

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors and the Nelson County Planning Commission at 5:00 p.m. in the General District Courtroom located on the third floor of the Nelson County Courthouse, in Lovingston, Virginia.

Present: J. David Parr, West District Supervisor – Chair
Ernie Q. Reed, Central District Supervisor – Vice Chair
Jesse N. Rutherford, East District Supervisor
Mary Kathryn Allen, South District Commissioner - Chair
Philippa Proulx, North District Commissioner
Michael Harman, West District Commissioner
William Smith, East District Commissioner
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Dylan M. Bishop, Director of Planning and Zoning

Absent: Dr. Jessica L. Ligon, South District Supervisor
Thomas D. Harvey, North District Supervisor
Robin Hauschner, Central District Commissioner – Vice Chair
Candice W. McGarry, County Administrator

I. CALL TO ORDER

The Board of Supervisors did not yet have a quorum, Mr. Parr and Mr. Rutherford were in attendance. It was noted that Mr. Reed was running late and Dr. Ligon and Mr. Harvey would be absent.

As there was not a quorum for the Board of Supervisors, item II. Public Hearing A. Wintergreen Master Plan Amendment (Resolution R2024-84) was moved to the bottom of the agenda and Chris Musso of Berkley Group reviewed the Zoning and Subdivision Ordinance Updates with the Planning Commission and Mr. Parr and Mr. Rutherford.

III. JOINT WORKSESSION WITH PLANNING COMMISSION ON ZONING AND SUBDIVISION ORDINANCE UPDATES

Ms. Allen called the Planning Commission meeting to order at 5:01 p.m. with four (4) Commissioners present to establish a quorum.

Mr. Chris Musso with the Berkley Group introduced himself and Rebecca Cobb, Director of Planning for the Berkley Group. He noted that Cecile Gaines was also working with the project, but she was not available, so Ms. Cobb was present in her stead. He reported that this is the first work session for the zoning and subdivision ordinance update, and it would be focused on the public engagement completed to date. He noted that they would also discuss ordinance structure, the table of contents for the proposed ordinance and the next steps. He reviewed the order of what they would discuss at this meeting.

Mr. Musso said that the development phase would likely extend from the current fall season into the fall/winter of the following year, with work sessions planned every other month. He reported that these sessions would focus on drafting content for input, similar to the process used during the Comprehensive Plan update. He stated that public engagement for the zoning ordinance project would begin by summarizing the efforts already undertaken, including two (2) public workshops held on October 22nd at RVCC and October 30th at the Nelson Center. Mr. Musso said the turnout was impressive, with 46 attendees at the first workshop and 36 at the second, a testament to the community's dedication in Nelson County.

Mr. Musso reported that the team also conducted four (4) focus group listening sessions, inviting 20 participants to discuss agriculture, preservation and conservation, real estate development, and economic development. He stated that public engagement for the project revealed six (6) key themes that the public desired from the zoning ordinance and subdivision ordinance update process. He noted that the public engagement process for this project was a bit different than the Comprehensive Plan project, because they had to weed through the feedback that they received from people. He commented that some of things were not relevant to the zoning or subdivision ordinance.

Mr. Musso reviewed the public engagement key themes:

Public Engagement Key Themes	
Preserve Rural Lands	The community expressed a strong desire to preserve the County's rural character by protecting large tracts of farmland and forested areas from overdevelopment, emphasizing the importance of balancing growth with land conservation.
Increase Housing Stock	Participants identified the need to expand the County's housing stock to meet demand, particularly for workforce, senior, and entry-level housing, while advocating for higher-density developments in areas like Lovington that already have supporting infrastructure.
Enhance Short-term Rental Regulations	Respondents highlighted the impact of short-term rentals on housing availability and community character, calling for more robust regulations to manage their growth and ensure they do not displace long-term residents or degrade residential neighborhoods.
Concentrate Development Near Infrastructure	The community believes that certain areas of the County, particularly Nellysford, Afton, and the Route 151 corridor, are overly developed. They would prefer to see new development directed toward areas better equipped to handle the associated infrastructure demands, such as increased traffic.
Promote Local Economic Opportunities	Community members emphasized the importance of fostering local economic opportunities by encouraging mixed-use development and addressing gaps in essential services like grocery stores and farm supply stores to meet residents' needs.
Clarify and Simplify Zoning Ordinance	Participants expressed a need for the Zoning Ordinance to be more user-friendly, with clearer definitions and streamlined processes for permitting, to reduce confusion and delays for property owners and developers.

He explained that the themes included preserving rural lands, protecting prime farmland from development, and conserving natural and sensitive habitats. Mr. Musso stated that increasing available housing stock, including entry-level, workforce, and senior housing, was identified as another priority. He said the community expressed interest in enhancing short-term rental regulations to minimize potential negative impacts.

Mr. Musso stated that concentrated development near existing or improved infrastructure, particularly along Route 29, was also favored—while areas like Route 151 and Route 6 were seen as overdeveloped. He reported that promoting local economic opportunities, such as essential services like grocery stores and medical care, was another theme. He stated that mixed-use development could address these gaps while increasing housing stock.

Mr. Musso explained that simplifying and clarifying zoning ordinance regulations was a recurring request from the community. He reported that the update aimed to make the ordinance more accessible and comprehensible to all residents. He said public sentiment also highlighted alternative housing options, such as ADUs (affordable dwelling units) and higher-density developments, in areas like Lovington and Colleen with sufficient infrastructure. Mr. Musso stated that preserving rural and cultural character remained a top priority, alongside protecting natural and cultural resources. He added that short-term rentals continued to be a key concern and that options for regulating these would be incorporated into the update.

Mr. Musso stated that zoning enforcement was another notable issue raised, with efforts aimed at easing administrative burdens for rural communities with limited staff. He said the feedback summary and Attachment B of the packet outlined these priorities, emphasizing the importance of addressing workforce, entry-level, and senior housing needs, preserving Nelson County’s cultural heritage, and ensuring regulations were enforceable and practical for staff.

Mr. Musso stated that from the focus groups, preserving agriculture and lowering barriers to farming and farming support services emerged as key priorities. He said that supplementary agricultural services such as farm-to-table options, retail outlets, and farming supply stores faced difficulties, and the County could work to make their establishment easier. He stated that housing was another major concern and emphasized the need for more options and increased density where appropriate.

Mr. Musso reported that environmental and cultural preservation were important, noting that the preservation of dark skies had emerged as a positive theme throughout public engagement. He said that community members who were familiar with the existing zoning ordinance wanted simpler regulations that were easier to navigate and process.

He stated that limiting barriers to bringing necessary services to the County was deemed essential. He reported that outside of Lovington, there was a lack of retail options, as well as primary care facilities, senior care facilities, and adventure services connecting people with nature. Mr. Musso said there was a desire for increased design standards, particularly for lighting, but participants had stressed the need to balance these so they did not negatively impact housing development or desired businesses. Mr. Musso stated that the group felt it was important to ensure the community's aesthetic matched its values while avoiding over-regulation.

Mr. Musso reported that the key findings from public engagement summarized these priorities and referred to Attachment B for a more detailed breakdown. He offered to address any comments, questions, or discussion points before proceeding. There being none, he moved onto the proposed ordinance structure. Mr. Musso noted that Attachment C was the proposed table of contents, outlining the document and ordinance organization.

Mr. Musso stated that the articles of the ordinance would include:

- Article 1 - General Provisions
- Article 2 – Administration
- Article 3 - Permits and Applications
- Article 4 - Primary Zoning Districts
- Article 5 - Overlay Zoning Districts
- Article 6 - Use Matrix
- Article 7 - Use Standards
- Article 8 - Community Design Standards
- Article 9 - Non-Conforming Uses, Lots, and Structures
- Article 10 – Subdivisions
- Article 11 - Definitions

Mr. Musso explained that all of the articles would form part of the updated ordinance. He said that Article 10 would consolidate subdivision regulations directly into the zoning ordinance to create a unified development ordinance, making it easier for users to reference all relevant guidelines in one place.

He reported that Article 4, which addressed primary zoning districts, would retain the existing residential districts without removing any of them. Mr. Musso referenced Attachment D, which would identify any districts slated for removal, though he emphasized that none were currently intended for elimination. He further explained that a new residential district, the R-3 District, would be introduced based on public engagement and discussions with the Board, Planning Commission, and staff.

He said that Article 5 would include two (2) new overlay districts, the Village Overlay District and the Mountain Ridge Overlay District.

Mr. Musso described the R-3 District as a higher-density residential zone with larger buildings, lower setbacks, and an emphasis on multifamily and single-family attached developments. He stated that this district would likely be concentrated in areas like Lovington or Colleen, depending on development suitability. He illustrated this concept with examples such as townhomes and mixed-use buildings featuring retail on the ground floor and apartments above.

Mr. Musso explained that the Village Overlay District was designed for rural villages such as Piney River, Gladstone, Arrington, Shipman, Faber, and Schuyler, as designated in the comprehensive plan. He stated that this overlay would allow for tighter development patterns, reduced setbacks, increased density, and uses such as gas stations and community markets to meet local needs.

Mr. Musso reported that the purpose of the Mountain Ridge Overlay District was to restrict development along sensitive mountain ridge areas. He stated that the Mountain Ridge Overlay District would enforce greater separation between buildings than there would be in A-1, limit their height and footprint, and ensure protection of the County's natural landscapes. He said this would mean less impact when looking up at the mountain ridges, fewer trees missing, and overall less visual impact. He emphasized that they want to preserve these sensitive parts of the County and ensure protection of the area's natural beauty.

Ms. Proulx said that she had been interested in the 151 overlay, and that was not mentioned. She noted that something similar may also be needed on 29. She asked how that would be addressed.

Mr. Musso explained that they had the budget to add about two (2) new zoning districts but they were doing three (3) because they believed that if they were effective with their work, they could accomplish

that and make a model primary zoning district and a model overlay district. He said the hope was that in the future, County staff could take those models—Mountain Ridge, Village Overlay, or R-3—and adapt them to fit the County’s needs. He said if there was one (1) of those districts that the Board or Planning Commission did not like or felt they did not really need; they could swap it out for a district they felt they did need. He noted that these were the three (3) they settled on because they felt these were the ones the community wanted most. He emphasized that it was open to interpretation and discussion.

Ms. Proulx stated that a lot of the community would like to see some things different on 151, so that might be worth considering, at least seeing how they can put it in sooner rather than five years down the road.

Mr. Musso stated that Article 6 would contain the use matrices, which were tables listing all potential land uses within the County, alongside zoning districts. He said the matrices would indicate whether a use was permitted by right or required a special use permit, using markings such as “B” for by-right and “SUP” for special use permit. He referenced a column at the end of these matrices that would denote any specific use performance standards and highlighted how section numbers would help users locate details efficiently.

He reported that Article 7 would include all of the use performance standards, which were similar to conditions typically attached to special use permits. Mr. Musso explained that these standards would apply universally, rather than being limited to individual applicants, and would streamline application processes. He said that applicants for by-right uses would receive administrative approval while adhering to predetermined standards listed within the ordinance. As an example, he referenced gas stations, specifying that standards could regulate factors like size, the number of pumps, underground hazardous storage, and lighting constraints.

Mr. Musso stated that Article 8 would focus on community design standards, which he described as adaptable rules applicable to specific uses, areas, or the entire County. He reported that these standards would encompass things like lighting, landscaping, screening, walls, fences, streets, bikeways, sidewalks, parking, loading, and signs. He emphasized that this list was not exhaustive but included the most relevant standards for the County’s needs.

Mr. Musso stated that Attachment D, the table of contents crosswalk, provided a detailed comparison of the current and proposed zoning regulations. He explained that the first three (3) sections of the attachment outlined the existing regulations, including article numbers, section content, and their locations in the current ordinance. Mr. Musso referenced that column four of the table displayed the proposed locations and changes in the new zoning ordinance. He emphasized that this process was designed to ensure no regulations would be lost during the updates.

Mr. Musso further reported that staff notes in the attachment highlighted specific modifications, such as the removal of sliding-scale zoning. He said these notes were included to keep everyone informed and aligned throughout the update process. He stated that the team had completed several stages of the project, including the joint kickoff, public workshops, focus groups, work session one, public engagement over the summer, and the table of contents crosswalk.

Mr. Musso announced that drafting the actual articles of the ordinance would begin soon, with a follow-up scheduled for February 26th. He said the upcoming drafts would include articles 1, 2, 3, and 9, covering General Provisions, Administration, Permits and Applications, and Nonconforming Uses, Lots, and Structures. Mr. Musso described these as generally straightforward yet significant articles, often guided by State Code of Virginia regulations. He concluded by expressing confidence in their ability to navigate this critical phase in the coming months.

Mr. Reed arrived during the work session.

Ms. Allen asked about start time for the February 26th work session. Ms. Bishop suggested that they may want to start around 4:00 p.m. to allow for a break prior to Planning Commission’s 7:00 p.m. regular meeting. Ms. Allen suggested they speak with Robin Hauschner before setting the time, to try to work with his schedule since he has been unable to attend many of the work sessions.

Mr. Parr called the meeting to order at 5:27 p.m. with three (3) Supervisors present to establish a quorum. Mr. Harvey and Dr. Ligon were absent.

IV. OTHER BUSINESS (AS PRESENTED)

A. Proposed Work Order Amendment – Zoning Text for Short Term Rentals

Ms. Bishop stated that at the Board meeting last week, they discussed a work order amendment proposed for addressing short-term rentals first. She said they let Mr. Musso and Ms. Cobb know that the Board had decided on four (4) benchmark localities, so they had a new draft work order amendment for the Board's consideration. She said the addition of two (2) additional benchmark localities added \$790.40, bringing the total to \$2,563.60.

Mr. Reed moved to approve the proposed work order amendment with the addition of \$790.40 to the original proposed cost of \$1,773.20.

Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote.

Ms. Allen asked for a motion from the Planning Commission to adjourn and continue to 7:00 p.m. Ms. Proulx moved to adjourn and reconvene at 7:00 p.m. and Mr. Harman seconded the motion. There being no further discussion, the Commissioner approved the motion unanimously by vote of acclamation.

I. PUBLIC HEARING

A. Wintergreen Master Plan Amendment (Resolution R2024-84)

Consideration of a request for County approval to amend a portion of Wintergreen's Master Plan. The subject property is located at Tax Map Parcel #11-A-2G and is currently designated for residential development (Grassy Ridge I and II). The owner is proposing to place a portion (355.451 acres) of the property into an open space conservation easement. The subject properties are owned by Wintergreen Partners, Inc. a Virginia Corporation.

Ms. Bishop stated that the Planning and Zoning Department received a request from Taylor Cole with Conservation Partners to amend the Wintergreen Master Plan to allow a conservation easement on a portion of property in Wintergreen, which is currently designated for residential and mixed-use development. She said that Virginia Code requires the governing body to advertise for adoption of any planned ordinance or amendment thereof, hence the public hearing that evening. She stated that WPOA Executive Director Jay Roberts indicated that WPOA was in support of the conservation easement but they did require holding back approximately 40 acres that would be prime for development, so the acreage of the proposed easement was about 355 acres. She said that Mr. Cole with Conservation Partners was present at the meeting, as well as Jay Roberts with WPOA, if there were any questions regarding the request.

Mr. Parr opened the public hearing. There being no speakers, the public hearing was closed.

Mr. Reed stated that the only comment he had, besides the fact that he was a huge supporter of conservation easements, was that doing one at Grassy Ridge was absolutely great. He said he had spoken with Doug Coleman regarding the subject some months ago, when the plan was still in its early stages, and Mr. Coleman certainly spoke in favor for getting it done. He said Mr. Coleman has had his eye on that area for quite some time and was very happy then to see that it might be going forward. Mr. Reed indicated that he was also happy to see the conservation easement going forward.

Mr. Parr thanked staff for their work on this and said he would entertain a motion for R2024-84.

Mr. Reed moved to approve **Resolution R2024-84** Approval of the Wintergreen Master Plan.

Mr. Rutherford seconded the motion. There being no further discussion, Supervisors approved the motion unanimously (3-0) by roll call vote and the following resolution was adopted:

RESOLUTION R2024-84 NELSON COUNTY BOARD OF SUPERVISORS APPROVAL OF WINTERGREEN MASTER PLAN AMENDMENT

WHEREAS, Wintergreen Partners, Incorporated wishes to amend a portion of Wintergreen's Master Plan such that 355.451 acres of property located at Tax Map Parcel #11-A-2G, currently designated for

December 18, 2024

Residential Development (Grassy Ridge I -221.90 acres and Grassy Ridge II – 133.551 acres) would be placed into an open space Conservation Easement; and

WHEREAS, pursuant to the Nelson County Zoning Ordinance, Article 7 – Residential Planned Community District RPC, §7-2-3 of the Code of Nelson County, the Wintergreen Master Plan having last been amended on December 14, 2004, may not be altered without approval of the Nelson County Board of Supervisors; and

WHEREAS, pursuant to §15.2-2204 of the Code of Virginia 1950 as amended, a notice of public hearing was duly advertised and the public hearing held by the Board of Supervisors on December 18, 2024;

NOW THEREFORE BE IT RESOLVED, the Nelson County Board of Supervisors finds that the request for an amendment to the Wintergreen Master Plan complies with Chapter 6 – Protecting Valuable Resources, of the Nelson County Comprehensive Plan adopted on April 9, 2024, and the requirements of Article 7 – Residential Planned Community District RPC, of the Nelson County Zoning Ordinance; and

BE IT FURTHER RESOLVED, the Nelson County Board of Supervisors finds that the request is also in alignment with the Board’s established priority of Preserving Rural Character and Heritage by protecting natural and cultural resources through protecting agricultural and forested landscapes from development, through tools such as conservation easements, ag and forestall districts, use-value assessments, and purchase of development rights program; and

BE IT FINALLY RESOLVED, that the Nelson County Board of Supervisors hereby approves amending the Wintergreen Master Plan, revised December 14, 2004, to show 355.451 acres of the area identified as Tax Map Parcel #11-A-2G (Grassy Ridge I and II), formerly designated for Residential Development as an open space Conservation Easement.

Mr. Parr asked if there was any other business for the Board to discuss.

Mr. Rutherford asked staff if they had a connection with AEP, as he would like to see about coordinating with some of the businesses about putting some lights at the Courthouse and down towards Front Street. Ms. Spivey indicated that staff had a contact person at AEP that they could reach out to.

The Board had no other business to discuss.

V. ADJOURNMENT

Mr. Parr adjourned the Board meeting at 5:36 p.m.