
(Appointed 2-12-13)

Membership: 5 Members by Election District.

Term(s) of Office: Regular Terms are 4 years July – June, with no term limits. Membership is voluntary.

Summary of Duties: To serve in an advisory capacity to the Jefferson Madison Regional Library Nelson member of the Board, the JMRL Librarian, and the Nelson Librarian.

Meetings: Monthly on the 3<sup>rd</sup> Monday from 4-6 PM at the Nelson Memorial Library. Members serve on a voluntary basis.

## LOCAL BOARD OF BUILDING CODE APPEALS

<u>NAME &amp; ADDRESS</u>	<u>TERM ENDING</u>
R. Carlton Ballowe (Former Builder) 19218 Thomas Nelson Hwy Faber, VA 22938 434-263-6285 (H) 434-996-7796 (W) <a href="mailto:catbalu1@aol.com">catbalu1@aol.com</a>	JUNE 30, 2024
Kenneth H. Taylor (Cabinetry) 2415 Arrington Road Arrington, V A 22922 (434) 263-5564	JUNE 30, 2024
Ben Butler (Builder) 81 Bryant Mountain Rd. Roseland, VA 22967 (434) 531-8888 <a href="mailto:caplerhomes@msn.com">caplerhomes@msn.com</a>	JUNE 30, 2024 *(Unexpired term, appointed 7/13/2021)
Robin Meyer (Architect) 15 Orchard Rd. Charlottesville, VA 22903 (434) 987-4112 <a href="mailto:robinmeyer32@gmail.com">robinmeyer32@gmail.com</a>	JUNE 30, 2026
Robert L. Yoder (Architect) 80 Tuckahoe LN Nellysford, VA 22958 (757) 675-1449 <a href="mailto:BobYoderArchitect@gmail.com">BobYoderArchitect@gmail.com</a>	JUNE 30, 2026



## LOCAL BOARD OF BUILDING CODE APPEALS

### **Establishment:**

Established per Section 36-105, of the Code of Virginia, 1950 as amended and Section 119 of the Virginia Uniform Statewide Building Code effective March 1, 2011 and Ordinance O2011-05 adopted August 9, 2011

### **Term:**

Four year terms except for the first three initial appointees' terms shall expire on June 30, 2012. The remaining two appointees' terms shall expire June 30, 2014. Members may be re-appointed without limitation. A member appointed to fill a vacancy shall serve the unexpired term of the member being replaced. At the request of the Board of Supervisors, a serving member may sit beyond the expiration of his term until such time as his successor may be appointed; however, the successor's term shall not be extended by such delay.

### **Composition:**

Members of the LBBCA shall be selected by the Board of Supervisors on the basis of their ability to render fair and competent decisions regarding application of the USBC and shall to the extent possible, represent different occupational or professional fields relating to the construction industry. At least one member should be an experienced builder; at least one member should be a licensed architect or professional engineer, and at least one member should be an experienced property manager. Employees and officials of the locality shall not serve as members of the LBBCA.

### **Summary of Duties:**

To rule on disagreements between the local enforcers of the Virginia Statewide Fire Prevention Code ("the SFPC") or the Virginia Uniform Statewide Building Code ("the USBC") and those persons being regulated under the codes. The power of the local board of appeals is to, when presented with an appeal, rule on the application of the SFPC or USBC by the enforcing agency or to rule on the enforcing agency's denial of a modification request. In exercising these powers, the local board of appeals may reverse or affirm, wholly or partly, or modify any decision under review as well as to determine whether an appeal is properly before them

### **Meetings:**

The LBBCA shall meet at least once annually to assure a duly constituted board, appoint officers as necessary, and receive such training on the USBC as may be appropriate or necessary from staff of the locality. Members are compensated \$75 per meeting.

## JEFFERSON MADISON REGIONAL LIBRARY BOARD

### NAME, ADDRESS & PHONE

### TERM :4 Years, July-June **2 Term Limit**

Aleta Childs  
400 Dogwood Ln.  
Nellysford, VA 22958  
H: (540) 272-8202  
[Aletachilds400@gmail.com](mailto:Aletachilds400@gmail.com)

July 1, 2020 – June 30, 2024 (**UT**)  
(Appointed June 8, 2021 Unexp. Term)

Authority: Code of Virginia §42.1-38 - §42.1-41

Membership: Nine (9) members, three (3) C' Ville City appointees, three (3) County appointees, one (1) each from Louisa, Nelson, and Greene Counties.

Term(s) of Office: Regular Terms are 4 years July – June, with a **two (2) term limit**. Membership is voluntary.

Summary of Duties: Administer the Regional Library System with responsibility for budgets, finance, public policy and planning for library services. Serve as a strong advocate for improvement and enhancement of public library services in the region and State and determine Library policies. Additional duties include securing funds for carrying out policies and hiring the library director to administer the library system.

Meetings: Monthly on the 4th Monday of each month. Members serve on a voluntary basis.

## NELSON COUNTY PLANNING COMMISSION

### NAME, ADDRESS & PHONE

### TERM EXPIRATION

Phillipa Proulx – **North District**  
950 Avon Road  
Afton, VA 22920  
(540) 456-6849 (H)  
[proulx@cfw.com](mailto:proulx@cfw.com)

June 30, 2026

Robin Hauschner- **Central District**  
403 Perry Lane  
Lovingston, VA 22949  
(434) 989-8899  
[robin.hauschner@gmail.com](mailto:robin.hauschner@gmail.com)

June 30, 2026

Charles Amante- **East District**  
401 River Trail  
Shipman, VA 22971  
(703) 269-8586 (H)  
[amantemail@gmail.com](mailto:amantemail@gmail.com)

June 30, 2026

Mary Kathryn Allen- **South District**  
7763 Richmond Hwy.  
Gladstone, VA 24553  
(434) 933-8214 (H)  
(434) 942-7695 (W)  
[mkallen@vaems.org](mailto:mkallen@vaems.org)

June 30, 2024

Michael E. Harman – **West District**  
2828 Embly's Gap Road  
Roseland, VA 22967  
(434) 277-5016 (H)  
[koms@lynchburg.net](mailto:koms@lynchburg.net)

June 30, 2024

Ernie Reed – **BOS Liaison**  
971 Rainbow Ridge Road  
Faber, VA 22938  
(434) 249-8330 (C)  
[ereed@nelsoncounty.org](mailto:ereed@nelsoncounty.org)

December 31, 2024

Authority: Established by the Code of Virginia §15.2-2200 et seq. and County Code Article II, Sec.9-26

Membership: 6 members: 5 Appointments by Election District, with 1 appointed Board of Supervisors member.

Term: 4 Years, July 1 – June 30, **No Term Limits**

Summary of Duties: As Established by the Code of Virginia §15.1-427.1 et seq., the Board members serve in order to promote the orderly development of the County and to plan community centers with adequate highway, utility, health, educational and recreational facilities, and to provide for the needs of agriculture, industry and

business in future growth. This includes interpretation and development of the County Zoning and Subdivision Ordinance with review of citizen applications for re-zoning requests, conditional use permits, and subdivision requests with subsequent recommendations to the Board of Supervisors for action on such applications.

Meetings: Regular meetings are held the fourth Wednesday of each month with the exception of November. Members are compensated \$75 per meeting plus mileage paid at the existing State mileage rate.

JEFFERSON AREA UNITED TRANSPORTATION –JAUNT, INC.

2 CITIZEN MEMBERS

Diane McNaught  
13721 Patrick Henry Hwy  
Roseland, VA 22967  
Ph (434) 277-8579  
[DCKGlobal@yahoo.com](mailto:DCKGlobal@yahoo.com)

July 1, 2022-June 30, 2025 (T2)  
(Appointed March 13, 2018)

Brad Burdette  
135 Pine Hill Lane  
Norwood, VA 24581  
Ph (804) 306-3882  
[justice7spc@gmail.com](mailto:justice7spc@gmail.com)

July 1, 2021 -June 30, 2024 (T1)  
(Appointed 10/12/21 for UT)

Term(s) of Office: 3 years: July 1<sup>st</sup> to June 30<sup>th</sup>

Summary of Duties: To set broad policy in support of JAUNT's mission which is to safely, courteously and promptly provide public and specialized services to meet community mobility needs.

Meetings: Meets the second Wednesday of each month from 10:00 am to 12:00 noon at the JAUNT office, 104 Keystone Place, Charlottesville, VA 22902. Members serve on a volunteer basis. Contact Person is Karen Davis, [karend@ridejaunt.org](mailto:karend@ridejaunt.org), 434-297-2602.

NELSON COUNTY SOCIAL SERVICES BOARD

NAME, ADDRESS & PHONE

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

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

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

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

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

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

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

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

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

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

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

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

January 2024 – December 31, 2024



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

Membership: 5 Members appointed by Election District.

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

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

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

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

## Agricultural & Forestal District Advisory Committee

### Citizen Members (Producers) 4

### Term 4 years

Andy Wright [dutchcreekfarm@aol.com](mailto:dutchcreekfarm@aol.com)  
1315 Dutch Creek Lane  
Shipman, VA 22971  
434-263-8938 (H)

May 13, 2023 – May 13, 2027 (T5)

Billy Newman [enviroforllc@netscape.net](mailto:enviroforllc@netscape.net)  
356 Deer Run Lane  
Shipman, VA 22971  
434-263-4172 (H)

May 13, 2023 – May 13, 2027 (T4)

Susan McSwain [losthorseshoe3@gmail.com](mailto:losthorseshoe3@gmail.com)  
3254 Dutch Creek Lane  
Shipman, VA 22971  
434-263-6714 (H)

May 13, 2023 – May 13, 2027 (T5)

Ernie Reed [ereed@nelsoncounty.org](mailto:ereed@nelsoncounty.org)  
971 Rainbow Ridge Road  
Faber, VA 22938  
434-249-8330

May 13, 2023 – May 13, 2027 (T1)

### Citizen Members (Other Landowners) 4

Joyce Burton [joybirdpt@gmail.com](mailto:joybirdpt@gmail.com)  
96 Old Turtle Place  
Nellysford, VA 22958  
434-361-2328

May 13, 2023 – May 13, 2027 (T3)

Sunny Taylor [sunny@virginia.edu](mailto:sunny@virginia.edu)  
464 Front Street  
Lovingston, VA 22949  
434-996-2267 (H)  
434-924-7849 (B)

May 13, 2020 – May 13, 2024 (UT)  
(Appointed 1-12-2021)

Mary Cunningham [mscsherpa@gmail.com](mailto:mscsherpa@gmail.com)  
171 Joshua Lane  
Afton, VA 22920  
434-1587 (H)

May 13, 2023 – May 13, 2027 (T2)

Charlotte L. Rea [the.creac1@gmail.com](mailto:the.creac1@gmail.com)  
411 Bland Wade Ln.  
Afton, VA 22920  
540-456-6509 (H)  
434-996-7291 (Cell)

August 13, 2023 – May 13, 2027 (T2)

### Commissioner of Revenue

Kim Goff [kgoff@nelsoncounty.org](mailto:kgoff@nelsoncounty.org) 434-263-7070  
P.O. Box 246  
Lovingston, VA 22949

**Board of Supervisors Member**

Jesse Rutherford [jrutherford@nelsoncounty.org](mailto:jrutherford@nelsoncounty.org)  
P.O. Box 336  
Lovingston, VA 22949  
434-981-8728

**Establishment:** Established by the Code of Virginia §15.2-4300 et seq. and the Code of Nelson County, Chapter 9, Article V. on February 11, 2003.

**Members:** Consists of 10 members, four (4) agricultural producers, four (4) other landowners, the Commissioner of Revenue and a Board of Supervisors member.

**Term:** Regular terms are 4 years from May 13<sup>th</sup> to May 13<sup>th</sup> with a term limit of 3 consecutive terms except in cases where there are no new applicants to fill the vacancy.

**Summary of Duties:** To advise the Planning Commission and the County governing body and assist in creating, reviewing, modifying, continuing or terminating districts within the county. In particular, the committee shall render expert advice as to the nature of farming and forestry and agricultural and forestal resources with the district(s) and their relation to the entire county.

**Meetings:** Meetings are held on an as needed basis. Members serve on a voluntary basis, but the Board of Supervisors may at its discretion, reimburse each member for actual and necessary expenses incurred in the performance of duties.

# NELSON COUNTY BOARDS AND COMMISSIONS APPLICATION FORM

Subject: Appointments - Statement of Interest Form

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

Please complete and mail this form to:

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

or fax to (434) 263-7004 or email [aspivey@nelsoncounty.org](mailto:aspivey@nelsoncounty.org)

Date 6/1/2024

Mr. X Mrs. \_\_\_\_\_ Ms. \_\_\_\_\_

Name: Ben Kessler

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

1. Ag/Forestal Districts Advisory Committee
2. \_\_\_\_\_
3. \_\_\_\_\_

Home Address: 1323 Glass Hollow Road  
Afton, VA 22920

Occupation: Nurseryman Employed by: Little Bluestem

Home Phone No.: 434-227-2317 Business Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_ E-Mail Address: bkessler@gm.slc.edu

Do you live in Nelson County? Yes X No \_\_\_\_\_

Are you currently a member of a County Board, Commission, Committee or Authority? Yes \_\_\_\_\_ No X

If yes, list the Board(s):

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

- Primary organizer and point person for the Glass Hollow AFD
- 12 year residence in Nelson County
- Current work as co-director of native plant nursery Little Bluestem
- Former lead field biologist for Navajo Nation Dept Fish & Wildlife
- Former farm laborer and current active neighborhood-scale gardener

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

I very much value the opportunities that AFDs provide to empower citizenry to tend the landscapes they love, while preserving the rural character and natural splendor of Nelson County.

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

While gathering information for the formation of the Glass Hollow AFD, I worked closely with members of the existing AFD Committee, so am familiar with the processes of creating and maintaining AFDs

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

#### ATTENDANCE REQUIREMENTS

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

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

Yes ☒ No ☐