



# Nelson County Planning Commission

## Meeting Minutes

### November 20, 2024

**Present:** 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

**Call to Order:** Chair Allen called the meeting to order at 7:03 PM in the General District Courtroom, County Courthouse, Lovington.

#### **Review of September 25, 2024 – Planning Commission Minutes – Correction (p.7)**

**Ms. Proulx made a motion to approve the correction to the September 25, 2024 Planning Commission minutes. Mr. Harman seconded the motion.**

Mr. Reed confirmed that Ms. Bishop was not able to answer the question regarding the sewer status of the Beltie's project. Ms. Bishop suggested adding to the minutes that there was not a response available at the time.

**Ms. Proulx amended her motion to include the response from Ms. Bishop that she did not have that information. Mr. Harman seconded.**

**Yes:**

**Mike Harman**

**Ernie Reed**

**Mary Kathryn Allen**

**Phil Proulx**

**Robin Hauschner**

**Abstain:**

**William Smith**

#### **Review of October 23, 2024 – Planning Commission Minutes**

**Mr. Hauschner made a motion to approve the October 23, 2024 Planning Commission minutes. Mr. Harman seconded the motion.**

**Yes:**

**Mike Harman**

**Ernie Reed**

**Mary Kathryn Allen**

**Phil Proulx**

**Robin Hauschner**

**William Smith**

**Other Business:**

**Renaissance Ridge**

*Ms. Bishop presented the following information:*

**Nelson County  
Planning Commission**

# Memo

**To:** Planning Commission

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

**Date:** November 20, 2024

**Re:** Renaissance Ridge

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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.

Ms. Bishop indicated initially the plan was to revise the site plan to phase the project, however since then it was determined that the site plan is compliant with the Flood Ordinance due to a “no net rise” engineering report. She noted the original site plan was already engineered to comply, also approved by DEQ. She explained that “no net rise” essentially means whatever is being placed into the flood zone is also being removed elsewhere. She explained that the site plan no longer requires revision because it was already engineered using current flood maps.

Ms. Proulx confirmed that the developer would not be submitted any additional revisions. Ms. Bishop indicated that there are minor text amendments but no major revisions were required.

Mr. Hauschner noted that his concerns regarding the floodplain were addressed.

Ms. Bishop indicated that the motion would be confirming that the Renaissance Ridge Plan is or is not in general conformance with the Wintergreen Master Plan.

**Mr. Reed made a motion to acknowledge that the Renaissance Ridge Plan is generally consistent with the 2004 Wintergreen Master Plan.**

Ms. Proulx noted that they typically include the date of the site plan in their motion so it is clear if something changes.

Chair Allen asked the engineer, Steve Driver, for the most recent revision date to the site plan. He indicated he did not have it with him. Ms. Bishop apologized as she failed to bring the full size plan set to the meeting. She indicated the last revisions were for DEQ. Ms. Bishop spent some time searching her computer to find the date, and determined that the most recent revision date was May 10, 2024, and confirmed that there have not been any revisions since then.

Mr. Smith asked if this site plan would be going to the Board of Supervisors for review. Ms. Bishop confirmed that it would not. Chair Allen stated that site plans do not go to the Board, only the Planning Commission. Mr. Harman referenced the Board minutes from 2004 which seemingly indicated that this plan would have to go to the Board for a final review. Ms. Bishop noted that meeting minutes are not binding; that the Board at the time would have had to include that as a condition of the original approval or codified by resolution, and that she did review this aspect with County Attorney Phil Payne. Mr. Harman asked if it would be possible for the Planning Commission to require that the Board review this plan. Ms. Proulx asked Mr. Harman what the purpose would be. Ms. Bishop clarified that the 2004 approval was only to add the land to the Master Plan, and subsequent development within Wintergreen is not typically regulated by the County. She noted that legally the Planning Commission could not condition the Board’s approval on a site plan. Mr. Harman noted that after 20 years it would make sense to have the Board review this again. Ms. Proulx noted that the review criteria is only the plan’s consistency with the Master Plan, and is compliant with Article 7 of the Zoning Ordinance. Mr. Harman noted his concerns including the time that has passed and is not comfortable moving forward at this time. Ms. Bishop asked if there were any questions or concerns she could address. Mr. Harman noted that he would like more time to review the emails he received noting concerns about the road width and safety of Route 151. Ms. Proulx noted that the traffic counts from VDOT apply only to the entrance,

and there is a separate chart in Article 7 that determines traffic counts and road widths for the roads within Wintergreen. She noted that the error is within the ordinance, but is compliant. She also noted that traffic on Route 151 is hopefully something the County can deal with on a larger scale, but cannot factor it into individual developments. Mr. Reed noted that he has been following this for years and feels that all of the issues have been sufficiently addressed. He noted his main concerns were addressed by the County Attorney, and confirmed that it is not within the Board's purview to review site plans. Ms. Proulx noted that she doesn't agree with the County Attorney's interpretation that the number of units is not dependent on Rosewood Village development. Mr. Reed noted that any citizen damaged by any County decisions can file injunctive relief with the court system. Ms. Bishop noted that this is a prime example of why good comprehensive planning is so important; when decisions are made the language needs to be shored up, and all future options must be considered. The County of 2004 is vastly different than the County of today.

**Mr. Reed revised his motion to approve their review of the Renaissance Ridge Plan, dated May 10, 2024, and that it is generally consistent with the 2004 Wintergreen Master Plan.**

**Mr. Hauschner seconded the motion.**

**Yes:**

**Phil Proulx**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**No:**

**William Smith**

**Mike Harman**

#### **Proposed Work Order Amendment – Short Term Rental Ordinance**

Ms. Bishop noted that at the last Planning Commission meeting there was discussion on updating the short term rental portion of the ordinance earlier rather than later. Staff reached out to Berkley Group and requested a work order amendment. She noted the additional cost of \$1773.20. The scope of work includes a memo, research findings, and draft text. This would be reviewed internally by staff and meetings not facilitated by the Berkley Group. They would provide one round of revisions; then County staff would facilitate public hearings. Ms. Bishop asked the Planning Commission if they wanted this forwarded to the Board of Supervisors for consideration.

Mr. Reed noted that this is a great idea and is in favor of it. He noted that he has additional concerns but they do not affect this decision so will share them in the future. He is looking forward to what the consultant comes up with. Ms. Proulx noted that she has no preference whether the short term rental aspect is reviewed now or during the full update process. Mr. Reed noted that the cost is insignificant

compared to the benefits. TOT tax collection in October was \$243,000, which is a significant increase in last year's, even when the additional 2% increase is subtracted. The number of lodging establishments based on business licenses are up from 535 to 802 over the last 10 months. He noted this information was presented to the Board recently and it should be addressed sooner rather than later.

Mr. Hauschner raised concern about only using 2 benchmark localities for best practice comparisons, and how those benchmarks are chosen. He noted that he would like to see a more thorough assessment. Ms. Bishop noted that staff would work with the Berkley Group to determine what those benchmark localities are, and asked if the Commission would like to see more than 2 benchmark localities. Mr. Hauschner approved and noted that he would like to see localities with more aggressive strategies, and how those localities were chosen, and questioned if using localities to similar to Nelson already would be a benefit. Mr. Reed agreed and noted that he has reviewed as many ordinances as he can, and indicated that staff can provide additional localities' ordinances as well.

Ms. Bishop indicated that there could be a general consensus to forward this to the Board for consideration, and have internal discussions with the Berkley Group regarding adding more benchmark localities to the work order, as well as how they are selected.

Mr. Reed noted that there is a menu of possibilities that he would like to see regarding short term rental regulation. Mr. Hauschner noted that he would like to see a list of actionable legal strategies as a result.

**Mr. Hauschner motioned to forward the work order amendment to the Board for consideration, with the recommended change to increase the number of benchmark localities and include actionable strategies. Ms. Proulx seconded.**

**Yes:**

**Phil Proulx**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**William Smith**

**Mike Harman**

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

Mr. Reed noted that the Board is tracking short term rentals month to month, and receives the data in the County Administrator's report based on the number of business license, meals tax, TOT tax, etc. He noted that there are less people eating out in Nelson. He noted that VDOT gave a report that they would not approve through truck restrictions on Route 151 and Route 6; that it did not meet the criteria. Staff has made the request VDOT to reduce the speed limit from Bland Wade to the County Line from 55mph to 50mph. He noted that the Board approved the SUP for the dwelling units in on Front Street zoned B-1. He noted that the Drug Recovery Court had its first graduation, which is a big deal for the County for

individuals who have felonies on their records from drug violations, to have a way to have their record cleared with the support of many different agencies, such as the Commonwealth's Attorney, Region 10, Sheriff's Department, and more. He noted that this upcoming Friday would be the grand opening of the new Health Department building, and indicated that some services would still be offered at the Blue Ridge Medical Center. He indicated that the Board of Supervisors approved the Wild Rose Solar Siting Agreement for public hearing in December. Lastly, he noted that the Lovington Exxon Mobile was approved for a \$600,000 grant in federal monies from VDOT to install the County's first public EV charging station.

Ms. Bishop noted that there is a rezoning request for Sunny Mountain store coming to the next meeting, and that the results of the public engagement portion of the ordinance update process would be presented at the upcoming work session.

**Mr. Proulx motioned to continue the meeting to a joint work session with the Board of Supervisors on December 18, 2024 at 5:00 p.m. at 7:54 p.m. The regular meeting will be at 7:00 p.m. Ms. Hauschner seconded the motion.**

**Yes:**

**Phil Proulx**

**Mike Harman**

**Robin Hauschner**

**Ernie Reed**

**Mary Kathryn Allen**

**William Smith**

Respectfully submitted,

A handwritten signature in black ink that reads "Dylan M Bishop". The signature is written in a cursive, flowing style.

Dylan M. Bishop, CZA, CFM

Director of Planning & Zoning