

# NELSON COUNTY PLANNING COMMISSION Meeting Agenda November 20, 2024

General District Courtroom, 3<sup>rd</sup> Floor, Nelson County Courthouse, Lovingston

- 7:00 Meeting Convenes / Call to Order
- Review of Meeting Minutes:
  - September 25, 2024 Planning Commission (Correction p.7)
  - October 23, 2024 Planning Commission
- Other Business:
  - o Renaissance Ridge
  - o Proposed Work Order Amendment STR
- Board of Supervisors Report
- Continue Meeting to December 18, 2024:
  - o Joint Work Session ZO/SO Updates (5:00 p.m.)
  - Regular PC Meeting (7:00 p.m.)



### Nelson County Planning Commission Meeting Minutes September 25, 2024

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

**Staff Present: Dylan Bishop, Director** 

**Chuck Amante** 

Call to Order: Chair Allen called the meeting to order at 7:00 PM in the General District Courtroom,

County Courthouse, Lovingston.
Review of August 28, 2024 – Joint Worksession Minutes
Ms. Proulx made a motion to approve the August 28, 2024 Joint Worksession minutes. Mr. Harma seconded the motion.
Yes:
Mike Harman
Ernie Reed
Mary Kathryn Allen
Chuck Amante
Phil Proulx
Abstain:
Robin Hauschner
Review of August 28, 2024 – Planning Commission Minutes
Mr. Harman made a motion to approve the August 28, 2024 Planning Commission minutes. Mr. Hauschner seconded the motion.
Yes:
Mike Harman
Robin Hauschner
Ernie Reed
Phil Proulx
Mary Kathryn Allen

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### **Public Hearings:**

### SUP 24-0213 - Public Garage

Ms. Bishop presented the following information:

## Nelson County Planning Commission

To: Planning Commission

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

Date: September 25, 2024

Re: SUP #2400213 – Public Garage – 4365 Tye River Road

BACKGROUND: This is a request for a special use permit for a public garage use on property

zoned A-1 Agriculture.

Public Hearings Scheduled: PC - September 25; BOS - October 8 (tentative)

Location / Election District: 4365 Tye River Road / South District

Tax Map Number(s) / Total Acreage: 92-2-6 / 5.37 acre +/- total

Applicant/Owner Contact Information: Donna & Jay Hogston, 4365 Tye River Road, Amherst, VA 24521, (540) 448-8005 / (434) 907-9440, dgogston@gmail.com / cobrajh69yahoo.com

Comments: The owners are proposing to construct a 1,200 sf garage to utilize for automotive repair of 2-3 vehicles a year. The owners reside on the subject property and all vehicles will be screened from adjacent properties and roadways. A public garage is defined as "a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles." Private garages are accessory to dwellings and utilized for storage only.

### DISCUSSION:

Land Use / Floodplain: This area is primarily agricultural and low density residential in nature. Zoning in the vicinity is A-1 Agriculture, and the adjacent lots are currently undeveloped. There are no floodplains or streams located on this property.

Access / Traffic / Parking: The property is accessed by an existing entrance from Tye River Road and requires no improvements.

 ${\it Utilities:} \ {\it There are no utilities proposed or required for the requested use.}$ 

Comprehensive Plan: This property is located in a Rural Area as designated by the Nelson 2042 Future Land Use Map. The core concept is the ensure the protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low density residential uses.

Recommendation: Should the Planning Commission recommend approval of SUP #240213 for a public garage, staff would recommend the following conditions:

- 1. There shall be no more than 5 project vehicles located on the property at one time.
- All vehicles and equipment shall be screened from view by adjacent properties and roadways.

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

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

Attachments: Application Site Plan Zoning Applicants/owners Donna and Jay Hogston, 4365 Tye River Road. Mr. Hogston noted it would be a 30x40 building for rebuilding salvage vehicles and is only planning on doing 2-3 vehicles per year. Their plan is to sell online or as rental cars. Rent-a-wreck is a program to save people money and still get them in a car. Also would like to help get some of these cars out of peoples' front yards and help clean it up and has equipment to move them. There would be no storage of these vehicles on the property. He noted that Mr. Harman visited the property and indicated that the project would not be visible from the road. There is a back entrance to the shop and they will put in a privacy fence. They have a Mazda outside which was totaled, they were able to restore it and enjoy driving it, and want other people in the county to be able to do the same things.

Chair Allen asked for clarification on the property lines being incorrect on GIS, how far the closest residence is, and confirmed which structure on the property is their dwelling. Mr. Amante asked if the clearing in the back is where they planning to build and if that's the reason they are proposing a privacy fence. Ms. Hogston noted that they are known to do restorations from Washington DC and enjoy what they do, and want to do it as part of their retirement.

Mr. Harman noted he visited the site today; Tye River Road is a long winding road and the property is several miles down, their house and business is well off the road and can't see anything from the road, surrounded by forest and trees and didn't see any homes nearby, looks like a good place for a small business and thinks the conditions are appropriate.

Chair Allen opened the public hearing at 7:09 PM

Chair Allen closed the public hearing at 7:10 PM

Mr. Harman made a motion to recommend approval of SUP #24-0213 with the following conditions:

- 1. There shall be no more than 5 project vehicles located on the property at one time.
- 2. All vehicles and equipment shall be screened from view by adjacent properties and roadways.

Mr. Amante seconded the motion.

Phil Proulx

Yes:

Mike Harman

**Robin Hauschner** 

**Ernie Reed** 

Mary Kathryn Allen

**Chuck Amante** 

#### **Other Business:**

#### MSP 1100 – The Delander at Nelson

Ms. Bishop noted that they have to break ground by October 11 for their SUP to remain valid, they have all the approvals from various agencies except Planning & Zoning. Mr. Harman confirmed that all agencies have approved the site plan; Ms. Bishop confirmed and noted that the Stormwater Plan was approved by DEQ, Erosion and Sediment Control Plan approved by Building Inspections, Health Department, and VDOT have also approved. Ms. Proulx asked if this site plan reflected the amendment requested by the applicants regarding the location of the fencing. Ms. Bishop checked the site plan and confirmed that this was the case. She reminded the Commissioners that the applicants requested an amendment to a condition on the SUP that previously required fencing along the property lines.

Ms. Proulx made a motion to approve MSP 1100 for The Delander at Nelson (multifamily dwellings) dated August 6, 2024. Mr. Amante seconded the motion.

Yes:

**Phil Proulx** 

Mike Harman

**Robin Hauschner** 

**Ernie Reed** 

Mary Kathryn Allen

**Chuck Amante** 

Ms. Bishop noted that she provided copies of the meeting flyer for the public engagement sessions to the Commissioners. The first one will be Tuesday, October 22 at RVCC; the second one will be Wednesday, October 30 at the Nelson Center, both from 6-8pm. She encouraged the Commissioners to attend if possible. Renaissance Ridge has not acquired documentation from FEMA yet so the plan will not be revisited at the Planning Commission's October meeting. At the earliest this would be on the November agenda. Ms. Bishop noted that Mr. Hauschner and Ms. Proulx have attended the first session of the Certified Planning Commissioner Training. The Commissioners discussed which locality's Planning Commission meeting they would attend as part of the course's curriculum. Ms. Bishop provided a copy of the Planning Commission's bylaws and noted they were amended in 2015. She noted that they should have a copy to review. Ms. Bishop noted that there was some interest from the Board to discuss short term rentals and if there could be some amendments made in the interim since the full ordinance update will take some time. She asked for direction from the Planning Commission on holding a worksession on the topic or including this on October's regular agenda. Chair Allen noted that with extra

meetings scheduled, it would make the most sense to have this discussion on the October meeting agenda. Ms. Proulx noted that the market for short term rentals has declined recently but doesn't have an issue with discussing this. Chair Allen noted that there are a multitude of issues that need to be addressed, and could potentially address short term rentals during the lull before it changes again. Ms. Bishop noted she would put some materials together. She then noted that there was one public hearing scheduled for October for dwellings in the B-1 Business district on Front Street.

Chuck Amante noted that this would be his last meeting. He has enjoyed meeting and working with the other Planning Commissioners. In light of the recent drama with Mr. Reed, he needs to address the real reason he is stepping down. He planned to step down after the Comp Plan was adopted and was convinced to stay. He was hesitant to approve the draft of the June minutes because in other business, his statement that Ernie was on the PC for 3 years was not included in the public record. He noted that it is not unprecedented but is rare that a Board member sat on a Planning Commission for 2 years in a row, but not 3, and this is patently unfair to all the other districts in the county. An agreement was made (not in writing) that Mr. Reed would stay to finish the comp plan and would then step down and allow the next Board appointment. He asked his supervisor why Mr. Reed was still on, made it an official matter at the meeting in June, and it was never addressed. He approached Mr. Reed as to why he was still here and his response was "I know, I know," and claimed that no one has complained about his being here and that no one else wants to serve, which are false statements. He noted that Dr. Ligon is here to take Mr. Reed's place whenever he is willing to step down, and said it could be done tonight. Aside from that, he noted he does not have 2 years left of honest effort to put into the zoning ordinance, has too many other things on his plate to make a promise he can't keep, and the ordinance deserves more attention. He then compared Commission meetings to coming to a couples' divorce session and asked to take sides. He noted the necessity of common sense, and respect for individual liberty and private property. When Thomas Jefferson wrote the Declaration of Independence, he said we hold these truths to be self-evident, not voted on. Without respect of private property, there is no path to happiness.

Chari Allen noted she appreciated all the time Mr. Amante has dedicated to Planning Commission; it's a lot of work and the public doesn't always see that, including the extent of the Certified Planning Commissioner training. It's a lot of effort and time devoted for little reward or pay and Mr. Amante's time is appreciated.

### **Board of Supervisors Report:**

Mr. Reed noted that at the Board's September 10 meeting, they voted (2-1) to remove him from Planning Commission appointment, approved the SUP for St. Dunstan's sawmill, as well as the North Fork AFD. The Board of Supervisors retreat was last Thursday, and there was a motion made to rescind the motion to remove him from the Planning Commission appointment and passed unanimously. He noted that the Virginia Code only allows the removal of an appointed Commission member only under certain circumstances which were not met. At the Board retreat, they had a report from Davenport \* Company financial advisors and discussed debt service, margins, and investments. They have provided numerous updates over the years looking at capital planning. He noted that they completed an exercise on a year in review – what went well and what didn't. They also did an exercise to look at comp plan

implementation matrix, ranked short term priorities and strategies, and discussed short term rentals as well as prioritizing things that were not ordinance based. He indicated that he stopped by Belties today to meet with the project team, who indicated they dug a well for water which is a good thing.

Ms. Proulx asked if the Belties project ended up utilizing Aqua Virginia for sewer, or a septic drainfield, as there was concern regarding extending this service across Route 151 and the potential for increased development as a result.

Chair Allen noted that for capital improvements, she hopes there is some plan for youth complex. She noted that her kids won't benefit from this at their age, but will continue to advocate for youth activities that bring and keep younger residents and visitors here. She noted that many are playing sports outside of the county.

Mr. Reed noted that this topic was at the forefront and working on infrastructure; another priority is housing. He noted that the debt service would be lowered in another 2 years which will increase the county's borrowing power, and there are other funding opportunities that need to be considered. He then noted that they discussed the budget and will have requests submitted sooner in order to meet with departments and staff regarding their funding requests for the next fiscal year.

Ms. Proulx motioned to adjourn the meeting at 7:41 PM. Chair Allen seconded the motion.

Yes:

**Phil Proulx** 

Mike Harman

**Robin Hauschner** 

**Ernie Reed** 

Mary Kathryn Allen

**Chuck Amante** 

Respectfully submitted,

Dylan M. Bishop

Director of Planning & Zoning

ylan M Bishop



### Nelson County Planning Commission Meeting Minutes October 23, 2024

<u>Present</u>: Chair Mary Kathryn Allen and Commissioners Mike Harman, Robin Hauschner, William Smith and Phil Proulx. Board of Supervisors Representative Ernie Reed

**Staff Present:** Dylan Bishop, Director

<u>Call to Order</u> : Chair Allen called the meeting to order at 7:00 PM in the General District Courtroom, County Courthouse, Lovingston.				
Review of September 25, 2024 – Planning Commission Minutes				
Ms. Proulx made a motion to approve the September 25, 2024 Planning Commission minutes. Mr. Hauschner seconded the motion.				
Yes:				
Mike Harman				
Ernie Reed				
Mary Kathryn Allen				
Phil Proulx				
Robin Hauschner				
Abstain:				
William Smith				

Ms. Bishop presented the following information:

## Nelson County Planning Commission

To: Planning Commission

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

**Date:** October 23, 2024

Re: SUP #2400239 – Dwellings in B-1 – 622 Front Street

**BACKGROUND:** This is a request for a special use permit for dwellings on property zoned B-1 Business.

Public Hearings Scheduled: PC - October 23; BOS - November 14 (tentative)

Location / Election District: 622 Front Street / East District

Tax Map Number(s) / Total Acreage: 58B-3-2 / 5.37 acre +/- total

Applicant/Owner Contact Information: Jesse & Alexandra Lopez Low / 4526 Turkey Sag Road, Shadwell, VA / 434-996-9681, jllopezlow@gmail.com / 831-229-8070, amlopezlow@gmail.com

Comments: The owners are proposing to renovate an existing structure at 622 Front Street, to be utilized for mixed use: two long term residential rental units, and commercial space for lease on the lower level. The property previously held a Special Use Permit for a dwelling, which has expired after more than 2 years of vacancy.

### DISCUSSION:

Land Use / Floodplain: This area is primarily mixed use in nature. Zoning in the vicinity is B-1 Business and R-2 Residential. There are no floodplains or streams located on this property.

Access / Traffic / Parking: Per Section 12-7-3, this area is exempt from minimum off-street parking requirements.

*Utilities:* The Service Authority is aware of the proposal, and the applicant will be required to comply with NCSA requirements prior to issuance of a building permit.

Comprehensive Plan: This property is located in Lovingston, which is designated as a Community Hub by the Nelson 2042 Future Land Use Map. The core concept is to "prioritize regional scale development, redevelopment, and infill within Lovingston to protect the rural landscape, ensure more efficient and effective provision of community services, bolster economic development, and improve quality of life." Primary land use types include all types of housing, mixed use units, commercial, professional and offices, among others.

Relevant planning guidelines in this area include preserving existing structures while allowing for a mix of uses, fostering development of a variety of housing types, and encouraging infill development and retrofitting of existing buildings.

Recommendation: The Planning Commission should recommend approval of SUP #240239 for a dwelling units in B-1 Business at 622 Front Street to the Board of Supervisors.

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

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

Attachments: Application Narrative Site Plan Zoning Aerial Ms. Bishop noted that the acreage shown on the staff report is incorrect, and should be approximately 0.13 acres. She noted that the only comments she received from the public were an email exchange (provided to the Planning Commission) with Trish Becker (owner of Mountain Mama's), as well as a call from an adjoining landowner who was in support of the proposal.

Ms. Proulx noted that they could recommend conditions for SUPs and asked for recommended language on restricting the use of the units as short term rental units.

Jesse Lopez Low, 4526 Turkey Sag Road, Keswick, VA, wants to do two residential apartments on the second and third floor levels, and maintain commercial space on the first floor. Mr. Huaschner asked if the access was interior or exterior. Mr. Low noted that there was exterior access. Mr. Harman asked if there was a third floor and how it would be used. Mr. Low confirmed it would be one of the apartments. Mr. Smith asked if there were any plans to remediate the water issues. Mr. Low indicated they dug a trench and sealed the wall where the water was coming, and plan to build drainage off the back and replace the gutters. Mr. Smith asked what the plans for the basement are. Mr. Low indicated it would be for commercial rental; they would renovate it and get it cleaned up before they rent it out. They have preferences such as café or market. Mr. Reed asked how they plan to address parking for the units and customers of the business. Mr. Low indicated that street parking options were available, acknowledging that it is tricky and could take up street spaces, and that they are actively working towards better solutions. Mr. Harman asked if parking was available on Pleasant Street; Mr. Low indicated he wasn't sure but could be a potential solution he plans to look into. Mr. Smith confirmed that the owner/applicant would not be running the business. Mr. Harman confirmed that the owners would not be living there.

Chair Allen opened the public hearing at 7:09 PM

Chair Allen closed the public hearing at 7:09 PM

Ms. Proulx noted she thinks it is a good idea and doesn't have a problem with it as long as it is restricted to no short term rentals. Ms. Allen asked how long the original SUP had been expired for. Ms. Bishop acknowledged that it had likely been quite some time. Mr. Harman indicated that the building needs a lot of work. Mr. Hauschner asked Mr. Reed what the Service Authority status is for water and sewer. Mr. Reed indicated that there is capacity for something like this but are actively working on expanding the system. He noted that there is a Lovingston project currently going on and should have a good wastewater system without the flooding problem. Mr. Hauschner asked if the SUP was approved and there was a moratorium on additional connections in Lovingston, would the owner be protected and permitted to connect. Mr. Reed indicated that it shouldn't be a problem. Mr. Smith thanked the applicant for taking a chance on Lovingston and its revitalization; he noted that it needed it 20 years ago and even more so now. He noted that the adjoining property owner has concerns regarding the water issue in the basement. Ms. Proulx noted that she wasn't sure if this contingency would be under the Planning Commission's approval. Ms. Bishop noted that the SUP was for the land use aspect, and the Building Inspections office would deal with any required building permits and remediation of these issues prior to a Certificate of Occupancy being issued.

There was some discussion on the language for a condition regarding restriction of short term rentals. Ms. Bishop asked if the Planning Commission wanted to discuss this with the applicant. Mr. Low noted that the plan is for long term residential units, not short term rentals and doesn't want to deal with all

that's associated with. Ms. Allen noted that the application indicated a minimum lease of one year. Mr. Low noted that as an applicant he would prefer to have as many uses as possible, however short term rentals were not their intent and had no problem with this condition. Ms. Proulx noted that the property owner could apply for an amendment to the SUP in the future.

Ms. Proulx made a motion to recommend approval of SUP #24-0239 for dwellingsinB-1 at 622 Front Street with the following condition:

1. The dwelling units shall not be utilized as short term rentals.

Mr. Harman seconded the motion.

Yes:

**Phil Proulx** 

Mike Harman

**Robin Hauschner** 

**Ernie Reed** 

Mary Kathryn Allen

William Smith

#### Other Business:

### **Discussion on Short Term Rentals**

Ms. Bishop noted that since we are redoing the ordinance, she had reached out to BG for any recommendations. They provided two of the ordinances from the packet for review, and Ms. Bishop noted that she had worked on the Amherst STR ordinance while she was employed there. She noted that these are along the lines of what Nelson might consider, and that the Board of Supervisors at their retreat had expressed interest in updating the STR portion of the ordinance earlier rather than later in the update process. She noted this was on the agenda for discussion, and asked for guidance and discussion on how to move forward.

Ms. Proulx and Mr. Hauschner noted that they had not reviewed these ordinance, but confirmed they were in the packet that was emailed out. Ms. Bishop noted that she will confer with each Commissioner to determine how they would prefer to receive the meeting packets.

Mr. Reed indicated that it would be a good idea to agree on what the primary goals of the ordinance would be so we know what outcome we want to figure out the best way to get that done. These goals are articulated in the comprehensive plan, but if there is agreement on what the ordinance should accomplish it should be easier to go from there.

Ms. Allen asked what the short term rental percentage was in the County. Ms. Proulx noted that the information is being skewed because of WTG. Mr. Reed noted that Maureen Kelley has this information available and there was some discussion on the types and numbers of short term rentals. Mr. Reed noted that the data was separated by areas such as Afton, Roseland, etc.

Ms. Allen noted the county needs to be able to help with providing places to live that are affordable, although people generally don't like the term "affordable housing." She noted that she doesn't want to discourage people from buying property, but have to figure out how to control STRs versus housing for people who want to live here. Ms. Proulx noted that many of the STRs in Afton used to be long term rentals. Ms. Allen agreed that it's cheaper to buy property and STRs are more profitable here than other places which drives up other property costs. Policing and enforcing this is difficult; how is it done – the compliance issue has not been solved. Mr. Harman noted that lack of staff could be part of the issue to deal with the volume of STRs in the County. Ms. Proulx noted that the County receives a lot of taxes from this industry. Mr. Hauschner referenced the implementation of the registry requirement helping. Ms. Bishop noted that the rental platforms remit taxes directly to the locality withno breakdown of who is paying individually. Mr. Reed noted that the implementation of the registry has helped with identifying those individuals. Mr. Reed indicated one of the critical goals should be a means for enforcement. He noted that we currently don't have staff for such enforcement, but thinks it's possible that the BOS may want to include enough funding for another position on a full or part time basis to deal with enforcement issues, possibly for the Building Inspections Department as well. He believes that if we did have someone in charge on enforcement it would pay for itself. Ms. Allen noted that it is unlikely a Property Maintenance Code would be adopted. Ms. Proulx clarified what type of enforcement was being discussed. Ms. Bishop noted that there are other avenues that can be considered such as incentivizing redevelopment, reducing taxes for long term rentals, and are trying to figure out if and how amending the short term rental ordinance would help. Mr. Proulx referenced a previous inquiry about the Rockfish Ranch project, and potentially limiting the number of STRs. Ms. Bishop noted that all that can be found in the Zoning Ordinance is a definition for "vacation house" and that it is a by-right use in the A-1 District. She noted that with any inquiries for short term rentals, the Planning & Zoning Department has been advising people against pursuing new STRs to ensure that developers don't try to "get in under the wire." Ms. Proulx asked if the density of one dwelling per 2 acres was a foctor. Ms. Bishop confirmed that although there is a limit on the number of lots that can be created, there is no limit on the number of dwellings per lot. When there are 3 or more dwellings on one lot, a Major Site Plan is required, but a vacation house is a short term rental of a dwelling. Ms. Bishop noted that there are many considerations – you can limit the number of dwellings per lot, however we're also trying to increase housing availability such as accessory dwelling units (ADU), which by definition are additional dwellings on one lot, so there is a balance that must be achieved. Ms. Allen confirmed that there are separate provisions for family subdivisions. Ms. Proulx speculated that separate definitions for residential dwellings versus short term rentals could be beneficial and limiting the number of each. Mr. Reed noted that overlay districts limiting the number of STR permits issued could be an option as well. He acknowledged that there are many nuisances to this topic. Ms. Allen noted that this could create more work which is where having additional staff would benefit. There was more discussion on compliance and enforcement. Mr. Harman asked if the state had guidance on STRs. Ms. Bishop noted that there was legislation passed this year preventing new ordinances prohibiting short term rentals where the dwelling is owner-occupied. She noted that Charlottesville discussed requiring up to 4 proofs

of primary residency. Ms. Allen confirmed that if a property with an approved SUP changed property owners, the SUP carries with the property and the establishment period does not restart. Ms. Bishop also confirmed after an inquiry from Ms. Proulx that the BOS can put a time limit of no less than 3 years on a SUP. Ms. Proulx noted that there are some instances for certain uses where this could be beneficial. If the County were to adopt this by ordinance, they could establish the option for this time period and could be less restrictive, but not more. This provision can be included as a condition to a SUP. Ms. Allen noted she would like to see balance in where people are trying to live and it being affordable based on their income. Mr. Hauschner noted that incentivizing long term dwelling units was of interest, and could it be feasible to decrease the acreage or density requirements based on long term versus short term rentals. Ms. Proulx noted that she is staggered by the high price of land available, which at those prices would not encourage a developer to pursue affordable housing. Mr. Smith noted that affordable housing is a hot topic for everyone across the country right now, and STRs have had an impact on its availability. He noted it would be important to find a happy medium with our booming tourism industry, and need to find a happy medium between commercial operations with higher requirements and short term rental of a dwelling. Ms. Bishop noted there was a similar issue in Amherst with food trucks versus restaurants. Ms. Bishop referenced the allowable lot right chart in the Zoning Ordinance, and noted that it could be used to also limit the number of dwellings per lot. Ms. Allen noted she was supportive of property rights. Ms. Proulx noted that she didn't think putting a band aid on this aspect of the ordinance would be beneficial earlier on in the full update process. Ms. Allen noted that no one could have anticipated the impacts of 2020 on the market. Mr. Hauschner noted that enacting something quickly could help retroactively, and that lack of enforcement should not be a factor. The difficult question is, what should be enacted now to address this? Ms. Allen noted that the community and neighbors will report. There was some consensus that we should wait to address this through our full Zoning and Subdivision Ordinance updates. Mr. Hauschner asked if we could discuss enacting provisions for ADUs. Ms. Bishop noted that ADUs are not regulated separately or differently than any other dwelling. She explained that with ADU ordinances include aspects such as the size being smaller than the primary dwelling. Ms. Proulx noted that how ADUs are utilized should be considered as well. Mr. Reed reiterated that the BOS discussed this at their retreat, and strongly encouraged the Planning Commission to consider looking into this further. Ms. Bishop noted that she is there for support and needs a consensus on how to proceed. Mr. Reed noted there is a benefit to at least establishing some definitions for the terminology discussed, so that everyone is working on the same understanding. Ms. Bishop indicated that she would contact the Berkley Group regarding their input on how to pursue a potential update concurrently with the ongoing full ordinance update. Ms. Bishop confirmed that many localities in the state are having the same issues which was clear at her Rural Planning Conference. There was consensus that Ms. Bishop will contact Berkley Group about a potential work order amendment and follow up.

Ms. Proulx had some comments on the current bylaws. Page 3 under F, notification requirements have recently changed and this should be updated. Page 4, under "Regular Meetings," had questions about hearings for site plans and public hearings. She noted that the bylaws state that cases shall not be called after 11pm, perhaps should change to 10pm. Page 7... order of individual items, item 4. Item 7, closing public hearing. Ms. Proulx noted that she had heard when an agenda item is continued, the public hearing must also be continued. Ms. Bishop noted that should would review these items and follow up.

Ms. Bishop noted that Renaissance Ridge is on the agenda for the November 20 meeting, and confirmed that the regular meeting date was scheduled a week earlier than normal due to the Thanksgiving Holiday.

### **Board of Supervisors Report:**

Mr. Reed notes that the BOS approved schematics for new DSS building. The BOS voted to allocate funding towards TJPDC's housing study. He noted that the county revised the lease of Registrar's office to get more space in the basement. The Sheriff requested replacement of body cams and a new position to focus on local speed enforcement, which were passed. Davenport has been giving BOS advice and has an agreement with them to assist with debt service in capital planning.

Ms. Allen thanked Ms. Proulx for serving as the Planning Commission representative on the BZA. Ms. Allen's term after approximately 10 years will be over in November.

Mr. Hauschner asked if Wild Rose Solar application was still planned to go to the BOS at their November 14 meeting. She confirmed that there would be public hearing for the SUP request as well as the siting agreement.

Mr. Smith noted it is an honor and privilege to be serving on the Planning Commission and looks forward to working with them. He noted that he knows everyone on the Commission loves Nelson as much as he does and hopes to leave it in a better condition.

Mr. Hauschner motioned to adjourn the meeting at 8:18 PM. Ms. Proulx seconded the motion.

Yes:

**Phil Proulx** 

Mike Harman

**Robin Hauschner** 

**Ernie Reed** 

Mary Kathryn Allen

**William Smith** 

Respectfully submitted,

Dylan M. Bishop, CZA, CFM

ylan M Bishop

**Director of Planning & Zoning** 

# **Nelson County Planning Commission**

## Memo

**To:** Planning Commission

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

**Date:** November 20, 2024

Re: Renaissance Ridge

At the Planning Commission meeting on July 24, 2024, PC requested guidance from the County Attorney's office regarding review criteria for the Renaissance Ridge Plan. It was determined that the Planning Commission's purview for review is only the Plan's general consistency with the Wintergreen Master Plan. A statement from WPOA Executive Director, Jay Roberts, indicated that "the plans submitted to date are generally consistent with previous projects within the Wintergreen Community."

The developer at the time had an application in process with FEMA for a Letter of Map Amendment/Revision (LOMA/LOMR), which proposed to correct and relocate the flood map boundaries. The developer requested that the Planning Commission defer their vote until the FEMA review had been completed and LOMA/LOMR issued. FEMA initiated the process of updating Nelson County's flood maps in 2023, which are slated to be adopted in February 2025 and effective August 2025 (the current maps were made effective in June 2010). It was discovered that the LOMA/LOMR process is no longer necessary or required, because the boundary of the flood zone is changing to the point that part of the proposed development will no longer be in a regulatory flood zone. Any development that occurs within a FEMA regulatory flood zone is required to be engineered and compliant with *Article 10 – General Floodplain District*.

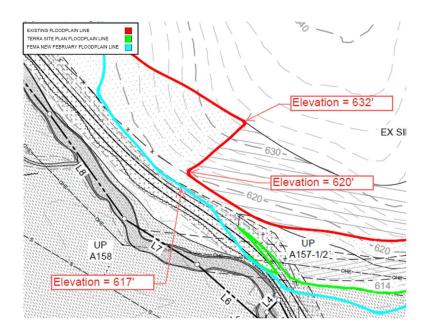
I, Dylan Bishop, the Certified Zoning Administrator and Certified Floodplain Manager, am not permitted to approve the Final Plan until all agency reviews have been completed and approvals issued, including review of a Flood Study for development proposed to occur within the flood zone. The developer will submit a revised Plan and Flood Study for review.

Planning Commission approval of the Plan's general consistency with the Master Plan is one piece of a very large puzzle, and would not automatically "approve" the Plan or move it forward for construction.

Attached are the PC June 24, 2024 Memo and associated documented agency approvals, as well as the PC August 22, 2024 Memo and associated documents. Also included is a narrative and drawings submitted by the developer describing the FEMA flood zone aspect.

### **Renaissance Ridge Planning Commission Narrative**

We have proposed a Letter of Map Revision to the FEMA flood plain line at Renaissance Ridge. Recently, FEMA informed our team that they are working independently on revising this specific line which will be finalized in February 2025. The area in question can be seen in the image below. This FEMA flood line is currently outdated, as a portion of the current line is shown at elevations as high as 632' with the flood elevations shown elsewhere tracking along the 617' contour line. This difference represents a 15' delta that does not align with existing site conditions.



Above and in the attached exhibit, the red line represents the existing, outdated FEMA flood line. As you can see in the existing conditions plan, this flood line does not accurately represent current site conditions and/or flooding behavior.

The green line shown represents Terra Engineering's proposed changes to the FEMA flood line, which is shown in the plans previously approved by DEQ.

The blue line shown reflects the flood line proposed by FEMA which will become effective February 2025.

Using the overlay provided to the Planning Commission you will see that Renaissance ridge would be able to construct the majority of SWM pond 1B and 2B without crossing the Existing Floodplain line, however the majority of SWM Pond 1A is expected to fall within the floodplain.

Renaissance Ridge is confident that site construction can begin and the proposed SWM facilities can be modified in the field to ensure that no encroachment into the existing floodplain will

occur. When the new FEMA line is finalized, the SWM facilities will be finished to the specifications previously outlined.

With this information we ask that the Planning Commission approve the project with the note that site construction is allowed to commence prior to the FEMA map being updated.

T:\Projects\2113 Renaissance Ridge\Engineering\Drawings\Plan Sheets\2113 C1.1 Exist Conditions & Demo.dwg 5/3/2023 9:57 AM Anthony Eshleman

T:\Projects\2113 Renaissance Ridge\Engineering\Drawings\Plan Sheets\2113\_C1.1\_Exist Conditions & Demo.dwg 5/3/2023 9:57 AM Anthony Eshleman

# Nelson County Planning Commission

## Memo

**To:** Planning Commission

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

**Date:** August 22, 2024

Re: Renaissance Ridge at Wintergreen – Guidance Following July 24 PC Meeting

At the Planning Commission's meeting on July 24, 2024, the PC requested guidance from the County Attorney's office regarding authority to consider the easement crossing the development to the adjacent Small property, as well as the project's compliance with the 2004 proffers. Below is a summary of these items after consulting with the County Attorney's office.

- 1. Final Plan Review Authority: The Planning Commission's authority to review the final plan is limited to determining consistency with the Wintergreen Master Plan. The final plan may vary from the preliminary plans if it "does not vary the basic concept or character of the development." See attached correspondence from Wintergreen Property Owners' Association Executive Director, Jay Roberts.
- 2. Third Party Easements: Easements, deed restrictions, covenants, and the like are matters of contract between the parties to those agreements, and the resolution of disputes are civil matters for the courts. The Planning Commission has no authority to sort out disputes concerning easements, deed restrictions, and covenants; otherwise, the Planning Commission would be trenching on the jurisdiction of the circuit court. To the extent that there is pending litigation which might affect a developer's plans, the developer proceeds at his own risk. See attached correspondence from Stephen Strosnider, current legal counsel for Allen Creek Associates, and plat of relocated easement (both provided at 7-24 PC meeting).
- 3. Senior Housing: For the purposes of the final plan for Renaissance Ridge, the sentences in the proffer regarding senior housing are irrelevant. While the proffer, regarding senior housing, is frustrating in its ambiguity, development of the unrestricted 175 units is not related to or conditioned upon the development of senior housing. See attached correspondence from Stuart Sadler, former attorney for High Country Associates (provided on 7-24-24).

8/22/24, 12:08 PM Mail - Dylan Bishop - Outlook

### RE: Renaissance Ridge Review at this week's Planning Commission Meeting

### Jay Roberts < jroberts@wtgpoa.org >

Tue 7/23/2024 4:15 PM

To:Dylan Bishop <dbishop@nelsoncounty.org> Cc:Jay Roberts <jroberts@wtgpoa.org>

3 attachments (11 MB)

Mountain Map2016rev.pdf; supplementary declaration 2004.pdf; renaissance ridge resolution 2004.pdf;

### Dylan,

It is WPOA's understanding that High Country Associates is the developer of record and they hold final approval authority. On 12/29/04 HCA filed a Supplemental Declaration with Nelson County (attached). The declaration clearly states on Page 2 that HCA did not assign "architectural approval or other rights" to WPOA. This declaration was approved by the Nelson County Board of Supervisors (BOS) and is consistent with the Resolution passed by the BOS and adopted on 12/14/04 (attached). WPOA has no evidence that HCA has transferred its developer of record authority to any other party. Over the years the developer routinely partnered with other entities on projects and still maintained the developer of record authority.

Recognizing WPOA does not have architectural approval authority, the plans submitted to date are generally consistent with previous projects within the Wintergreen Community. The Master Plan attached, previously approved by Nelson County shows the area of the Renaissance Ridge development as "mixed use". The plans submitted to date show mixed use housing types with walking trails and open space areas. The resolution approved by the BOS, provides some additional restrictions beyond what the map shows. The plans provided to date appear to be consistent with the Resolution. Nelson County should exercise its authority and confirm the plans being submitted by Renaissance Ridge is what the County BOS previously approved.

Best,

Jay Roberts Executive Director Wintergreen Property Owners Association (434) 325-8531

From: Dylan Bishop <a href="mailto:dbishop@nelsoncounty.org">dbishop@nelsoncounty.org</a>

**Sent:** Tuesday, July 23, 2024 8:54 AM **To:** Jay Roberts <jroberts@wtgpoa.org>

Subject: Fw: Renaissance Ridge Review at this week's Planning Commission Meeting

Hi Jay,

The Renaissance Ridge site plan is going to PC tomorrow for review. I have your email regarding the roads, thank you for that.

Can you confirm that High Country Associates is the developer of record and has the final approval authority?

Can you confirm that the site plan is in conformity with the WTG Master Plan?

Thanks so much, Dylan

From: Stephen Bayne < smbayne@verizon.net>

Sent: Tuesday, July 23, 2024 8:12 AM

To: Candy McGarry < CMcGarry@nelsoncounty.org>; mkallen@vaems.org < mkallen@vaems.org>; Dylan Bishop

<a href="mailto:dbishop@nelsoncounty.org">dbishop@nelsoncounty.org</a>

Cc: Ernie Reed < ereed@nelsoncounty.org>

Subject: RE: Renaissance Ridge Review at this week's Planning Commission Meeting

Please provide response to each serious issue itemized below.

Also, please respond to the request from a growing number of concerned residents that this planned review not occur unless all issues are resolved.

Sincerely, Stephen Bayne 620 Far Knob Climb Nellysford, VA 22958

From: Stephen Bayne <smbayne@verizon.net>

**Sent:** Monday, July 22, 2024 7:57 AM

To: Candace McGarry < CMcGarry@nelsoncounty.org>; mkallen@vaems.org; 'Dylan Bishop' < dbishop@nelsoncounty.org>

Cc: 'Ernie Reed' <ereed@nelsoncounty.org>

Subject: Renaissance Ridge Review at this week's Planning Commission Meeting

Ms. McGarry, Ms. Allen, Ms. Bishop,

Our residents happened across this agenda item in the PC meeting packet and are very concerned. We believe that there are serious issues with the application from Renaissance Ridge that disqualify it from review and acceptance. Please consider the following:

Did the BOS 2004 approval require that High Country Associates be the developer of record? We know that High Country Associates is not the developer of record.

We believe that the BOS based their approval upon limiting development to one owner of the 29+ acres. We know that there are multiple owners.

We believe that the Planning Commission and/or the BOS is unable to even consider an application and site plan which has active litigation open. We know that there is an active legal case between Renaissance Ridge and the adjacent landowners, case CL22000475-00

ACMS-CAV - Case Information courts.state.va.us



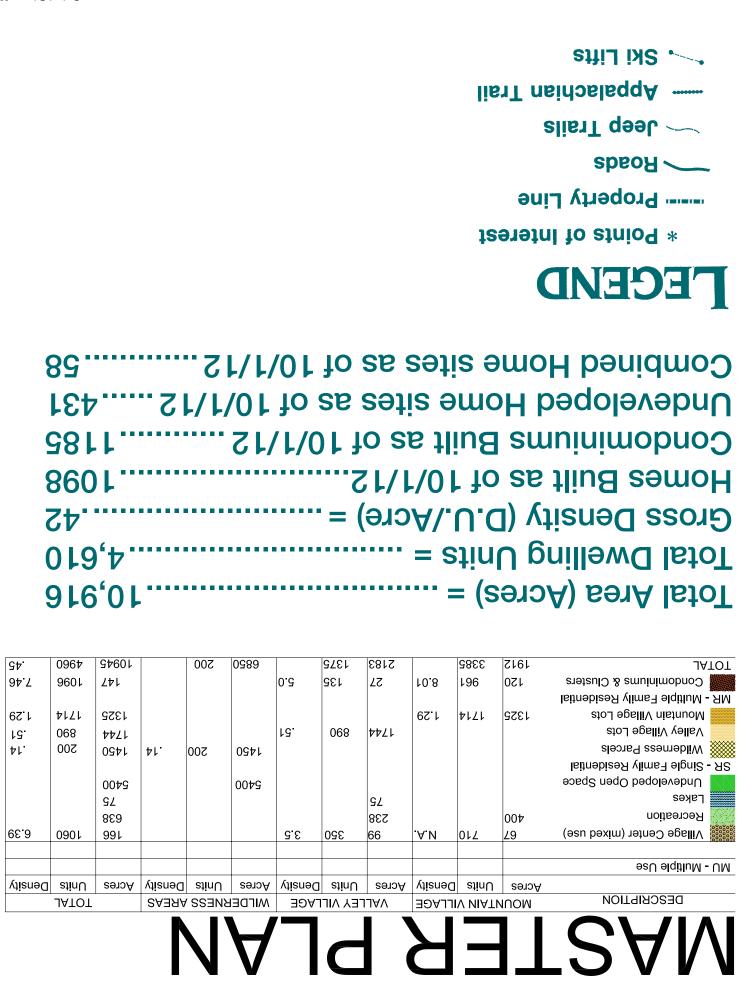
We believe that Renaissance Ridge is clearly not complying with Nelson County Code, Appendix A, Article 7, attached.

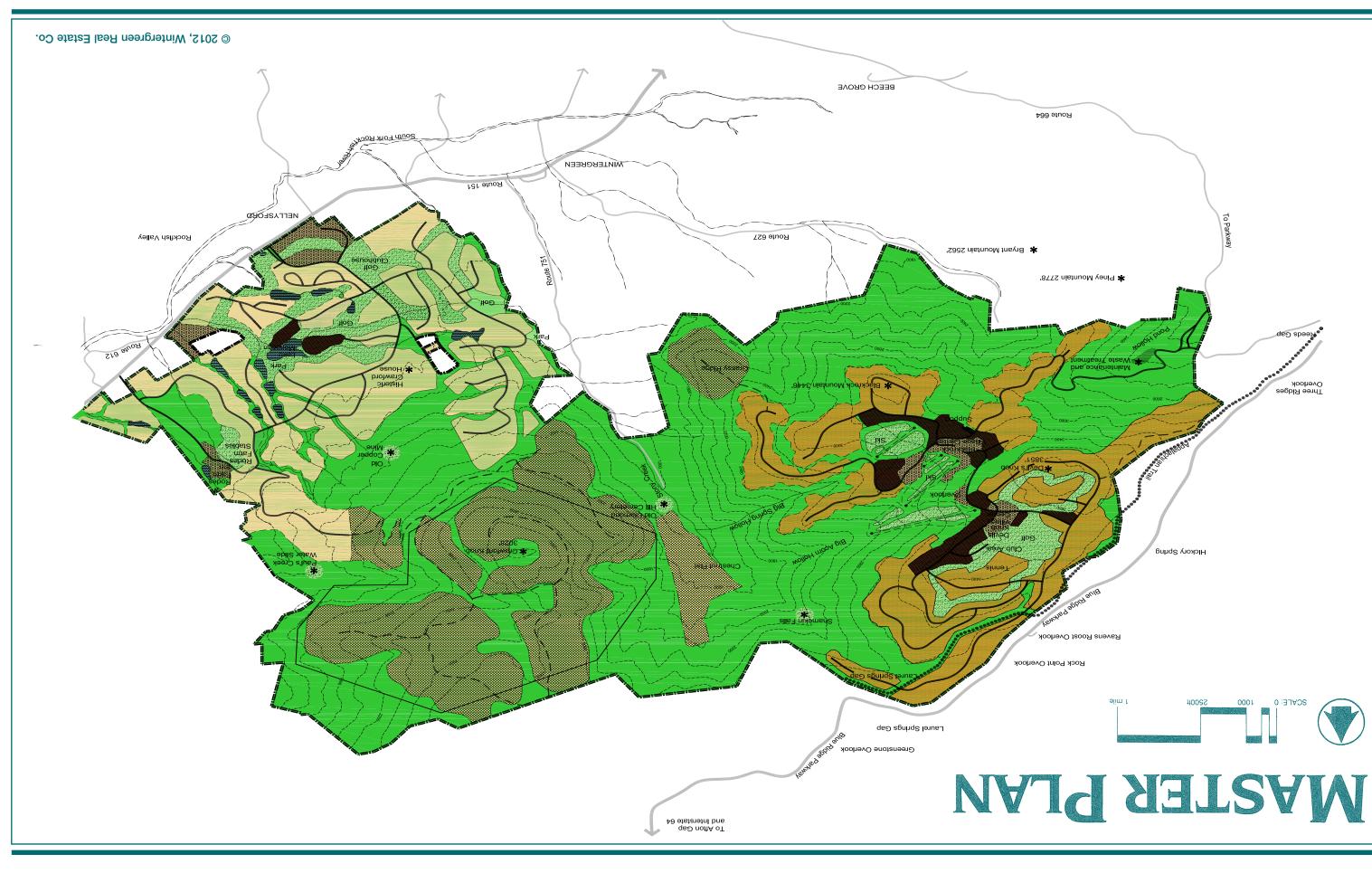
We are engaged with VDOT for Renaissance Ridge as we believe their turn lane diligence is deficient. We are awaiting a response from Daniel Brown and/or Chris Winstead.

We will be engaging with DEQ with concerns about adequacy and monitoring of Aqua's water and sewer plant, including inadequacy of Allen Creek water flow.

On behalf of concerned residents, we believe that this planned review is inappropriate and should not occur unless all deficient issues are resolved.

Sincerely, Stephen Bayne 620 Far Knob Climb Nellysford, VA 22958





# **NOTES**



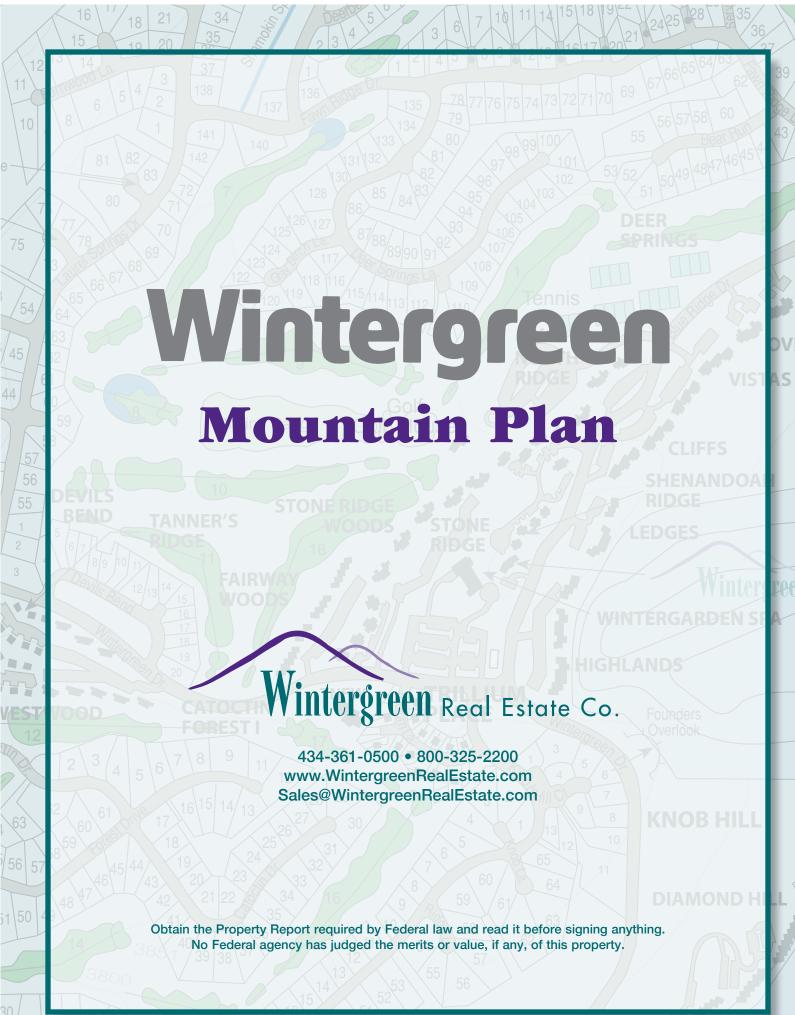
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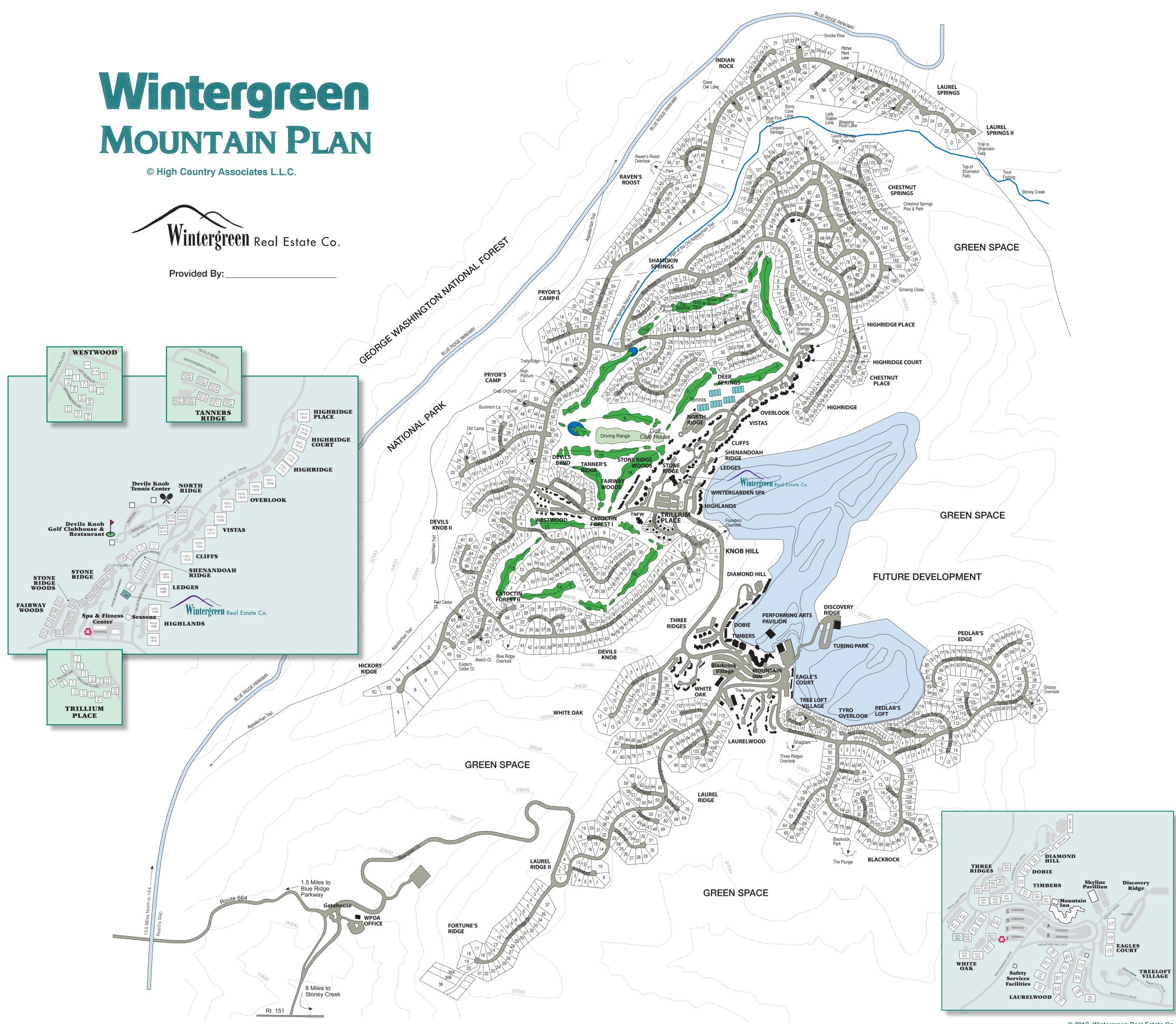


# **The Original Real Estate Company of Wintergreen**

**Located at the Black Bear Café** and the Big White Building at the entrance to **Stoney Creek** 







The last

# SUPLEMENTARY DECLARATION SUBJECTING CERTAIN PROPERTIES AT WINTERGREEN NELSON COUNTY, VIRGINIA TO TERMS AND CONDITIONS, COVENANTS AND RESTRICTIONS

THIS DECLARATION is made this the 29<sup>th</sup> day of December, 2004, by High Country Associates, L.L.C., a Delaware limited liability Company, hereafter called "HCA".

### WITNESSETH:

WHEREAS, HCA is the owner and the Developer of certain real property described herein and desires to incorporate such property into the existing planned residential community known as "Wintergreen"; and

WHEREAS, HCA desires to provide for the preservation of values and for the maintenance of common facilities and services and for a vehicle for the administration and enforcement of covenants and restrictions; and,

WHEREAS Article II, §2 of the "Amended and Restated Declaration of Covenants and Restrictions of the Wintergreen Property Owners Association", dated the 1st day of February 2000, and recorded in the aforesaid Clerk's Office in Deed Book 464, Page 793 (the "WPOA Covenants") provides:

Additions. During the period of development, which shall by definition extend from date to January 1, 2005, the Developer, its successors and assigns, shall have the right, without further consent of the Association to bring within the plan ... any other property contiguous to Properties described in Exhibit "B".

and,

WHEREAS by Assignment dated September 6, 2000, and recorded in the aforesaid Clerk's Office on November 27, 2000 as instrument number 000003896, HCA assigned unto the Wintergreen Property Owners' Association, Inc. ("the "WPOA") certain developer rights, provided such assignment should not apply to certain properties owned by HCA or the Donovan Foundation; and,

WHEREAS by resolution passed at its December 14, 2004 meeting, the Nelson County Board of Supervisors approved the rezoning of the Wintergreen Master Plan to include the

<sup>→</sup> Document Drafted by Stuart R. Sadler, P. O. Box 638, Nellysford, VA 22958

addition of the 29.188-acre property described below into the Residential Planned Community District known as Wintergreen.

WHEREAS, HCA desires to subject the real estate described herein to certain covenants and conditions in conjunction with the addition of the 29.188-acre property to Wintergreen's Master Plan but does not desire to assign any of the developer's architectural approval or other rights provided in such covenants to the WPOA.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that HCA to facilitate the addition of this Property into Wintergreen's Master Plan, as evidenced by its execution of this Declaration, hereby subjects the herein described property to all of the terms and conditions contained in the documents, (i) "Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to all Property in Wintergreen", duly recorded in the Clerk's Office of the Circuit Court of Nelson County, Virginia in Deed Book 137, at Page 568, (The "General Covenants") and (ii) the WPOA Covenants.

The properties hereby subjected are described as follows:

- 1. All that certain tract or parcel of land which is lying, situate and being in the Rockfish Magisterial District of Nelson County, Virginia, which tract is in the Valley portion of the Wintergreen Development containing 29.188 acres of land as shown on a plat and survey thereof by W. Morris Foster, C.L.S., dated February 17, 2004, entitled, "29.188 Acres Comprised of Tax Map 22-A-Parcel 5A and Parcel 46, Rockfish Magisterial District of Nelson County,
- 2. All additional properties (except for Parcels c. and d. below) owned by HCA within the Wintergreen Master Plan including but not limited to:

Virginia" a copy of which plat is attached to this Declaration.

- a. The Summit House parcel containing 2.970 acres of land as shown on a plat and survey there of, prepared by Steven L. Key, L.S. dated July 29, 1994 entitled "Plat Showing a Boundary Survey of Summit House" located on Blue Ridge Drive, Wintergreen, Nelson county, Virginia", a copy of which plat is recorded in the aforesaid clerk's Office in Plat Cabinet 2 at Slide 776, and
- b. That certain parcel containing +/- 31 acres of land located adjacent to the Tuckahoe School and on either side of the 27<sup>th</sup> hole of the Stoney Creek Golf Course.

### LESS AND EXCEPT

c. The WREC Office parcel containing 2.117 acres of land as shown on a plat and survey thereof prepared by Steven L. Key, L.S., dated August 8, 2001, entitles "Plat Showing a Physical Survey of Office Site, Property of High Country Associates, a Delaware L.L.C. 2079 Rockfish Valley Highway at Nellysford, Rockfish District, Nelson

County, Virginia" a copy of which plat is attached to the deed dated August 10, 2001 recorded in the aforesaid Clerk's Office as instrument number 010002743, which property is owned by the Wintergreen Real Estate Company, and

d. The Stoney Creek Entrance Site which is estimated to be about 2 ½ acres in size and is described and referred to in the Right of First Refusal from HCA to Wintergreen Partners, Inc. dated November 27, 2000 and recorded the same date in the aforesaid Clerk's Office as Instrument Number 000003907.

Neither Parcel c. nor Parcel d. above shall be subjected hereby to either the General Covenants or to the WPOA Covenants.

Nothing in this Declaration shall be construed to assign any architectural review or other rights reserved to the "Developer" or to the "Company" in either the General Covenants or in the WPOA Covenants to the Wintergreen Property Owners Association or to any other party.

WITNESS the following execution, by Richard C. Carroll, Managing Member on behalf of HCA:

HIGH COUNTRY ASSOCIATES, L.L.C.

STATE OF UIRGINIA

To-Wit:

CITY/COUNTY OF Ne/SON

The foregoing instrument was acknowledged before me this the 29th day of December, by Richard C. Carroll, Managing Member of High Country Associates, L.L.C. on behalf of the Company.

My commission expires: 8-31-07

NOTARY PUBLIC

INSTRUMENT #040006193 RECORDED IN

DECEMBER 29, 2004 AT 02:49PM SMYTHERS, CLERK JUDY S.

RECORDED BY: CGW

From: Stephen Strosnider sstrosnider@fdwslaw.com

Subject: Circuit Court Order
Date: July 24, 2024 at 4:57 PM

To: Tim Hess tim@conservationplus.net, Allen Creek Associates, LLC tim@hess.net

SS

Tim.

The Nelson County Circuit Court entered an Order on April 22, 2024, which approved the relocation of the rights-of-way on TMP 22-A-5A from their current locations to the locations which are shown within the site plans that have been submitted to the County for approval. That Order has been recorded in the land records of the Circuit Court. A copy of the entered, recorded Order is attached to this email for your reference.

A Circuit Court order is effective upon its entry unless the order itself, or a subsequently entered order, delays its effective date, or otherwise suspends the enforceability of the order. Some of the respondents in this case (Darlene Smith, William Smith, and Maxine Small) have appealed this case to the Virginia Court of Appeals. The April 22 Order, however, remains effective and enforceable while their appeal is pending.

There is a specific process by which an appealing party can request that a trial court's decision be suspended pending an appeal. The process involves the posting of a suspending bond conditioned upon the performance or satisfaction of the judgment and payment of all damages incurred in consequence of such suspension. In this case, the appealing parties have not yet pursued that process, have not yet obtained a court order approving the suspension of the April 22 Order, nor have they posted a suspending bond. If they do pursue that process in the future, the question of whether to suspend the April 22 Order will be decided by the Virginia court system—not by any other agency or governmental entity.

Thus, I am not aware of any legal barriers to proceeding with a site plan which incorporates the relocated easements approved by the April 22 Order.

Best regards, Stephen

Stephen K. Strosnider
Franklin, Denney, Ward & Strosnider PLC
P.O. Drawer 1140
129 North Wayne Avenue
Waynesboro, VA 22980
www.fdwslaw.com

Phone 540.946.4414 Fax 540.946.4417

Email sstrosnider@fdwslaw.com

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Order Granting Petitio...22.pdf



TIME: 14:23:30

CASE #: 125CLR202400734

Fransaction #: 24042200020

REGISTER #: H465

FILING TYPE : ORDER

**PAYMENT:** FULL PAYMENT

BOOK:

PAGE:

**RECORDED**: 04/22/2024

AT: 14:22

LENE S

EX:N

LOC: CO

EK ASSOCIATES, LLC

EX:N

PCT: 100%

CHECK NUMBER: 31714

) PLAT IN CASE CL22000475-00

PAGES: 012

**OP**: 0

JMENT

A/VAL: \$0.00

PIN OR MAP : 22-A-5B

NAMES: 1

DESCRIPTION	PAID	
OR FOUNDATION	\$3.00	
ST FND	\$5.00	

ACCOUNT CODE	DESCRIPTION	PAID
145	VSLF	\$3.50
301	CLERK RECORDING/INDEXING FEE	\$28.50

TENDERED:\$

40.00

AMOUNT PAID: \$

40.00

**CLERK OF COURT: LISA D. BRYANT** 

RECEIPT COPY 1 OF 3

VIRGINIA: IN THE CIRCUIT COURT FOR THE COUNTY OF NELSON

ALLEN CREEK ASSOCIATES, LLC,

Petitioner.

٧.

Case No.: CL22000475-00

DARLENE S. SMITH, et al., Respondents.

### <u>ORDER</u>

This cause came on the 17th day of November, 2023, for trial upon the merits. The parties, by counsel, presented evidence *ore tenus* and argument in this matter. Following the conclusion of the trial, the Court directed the parties to file written briefs in lieu of oral closing arguments. The Court subsequently issued a ruling by an opinion letter dated March 6, 2024. This Order hereby refers to and incorporates the findings of fact and the conclusions of law contained in the Court's opinion letter of March 6, 2024.

Upon consideration of the evidence and arguments presented herein, it is hereby ADJUDGED, ORDERED, and DECREED that:

- The Court finds that the relocation sought in the Amended Petition to Relocate Easements

  Pursuant to Virginia Code § 55.1-304 will not result in economic damage to the parties in interest, that there will be no undue hardship created by the relocation, and the statutory requirements of Va. Code § 55.1-304 were established by the evidence at trial;
- (ii) The Amended Petition shall be, and hereby is, granted, and judgment is awarded to Petitioner

  Allen Creek Associates, LLC, upon the Amended Petition;
- (iii) All existing easements of right-of-way upon the subject property owned by Petitioner Allen Creek Associates, LLC, shall be reformed and relocated as set forth in this Order;
- (iv) The subject property is located in Nelson County, Virginia, is currently designated as Tax Map Parcel No. 22-A-5A on the tax map for Nelson County, Virginia, and is more particularly described as:

All that certain tract or parcel of land, together with buildings and improvements thereon and privileges and appurtenances thereunto belonging, lying in the Rockfish Magisterial District of Nelson County, Virginia, containing 19.35 acres, more or less,

being more fully shown and described on a plat of a survey thereof by Allen M. Hale, L.S., dated September 1985, entitled "A Plat of a 19.35 Acre Tract Near Lake Monocan Surveyed for B. C. Small", recorded in the Clerk's Office of the Circuit Court of Nelson County, Virginia, in Plat Cabinet 1, at slide 50. And being the same property conveyed to Allen Creek Associates, LLC, a Virginia limited liability company, by deed of Wintergreen Real Estate Company, a Virginia corporation, dated July 20, 2007, recorded in the Clerk's Office of the Circuit Court of Nelson County, Virginia, as Instrument No. 070002762.

- (v) The subject property is burdened by a certain easement of right-of-way which benefits the parcels of real estate currently designated as Nelson County Tax Map Parcel Nos. 22-A-5B (owned by Respondents Darlene S. Smith and William H. Smith), 22-A-5A (owned by Respondent Maxine H. Small), and 22-A-9C (owned by Respondent Pacific Group Resorts Inc.), hereinafter referred to as the "Allen Creek ROW";
  - Respondents' parcels described in the preceding paragraph are each dominant estates with respect to the Allen Creek ROW;
  - b. The Allen Creek ROW is further designated and described in a deed dated January 10, 1947, recorded in the Clerk's Office of this Court at Deed Book 79, Page 58, and in a plat dated October 3, 1947, which is recorded along with the said deed as well as at Plat Book 2, Page 30;
- (vi) The subject property is also burdened by a certain easement of right-of-way which benefits the parcels of real estate currently designated as Nelson County Tax Map Parcel Nos. 22-A-5B (owned by Respondents Darlene S. Smith and William H. Smith) and 22-A-5A (owned by Respondent Maxine H. Small), hereinafter referred to as the "Eastern ROW";
  - Respondents' parcels described in the preceding paragraph are each dominant estates with respect to the Eastern ROW;
  - The Eastern ROW is further designated and described in a deed dated October 22, 1985,
     recorded in the Clerk's Office of this Court at Deed Book 227, Page 440;
- (vii) The said Allen Creek ROW and Eastern ROW are non-exclusive appurtenant easements and rights-of-way which benefit the said respective dominant estates by granting to them ingress and egress over the subject property and to and from Rt. 151 / Rockfish Valley Highway;

- (viii) The said Allen Creek ROW and Eastern ROW are the only easements of right-of-way which burden the subject property, and which also benefit the said respective dominant estates;
- within the boundaries of the subject property, the said Allen Creek ROW and Eastern ROW shall be, and hereby are, reformed and relocated from their current respective locations to the locations shown on the plat entitled "Plat of Relocated Easements, Renaissance Ridge, Nelson County, Virginia," dated March 15, 2024, prepared by Terra Engineering and Land Solutions, PC, (being equivalent to Petitioner's Exhibit #6 which was introduced into evidence at trial), hereafter referred to as the "Relocation Plat," a copy of which is attached hereto and hereby incorporated by reference, as follows:
  - a. The Allen Creek ROW shall be, and hereby is, reformed and relocated to the area identified as "PACIFIC GROUP, SMITH & SMALL RW" and being the same area shaded in purple honeycomb on the Relocation Plat;
  - b. The Eastern ROW shall be, and hereby is, reformed and relocated to the area identified as "NEW 25' R/W" and being the same area being shaded in blue hash marking on the Relocation Plat, as well as the portion of the "PACIFIC GROUP, SMITH & SMALL R/W" which connects the "NEW 25' R/W" to Rt. 151 / Rockfish Valley Highway;
  - c. The relocated easements shall be non-exclusive appurtenant easements which benefit the said respective dominant estates by granting to them ingress and egress over the subject property and to and from Rt. 151 / Rockfish Valley Highway;
  - d. The Respondents shall enjoy the same rights over and upon the relocated easements that are contained in the Respondents' chains of title, including, but not limited to, the right to drive across the relocated easements fifty (50) times per day, per parcel;
  - e. The relocated easements shall be appurtenant to, run with, benefit, and bind the aforesaid parcels of Allen Creek Associates, LLC, Darlene S. Smith and William H. Smith, Maxine H. Small, and Pacific Group Resorts Inc., and their successors and assigns;

- This Order shall only apply to the easements of right-of-way located upon the subject property and shall not be interpreted to alter, release, waive, reduce, narrow, or enlarge the rights among or between Darlene S. Smith and William H. Smith, Maxine H. Small, and Pacific Group Resorts Inc., nor their respective rights and obligations concerning the aforesaid parcels of the Respondents;
- (xi) The relocation of easements set forth in this Order shall be effective immediately, but, notwithstanding the foregoing, Respondents shall temporarily have the right to continue use the Allen Creek ROW and the Eastern ROW, respectively, for ingress and egress to and from Rt. 151 / Rockfish Valley Highway until such time as Petitioner completes the construction of the roadway improvements as shown on the Relocation Plat such that Respondents have unimpeded ingress and egress to and from Rt. 151 / Rockfish Valley Highway over the final relocated easements;
  - Respondents shall have no obligations to share in, or contribute towards, the cost of constructing such roadway improvements;
  - Petitioner, or its developer or assigns, shall undertake the construction of such roadway improvements at its sole cost;
  - Petitioner, or its developer or assigns, shall have no right to enter onto the property of Respondents' without prior written approval, to include the grading of Respondents' property;
  - d. Respondents shall have no obligations to share in, or contribute towards, the cost of repairing, maintaining, or performing snow removal upon the roadway improvements within the portion of the relocated Allen Creek ROW which begins at the entrance upon Rt. 151 / Rockfish Valley Highway shown on the Relocation Plat;
  - e. Prior to the completion of construction of the roadway improvements as shown on the Relocation Plat, Petitioner shall ensure that Respondents have ingress and egress to and from Rt. 151 / Rockfish Valley Highway, and Petitioner may provide such ingress and

•.000045

egress either through the existing Allen Creek ROW or through the "40' TEMPORARY ACCESS EASEMENT" as shown on the plat entitled "Plat Showing Temporary Access Easement, Nelson County, Virginia," dated March 15, 2024, prepared by Terra Engineering and Land Solutions, PC, hereafter referred to as the "Temporary Access Plat," a copy of which is attached hereto and hereby incorporated by reference, with such access to include the construction of the "TEMPORARY ACCESS DRIVE" as shown on the Temporary Access Plat;

- f. Following completion of construction of the roadway improvements as shown on the Relocation Plat, Petitioner, or its developer or assigns, shall be solely responsible for repairing, maintaining, or performing snow removal upon the roadway improvements as shown on the Relocation Plat, until such time as such roadway improvements may be dedicated to the sole control of a property owner association which is willing to accept responsibility for such repairs, maintenance, and snow removal;
- g. Following completion of construction of the roadway improvements as shown on the Relocation Plat, and the release of the bonds required by Nelson County for a land disturbing permit which includes the land disturbed for such construction, the Respondents' temporary rights to use the Allen Creek ROW, the Eastern ROW, and the "40' TEMPORARY ACCESS EASEMENT" shall terminate, and Respondents right to ingress and egress shall be solely as set forth in Paragraph (ix) of this Order; and
- h. Neither this Order nor the Relocation Plat shall be construed to prevent Respondent Pacific Group Resorts, Inc., from, at its sole cost, widening and/or extending the 9' paved driveway within the portion of the relocated Allen Creek ROW which begins at the cul-de-sac and ends at the northwest corner of the subject property as shown on the Relocation Plat, including, but not limited to, an extension of the said driveway to the boundary line between subject property and the aforesaid real estate of Respondent Pacific Group Resorts, Inc.

- This Order (including attached exhibits) shall be recorded in the land records of Nelson County (xii) at the sole cost of Petitioner and shall be indexed in the names of: (a) ALLEN CREEK ASSOCIATES, LLC; (b) DARLENE S. SMITH; (c) WILLIAM H. SMITH; (d) MAXINE H. SMALL; and (e) PACIFIC GROUP RESORTS INC.; and
- The Relocation Plat shall also be separately recorded in the land records of Nelson County at (xiii) the sole cost of Petitioner.

The Clerk of Court shall mail a copy of this Order to all counsel of record. This Order is a Final Order and, there appearing nothing further to be done in this matter, this cause is hereby removed from the active docket of the Court.

ENTERED this 22 day of April, 2024: M. O.

I ASK FOR THIS

STEPHEN K. STROSNIDER, VSB #71492 FRANKLIN, DENNEY, WARD & STROSNIDER PLC

Post Office Brawer 1140

Waynesboro, Virginia 22980

Phone: 540.946.4414 540.946.4417

Counsel for Allen Creek Associates, LLC

SEEN AND \_\_\_\_\_

WAIVED RULY \$1:13

MICHAEL R. SHEBELSKIE, VSB #27459

**HUNTON ANDREWS KURTH LLP** 

Riverfront Plaza, East Tower

951 East Byrd Street

Richmond, Virginia 23219-4074

Phone: 804.788.8200

804,788.8218 Fax:

Counsel for Pacific Group Resorts Inc.

SEEN AND OBJECTED TO FOR THE REASONS SET OUT IN THE ATTACHED "LIST OF OBJECTIONS TO FINAL ORDER":

JOHN I. HILL, VSB #30381

POINDEXTERHILL P.C. P.O. Drawer 1067

Waynesboro, Virginia 22980

Phone: 540.943.1118 Fax: 540.949.6476

Counsel for Darlene S. Smith, William H. Smith, and Maxine H. Small

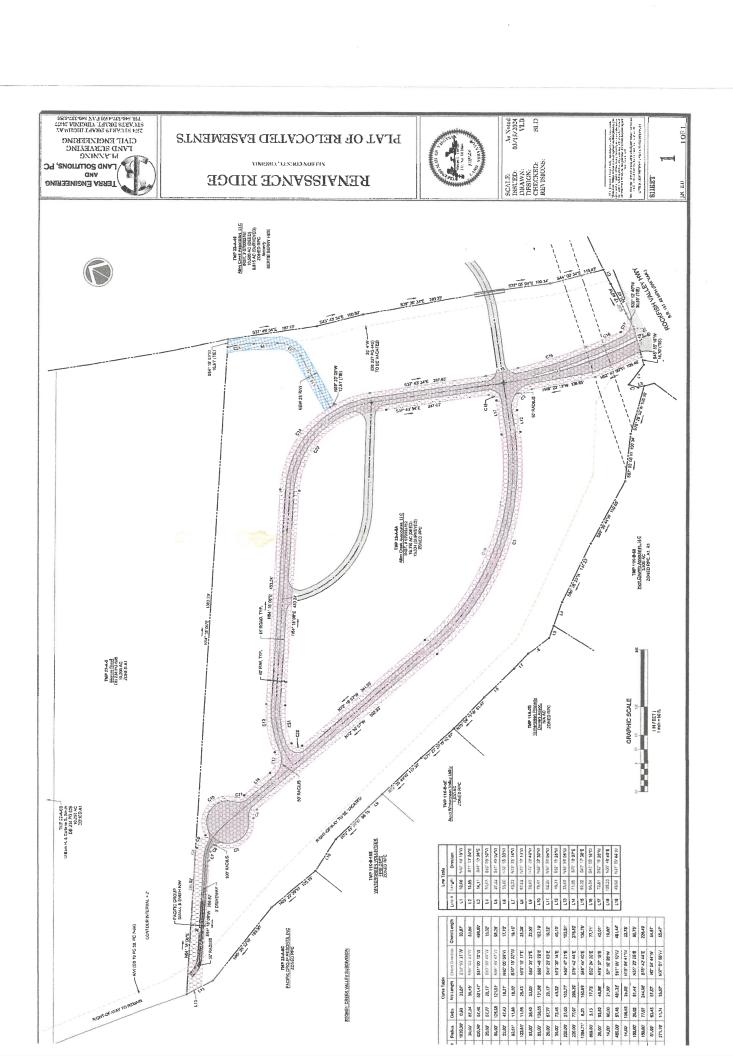
A Goay, Testa:

NELSON COUNTY CIRCUIT COURT

Lisa D. Bryant Clerk

Deputy Clerk

Fax 540-946-4417



#### RE: RR Site Plan

stuart@stuartsadler.com <stuart@stuartsadler.com> Wed 7/24/2024 11:06 AM To:Dylan Bishop <dbishop@nelsoncounty.org> Cc:Tim Hess' <tim@hess.net>

#### 3 attachments (722 KB)

Rosewood Village of Wintergreen.HighCounty.DEED4.doc; PC 4-89C Plat.pdf; Dylan Bishop Letter.pdf;

IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender stuart@stuartsadler.com

Ms. Bishop:

I attach to this email a letter containing my recollections of the circumstances relating to the December 14, 2004 Master Plan Amendment for the Wintergreen Planned Residential Community to respond to the questions you expressed earlier in this email chain. I also attach a copy of the draft deed from my records for the conveyance of the senior property to Rosewood Village as well as a copy of the recorded plat for Rosewood Village.

Please let me know if I can be of further assistance in this matter.

Stuart R. Sadler 5 Stationmaster St. , SE #300 Leesburg, VA 20175 434-806-0835

From: Tim Hess <tim@hess.net>
Sent: Tuesday, July 23, 2024 11:21 AM
To: Stuart Sadler <Stuart@stuartsadler.com>
Subject: Fwd: RR Site Plan

Subject: Fwd: RK Site Plan

Could you provide a brief explanation on this question foton Dylan.

Thanks,

Tim

Sent from my iPhone

Begin forwarded message:

From: Tim Hess <<u>tim@hess.net</u>>
Date: July 23, 2024 at 11:19:11 AM EDT
To: Dylan Bishop <<u>dbishop@nelsoncounty.org</u>>

Subject: Re: RR Site Plan

I will be there. The senior housing was Rosewood and in another section of the valley.

Sent from my iPhone

On Jul 23, 2024, at 10:23 AM, Dylan Bishop <a href="mailto:dbishop@nelsoncounty.org">dbishop@nelsoncounty.org</a> wrote:

Hi there,

I wanted to confirm that you will be at the Planning Commission meeting tomorrow evening.

I'm still unclear on the language of Proffer I - I don't see anything addressing the senior housing aspect. My understanding was that these units could be developed on a one-to-one ratio concurrent with or after the senior housing was developed. It's likely the Planning Commission will defer their vote since they have 60 days. Were you able to get in touch with Stuart Sadler regarding the intent of this language? Please come prepared to address this and other questions.

Thanks,

Dylan

From: Dylan Bishop <a href="mailto:dbishop@nelsoncounty.org">dbishop@nelsoncounty.org</a>
Sent: Wednesday, June 26, 2024 9:10 AM
To: Timothy Hess <a href="mailto:tim@hess.net">tim@hess.net</a>
Cc: Stu Armstrong <a href="mailto:stu@renaissanceridge.com">subject: Re: RR Site Plan

Thanks, Tim. I hope you understand my goal is to be thorough and proactive to be prepared for questions I anticipate will arise from the Planning Commission. That's why early on I wanted to make expectations clear. As you know this is a unique process so I appreciate your cooperation. I have some leeway with the submittal deadline so if you need another week that shouldn't be a problem.

Thanks again,

Dvlan

From: Timothy Hess < tim@hess.net>
Sent: Tuesday, June 25, 2024 2:27 PM
To: Dylan Bishop < dbishop@nelsoncounty.org>
Cc: Stu Armstrong < stu@renaissanceridge.com>
Subject: Re: RR Site Plan

Dylan,

Thanks,

I have sent to Stuart Sadler our house council that did this presentation to the county originally for his assistance.

I appreciate the feed back.

thanks,

Tim

**Timothy Hess** 

**Managing Partner** 

**High Country Associates** 

540-292-2308

tim@hess.net

On Jun 25, 2024, at 2:12 PM, Dylan Bishop <a href="mailto:dbishop@nelsoncounty.org">dbishop@nelsoncounty.org</a> wrote:

Hey Tim,

Just received your message. In every communication we've had regarding the RR development over the years, we've indicated that it needs to comply with Article 7 RPC Ordinance (see below). It is exempt from Article 13 for Site Plans, because Article 7 governs. It shouldn't be too difficult to go through and indicate whether each item is addressed in the site plan and furnish the required information, as it's really not much. To my knowledge, this is the first time that the County Planning & Zoning office has really been involved at all in regulating Wintergreen development because it's a new site plan for an old rezoning. Hope this helps.

Thanks,

Dylan

From: Dylan Bishop

Sent: Tuesday, January 25, 2022 1:43 PM

To: Timothy Hess < <a href="mailto:tim@hess.net">tim@hess.net</a>; Stu Armstrong < <a href="mailto:stupa57@gmail.com">stupa57@gmail.com</a>>

 $\textbf{Cc: Maureen A Kelley} < \underline{\text{makelley}@\text{nelsoncounty.org}}; \textbf{sdriver} \underline{\text{terraengineering.net}} < \underline{\text{sdriver}@\text{terraengineering.net}} > \underline{\text{terraengineering.net}} > \underline{\text{terraengineer$ 

Subject: RR Site Plan

Good afternoon,

#### Mail - Dylan Bishop - Outlook

As discussed, I just want to reiterate that before we can accept an application and site plan for Planning Commission review, you need to have secured all of your agency approvals, such as VDOT, DEQ, E&S, VDH (and any others that are applicable to the project). Along with the narrative describing how the project is compliant with 2004 proffers and the RPC Section of the Zoning Ordinance.

Thanks,

Dylan

		4

# Stuart R. Sadler 5 Stationmaster St, SW Unit 300 Leesburg, VA 20175

July 24, 2024

Dylan Bishop, Director Nelson Co. Planning and Zoning Dept. 80 Front Street P.O. Box 558 Lovingston, VA 22949

Re: Renaissance Ridge Project Approval

Dear Ms. Bishop:

This letter is to respond to the request contained in your email of July 23, 2024 relating to my interpretation of the initial proffer made part of the December 14, 2004 approval of the revision to the Wintergreen Master Plan. I was asked to provide this letter because I was the lawyer who represented High Country Associates (HCA), applicant for the Master Plan change and the company making the proffer. I write this to provide my recollection of the Master Plan Change Application and not as the attorney for HCA or any other party, as I have retired from the practice of law.

## The proffer in question reads as follows:

I. The application for the change in the Wintergreen Master Plan requests a total of 350 additional permitted units for the Master Plan. High Country Associates, L.L.C. ("HCA") proffers that 175 additional units, half of the total additional units applied for, be assigned exclusively to the development of a senior residential care facility proposed to adjoin two sides of the 27<sup>th</sup> hole of the Stoney Creek Golf Course. HCA further proffers that the 175 units assigned to the development of senior housing shall be added on the basis of one additional unit added to the Master Plan for each additional senior unit developed up to a total addition to the Master Plan of 175 units for the senior area.

This paragraph represented the essential "deal" between the Nelson County and HCA. HCA agreed to put aside up to 175 units for Senior Housing in order to get approval to add about 29 acres of land adjacent to Allen's Creek to the Wintergreen Master plan. While the language of the second sentence says "senior residential care facility" the intent was always senior housing as described in the third sentence of the proffer. Further

evidence of this lies in the approval of the Rosewood Village subdivision, which was approved in November 9, 2006, two years after the Master Plan change, which subdivision contains 25 lots/units on 4.775 acres and is composed of senior housing. See copy of plat attached. Rosewood Village was part of a 13.853-acre parcel located West of the 27th fairway of the Stoney Creek Golf Course, which area was designated for the development of up to 120 residential units. See copy of deed from HCA to Rosewood Village of Wintergreen attached hereto. 50 units of additional senior housing can be found in the Stone Orchard Subdivision, located on the East side of the 27th fairway of the Stoney Creek Golf Course. Both Rosewood Village and Stone Orchard offer "0 Maintenance" retirement living with all owner residents currently enjoying their retirement at Wintergreen. Originally Rosewood had planned to build a separate Condominium/Life Care facility on their 13.853-acre parcel, but to date they have not begun construction of such facility.

I take it that what you are looking for is an interpretation of the last sentence of the 1<sup>st</sup> proffer. This sentence deals with the area designated for Senior Housing. A total of 175 units can be developed in the area surrounding the 27<sup>th</sup> fairway of the Stoney Creek Golf Course, provided that any addition to the number of approved units shall be based on the number of additional **senior units** developed in this location. This sentence did not speak to, nor was it intended to, restrict the development of the land adjacent to Allen's Creek.

Please let me know if I can be of further assistance in your review of this matter.

Sincerely

Stuart R. Sadler

Cc: Timothy C. Hess

THIS DEED OF BARGAIN AND SALE, made this the 31<sup>st</sup> day of January, 2006, by and between **HIGH COUNTRY ASSOCIATES**, **L.L.C.**, a Delaware Limited Liability Company, by its Manager, Richard C. **CARROLL**, as Grantor, herein called "Grantor", and **ROSEWOOD VILLAGE OF WINTERGREEN**, **LLC**, a Virginia limited liability company, whose address is 500 Greenbriar Drive, Charlottesville, VA 22901 as Grantee, herein called "Grantee", provides:

THAT for Ten Dollars paid and other good and valuable consideration, the Grantor doth hereby grant and convey, with General Warranty and English Covenants of Title, unto the Grantee, Rosewood Village of Wintergreen, LLC, all that certain lot or parcel of land, together with improvements thereon and appurtenances thereunto belonging, lying, situate and being in the Rockfish Magisterial District of Nelson County, Virginia, and more particularly described as follows;

Parcel M containing 13.853 Acres of land, , as shown on a plat by S. L. Key Incorporated, dated January 9, 2006, revised Jan. 25, 2006 and February 2, 2006, entitled "Boundary Survey, Parcel 'M', at Stoney Creek, WINTERGREEN, Nelson County, Virginia" a copy of which plat is attached hereto and is incorporated herein by specific reference, the "Property".

The conveyance shall be subject to all easements of record, including, but not limited to, those set forth on such plat together with the following covenants and restrictions:

The Declaration of Rights, Restrictions, Affirmative Obligations and Conditions Applicable to All Property in Wintergreen, dated September 26, 1974, recorded in the Clerk's Office of the Circuit Court of Nelson County, Virginia (the "Nelson Clerk's Office"), in Deed Book 137, page 568, as amended, the Amended and Restated Declaration of Covenants and Restrictions of the Wintergreen Property Owners Association, dated the 1<sup>st</sup> day of February, 2000, and recorded in the Nelson Clerk's Office in Deed Book 464, page 793, and to a covenant against time-sharing recorded in the Clerk's Office of the Circuit Court of Nelson County, Virginia, in Deed Book 215, at page 469.

This conveyance shall further be subject to the following covenants and restrictions restricting the property for use as a senior living housing development with a limited maximum size. To promote such purposes:

All permanent residents residing in the Property shall be 55 years of age or older.

Grantee or any successor, as the operator of a senior living facility, agree to make provisions for availability of senior care services including practical nursing, interior maintenance and food preparation for the residents of the dwelling units and the senior living facility located on the Property (but this covenant shall not bind the owners of individual lots or dwelling units other than (1) Grantee or (2) any successor developer of the Property).

The total number of dwelling units as such term is defined in the Nelson County Zoning Ordinance, to be developed on the Property shall not exceed 120.

The Grantee, by accepting this deed and conveyance, covenants and agrees for itself, its heirs, devisees, successors' in title, or assigns to hold and convey the above-described property subject to the Protective Covenants, Restrictions, Charges, Liens and Easements described above and in any conveyance of the above-referred property to require its Grantee(s) to so covenant and agree.

BEING a part of the property conveyed to the Grantor herein by Deed dated and recorded 22 December, 1999, in the Clerk's Office of the Circuit Court of Nelson County, Virginia in Deed Book 454, at page 266, to which Deed and chain of title reference is hereby made for a more particular description of the property hereby conveyed.

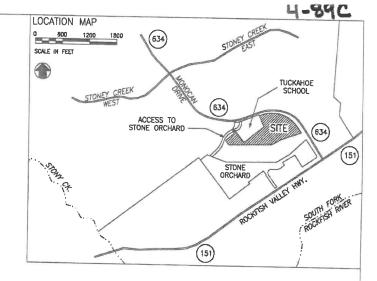
HIGH COUNTRY ASSOCIATES, L.L.C.,

WITNESS the following signature and seal:

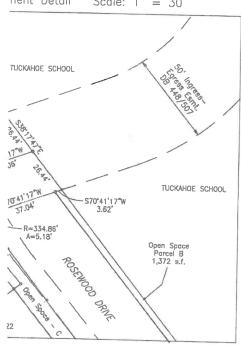
	a Delaware Limit	ed Liability Company	
	By:Richard C	C. Carroll, Managing M	(Seal) Iember
STATE OF VIRGIN			
COUNTY OF NELS	ON,		
The for	regoing instrument was ac	cknowledged before m	ne in my jurisdiction
aforesaid this the	, day of February, 2006,	by Richard C. Carroll,	Manager, on behalf
of High Country Asso	ciates, L.L.C., a Delawar	e Limited Liability Co	mpany.
My con	nmission expires:		
AFFIX			
NOTARIAL			
SEAL	NOTARY PUBL	IC	

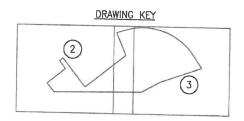
THE CIRCUIT COURT GE 35

\_DC



ment Detail Scale: 1" = 30'





## ACREAGE TABULATION

Lots	4.775	Ac.
Right-of-way	1.717	Ac.
Open Space	0.188	Ac.
Parcel 1	5.258	Ac.
Parcel 2	1.915	Ac.
Total	13.853	Ac.

Notes:

- Notes:

  1. I.R.F. = Iron Rod Found.

  2. Iron Rods to be set at all lot corners unless otherwise noted.

  3. All lots are to be served by public water and sewer.

  4. All underground utility easements shall be located within the road right-of-way, open spaces, or as delineated hereon.

  5. Erosion and Sediment Control Plan Approved by the TUSEWCD on February 14, 2006.

Date: June 14, 2006 Rev.: June 21, 2006 (owners comments)
Rev.: Oct. 27, 2006 (owners comments)
Sheet 1 of 3



æ LAND PLANNERS P.O. Box 1346 Charlottesville, VA 22902 (434) 971-8339

JAT / Rosewood\_Village.DWG

## Subdivision Plat of Rosewood Village At Stoney Creek Wintergreen Nelson County, Virginia

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT C OF NELSON COUNTY 11.09. 2006 , 2001. THIS WAS ADMITTED TO RECORD AT 3:09 PM AS INSTRUMENT # 060004151 PAGE 35 PLAT CABINET 4 SLIDE 890 TESTE: Coursine q wasking

Owner: Rosewood Village at Wintergreen, LLC.

In accordance with Article 7 of the Nelson County Zoning Ordinance by Rosewood Village at Wintergreen LLC

November 3.2006 State of Virginia (County of Nelson), to wit

Virgurua Labrou Eppeared before me in my jurisdiction aforesaid, and acknowledged his signature hereupon on my behalf at Rosewood Village at Wintergreen LLC.

day of Movember My commission expires: SILD# 30, 2010

Dote: MINGELLINER 3, 2006 Notary Public Dlanin m. Johnson

Recommended for approval by the Nelson County Planning Commission complying with Article 7 of the Nelson County Zoning Ordinance to compliance with below noted exceptions, if any.

Fred & Boyn, aget

Approved: Nelson County Board of Supervisors subject to compliance with below noted exceptions, if any.

Date: 9 NOVEMBER, 2006

Stephen A. C

Exceptions:

Specifications for streets which may be taken into the Virginia Department of Transportation secondary road system and specifications for entrances onto such streets and onto public streets meet the standards of the Virginia Department of Transportation. This subdivision is approved by the Virginia Department of Transportation.

The streets in this subdivision do not meet state standards and will not be maintained by VDOT or the County of Neison.

Date: 1-03-06 Subdivider

Surveyors Certificate:

Surveyors Certificate:
I hereby certify that to the best of my knowledge and belief all of the requirements of the Board of Supervisors and Ordinances of the County of Nelson, Virginio, regarding the platting of suddivisions with the county have been compiled with.

Source:

Rosewood Village at Wintergreen LLC — Instrument No. 060000514.

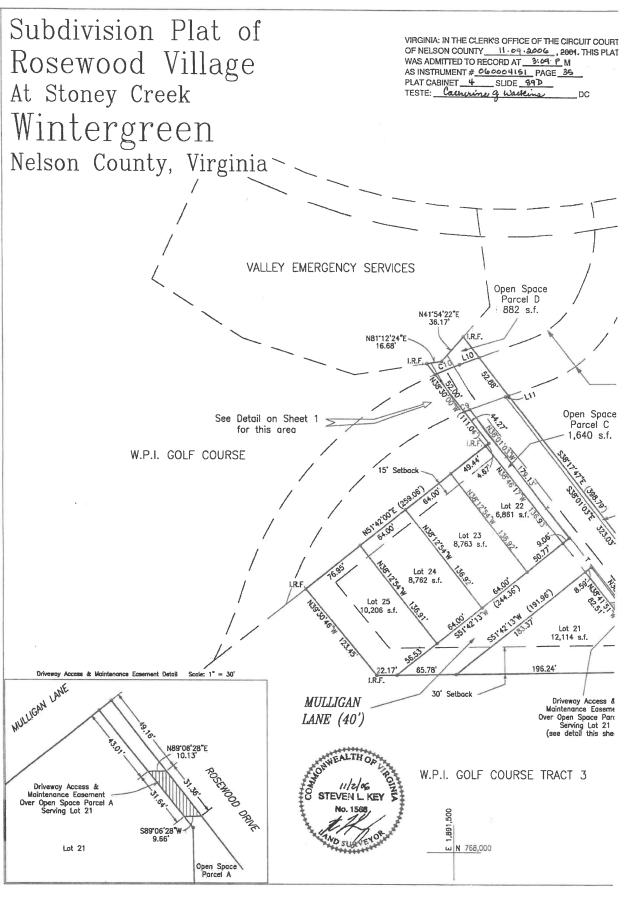
Given under my hand this the 2 40 day of

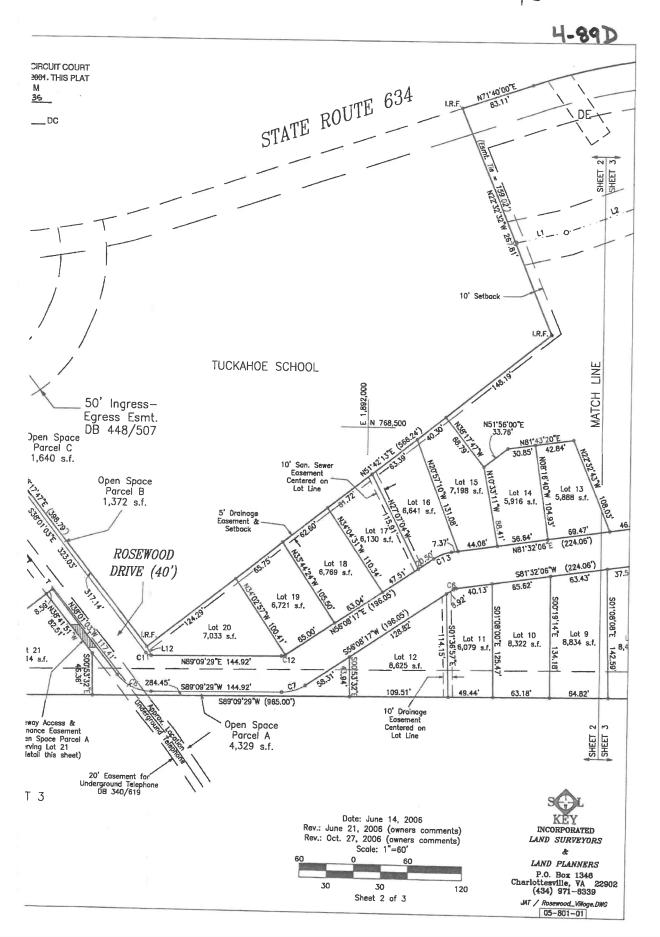
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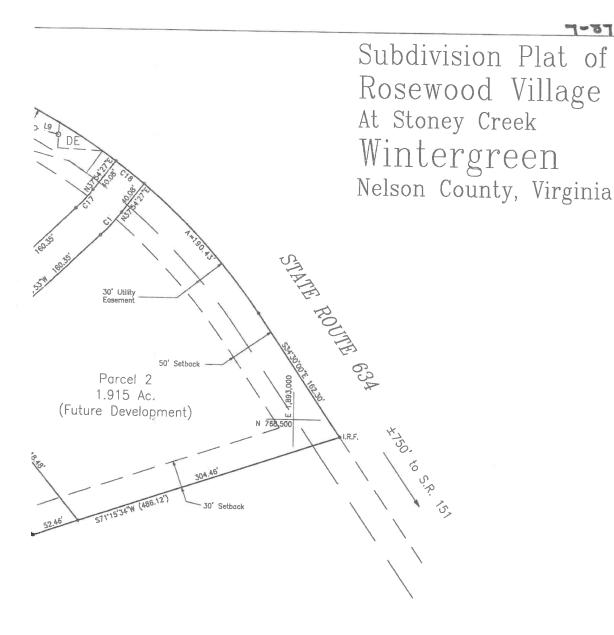
50' Ingress-Egress Easement Deta







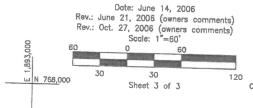




W.P.I. GOLF COURSE TRACT 3

CHORD BRG	CHORD
N42'22'40"E	34.29
N48'40'37"E	33.19
N51"26"49"E	7.23
N56'42'53"E	33.19
N71°17'17"E	25.79
S58'50'11"W	3.30
N72'38'53"E	27.00
S64'25'47"E	42.02
S69'12'49"W	6.88
S68"31"00"W	29.17°
S64'25'47"E	6,43
N72"38"53"E	4.26
S68"50"11"W	20.88
N71*17'17"E	11,56
N55'46'25"E	33.05
N48'40'37"E	30,64
N42"22'40"E	28.06
N52'05'33"W	40.00

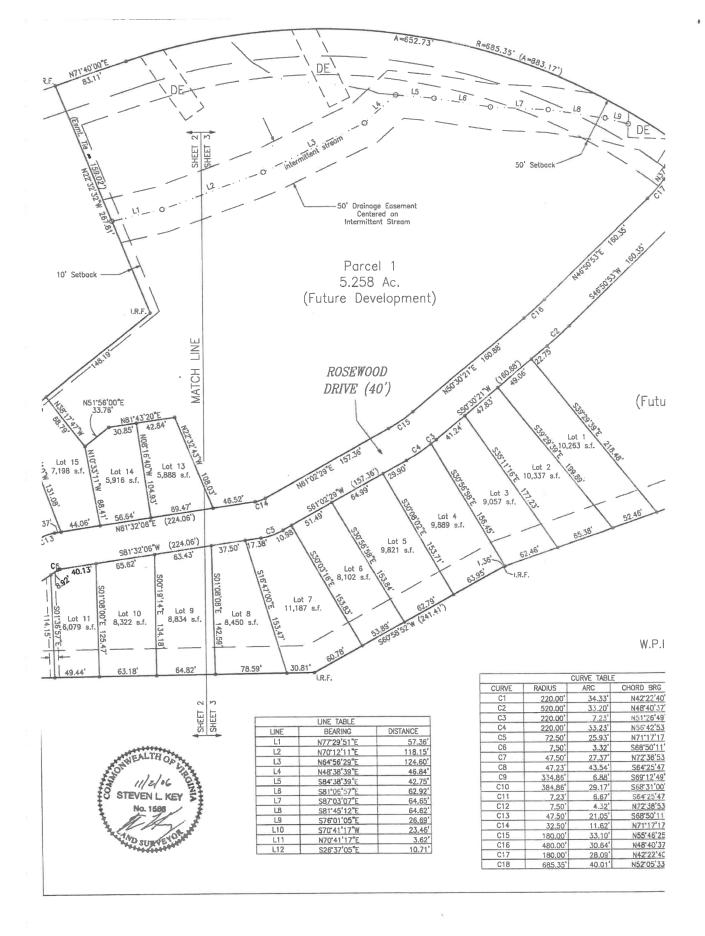
VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT
OF NELSON COUNTY 11:09 2006, 2006. THIS PLAT
WAS ADMITTED TO RECORD AT 3:09 2 M
AS INSTRUMENT 0000000101 PAGE 35
PLAT CABINET 4 SUDE 888
TESTE: Carrian Q Maleino DC



KEY
INCORPORATED
LAND SURVEYORS

LAND PLANNERS
P.O. Box 1348
Charlottesville, VA 22902
(434) 971-8339

JAT / Rosewood\_Village.DWG



PC4 \$9E

# **Nelson County Planning Commission**

## Memo

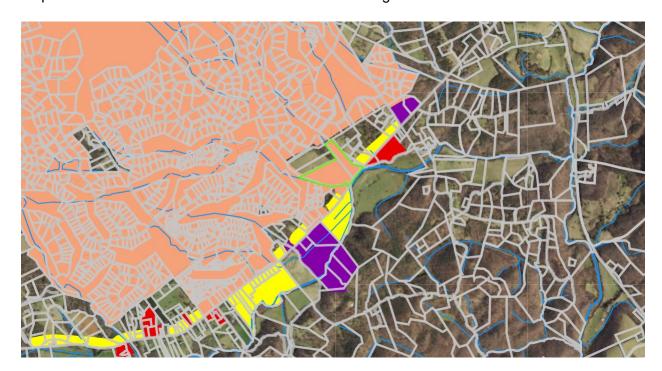
**To:** Planning Commission

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

**Date:** 24, 2024

**Re:** Site Plan #240169 – Renaissance Ridge at Wintergreen

In 2004, a rezoning request was approved by the Nelson County Board of Supervisors for approximately 30 acres of land from A-1 Agriculture and R-1 Residential, to the RPC Residential Planned Community District (Wintergreen). As such, the submitted site plan is subject only to review against Article 7 Residential Planned Community, and the proffers approved in 2004. Per Section 13-1-2(g), site plans for the Residential Planned Community are exempt from site plan requirements in Article 13 Site Development Plan. The subject properties are identified as tax map numbers 12-A-5A and 22-A-46 and are outlined in green below.



### Attachments:

Application
Cover Letter
Proffer Compliance Statement
Article 7 Compliance Statement
Building Diagrams
VDOT Approval
DEQ Stormwater Approval
Erosion and Sediment Control Approval
Wintergreen Property Owners' Association Statement
DEQ Sewage – Aqua Virginia
Office of Drinking Water
Virginia Water Protection
Army Corps of Engineers
FEMA Letter of Map Revision (LOMR) Docs
Site Plan



## **PERMIT APPLICATION:**

## **Nelson County Department of Planning & Zoning**

TO THE ZONING ADMINISTRATOR: # application type application number
1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):  □ Subdivision □ Special Use Permit □ Site Plan − Minor □ Site Plan −
□ Rezoning from_to □ Major  Conditional Rezoning
from to X Other: Administrative Approval of Overall Site Plans and Construction Permits
Reason(s) for request:  Along with the current owners of the parcels known as Renaissance Ridge, the Renaissance Ridge Development Solutions, LLC (RRDS, LLC) and team has been working diligently with its partners and stakeholders in preparing the attached documents that support 100% of the proffers offered during the rezoning and ratified by the NC BOS on December 14th, 2004. By way of this application and supporting documentation, RRDS, LLC and the current owners, Allen Creek Associates, LLC requests that an administrative approval be done at the earliest convenience so it can obtain the construction permitting to break ground as soon as possible.
(Please use reverse or attach additional sheet if more space is needed.)
2. Applicant(s) and Property Owner(s):  (Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)
Allen Creek Associates, LLC and Renaissance Ridge Development Solutions, LLC  Mailing Address: Attn: Stu Armstrong 270 Sawmill Creek Drive, Nellysford, VA 22958  Telephone #: Email Address: (434) 260-2012 / Stu@Renaissanceridge.com
Relationship (if applicable): Project Manager (Please attach an additional sheet if more space is needed for applicant(s) / property owner(s) info.)



June 28, 2024

Ms. Dylan Bishop Nelson County Director of Planning and Zoning 80 Front Street Lovingston, VA 22949

Re: Renaissance Ridge Neighborhood Located Within the Stoney Creek Village at Wintergreen

On behalf of Renaissance Ridge Development Solutions, LLC., please find attached for submittal the enclosed documents listed below:

- 1. Official Application from Allen Creek Associates, L.L.C.
- 2. Letter from High Country Associates, L.L.C. illustrating the assignment of development rights of the parcels where Renaissance Ridge will be developed.
- 3. Official narrative for Article 7 RPC that you requested and supporting documentation.
- 4. Steve Driver's letter to you regarding Article 7 RPC.
- 5. Check for \$500.00 as the fee for submission.

#### Please note:

- Last week on June 21, 2024 I dropped off two sets of Site Plan Documents along with a cover letter and copy of the BOS Resolution December 14, 2004. Please include this package with what I dropped off.
- Also, given the size of the files and number of pages of information, we use a special "CLOUD" storage for sharing purposes. If you or any of your staff need additional background information or studies we contracted for to support our work, we will be glad to get you the link(s) electronically.

If you have questions or need additional information you would like directly sent to you, please let me know at your earliest convenience.

Respectfully,

Stu Armstrong

Project Manage



June 21, 2024

Dylan Bishop
Nelson County Director of Planning
80 Front Street
P.O. Box 558
Lovingston, VA 22949

Dear Ms. Bishop,

On behalf of Renaissance Ridge Development Solutions, LLC, we are submitting this site plan and supporting documentation for your perusal.

The new Renaissance Ridge (RR) neighborhood has been designed to support the county's NEW Comprehensive Plan by way of a unique partnership that includes a seasoned builder (Greenwood Homes), and two non-profits, Piedmont Housing Alliance and the Nelson County Community Development Foundation. Of the ~150 units being developed, it is expected there will be at least 40% of them occupied by people and families earning less than 80% of the Area Median Income. In other words, the county's diverse workforce that's made up of emergency first responders, educators, nurses, teachers, building trades, government employees, the service sector, etc.

This new development is the last undeveloped Multiple Use Sector zoned property in Wintergreen's Stoney Creek area within Wintergreen.

When this area was submitted as an addition to the Wintergreen Master Plan, certain Proffers limiting the development rights were made. This site plan complies 100% with the Proffers that were officially approved by the Nelson County Board of Supervisors on December 14, 2004 (see attached). There will be small cottages, attached villas, single family detached houses and townhomes. If you would like to also see all the housing plans to be built by Greenwood Homes, we'd be happy to email them to you.

We would also like to offer our many thanks to you and your team for providing us with your valuable technical assistance and professional curtesy over the

last four years. It's been a collaborative effort by all parties in making this special project come together that will hopefully be seen as a new model that could be replicated elsewhere in the Thomas Jefferson Planning District or Virginia.

Having said this, please let us know if you need any further information to complete your administrative revue process. If you would like us to appear in front of the Planning Commission in the coming month(s) to answer any questions or introduce our development team members, we will gladly attend its meeting(s).

Respectfully submitted,

Stu Armstrong

Renaissance Ridge

Sr. Project Manager

Email: <u>Stu@renaissanceridge.com</u>

Cell: (434) 260-2012

BOARD OF SUPERVISORS

THOMAS D. HARVEY North District

HARRY S. HARRIS South District

GARY E. WOOD East District

THOMAS H. BRUGUIERE, JR. West District

CONSTANCE BRENNAN
Central District



STEPHEN A. CARTER
Administrator

VIRGIE A. CARTER, CMC
Administrative Assistant/
Deputy Clerk

DEBRA K. McCANN
Director of Finance and
Human Resources

## Resolution

WHEREAS, High Country Associates, L.L.C., represented by Mr. R.C. Carroll, has submitted an application to rezone approximately 30 acres of land identified as Tax Map #22-A, Parcels 5A and 46 from Agricultural, A-1, and Residential, R-1, to Residential Planned Community, Conditional; and

WHEREAS, High Country Associates, L.L.C. is requesting to amend the Wintergreen Master Plan to add the above cited property and designate it with the designation of Multiple Use; and

WHEREAS, High Country Associates, L.L.C. is requesting to amend the Wintergreen Master Plan and add an additional 350 dwelling units to the Valley Center (mixed use) land use category; and

WHEREAS, High Country Associates, L.L.C. has voluntarily submitted in writing the following proffers:

- I. The application for the change in the Wintergreen Master Plan requests a total of 350 additional permitted units for the Master Plan. High Country Associates, L.L.C. ("HCA") proffers that 175 additional units, half of the total additional units applied for, be assigned exclusively to the development of a senior residential care facility proposed to adjoin two sides of the 27th hole of the Stoney Creek Golf Course. HCA further proffers that the 175 units assigned to the development of senior housing shall be added on the basis of one additional unit added to the Master Plan for each additional senior unit developed up to a total addition to the Master Plan of 175 units for the senior area.
- II. Approximately thirty (30) acres of land located along the northern boundary of Allen's Creek and along the northwestern boundary of State Rt. 151 are proposed to be added to the Master Plan. The application is to have this parcel designated Multiple Use (§7-5-1). The applicant, HCA, hereby proffers:

- a. To reduce the density of the zoning for this additional land from the Multiple Use density of 20 units/acre to a gross average density for the entire parcel of not more than 6 units/acre.
- b. To impose a maximum height limitation on any structures built upon this property of not more than three stories (as defined in the BOCA Code) above ground with a maximum height of any structure from ground level to roof crest of 52 feet.
- c. To reduce its permitted nonresidential uses in this area to the following:
  - 1. Recreational facilities to compliment and support the residential uses including the sale/rental of soft drinks, confections, linens and sundries.
  - 2. Community Association Management/Support facilities not to exceed 1,000 sq. ft. of enclosed conditioned space.
  - Real Estate professional offices for the sale and rental of such residential units - not to exceed 3,000 sq. ft. of enclosed conditioned space.
- III. There is a fence line of trees and other vegetation located along the boundary of the proposed addition to the Master Plan and Rodes Valley Section, Valley Subdivision 2-A. HCA proffers not to remove any tree or vegetation of greater than 2" caliper located in such fence line unless it replaces such tree or vegetation with a similar tree or vegetation.
- IV. HCA hereby proffers that the development of the subject properties of this application shall be in strict accordance with the conditions set forth in this submission.

V. Additional Proffer - September 22, 2004.

Subject to the understanding between Phillip Payne and Stuart Sadler to the effect that a more restrictive proffer will not require the readvertisement of the application for the rezoning, this Proffer is made in addition to the Proffers made at the August 25, 2004 meeting of the Planning Commission. High Country Associates, L.L.C. further proffers that (a) no residential building constructed on the proposed 29+ acre addition to the Wintergreen Master Plan shall contain more than twelve (12) mid-rise residential units nor exceed three stories above grade or 52 feet in height and (b) no more than four (4) mid-rise residential buildings may be developed on such property. The balance of the residential units to be developed on this property shall be constructed in smaller single family or multifamily buildings, which shall not exceed two stories above grade in height. The terms "stories above grade" and "building height" shall be constructed in accordance with the definitions contained in the BOCA National Building Code. HCA hereby proffers that the development of the subject properties of this application shall be in strict accordance with the conditions set forth in this submission.

VI. Additional Proffer — September 22, 2004.

Subject to the understanding between Phillip Payne and Stuart Sadler to the effect that a more restrictive proffer will not require the readvertisement of the application for rezoning, this Proffer is made in addition to the Proffers made at the August 25, 2004 meeting of the Planning Commission. High Country Associates, L.L.C. further proffers that there shall be no gas station or any related commercial operation which offers for sale gasoline or other motor fuel allowed in the proposed 29+ acre addition to the Wintergreen Master Plan. HCA hereby proffers that development of the subject properties of this application shall be in strict accordance with the conditions set forth in this submission; and

WHEREAS, the Nelson County Board of Supervisors has received and considered the recommendation for denial of High Country Associates L.L.C.'s application(s) from the Nelson County Planning Commission; and

WHEREAS, on October 20, 2004, the Nelson Country Board of Supervisors held a public hearing on High Country Associates L.L.C.'s application(s);

NOW, THEREFORE, BE IT RESOLVED, that the Nelson Country Board of Supervisors finds that the rezoning request and the amendments to the Wintergreen Master Plan complies with the Nelson County Comprehensive Plan adopted on October 8, 2002 and the requirements of Article 7, Residential Planned Community District, RPC, of the Nelson County Zoning Ordinance; and

BE IT FURTHER RESOLVED, that the Nelson County Board of Supervisors hereby approves the conditional rezoning request of High Country Associates, L.L.C. with proffers as submitted; and

BE IT FURTHER RESOLVED, that the Nelson County Board of Supervisors approves amending the Wintergreen Master Plan, revised April, 2004, to show the area identified as Tax Map #22-A, Parcels 5A and 46 added to the Plan and designated as Multiple Use, and the addition of 350 dwelling units to the Village Center (mixed use) category.

Adopted: December 14, 2004

Stephen A. Carter, Clerk

Nelson County Board of Supervisors

## HIGH COUNTRY ASSOCIATES, L.L.C. P.O. BOX 747 Wintergreen, VA 22958

June 26, 2024

Stuart Armstrong Managing partner Renaissance Ridge Development Solutions LLC

Dear Mr. Armstrong,

This is to confirm that as specified in the contract for purchase and sale of tax map parcel 12-A - 5A, 19.334 acres, 22-A - 46, 9.815 acres zoned RPC that High Country Associates, LLC. will assign the development rights, right to grant approvals or [disapprovals] to establish rules and regulations and all other rights reserved herein by the company including but not limited to the right to approve or [disapprove] plans, specifications, color, finish, plot plan and construction schedules. This right is granted to High Country Associates, LLC. in the general covenants and restrictions Part 3 paragraph 4. We look forward to the approval of the site plan by Nelson County and subsequent closing of the sale on this property. Please let me know if there's any additional information we can provide on the behalf of Allen Creek Associates, LLC. the entity that we hold this property in.

Sincerely

Timothy C. Hess Managing Partner

High Country Associates, LLC.

## DESCRIPTION OF COMPLIANCE WITH ZONING, PROFFERS, ETC RELATING TO RENAISSANCE RIDGE DEVELOPMENT

Zoning: The proposed Renaissance Ridge development is to be located in a 29+ acre portion of the Wintergreen Community located in Western Nelson County. The land in which Renaissance Ridge is to be developed is zoned Multiple Use Sector in the approved Master Plan for the Wintergreen Residential Planned Community, which zoning permits:

- (a) Commercial, public, civic, and light craft manufacturing and sales uses as permitted in Business Districts B-1 ...(b) Residential, recreation, public, semipublic, community, and professional office uses as permitted in Residential Districts R-1 and R-2, and Multiple- Family Residential Sectors as provided hereinafter in Section 7-5-3...[and] (c) Ancillary recreation and public and private uses not specifically provided for in the zoning ordinance shall be permitted, including:
- 1. Golf courses and country clubs.
- 2. Riding stables, horse show areas.
- 3. Indoor and outdoor recreation facilities.
- 4. Ski areas and facilities.

Proffers: The total density of development and permitted uses allowed under the Residential Planned community zoning were substantially reduced by a number of proffers which reduced the density of units to be developed in the subject area from 20 units/acre to 6 units/acre, imposed a maximum height for the structures to be built in the area to 52 feet ground level to roof crest, reduced permitted nonresidential uses and protected a fence line of trees and vegetation where the new property adjoined exiting Rodes Valley Subdivision. A copy of the relevant proffers is contained in a copy of the December 14, 2004 Board Resolution attached hereto.

## **Compliance Description:**

- 1. Density of Development: The total number of residential units to be constructed on the subject property is ~150 units, which is within the 175 units allocated to this area under the approved Wintergreen Master Plan. The units are described on [Site] Plan(s) titled "Renaissance Ridge Phase 1 and 2", dated June 30, 2022 Latest Revision 5-10-2024. Two copies of the plans with a cover letter and BOS Resolution dated 12/14/2004 were delivered last Friday, June 21, 2024.
- 2. The height restriction has been met as can be seen by a copy of the Construction Plans titled "Renaissance Ridge Height Diagrams" where the maximum heights of all residential units are well within what is allowed for at 52 feet. It should also be noted that any unit that has three floors will be built into the slope of the terrain allowing for walk-out basements and heights well below 52 feet from grade. A copy of the typical units with illustrated elevations is attached (from builder Greenwood Homes).
- 3. The tree line requirement of the Proffer has been met as can be seen in Photograph attached hereto dated June 27, 2024 showing the current tree buffer as part of the Phase 2 parcel or ~10 acres.
- 4. The nonresidential uses that are not planned for currently but may be included in the future are limited to:
  - a. Recreational facilities to complement and support the residential uses including the sale/rental of soft drinks, confections, linens and sundries.
  - b. Community Association Management/Support facilities not to exceed 1,000 sq. ft of enclosed conditioned space.
  - c. Real Estate professional offices for the sales and rentals of such residential units not to exceed 3,000 sq. ft of enclosed conditioned space.

## Additional Requirements under Article 7 of Zoning Ordinance

Building Location Requirements: The proposed location and arrangement of structures are not detrimental to the existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood, as can be seen by the Submitted Site Plan on

June 21, 2022. The house that is currently within the Phase 2 area will be demolished or relocated somewhere in Nelson County.

All open spaces will be transferred to the Wintergreen Property Owners Association (WPOA) which is an independent Property Owners Association responsible for the open space at Wintergreen. A letter/email from the WPOA agreeing to accept the roads and open spaces in Renaissance Ridge was emailed to Dylan Bishop from Jay Roberts, WPOA Executive Director.

Water and Sewer utility services will be provided to this area by Aqua (private utility company). The existing plant has been providing utility services to the Stoney Creek portion of Wintergreen since 1985. Aqua will accept Renaissance Ridge neighborhood area into its system once the water/sewer lines are developed.

The Streets are to be private streets, the location of which are shown on submitted site plans. The specifications which show road widths meeting the requirements of §7-10 of the Residential Planned Community Zoning. WPOA will assume all responsibility of the maintenance and snow removal of the streets, once the new homes are established and final paving occurs.

- A VDOT Approval Letter is attached or will be forthcoming to the county in the next few business days.
- VDEQ Attachments Applications and Certificates to Construct and Operate and Storm Water
- Erosion and Sedimentation Control Approval is evidenced by the approved E&S plan see Jeremy Marrs.
- Virginia Department of Health Application to Construct Permit and Checklist see attached.

Any and all reports used as background information to support this application will be given electronically upon request. Given the enormous size of files and the number of pages involved, we are using special "CLOUD" storage systems that we can share links with selected people that need access to the information. Please let us know if you need this access.



April 5, 2024

Dylan M. Bishop, CZA, CFM
Director of Planning and Zoning
Nelson County Department of Planning and Zoning
P.O. Box 558
Lovingston, VA 22949

RE: Renaissance Ridge Subdivision, an extension of the Wintergreen Development TMP 22-A-5A (19.334 Ac), 22-A-46 (9.815 Ac) Zoned RPC

#### Dear Dylan:

As requested, here is the compliance with Article 7 – Residential Planned Community District RPC. It appears that Wintergreen has certain control over this project as it is part of the Wintergreen Master Plan.

- 7-1 Request and Master Plan provided 2004 and approved by the BOS.
- 7-2-1 On Final Plan, Open Space is 4.472 acres and land uses are shown and described.
- 7-2-2 On Final Plan, private road locations are shown, open space areas are shown, location of buildings are shown, stormwater and sewer are shown.
- 7-2-3 RPC deemed established in 2004 by BOS approval.
- 7-3-1 Final Plan completed
- 7-3-2 Metes and Bounds included.
- 7-3-3 Subdivision and Easement Plat forthcoming.
- 7-3-4 Final Plan and Deed of Dedication should be by Wintergreen Property Owners Association
- 7-4 Adjacent lot under common control, TMP 11K-B-50, used as permanent Forest/Open Space for Stormwater Quality purposes as coordinated with DEQ.
- 7-5-1 (b) Residential, density in compliance with proffers.
- 7-6 Building footprints are shown on Final Plan; lot setback lines are shown for all dwellings and dwelling locations are not detrimental to existing dwellings or prospective development of the neighborhood.
- 7-7 Public water and sewer and specs shown on Final Plan.
- 7-8-2 Streets are private and meet pavement width, shoulder width, ditch slopes, and longitudinal slopes per Subdivision Ordinance. 40' and variable width R/W's with drainage easements. Commercial Entrance reviewed and approved by VDOT.
- (a) Streets are private and all intersections are within VDOT guidelines for intersecting angles.
- (b) Cul-de-sac > 60' in diameter.
- 7-8-3 Property Owners Association for private streets to be handled by Developer and Wintergreen.
- 7-8-4 No lot to be sold or conveyed without a timely extension of road to the lot.
- 7-8-5 Geometric design of streets, ways for public utilities, specs for walking paths and stormwater drainage are based on Nelson County requirements and are included on the Final Plan.
- 7-8-6 If needed, 40' R/W meets all five conditions (a) (e). The RPC is unique.
- 7-9 Plan adheres to the average daily traffic estimate chart (also VODT approved traffic study)
- 7-10 Road widths adhere to the road width chart.

Next week, we will also provide a statement/narrative detailing how the project is compliant with the 2004 proffers and the existing WTG Master Plan.

Sincerely yours,

Steven L. Driver, PE, LS

Terra Engineering and Land Solutions, PC

Tree Buffer Photo for Proffer Documents Compliance As of June 27<sup>th</sup>, 2024

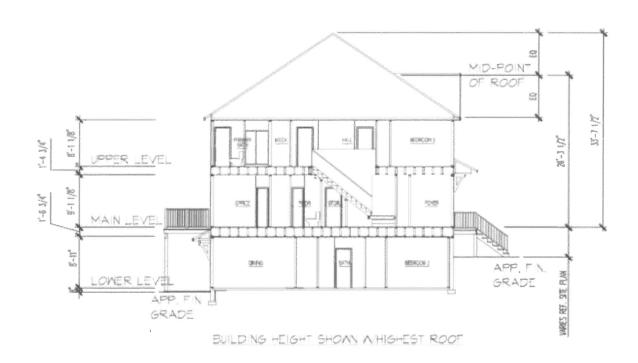


## Renaissance Ridge - Height Diagrams

June 27, 2024

2 Over 1: Cottonwood

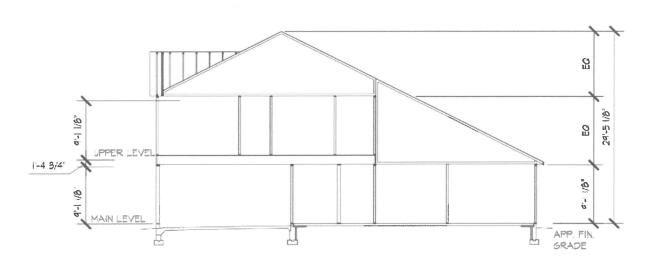
## BUILDING HEIGHT DIAGRAM



## Renaissance Ridge - Height Diagrams

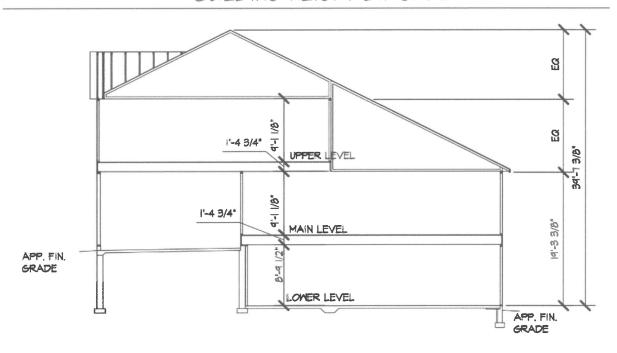
June 27, 2024 Villa: Bayberry II

### BUILDING HEIGHT DIAGRAM



(Slab)

BUILDING HEIGHT DIAGRAM

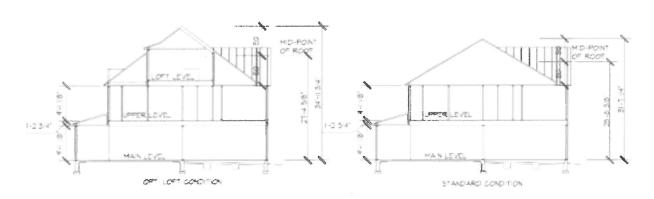


(Basement)

## Renaissance Ridge – Height Diagrams

June 27, 2024 SFD: Laurel

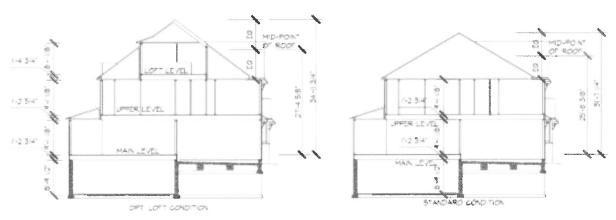
#### BUILDING HEIGHT DIAGRAM



SULDING HEIGHT SHOWN AV HIGHEST ROOF

(Slab)

### BUILDING HEIGHT DIAGRAM



BULDING HEIGHT SHOWN AV HIGHEST ROOF

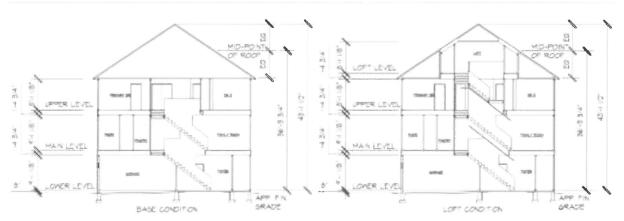
(Basement)

## Renaissance Ridge - Height Diagrams

June 27, 2024

Townhome: Poplar II & Holly I

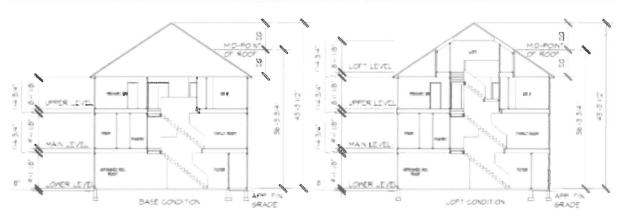
#### BUILDING HEIGHT DIAGRAM



BUILD NO HEIGHT SHOWN IN HIS-EST ROOF

(Poplar II)

### BUILDING HEIGHT DIAGRAM



BUILDING HEIGHT SHOWN MIT SHEST ROOF

(Holly I)



#### **DEPARTMENT OF TRANSPORTATION**

4219 CAMPBELL AVENUE LYNCHBURG, VIRGINIA 24501-4801

Stephen C. Brich, P. E. COMMISSIONER

July 2, 2024

#### **DELIVERED VIA EMAIL JULY 2, 2024**

Dylan M. Bishop Nelson County Director of Planning & Zoning P.O. Box 558 Lovingston, VA 22949

REF: Renaissance Ridge - Phase I

**Route 151 (Rockfish Valley Highway)** 

**Nelson County** 

Dear Ms. Bishop (Dylan):

VDOT has completed a review of the submitted private subdivision plan, dated (seal) May 10, 2024, and received June 28, 2024, for the Renaissance Ridge Private Subdivision – Phase I located on Route 151 (Rockfish Valley Highway) in Nelson County. This letter is notification that the revised plans satisfy all previous review comments and are acceptable to VDOT.

Please provide VDOT one full sized hard copy set for our records and as many cover sheets that the county requires VDOT to sign and return.

A VDOT land use permit is required prior to any work in the right of way. Permit applications and instructions are located on our website: https://www.vdot.virginia.gov/doing-business/technical-guidance-and-support/land-useand-development/land-use-permits/. The point of contact for this permit is Patricia Martin at 434-579-1121. Her email address is Patricia.Martin@VDOT.Virginia.gov. The mailing address is 4219 Campbell Avenue, Lynchburg, VA 24501.

Please notify Patricia or me if we can be of further assistance.

Thank you,

#### Daniel J. Brown, P.E.

Assistant Resident Engineer/Area Land Use Engineer Appomattox Residency - Lynchburg District Virginia Department of Transportation O: 434-352-6675 C: 434-215-9162

Daniel.Brown@VDOT.Virginia.gov

cc: Steven L. Driver, P.E. – Terra Engineering & Land Solutions, PC



### Commonwealth of Virginia

#### VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE P.O. Box 3000, Harrisonburg, Virginia 22801 (540) 574-7800

Located at 4411 Early Road, Harrisonburg, Virginia www.deq.virginia.gov

Travis A. Voyles Secretary of Natural and Historic Resources Michael S. Rolband, PE, PWD, PWS Emeritus Director (804) 698-4020

> Brandon D. Kiracofe Regional Director

June 26, 2024

Renaissance Ridge, LLC 4149 Rockfish Valley Hwy Nellysford, VA 22958 Attn: Stu Armstrong

Transmitted electronically: stupa57@gmail.com

Re: Renaissance Ridge

Nelson County, Virginia DEQ SWM #: 2022-0244

Stormwater Management Plan Approval

Dear Mr. Armstrong:

The Department of Environmental Quality (DEQ) has reviewed the Stormwater Management (SWM) Plan titled "Renaissance Ridge", received on June 20, 2024 in accordance with the *Virginia Stormwater Management Act* and the *Virginia Stormwater Management Program (VSMP) Regulations*. The SWM Plan sealed May 10, 2024 and last revised June 25, 2024 is hereby approved for 26.38 acres of disturbance. **No changes may be made to the approved SWM Plan without obtaining prior approval from DEQ.** 

Additionally, approval of the SWM Plan does not relieve the operator from complying with all other federal, state, or local laws and regulations, including obtaining project-specific Erosion & Sediment Control (ESC) Plan approval from Nelson County. Compliance with the Virginia Erosion and Sediment Control Regulations (9VAC25-840) and the Virginia Stormwater Management Regulations (9VAC25-870) does not supersede the Virginia Water Protection Program Regulation (9VAC25-210) in the event of a discharge that impacts state waters. Please note that ESC Plan approval is required prior to obtaining coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10).

June 26, 2024

Re: DEQ SWM #: 2022-0244

Page 2 of 2

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date you received this decision within which to appeal this decision by filing a notice of appeal in accordance with the Rules of the Supreme Court of Virginia with the Director, Virginia Department of Environmental Quality.

At your earliest convenience, **please submit one digital copy (PDF preferred)** of the approved SWM Plan and accompanying specifications to DEQ via the states file sharing system VITASHARE.

#### Dustin.staton@deq.virginia.gov

It is the responsibility of the owner and/or operator to ensure that the project is constructed in accordance with the approved SWM Plan and accompanying specifications. Upon completion of the project, the owner and/or operator will be required to submit a construction record drawing for all permanent stormwater management facilities (i.e., post-development best management practices) constructed in accordance with the approved SWM Plan.

Prior to the commencement of construction, all land-disturbing activities equal to or greater than one acre, or less than one acre and part of a larger common plan of development or sale, must register for coverage under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10). If not already submitted, a copy of the 2024 General Permit registration statement can be obtained from DEQ's website at the following location:

https://www.deq.virginia.gov/home/showpublisheddocument/23154/638481698155430000. A new permit cycle begins July 1, 2024 so a new registration statement will need to be submitted for the 2024-2029 cycle.

DEQ acknowledges the receipt of the draft Stormwater Management Inspection & Maintenance Agreement for this project. Comments on this agreement will be provided under separate cover. Please note that the recordation of this agreement in the local land records will be required prior to submitting a Notice of Termination under the General Permit.

Please contact Dustin Staton at 540-209-3736 or dustin.staton@deq.virginia.gov if you have any questions about this letter.

Sincerely,

Eric Millard

Construction Stormwater and VWP Manager

Valley Regional Office

June 26, 2024

Re: DEQ SWM #: 2022-0244

Page 2 of 2

cc: April Rhodes, DEQ CO

Eric Millard, DEQ-VRO

ConstructionGP@deq.virginia.gov

Jeremy Marrs, Nelson Co.

Enclosure

## **DEQ PLAN APPROVAL MEMO**

## 1. General Plan Information:

Project Name:	Renaiss	ance Ridg	ze II C				
Plan Number(s):	2022-02		, = 110		Date:	June 26,	2024
Plan Reviewer:	Dustin S				Date.	Julie 20,	2021
			N 614/04 04			• • • • • • • • • • • • • • • • • • • •	
Plan Type:	SWN		⊠ SWM M			New	☐ ESC MOD
Check all that apply		amlined	☐ Expedite			r ESC	
Alternatives:	□ Exen	nption	☐ Exception	n	☐ Wai	ver	☐ DTP
DCA Certification #:							
2. Project Summary:							
Disturbed Acreage	26.38			Offs	site Acreage	3.93 FOS	
Project in CBPA?	☐ Yes		☑ No	Pa	rt of CPOD?		□ No
Technical Criteria	⊠ IIB			IIC 1	Time Limits		IIC Grandfathered
_	☐ Appr	oved fro	m local VESC	:P			
ESC Plan Status			d from local \		P to date		
from VESCP		• •	th this Plan (I				
Post Construction			an Sheet No:		•		
Maintenance	⊠ BMP				Space MA		N/A
Risk Screening	☐ Low				 1edium		⊠ High
3. Stormwater Management Details:							
	Check all applicable boxes below and reference the plan sheet number where the <u>SWM Narrative</u> is						
located.							
Tal. 21							
			ieet No: <mark>C-SV</mark>				
How is Water Quali	tv met?	⊠ F/O Space					
,	•	☐ Nutrient Credits ☐ Safe Harbor					
		Other:			_		
_	_	Plan Sheet No: C-SWM78					
How is Water Quantity		☐ Channel and Flood Protection ☐ Sheetflow: Level Spreader					
met? Sheetflow: Disconnected Safe Harbor				bor			
	Other:						
How is Channel Protection		Nature     Na			Restored		☐ Manmade
met? Description: Water discharged into natural streams					ams		
			alized Floodir	ng		No Local	ized Flooding
How is Flood Pro		Description: Plans show that the existing receiving system floods					
i	met?						

## **DEQ PLAN APPROVAL MEMO**

## Checklist of Documents Required for Plan Approval (Check all that apply):

⊠FINAL Electronic Transmittal Document from submitter Check
⊠DEQ 'Approvable' SWM and/or ESC Plan - one complete electronic full-sized (minimum 24x36) construction set - sign sealed by a licensed professional Check
⊠DEQ 'Approvable' SWM and/or ESC Plan supporting calculations packet (either part of plans or separate document) - sign sealed by a licensed professional Check
⊠An electronic (excel) version of the VRRM Spreadsheet – Check
⊠NEW Plan Submission Checklist – Completed and sign sealed by a licensed professional and/or DCA for Streamlined - Check
☐ If nutrient credits are proposed to meet water quality requirements, a letter of availability documenting the credits are reserved for the project and documentation of local government approval of credit use (9VAC25-870-69.C.2) Check
$\square$ Alternative Considerations Request Letter (Exemption, Exception, Waiver, DTP) -Check
⊠A completed DRAFT CGP Registration Statement
Include a list of attachments for Plan Approval Signature and CGP Permit Issuance in the box below:  Where applicable: Nutrient credit letter of availability, alternative considerations request, draft RS, ESC Approval, Draft MA, etc.  (Draft RS, Draft MA's and ESC Approvals are not required for plan review, but should be included in this list and forwarded to the CGP email inbox if provided by submitter during plan review process).  Draft RS, Draft MA, Draft FOSA, DigitalSP

# DEPARTMENT OF BUILDING INSPECTIONS



JEREMY MARRS Building Code Official

Morgan Barker Assistant Building Official

> ASH CAMPBELL Permit Technician Building Inspector

### **Erosion and Sediment Control Plan Comments:**

July 1, 2024

Steven Driver Renaissance Ridge, LLC 4149 Rockfish Valley Hwy Nellysford, VA 22958

Subject: Erosion and Sediment Control Plan Comments: Renaissance Ridge.

Owner:

Project: Renaissance Ridge Property: 22-A-5A, 22-A-46 DEQ SWM #: 2022-0244 NCBIP#: 2022-665

#### Comments:

- The most recently submitted Erosion and Sediment Control Plans are approvable and I am prepared to sign those plans.
- However, for full transparency and understanding in regards to the Land Disturbance Permit: prior to the issuance of a Land Disturbance Permit, ALL other entities shall sign the plans and you will need to provide an ESC Bond, in full, (\$411,067.20), to the Treasurer of Nelson County. You can contact Jeremy Marrs, Building Code Official, to liaison with Nelson County Treasurer, Angie Hicks, prior to this task. The bond shall be in the form of cash, company or personal check, cashier's check or certified irrevocable bond and will need to "clear the bank" prior to issuance of the Land Disturbance Permit. If you email me when you are ready, I will email Angie and cc you in the email with instructions for all.

If there are additional questions, please contact our office.

Respectfully,

Jeremy Marrs
Nelson County Department of Building Inspections
Erosion and Sediment Control Combined Administrator
P.O. Box 558
Lovingston, VA 22949

Office: (434) 263-7080
Fax: (434) 263-7086
jmarrs@nelsoncounty.org

### RE Renaissance Ridge roads & open space

Jay Roberts <jroberts@wtgpoa.org>

Thu 6/27/2024 11:50 AM

To:Dylan Bishop <dbishop@nelsoncounty.org> Cc:Jay Roberts <jroberts@wtgpoa.org>

Dylan,

Thanks for taking my call this morning.

Per our discussion, it is WPOA's practice to accept the roads and open space from the developer by quit claim deed once the roads are complete and certified to be to our standards. This is consistent with how WPOA has received open space and roads in other sections of the community. The most recent example of this exchange would be Stone Orchard.

If you need any additional information, please let me know. I will return to the office on Monday July 1.

Sincerely

Jay Roberts

**Executive Director** 

Wintergreen Property Owners Association

# Virginia Department of Environmental Quality APPLICATION for CERTIFICATE TO CONSTRUCT (CTC)

For Municipal Sewage Collection, Treatment, and/or Reclamation Systems

See Instructions. Do not submit pla	ns and specifications. Submit 1 copy of t	this form with all attachments. Form will expand as	you enter information.	
Project Title: (as it appears	on plans) Renaissance Ridge, P	Phase 1 Site Plan		
P.E. Seal Date on Cover: S	teven L. Driver, PE, LS, dated 4/	/25/24		
Specifications Title and Dat	e: Renaissance Ridge, Phase 1	Site Plan, dated 06/30/2022, last revise	d 5/10/2024	
Location of Project: Nellysfo		County/City: Nelson County		
Wintergreen Stoney Creek				
	ection System(s): Aqua Virginia,	Wintergreen Stoney Creek		
Peceiving Sewage Treatme	ent Plant(s)/Reclamation System	: Aqua Virginia, Wintergreen Stoney Cre	ek STP	
	ssance Ridge Development	PROJECT ENGINEER		
Solutions, LLC	ssailce Kluge Development	Terra Engineering and Land Solutions,	PC.	
Owner Contact Name: Stuart C. A	rmetrong	Name: Steven L. Driver, PE, LS		
Title: Project Manager	matorig	Company Name: Terra Engineering and L	and Solutions PC	
Address: 270 Sawmill Creek Dr		Address: 2374 Stuarts Draft Hwy	and Columbia, 1 C	
Nellysford, VA 22958		Stuarts Draft, VA 24477		
Phone: 434-268-2612	1	Phone: 540-337-4591		
Email: Stu@renairsanceridge.com		Email: sdriver@terraengineering.net		
Owner Signature and date:	4 /10/01/1			
Sindy	( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )			
For Sowage Treatment Wo	rks and Sewage Collection Sys	stems:		
Attach Project Description	The deliage concentration by			
Attack Letter(a) of Assertan	on from Possiving Essiliby/I Hillb.	for sewage collection system projects		
Attach Delichility Class (4)	For Dump Stations attach Polich	ility Class Worksheet. (2) For Sewage T	reatment Plants note	
Attach Reliability Class: (1) I	on Fump Stations attach Renau	nd method of meeting reliability classifica	tion requirements	
		id method of meeting reliability classifica	mon requirements.	
Force Main; 4" DIP, CL 52, le	ength 1150°.	NIDA		
For a sewage treatment plan	t project, provide the VPDES or	VPA permit number: N/A		
Design Sewage Flow (Sewage	ge Plant): (a) average daily flow	(MGD): (b) peak daily flow (MGD	)):	
Design Sewage Flow (Pump	Station): (a) average daily flow	(MGD): 0.0187 (b) peak hour flow (MGD	)): 0.075654	
	e components of your project:			
Gravity and/or Vacuum Sewer 🔲 New Sewage Treatment Plant				
Pump Station(s)				
Force Main(s)		ansion of Existing Sewage Treatment P	lant	
For Reclamation or Satellit	e Reclamation System, Attach	Page 2: Page 2 Attached? Yes	No 🖾	
The following statement mus	t be signed and sealed by the V	irginia licensed design engineer:		
"As discussed in 9 VAC 25	-790-240 C., the referenced de	sian documents are in substantial co	mpliance with Part	
III - Manual of Practice For	Sewerage Systems and Treatu	ment Works, of the Sewage Collection	and Treatment	
Populations /9 VAC 25-790	-310 et sea )"	ment Works, of the Sewage Collection	ALIM OF THE	
Regulations (5 VAC 25-130	-5 to et seq.)		100	
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I Desire Francisco de Cina	ature and original seal (signed and da	efect)	- C4 800	
Licensed Design Engineer's Sign	ature and original seal (signed and da	ated)	20.24	
☐ Design exceptions and justific	ations are attached in accordance wit	th 9 VAC 25-790-240.C.		
		- Sec. 25.	Reynor File and	
For DEQ use only:		Track.	SALAGO	
In accordance with the Code	of Virginia 1950, as amended, 7	Fitle 62.1, Section 62.1-44.19, this form,	signed by the	
appropriate DEQ representati	tive, constitutes your Certificate	to Construct. This Certificate is valid for	a period of five years	
from the date of issuance C	ther permits and authorizations	may be necessary. Please contact your	Regional DEQ	
Office if you have any question			•	
CCo ii you haro any quoon				
*	TALL	6/27/2024	28229	
Keith Showman	110	0/2//2024	<b>4044</b> 0	
Name	Signature	Date	CTC PTL Number	
Department of Environmental Quality	Authorized Representative			
Note: Once the project is complet	e, an application for a Certificate to Op	perate must be submitted to the appropriate DEG	≀ Regional office.	

Page 1 - 03/11/2010

Licen	sed Engineer's Sigr	nature and original sea	l (signed and dated)		
F	The following statem Reuse Regulation monspection.)	ent of completion for is ust be signed and seal	ssuance of a Certificate to Opled by the responsible engine	perate under the Weer. (DEQ will not d	ater Reclamation and conduct a confirming
s	pecifications or re performed to make	vised only in accorda	en completed in accordance ance with 9 VAC 25-740-120 cordance with Section 9 VA	)-B.2.b. and inspe	ctions have been
	STEVEN L. DE Lic. No. 019				
Licen	sed Engineer's Sigr	nature and original sea	l (signed and dated)		
In ac	EQ use only: cordance with Code opriate DEQ represe	of Virginia 1950, as a entative, serves as the	mended, Title 62.1, Section 6 Certificate to Operate for th	2.1-44.19, this form e referenced proje	n, signed by the ct.
Keit	h Showman	Zall		6/28/2024	28230
Name	-	Signature		Date	CTO PTL Number
		uality Authorized Representa			
An Opplants	eration and Maintenanc , 9 VAC 25-740 for water	e Manual must be submitter reclamation systems and	ed to the DEQ Regional Office in ac satellite reclamation systems and	ccordance with 9 VAC : VPDES or VPA permit	25-790 for sewage treatment requirements.

For pump stations, an Operation and Maintenance Manual must be maintained for the facility in accordance with 9 VAC 25-790, but is NOT to be submitted to DEQ. The pump station must be operated and maintained in accordance with that manual.

# Department of Environmental Quality APPLICATION for CERTIFICATE TO OPERATE

Under the Sewage Collection and Treatment Regulations 9 VAC 25-790 and/or the Water Reclamation and Reuse Regulation 9 VAC 25-740

See instructions. Submit 1 copy of this form and any attachments. Form will expand as you enter information. Project Title: (as it appears on plans) Renaissance Ridge, Phase 1 Site Plan P.E. Seal Date on Cover: 4/25/24 Specifications Title and Date: Renaissance Ridge, Phase 1 Site Plan, dated 06/30/2022, last revised 5/10/2024 Location of Project: Nellysford, VA adjacent to County/City: Nelson County Wintergreen Stoney Creek Subdivision off SR 151 Receiving Wastewater Collection System(s): Aqua Virginia, Wintergreen Stoney Creek Receiving Sewage Treatment Plant(s): Aqua Virginia, Wintergreen Stoney Creek STP **RESPONSIBLE ENGINEER PROJECT OWNER: Renaissance ridge Development** Terra Engineering and Land Solutions, PC Solutions, LLC Name: Steven L. Driver, PE, LS Owner Contact Name: Stuart C. Armstrong Company Name: Terra Engineering and Land Solutions, Title: Project Manager Address: 2374 Stuarts Draft Hwy Address: 270 Sawmill Creek Dr. Stuarts Draft, VA 24477 Nellysford, VA 22958 Phone: 540-337-4591 Phone: 434-260-2012 Email: Stu@enaissanceridge.com Email: sdriver@terraengineering.net Owner Signature and Date; PTL NUMBER FROM CERTIFICATE TO CONSTRUCT: Attach Copy of the original Certificate to Construct if issued prior to November 9, 2008. If applicable, provide verification of compliance with any conditions in the Certificate to Construct. Design Flow: (a) average daily flow (MGD): 0.0187 (b) peak flow (MGD) 0.075654 For sewage treatment plant, water reclamation or satellite reclamation projects, provide the VPDES/VPA Permit Number: Is a new Discharge Monitoring Report (DMR) or other monthly monitoring report required? Yes 🛛 No 🗆 For Pump Stations, Sewage Treatment Plants, and Reclamation Systems, check Reliability Class: I 🗵 II 🗌 III 🗍 NA  $\square$ Two options are provided for the Statement of Completion, depending on whether the project is being authorized under the Sewage Collection and Treatment Regulations, the Water Reclamation and Reuse Regulations, or BOTH. Please check the appropriate box and then provide signature and seal below as indicated. ☐ The following statement of completion for issuance of a Certificate to Operate under the Sewage Collection and Treatment Regulations must be signed and sealed by the responsible engineer. (DEQ will not conduct a confirming inspection.) "The construction of the project has been completed in accordance with the referenced plans and specifications or revised only in accordance with 9 VAC 25-790-180.B, and inspections have been performed to make this statement in accordance with Section 9 VAC 25-790-180.C.1 of the Sewage Collection and Treatment Regulations."

# Reliability Classification Worksheet for Sewage Pumping Stations

Pump :	Station Name: Renaissance Ridge, Phase 1
Locatio	n: Nellysford, VA adjacent to Wintergreen Stoney Creek Subdivision off SR 151
Averag	e Daily Design Flow/ Peak Design Flow (MGD/MGD): 0.0187 / 0.075654
	ete Part I and Part II of this form, and submit this form with your CTC application. All assessments are based on erage daily design flow of the pump station (not peak flow or current flow).
Part I.	Reliability Classification Assessment
1.	Is the station located in the Dulles Watershed (9 VAC 25-401) or in the Occoquan Watershed (9 VAC 25-410)?  If yes, STOP - Reliability is Class I with special construction requirements (see 9 VAC 25-401 and/or 410).  If no, proceed to Question 2.
2.	The default Reliability Classification for all other pump stations within Virginia is Class I. Is the pump station to be constructed to meet Reliability Class I?  If yes, STOP - Reliability is Class I.  If no, proceed to Question 3.
3.	Is the design average daily flow to the pump station greater than or equal to 0.5 MGD?  If yes, STOP - Reliability is Class I.  If no, proceed to Question 4.
4.	Is the pump station located in the any of the following localities? Counties of Accomack, Charles City, Essex, Gloucester, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Richmond, Southampton, Surry, Westmoreland or York; or Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach or Williamsburg.  If yes, STOP - Reliability is Class I.  If no, proceed to Question 5.
5.	Is a public water supply surface water intake within 5 miles downgradient of the pump station or within 1 tidal cycle upstream of the pump station?  [Contact the appropriate field office of VDH's Office of Drinking Water <a href="http://www.vdh.virginia.gov/drinkingwater/contacts/">http://www.vdh.virginia.gov/drinkingwater/contacts/</a> . Provide VDH with latitude/longitude information for the pump station and the average and peak design flows.]  If yes, STOP - Reliability is Class I.  If no, proceed to Question 6.
6.	If the pump station were to overflow, is there high probability of public contact with the wastewater? [Is the station close to residential/commercial/institutional areas and/or recreational areas (boat landings, posted swimming/fishing/boating areas, parks) such that an overflow would likely present a public health hazard?]  If yes, STOP - Reliability is Class I.  If no, proceed to Question 7.
7.	Is average daily design flow to the pump station < 2000 gpd?  If yes, STOP - Reliability is Class II.  If no, proceed to Question 8.
8.	Is there a perennial surface water located within 1500 ft downgradient of the facility? (Perennial stream defined as a solid blue line on USGS quad map or determined from field investigation.)  If no, STOP - Reliability is Class II.  If yes, proceed to Question 9.

<ul> <li>Does the perennial surface water considered in Question 8 above provide less than a 10:1 dilution (7Q10 receiving water flow to average daily design flow); OR is the perennial surface water a 303d listed impaired segment? [See <a href="http://www.deq.virginia.gov/wastewater/MunicipalNonWQIFProcedures032010">http://www.deq.virginia.gov/wastewater/MunicipalNonWQIFProcedures032010</a> for location and list of stream gauges and 7Q10 information, and <a href="http://www.deq.virginia.gov/wqa/303d.html">http://www.deq.virginia.gov/wqa/303d.html</a> for 303d listings]</li> <li>If yes to either of the questions, STOP - Reliability is Class I.</li> <li>If no, STOP - Reliability is Class II.</li> </ul>	)t
Based on the Part I assessment, the designated reliability classification for this pump station is	ı
Part II. Method of Complying with Reliability Classification For this pump station, select your method of complying with the reliability class requirements. Reference 9 VAC 25-790-390 through 420.	
Reliability Class I:  Option A: Emergency generator with automatic transfer switch or dual electrical feeds. Class I must monitor main power supply, auxiliary power supply, failure of pump to discharge, and high liquid level in wet/dry wells; a test function must also be provided. On-site audio-visual alarm required with telemetry or autodialer to site manned 24 hours a day.	
Option B: Permanently installed engine-driven emergency pump. Wet well storage above the high water alarm equal to or greater than documented response time of owner/service provider (i.e., no overflow is allowed). Automatic transfer in the event of a power failure is preferred. The emergency pump must pass the peak flow and must monitor main power supply, failure of pumps to discharge, and high liquid level in wet/dry wells; a test function must also be provided. On-sit audio-visual alarm required with telemetry or autodialer to site manned 24 hours a day. Battery or other acceptable backup for pump controls is required.	1
Option C: 24 hour emergency storage. Class I must monitor main power supply, failure of pump to discharge, and high liquid level in wet/dry wells; a test function must also be provided. On-site audio-visual alarm required with telemetry or autodialer to site manned 24 hours a day. (24 hour storage based on average daily design flow.)	h
Option D: Closing the facility to eliminate generation of sewage. On-site audio-visual alarm required with telemetry or autodialer to site manned 24 hours a day. (Only available to facilities that will close during a power outage such as schools, certain industries, some recreational and park areas.)	
Option E: Portable Equipment (e.g., pumps and generators). [Only available for facilities to be owned and operated by locality, utility, or service authority.] Wet well storage above the high water alarm equal to or greater than documented response time of owner/service provider. Owner/Service Provider has sufficient portable equipment (see 9 VAC 25-790 410 for details). Portable pump and/or portable generator hookup provided. Class I must monitor main power supply, failure of pump to discharge, and high liquid level in wet/dry wells; a test function must also be provided. On-site audiovisual alarm required with telemetry or autodialer to site manned 24 hours a day.	D-
Option F: For facilities in the Dulles Watershed Only: In addition to complying with Reliability Class I requirements in 9 VAC 25-790, the facility also complies with 9 VAC 25-401-30.D.	
Option G: For facilities in the Occoquan Watershed Only: In addition to complying with Reliability Class I requirements in 9 VAC 25-790, the facility also complies with 9 VAC 25-410-20-F.5.	
Reliability Class II:  Option A: Portable/standby generator (manual transfer switch or quick connect). On-site audio-visual high water alarm.	
Option B: Emergency pump connection (and access to a portable pump). On-site audio-visual high water alarm.	
Option C: Closing the facility to eliminate generation of sewage. On-site audio-visual high water alarm. (Only available facilities that will close during a power outage such as schools, certain industries, some recreational and park areas.)	to
Form to be completed and signed by Design Engineer.	
Form completed by	
Printed name Steven L. Driver, PE, LS	

# Virginia Department of Environmental Quality APPLICATION for CERTIFICATE TO CONSTRUCT (CTC)

For Municipal Sewage Collection, Treatment, and/or Reclamation Systems

See Instructions. Do not submit pla	ns and specifications. Submit 1 copy of t	this form with all attachments. Form will expand as	you enter information.	
Project Title: (as it appears	on plans) Renaissance Ridge, P	Phase 1 Site Plan		
P.E. Seal Date on Cover: S	teven L. Driver, PE, LS, dated 4/	/25/24		
Specifications Title and Dat	e: Renaissance Ridge, Phase 1	Site Plan, dated 06/30/2022, last revise	d 5/10/2024	
Location of Project: Nellysfo		County/City: Nelson County		
Wintergreen Stoney Creek				
	ection System(s): Aqua Virginia,	Wintergreen Stoney Creek		
Peceiving Sewage Treatme	ent Plant(s)/Reclamation System	: Aqua Virginia, Wintergreen Stoney Cre	ek STP	
	ssance Ridge Development	PROJECT ENGINEER		
Solutions, LLC	ssailce Kluge Development	Terra Engineering and Land Solutions,	PC.	
Owner Contact Name: Stuart C. A	rmetrong	Name: Steven L. Driver, PE, LS		
Title: Project Manager	matorig	Company Name: Terra Engineering and L	and Solutions PC	
Address: 270 Sawmill Creek Dr		Address: 2374 Stuarts Draft Hwy	and Columbia, 1 C	
Nellysford, VA 22958		Stuarts Draft, VA 24477		
Phone: 434-268-2612	1	Phone: 540-337-4591		
Email: Stu@renairsanceridge.com		Email: sdriver@terraengineering.net		
Owner Signature and date:	4 /10/01/1			
Sindy	( ) ( ) ( ) ( ) ( ) ( ) ( ) ( ) ( )			
For Sowage Treatment Wo	rks and Sewage Collection Sys	stems:		
Attach Project Description	The deliage concentration by			
Attack Letter(a) of Assertan	on from Possiving Essiliby/I Hillb.	for sewage collection system projects		
Attach Delichility Class (4)	For Dump Stations attach Polich	ility Class Worksheet. (2) For Sewage T	reatment Plants note	
Attach Reliability Class: (1) I	on Fump Stations attach Renau	nd method of meeting reliability classifica	tion requirements	
		id method of meeting reliability classifica	mon requirements.	
Force Main; 4" DIP, CL 52, le	ength 1150°.	NIDA - 1 1 - 1 AMA		
For a sewage treatment plan	t project, provide the VPDES or	VPA permit number: N/A		
Design Sewage Flow (Sewage	ge Plant): (a) average daily flow	(MGD): (b) peak daily flow (MGD	)):	
Design Sewage Flow (Pump	Station): (a) average daily flow	(MGD): 0.0187 (b) peak hour flow (MGD	)): 0.075654	
	e components of your project:			
Gravity and/or Vacuum Sewer 🔲 New Sewage Treatment Plant				
Pump Station(s)				
Force Main(s)		ansion of Existing Sewage Treatment P	lant	
For Reclamation or Satellit	e Reclamation System, Attach	Page 2: Page 2 Attached? Yes	No 🖾	
The following statement mus	t be signed and sealed by the V	irginia licensed design engineer:		
"As discussed in 9 VAC 25	-790-240 C., the referenced de	sian documents are in substantial co	mpliance with Part	
III - Manual of Practice For	Sewerage Systems and Treatu	ment Works, of the Sewage Collection	and Treatment	
Populations /9 VAC 25-790	-310 et sea )"	ment Works, of the Sewage Collection	ALIM OF THE	
Regulations (5 VAC 25-130	-5 to et seq.)		100	
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		Lie. :	No. 019933 🍣	
I Desire Francisco de Cina	ature and original seal (signed and da	efect)	- C4 800	
Licensed Design Engineer's Sign	ature and original seal (signed and da	ated)	20.24	
☐ Design exceptions and justific	ations are attached in accordance wit	th 9 VAC 25-790-240.C.		
		- Sec. 25.	Reynor File and	
For DEQ use only:		Track.	SALAGO	
In accordance with the Code	of Virginia 1950, as amended, 7	Fitle 62.1, Section 62.1-44.19, this form,	signed by the	
appropriate DEQ representati	tive, constitutes your Certificate	to Construct. This Certificate is valid for	a period of five years	
from the date of issuance C	ther permits and authorizations	may be necessary. Please contact your	Regional DEQ	
Office if you have any question			•	
CCo ii you haro any quoon				
*	TALL	6/27/2024	28229	
Keith Showman	110	0/2//2024	<b>4044</b> 0	
Name	Signature	Date	CTC PTL Number	
Department of Environmental Quality	Authorized Representative			
Note: Once the project is complet	e, an application for a Certificate to Op	perate must be submitted to the appropriate DEG	≀ Regional office.	

Page 1 - 03/11/2010

Licen	sed Engineer's Sigr	nature and original sea	l (signed and dated)		
F	The following statem Reuse Regulation monspection.)	ent of completion for is ust be signed and seal	ssuance of a Certificate to Opled by the responsible engine	perate under the Weer. (DEQ will not d	ater Reclamation and conduct a confirming
s	pecifications or re performed to make	vised only in accorda	en completed in accordance ance with 9 VAC 25-740-120 cordance with Section 9 VA	)-B.2.b. and inspe	ctions have been
	STEVEN L. DE Lic. No. 019				
Licen	sed Engineer's Sigr	nature and original sea	l (signed and dated)		
In ac	EQ use only: cordance with Code opriate DEQ represe	of Virginia 1950, as a entative, serves as the	mended, Title 62.1, Section 6 Certificate to Operate for th	2.1-44.19, this form e referenced proje	n, signed by the ct.
Keit	h Showman	Zall		6/28/2024	28230
Name	-	Signature		Date	CTO PTL Number
		uality Authorized Representa			
An Opplants	eration and Maintenanc , 9 VAC 25-740 for water	e Manual must be submitter reclamation systems and	ed to the DEQ Regional Office in ac satellite reclamation systems and	ccordance with 9 VAC : VPDES or VPA permit	25-790 for sewage treatment requirements.

For pump stations, an Operation and Maintenance Manual must be maintained for the facility in accordance with 9 VAC 25-790, but is NOT to be submitted to DEQ. The pump station must be operated and maintained in accordance with that manual.

# Department of Environmental Quality APPLICATION for CERTIFICATE TO OPERATE

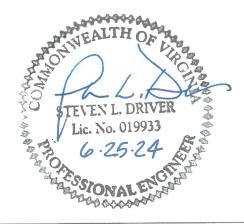
Under the Sewage Collection and Treatment Regulations 9 VAC 25-790 and/or the Water Reclamation and Reuse Regulation 9 VAC 25-740

See instructions. Submit 1 copy of this form and any attachments. Form will expand as you enter information. Project Title: (as it appears on plans) Renaissance Ridge, Phase 1 Site Plan P.E. Seal Date on Cover: 4/25/24 Specifications Title and Date: Renaissance Ridge, Phase 1 Site Plan, dated 06/30/2022, last revised 5/10/2024 Location of Project: Nellysford, VA adjacent to County/City: Nelson County Wintergreen Stoney Creek Subdivision off SR 151 Receiving Wastewater Collection System(s): Aqua Virginia, Wintergreen Stoney Creek Receiving Sewage Treatment Plant(s): Aqua Virginia, Wintergreen Stoney Creek STP **RESPONSIBLE ENGINEER PROJECT OWNER: Renaissance ridge Development** Terra Engineering and Land Solutions, PC Solutions, LLC Name: Steven L. Driver, PE, LS Owner Contact Name: Stuart C. Armstrong Company Name: Terra Engineering and Land Solutions, Title: Project Manager Address: 2374 Stuarts Draft Hwy Address: 270 Sawmill Creek Dr. Stuarts Draft, VA 24477 Nellysford, VA 22958 Phone: 540-337-4591 Phone: 434-260-2012 Email: Stu@enaissanceridge.com Email: sdriver@terraengineering.net Owner Signature and Date; PTL NUMBER FROM CERTIFICATE TO CONSTRUCT: Attach Copy of the original Certificate to Construct if issued prior to November 9, 2008. If applicable, provide verification of compliance with any conditions in the Certificate to Construct. Design Flow: (a) average daily flow (MGD): 0.0187 (b) peak flow (MGD) 0.075654 For sewage treatment plant, water reclamation or satellite reclamation projects, provide the VPDES/VPA Permit Number: Is a new Discharge Monitoring Report (DMR) or other monthly monitoring report required? Yes 🛛 No 🗆 For Pump Stations, Sewage Treatment Plants, and Reclamation Systems, check Reliability Class: I 🗵 II 🗌 III 🗍 NA  $\square$ Two options are provided for the Statement of Completion, depending on whether the project is being authorized under the Sewage Collection and Treatment Regulations, the Water Reclamation and Reuse Regulations, or BOTH. Please check the appropriate box and then provide signature and seal below as indicated. ☐ The following statement of completion for issuance of a Certificate to Operate under the Sewage Collection and Treatment Regulations must be signed and sealed by the responsible engineer. (DEQ will not conduct a confirming inspection.) "The construction of the project has been completed in accordance with the referenced plans and specifications or revised only in accordance with 9 VAC 25-790-180.B, and inspections have been performed to make this statement in accordance with Section 9 VAC 25-790-180.C.1 of the Sewage Collection and Treatment Regulations."

### Virginia Department of Health – Office of Drinking Water Construction Permit Application

The following statement must be signed and sealed by the Virginia licensed design engineer:

"As discussed in 12VAC5-590-220, the referenced design documents are in substantial compliance with Part III - Manual of Practice for Waterworks Design, of the Virginia Waterworks Regulations (12VAC5-590-640 et seq.). I have identified and justified herein any and all items that differ from the mandatory design criteria in the Manual of Practice per 12VAC5-590-220 B."



Licensed Design Engineer's Signature and original seal (signed and dated)

# Reliability Classification Worksheet for Sewage Pumping Stations

Pump :	Station Name: Renaissance Ridge, Phase 1
Locatio	n: Nellysford, VA adjacent to Wintergreen Stoney Creek Subdivision off SR 151
Averag	e Daily Design Flow/ Peak Design Flow (MGD/MGD): 0.0187 / 0.075654
	ete Part I and Part II of this form, and submit this form with your CTC application. All assessments are based on erage daily design flow of the pump station (not peak flow or current flow).
Part I.	Reliability Classification Assessment
1.	Is the station located in the Dulles Watershed (9 VAC 25-401) or in the Occoquan Watershed (9 VAC 25-410)?  If yes, STOP - Reliability is Class I with special construction requirements (see 9 VAC 25-401 and/or 410).  If no, proceed to Question 2.
2.	The default Reliability Classification for all other pump stations within Virginia is Class I. Is the pump station to be constructed to meet Reliability Class I?  If yes, STOP - Reliability is Class I.  If no, proceed to Question 3.
3.	Is the design average daily flow to the pump station greater than or equal to 0.5 MGD?  If yes, STOP - Reliability is Class I.  If no, proceed to Question 4.
4.	Is the pump station located in the any of the following localities? Counties of Accomack, Charles City, Essex, Gloucester, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, New Kent, Northampton, Northumberland, Richmond, Southampton, Surry, Westmoreland or York; or Cities of Chesapeake, Franklin, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach or Williamsburg.  If yes, STOP - Reliability is Class I.  If no, proceed to Question 5.
5.	Is a public water supply surface water intake within 5 miles downgradient of the pump station or within 1 tidal cycle upstream of the pump station?  [Contact the appropriate field office of VDH's Office of Drinking Water <a href="http://www.vdh.virginia.gov/drinkingwater/contacts/">http://www.vdh.virginia.gov/drinkingwater/contacts/</a> . Provide VDH with latitude/longitude information for the pump station and the average and peak design flows.]  If yes, STOP - Reliability is Class I.  If no, proceed to Question 6.
6.	If the pump station were to overflow, is there high probability of public contact with the wastewater? [Is the station close to residential/commercial/institutional areas and/or recreational areas (boat landings, posted swimming/fishing/boating areas, parks) such that an overflow would likely present a public health hazard?]  If yes, STOP - Reliability is Class I.  If no, proceed to Question 7.
7.	Is average daily design flow to the pump station < 2000 gpd?  If yes, STOP - Reliability is Class II.  If no, proceed to Question 8.
8.	Is there a perennial surface water located within 1500 ft downgradient of the facility? (Perennial stream defined as a solid blue line on USGS quad map or determined from field investigation.)  If no, STOP - Reliability is Class II.  If yes, proceed to Question 9.

<ul> <li>Does the perennial surface water considered in Question 8 above provide less than a 10:1 dilution (7Q10 receiving water flow to average daily design flow); OR is the perennial surface water a 303d listed impaired segment? [See <a href="http://www.deq.virginia.gov/wastewater/MunicipalNonWQIFProcedures032010">http://www.deq.virginia.gov/wastewater/MunicipalNonWQIFProcedures032010</a> for location and list of stream gauges and 7Q10 information, and <a href="http://www.deq.virginia.gov/wqa/303d.html">http://www.deq.virginia.gov/wqa/303d.html</a> for 303d listings]</li> <li>If yes to either of the questions, STOP - Reliability is Class I.</li> <li>If no, STOP - Reliability is Class II.</li> </ul>	)t
Based on the Part I assessment, the designated reliability classification for this pump station is	ı
Part II. Method of Complying with Reliability Classification For this pump station, select your method of complying with the reliability class requirements. Reference 9 VAC 25-790-390 through 420.	
Reliability Class I:  Option A: Emergency generator with automatic transfer switch or dual electrical feeds. Class I must monitor main power supply, auxiliary power supply, failure of pump to discharge, and high liquid level in wet/dry wells; a test function must also be provided. On-site audio-visual alarm required with telemetry or autodialer to site manned 24 hours a day.	
Option B: Permanently installed engine-driven emergency pump. Wet well storage above the high water alarm equal to or greater than documented response time of owner/service provider (i.e., no overflow is allowed). Automatic transfer in the event of a power failure is preferred. The emergency pump must pass the peak flow and must monitor main power supply, failure of pumps to discharge, and high liquid level in wet/dry wells; a test function must also be provided. On-sit audio-visual alarm required with telemetry or autodialer to site manned 24 hours a day. Battery or other acceptable backup for pump controls is required.	1
Option C: 24 hour emergency storage. Class I must monitor main power supply, failure of pump to discharge, and high liquid level in wet/dry wells; a test function must also be provided. On-site audio-visual alarm required with telemetry or autodialer to site manned 24 hours a day. (24 hour storage based on average daily design flow.)	h
Option D: Closing the facility to eliminate generation of sewage. On-site audio-visual alarm required with telemetry or autodialer to site manned 24 hours a day. (Only available to facilities that will close during a power outage such as schools, certain industries, some recreational and park areas.)	
Option E: Portable Equipment (e.g., pumps and generators). [Only available for facilities to be owned and operated by locality, utility, or service authority.] Wet well storage above the high water alarm equal to or greater than documented response time of owner/service provider. Owner/Service Provider has sufficient portable equipment (see 9 VAC 25-790 410 for details). Portable pump and/or portable generator hookup provided. Class I must monitor main power supply, failure of pump to discharge, and high liquid level in wet/dry wells; a test function must also be provided. On-site audiovisual alarm required with telemetry or autodialer to site manned 24 hours a day.	D-
Option F: For facilities in the Dulles Watershed Only: In addition to complying with Reliability Class I requirements in 9 VAC 25-790, the facility also complies with 9 VAC 25-401-30.D.	
Option G: For facilities in the Occoquan Watershed Only: In addition to complying with Reliability Class I requirements in 9 VAC 25-790, the facility also complies with 9 VAC 25-410-20-F.5.	
Reliability Class II:  Option A: Portable/standby generator (manual transfer switch or quick connect). On-site audio-visual high water alarm.	
Option B: Emergency pump connection (and access to a portable pump). On-site audio-visual high water alarm.	
Option C: Closing the facility to eliminate generation of sewage. On-site audio-visual high water alarm. (Only available facilities that will close during a power outage such as schools, certain industries, some recreational and park areas.)	to
Form to be completed and signed by Design Engineer.	
Form completed by	
Printed name Steven L. Driver, PE, LS	



### Commonwealth of Virginia

#### VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

#### **VALLEY REGIONAL OFFICE**

P.O. Box 3000, Harrisonburg, Virginia 22801 (540) 574-7800

Located at 4411 Early Road, Harrisonburg, Virginia www.deq.virginia.gov

Travis A. Voyles Secretary of Natural and Historic Resources Michael S. Rolband, PE, PWD, PWS Emeritus Director (804) 698-4020

> Brandon D. Kiracofe Regional Director

February 9, 2024

**Stuart Armstrong** Renaissance Ridge Development Solutions, LLC P.O. Box 57 Lovingston, VA 22949

SENT VIA E-MAIL: stupa57@gmail.com RECEIPT CONFIRMATION REQUESTED

Re: Virginia Water Protection (VWP) General Permit Coverage Tracking No. WP4-23-2363

Permittee:

Renaissance Ridge Development Solutions, LLC

Address:

P.O. Box 57 Lovingston, Virginia 22949

**Project Name:** 

Renaissance Ridge

**Project Location:** 

4149 Rockfish Valley Highway, Nellysford, Virginia

**Project Description:** Construct a single family, multi-family, and cottage community on an

approximately 34-acre development site.

#### Dear Mr. Armstrong:

The Virginia Department of Environmental Quality (DEQ or department) has reviewed your application received October 17, 2023; and the additional information materials received through January 30, 2024. Based on DEO's review, the proposed project qualifies for coverage under the Virginia Water Protection (VWP) General Permit WP4 in accordance with 9VAC25-690-10 et seq.

#### Coverage Conditions:

1. This coverage authorizes the surface water impacts as identified in Table 1 below.

Table 1.

Impact Type	Surface Water Tyme	Authorized Impact Amount		
	Surface Water Type	Acreage	Linear Feet	
Permanent	Stream Channel	0.03	182	
	Subtotal	0.03	182	
Temporary	Stream Channel	< 0.01	92	
	Subtotal	< 0.01	92	

- 2. Authorized surface water impacts shall be as depicted on the enclosed impact map entitled *Renaissance Ridge, Phase 1*, dated June 30, 2022, last revised January 29, 2024, and received January 30, 2024.
- 3. When countersinking culverts in streams, the permittee shall comply with all other conditions of the general permit and general permit coverage, including Part I.B.2, and shall install the structure and any riprap or ancillary features in a manner to ensure reestablishment of the stream channel within 15 days post construction. When installing culverts in any surface water, the permittee shall install the culvert and ancillary features in a manner that will maintain the pre-construction hydrologic regime. Surface water depth within the impact area shall be consistent with depths upstream and downstream of the impact area.

When project activities authorized under this VWP General Permit Coverage include encroachments into or on non-tidal bottomland (§ 28.2-1200), such activities are also authorized by this VWP General Permit Coverage, with the exception of the following: "Allens Creek Utility Crossing Directional Boring". DEQ refers you to the Virginia Marine Resources Commission for any state permit and fee requirements applicable to these activities.

The VWP Permit shall constitute the Section 401 Water Quality Certification (WQC) per § 62.1-44.15:20 D of the Code of Virginia. This letter also serves as issuance of individual Section 401 water quality certification for purposes of the U.S. Army Corps of Engineers' Nationwide Permits, when applicable. The Section 401 WQC decision neither replaces or supersedes requirements set forth by local, state, federal, and Tribal laws, nor eliminate the need to obtain local, state, federal, and Tribal permits, approvals, consultations, or authorizations, as required, before commencing the proposed activities in surface waters. The permittee shall comply with all conditions, limitations, and other requirements of the VWP general permit; any requirements included in this coverage; the Clean Water Act; and the State Water Control Law and regulations adopted pursuant to it. Nothing in the VWP general permit or coverage shall be construed to relieve the permittee of the duty to comply with all applicable federal and state statutes, regulations, and toxic standards and prohibitions, including the need to obtain any necessary permit, approval, or authorization from other government agencies.

The general permit and general permit coverage do not constitute, convey, or imply authority to any permittee to unlawfully or incidentally take any threatened or endangered species that is protected by Virginia laws or regulations, pursuant to § 3.2-1000 through -1011; § 29.1-563 through -570; and 4VAC15-20 et seq. (§ 62.1-44.6 of the Code of Virginia).

The VWP General Permit WP4 expires on August 1, 2026. VWP General Permit Part I, Part II (Sections B; E.1-4; and E.7-11), and Part III are applicable to this project. VWP General Permit Part II, Sections A; C; D; E.5; and E.6, are not applicable to this project since compensation is not required for impacts of less than or equal to 0.10 acre of wetlands or open water, or for stream channel impacts less than or equal to 300 linear feet. If the covered activity/activities has/have not been completed and the

Virginia Water Protection (VWP) General Permit Coverage Page 3

permittee wishes to complete the work, the permittee must reapply for coverage under a VWP general permit in effect at that time or apply for a VWP individual permit. Activities in surface waters requiring a permit shall not continue until such VWP general permit coverage is granted or until such VWP individual permit is issued by the department.

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 calendar days from the date of service (the date you actually received this decision or the date it was e-mailed to you, whichever occurred first) within which to file with the Director, Department of Environmental Quality, a notice of appeal in accordance with the Rules of the Supreme Court of Virginia. In the event that this decision is served on you by mail, three days are added to that period. Refer to Part 2A of the Rules of the Supreme Court of Virginia for additional requirements governing appeals from administrative agencies.

Alternatively, an owner may request a formal hearing for the formal taking of evidence upon relevant fact issues under Section 2.2-4020 of the Administrative Process Act. A petition for a formal hearing must meet the requirements set forth in Procedural Rule No. 1 - Public and Formal Hearing Procedures (9VAC25-230 et seq.). In cases involving actions of the department, such petition must be filed within 30 calendar days after notice of such decision is sent to such owner by certified mail.

Please contact DEQ at Emily.Kuplack@deq.virginia.gov or 571-866-6210 if you have any questions.

Respectfully,

E Millel

Eric Millard

Regional VWPP Program Manager

Enclosures: VWP General Permit, Attachment 1 - VWP Permit Construction Status Update Form,

Attachment 2 - Monthly VWP Permit Inspection Checklist, Approved impact map,

cc: Matthew Roth, Roth Environmental, LLC

ROD, U.S. Army Corps of Engineers

Beth Howell, Virginia Marine Resources Commission, Building 96, 380 Fenwick Road, Ft.

Monroe, VA 23651, or jpa.permits@mrc.Virginia.gov

## 22-SPGP Federal Coordination Form

SECTION I: TO BE COMPLETED BY THE VDEQ

Date Sent:

Project Name: Locality:

DEQ PM: Corps PM:

DEQ Project Number: Corps Project Number:

**Corps Coordination Request (check all that apply):** 

**Federal Review** 

Compensatory Mitigation Review and Concurrence/Approval

No Corps Coordination Required per PSF

SECTION II: TO BE COMPLETED BY THE CORPS

Section 7 — ESA

Coordination Not Required, Review

Complete

**Coordination Complete** 

Section 106 — NHPA

Coordination Not Required, Review

Complete

**Coordination Complete** 

**Tribal Coordination** 

Coordination Not Required, Review

Complete

**Coordination Complete** 

Section 408

Coordination Not Required, Review

Complete

**Coordination Complete** 

**EPA Coordination** 

Coordination Not Required, Review

Complete

**Coordination Complete** 

**Compensatory Mitigation Concurrence** 

The Corps approves the final com-

pensation plan dated:

The Corps concurs the proposed com-

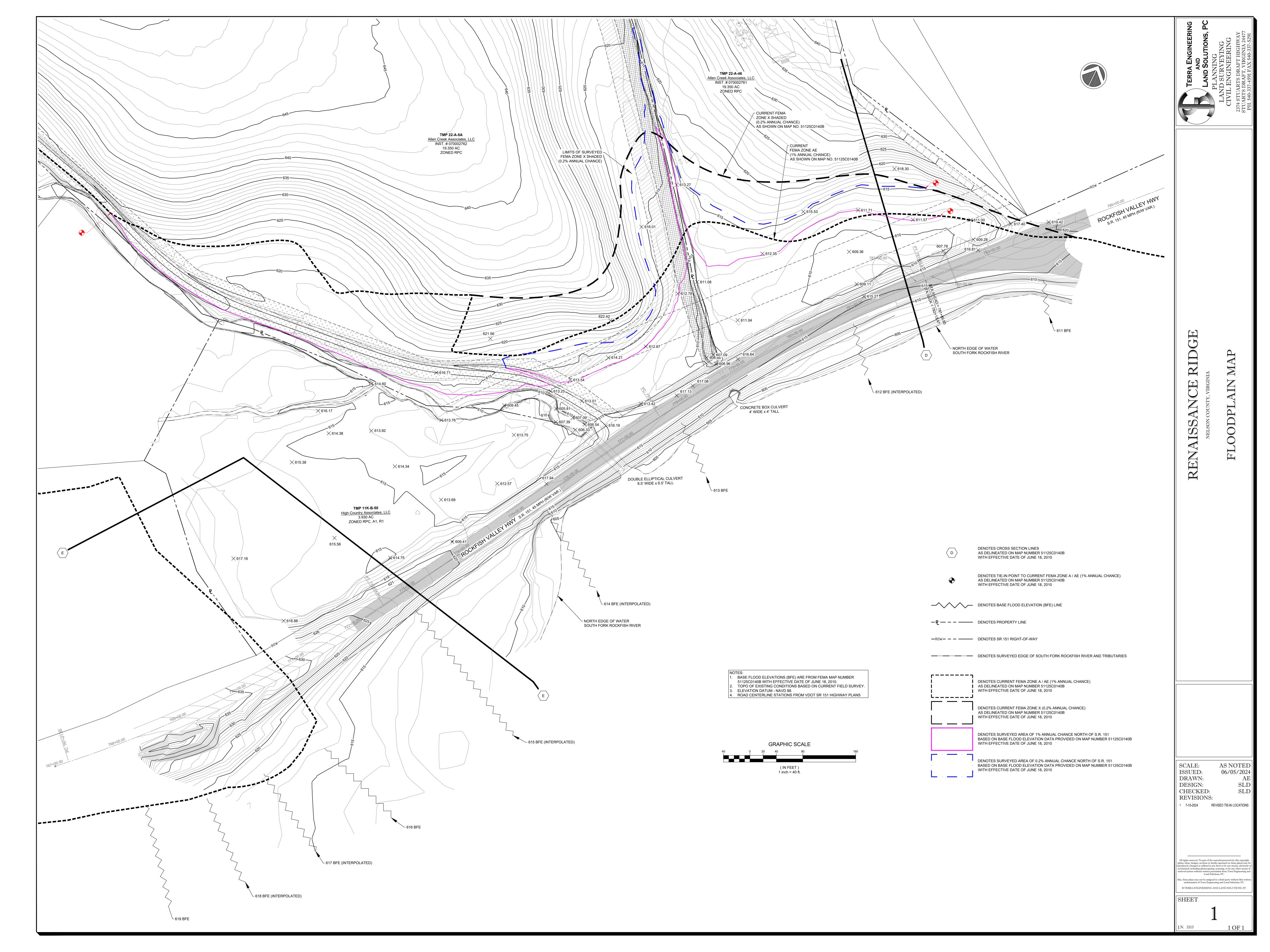
pensatory mitigation plan is the ecolog-

ically preferred alternative.

All federal responsibilities have been completed and the Corps supports issuance of the 22-SPGP verification.

All federal responsibilities have been completed and the Corps supports the issuance of the 22-SPGP verification with the attached special condition(s).

Date: Corps PM Signature:



## NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where Base Flood Elevations (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) Zone 17. Horizontal datum was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov/ or contact the National Geodetic Survey at the following

Spatial Reference System Division National Geodetic Survey, NOAA Silver Spring Metro Center 1315 East-West Highway

Silver Spring, Maryland 20910

(301) 713-3191

To obtain current elevation, description, and/or location information for bench marks shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at http://www.ngs.noaa.gov/.

BASE MAP SOURCE: Base map files were obtained in digital spatial data format from Nelson County, the Commonwealth of Virginia, and the U. S. Census Bureau. Political boundaries were provided by Nelson County. Road centerline files were downloaded from the 2000 TIGER/Line files. 2002 digital orthophotographs were provided by the Virginia Geographic Network Division of its Department of Technology Planning (VGIN). Adjustments were made to specific base map features to align them to 1:400 scale VGIN orthophotos.

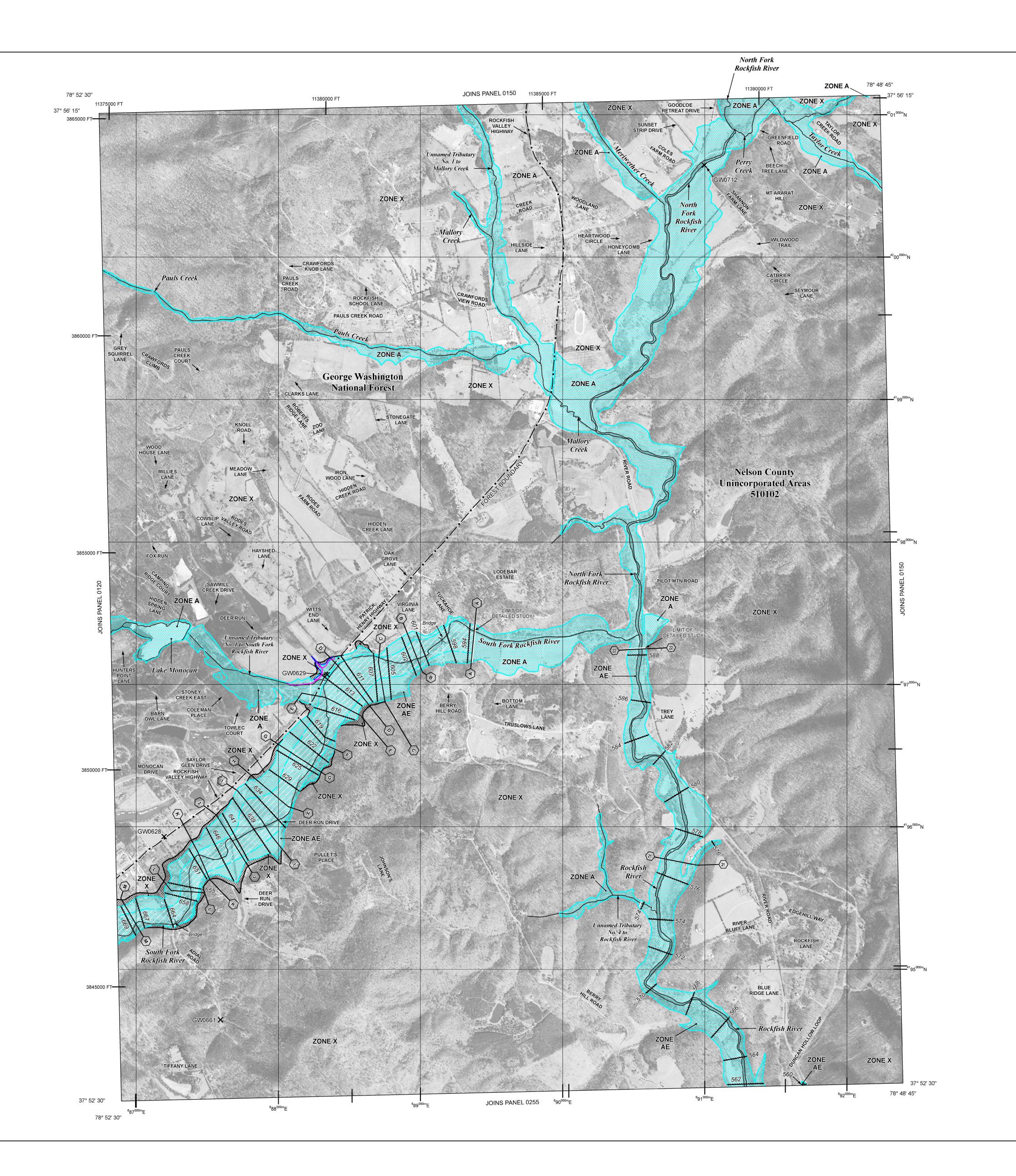
Based on the above mentioned digital orthophotographs, this map reflects more detailed and up-to-date stream channel configurations than those shown on the previous FIRM for this jurisdiction. As a result, the Flood Profiles may reflect stream channel distances that differ from what is shown on the map. Also, the road to floodplain relationships for unrevised streams may differ from what is shown on previous maps.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and /or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at <a href="http://msc.fema.gov/">http://msc.fema.gov/</a>.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA MAP** (1-877-336-2627) or visit the FEMA website at <a href="http://www.fema.gov/business/nfip.">http://www.fema.gov/business/nfip.</a>



# **LEGEND**

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include

Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

No Base Flood Elevations determined. **ZONE AE** Base Flood Elevations determined.

Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average

depths determined. For areas of alluvial fan flooding, velocities also Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR

indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood. Area to be protected from 1% annual chance flood by a Federal flood

protection system under construction; no Base Flood Elevations Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

of encroachment so that the 1% annual chance flood can be carried without substantial increases

Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free

OTHER FLOOD AREAS

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

Areas determined to be outside the 0.2% annual chance floodplain. Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAS) CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary

Floodway boundary Zone D boundary

CBRS and OPA boundary Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities. Base Flood Elevation line and value; elevation in feet\*

0.2% annual chance floodplain boundary

Base Flood Elevation value where uniform within zone; elevation

\* Referenced to the North American Vertical Datum of 1988

Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) 87°07'45", 32°22'30"

4276 000 M 1000-meter Universal Transverse Mercator grid values, zone 17 5000-foot grid ticks: Virginia State Plane coordinate system (FIPSZONE 4502), Lambert Conformal Conic 600000 FT

Bench mark (see explanation in Notes to Users section of this

DX5510 × ● M1.5 River Mile

the National Flood Insurance Program at 1-800-638-6620.

MAP REPOSITORY Refer to listing of Map Repositories on Map Index EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP

June 18, 2010 EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.



To determine if flood insurance is available in this community, contact your insurance agent or call

PANEL 0140B **FIRM** 

FLOOD INSURANCE RATE MAP

NELSON COUNTY, **VIRGINIA** AND INCORPORATED AREAS

**PANEL 140 OF 445** 

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS: COMMUNITY
NELSON COUNTY

NUMBER PANEL SUFFIX 510102 0140 B

used when placing map orders; the Community Number shown above should be used on insurance applications for



NATIONAL

MAP NUMBER 51125C0140B **EFFECTIVE DATE JUNE 18, 2010** 

Federal Emergency Management Agency