



# **NELSON COUNTY PLANNING COMMISSION**

## **Meeting Agenda**

### **June 25, 2025**

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

- **7:00 – Meeting Convenes / Call to Order**
- **Public Hearing:**
  - **AFD Withdrawal Request – 196.34 acres in Greenfield AFD**
- **Other Business:**
  - **Amendment to Planning Commission Bylaws**
  - **STR Working Group Update**
- **Board of Supervisors Report**
- **Upcoming Scheduled Meetings:**
  - **July 23, 2025**

**Nelson County  
Planning Commission**

# Memo

**To:** Planning Commission

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

**Date:** June 25, 2025

**Re:** Withdrawal of Property from Greenfield AFD – 196.375 acres

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The Planning & Zoning Department has received an application from Jim and Joan Klemic to remove 196.34 acres of property from the Greenfield Agricultural and Forestal District.

“The Agricultural and Forest Conservation District Program is a voluntary program in which farmers, foresters and landowners form an Agricultural and/or Forest Conservation District for the purposes of conserving areas that are rural and agricultural. The property owner continues to hold fee simple title to the land, but the easement restrictions run with the land, for a set term of years. The agreements usually include exceptions that permit the landowner to withdraw from the program under certain circumstances.

Agricultural-Forestal Districts (AFDs) were established by the State of Virginia as a means for counties to offer incentives to landowners to maintain their property in agriculture and forestry. These benefits include (1) eligibility for Land Use taxation, (2) protection from eminent domain and municipal annexation, and (3) protection from frivolous nuisance complaints. These protections are in effect for the duration of the contract period. As a result, the County is able to more accurately plan land use in the region, since the owner agrees not to convert the property to a more intensive use for the duration of the contract. The rural nature of the landscape is maintained and the tax rates remain low since residential development is slowed and county resources are not overburdened.”

Per the Code of Nelson County, Virginia, Chapter 9 “Planning and Development,” Article V, “Agricultural and Forestal Districts,” withdrawal of land from an existing agricultural and forestal district requires a public hearing. This request from Jim and Joan Klemic includes the below parcels.

<u>Parcel Number</u>	<u>Acreage</u>
13 A 1	23.9
7 A 87	31.85
13 A 1A	31.4
7 A 88	22.945
7 A 93A	44.94
6 A 158B	41.34

Please reference Section 9-201 “Evaluation Criteria” for a list of factors to be considered by the Advisory Committee, Planning Commission, and the Board of Supervisors when reviewing the request, as follows:

- a) The agricultural and forestal significance of land within the district or addition and in areas adjacent thereto;*
- b) The presence of any significant agricultural lands or significant forestal lands within the district and in areas adjacent thereto that are not now in active agricultural or forestal production;*
- c) The nature and extent of land uses other than active farming or forestry within the district and in areas adjacent thereto;*
- d) Local developmental patterns and needs;*
- e) The comprehensive plan and, if applicable, zoning regulations;*
- f) The environmental benefits of retaining the lands in the district for agricultural and forestal uses; and*
- g) Any other matter which may be relevant.*

*In judging the agricultural and forestal significance of land, any relevant agricultural or forestal maps may be considered, as well as soil, climate, topography, other natural factors, markets for agricultural and forestal products, the extent and nature of farm structures, the present status of agriculture and forestry, anticipated trends in agricultural economic conditions and such other factors as may be relevant.*

**The advisory committee met on April 25 to review and discuss the application and recommended approval of the request to the Planning Commission (Minutes attached).**

## **Minutes for April 25, 2025 AFD Advisory Committee**

**9 a.m. held via Zoom**

### **Board Members Present:**

Board of Supervisors member – Jesse Rutherford

Commissioner of Revenue member – Kim Goff

Landowner members – Joyce Burton, Ben Kessler, Susan McSwain, Billy Newman,  
Charlotte Rea, Ernie Reed

### **Board Members Absent:**

Landowner member – Andy Wright

### **Guests Present:**

None

**Meeting called to order:** Mr. Newman, Committee Vice-Chair, called the meeting to order at 9:01 a.m. The 2/3 quorum of members present was met. Everyone thanked Mr. Newman for providing us with the ability to meet by zoom.

### **Member Resignation**

Ms. McSwain received an email from Mary Cunningham earlier this week stating that she is resigning from the Committee. Ms. McSwain will inform the County Administration office that the vacant slot should be advertised.

### **Request from Landowner in Greenfield AFD to Withdraw Property**

Earlier this year, Jim and Joan Klemic notified Dylan Bishop, Planning and Zoning Director, with a request to withdraw their land from the Greenfield AFD. Any request for withdrawal of land must be considered by this Committee with the purpose of sending a recommendation to the Planning Commission and the Board of Supervisors that the withdrawal of land be approved or not approved. Ms. Bishop forward the request to Ms. McSwain, the AFD Committee secretary.

The Klemics own six parcels totaling 196.375 acres that were included in the AFD when it was created in 2015. The parcels are:

13 A 1

7 A 87

13 A 1A

7 A 88

7 A 93A

6 A 158B

Removal of these parcels from the AFD will not affect the 200-acre core, which is the 518.3 acres in Shannon Farm. It will also not affect any other parcels in the AFD, including satellite parcels that might have been accepted into the AFD based on the allowed distance from the Klemics' land. County ordinance allows the county to charge a \$300 fee to a landowner who requests withdrawal of land. This fee covers costs such as advertising the public hearings that are required when land is withdrawn from an AFD. The Klemics have been made aware of this.

Ms. Burton, spokesperson for Greenfield AFD, has been in touch with the Klemics' and reported on the reasons for their request. The Klemics are preparing to sell their land and are concerned that having the land in an AFD could hinder any sale. Realtors generally recommend landowners to sell parcels individually as a way to obtain the highest price, but the Klemics told Ms. Burton that they hope to find a buyer who wants to buy all of the parcels and keep the land in its entirety. However, they are aware that once the land is sold, the new owner can break up the parcels for resale.

In the 20 years that AFDs have existed in the County, this was the first request for the withdrawal of land to come before the Committee. This was a new issue for the Committee to consider, and members expressed their thoughts about withdrawing these parcels from the AFD:

- Ms. McSwain said that she wished she had known that the Klemics wanted to keep their parcels together. She serves on the board for the Central VA Land Conservancy (CVALC), and she would have encouraged them to put a conservation easement on their land that would guarantee that all the parcels would be kept together as a single unit. She pointed out that in exchange for surrendering division rights, the IRS authorizes tax deductions to landowners who place land under conservation easement, and Virginia tax credits are also available and help to balance the lower sale price.
- Ms. Rea (who also serves on the CVALC board) mentioned that landowners who sell property within a year of placing a conservation easement on the land cannot realize the full benefits of Federal tax deductions and state tax credits. If the Klemics are hoping to sell their land as soon as possible, a conservation easement might not be of interest to them.
- Ms. Burton said she does not know the time frame that the Klemics have in mind, but she will be in contact with them later and find out if they are interested in speaking with Ms. McSwain about conservation easements.
- Mr. Kessler voiced concern that the Klemic's land abuts Rt. 151, which makes the parcels attractive for anyone wanting to add to the rampant development occurring along that road. He said that even if a buyer says they are not interested in developing the land, there is no guarantee that they will follow through on anything they say. He pointed out that AFDs help protect land in the surrounding area, and he said that AFDs are one of the only ways for a community to have a common voice when it comes to land use.

- Ms. Burton reported that some of the interest from landowners who joined the Greenfield AFD when it was created was the threat of the Atlantic Coast Pipeline's (ACP) potential taking of private property through the use of eminent domain. At the time, the route of the ACP was proposed to go through the Greenfield area. The permit process set forth in State code to condemn land in an AFD takes at least six months, and creating an AFD was seen as a way to forestall approval of the route. She said that the Klemics had doubts that AFDs did much to protect land in the County.
- Mr. Reed mentioned that the timing for this request is unfortunate since the County is in the process of looking at overlay districts that can provide protection for landowners in certain areas of the County. Removal of the Klemics' land breaks the connection of the Greenfield AFD to the Route 151 corridor.
- Ms. Rea and Mr. Kessler said that our Committee needs to do a better job explaining the benefits of AFDs to landowners. Mr. Kessler pointed out that none of the other AFDs were created in response to the ACP but rather were created to promote community cohesion. Ms. McSwain mentioned that in prior years, meetings were held for landowners in AFDs to provide information that affected forests, agriculture, and land in general. Perhaps this effort can be started up again, but it will require some effort.
- Mr. Kessler asked if information about AFDs could be included with the land use applications and tax notices that the County mails to landowners. Ms. Goff responded that this would be a question for Neely Hull, the County Treasurer. Ms. McSwain said that information about conservation easements had been included in mailings done in Amherst County a few times, but that county handles mailings in-house. Volunteers stuffed the information into envelopes, but Nelson uses an outside contractor.

### **Vote on the Request**

Mr. Rutherford asked if we were ready to vote, and Mr. Newman asked for a motion. Ms. Burton moved that we approve the Klemics' request to remove their land from the AFD. Ms. McSwain seconded the motion.

- During further discussion, Ms. McSwain asked that a statement that the County has the right to charge the Klemics \$300 for their request be included in the motion.
- Mr. Newman asked if the County charged landowners to add parcels to existing AFDs, and Ms. McSwain clarified that the County only charges a fee to create a new AFD or when a landowner withdraws land from an AFD. Ms. Burton and Mr. Newman said that this was important, in case the buyer of the Klemic's land should wish to put the land back into the AFD.
- Ms. Rea pointed out that the State allows someone who inherits the land due to death of the original owner to pull out of an AFD without penalty if done within two years of the death of an owner. She would like clarification if the land is inherited by a non-family member. Ms. McSwain said she would try and get clarification.

**Motion**

*The AFD Advisory Committee approves the request from Jim and Joan Klemic to withdraw all six parcels that they own totaling 196.375 acres from the Greenfield AFD, with the understanding that the Klemics may be charged \$300 to cover costs associated with the withdrawal process.*

13 A 1

7 A 87

13 A 1A

7 A 88

7 A 93A

6 A 158B

The motion was passed unanimously. Ms. Burton said she will inform the Klemics of the Committee's decision. Ms. McSwain will send minutes of the meeting to Committee members for approval, and she will forward the minutes with any requested edits to the Planning Commission and Board of Supervisors.

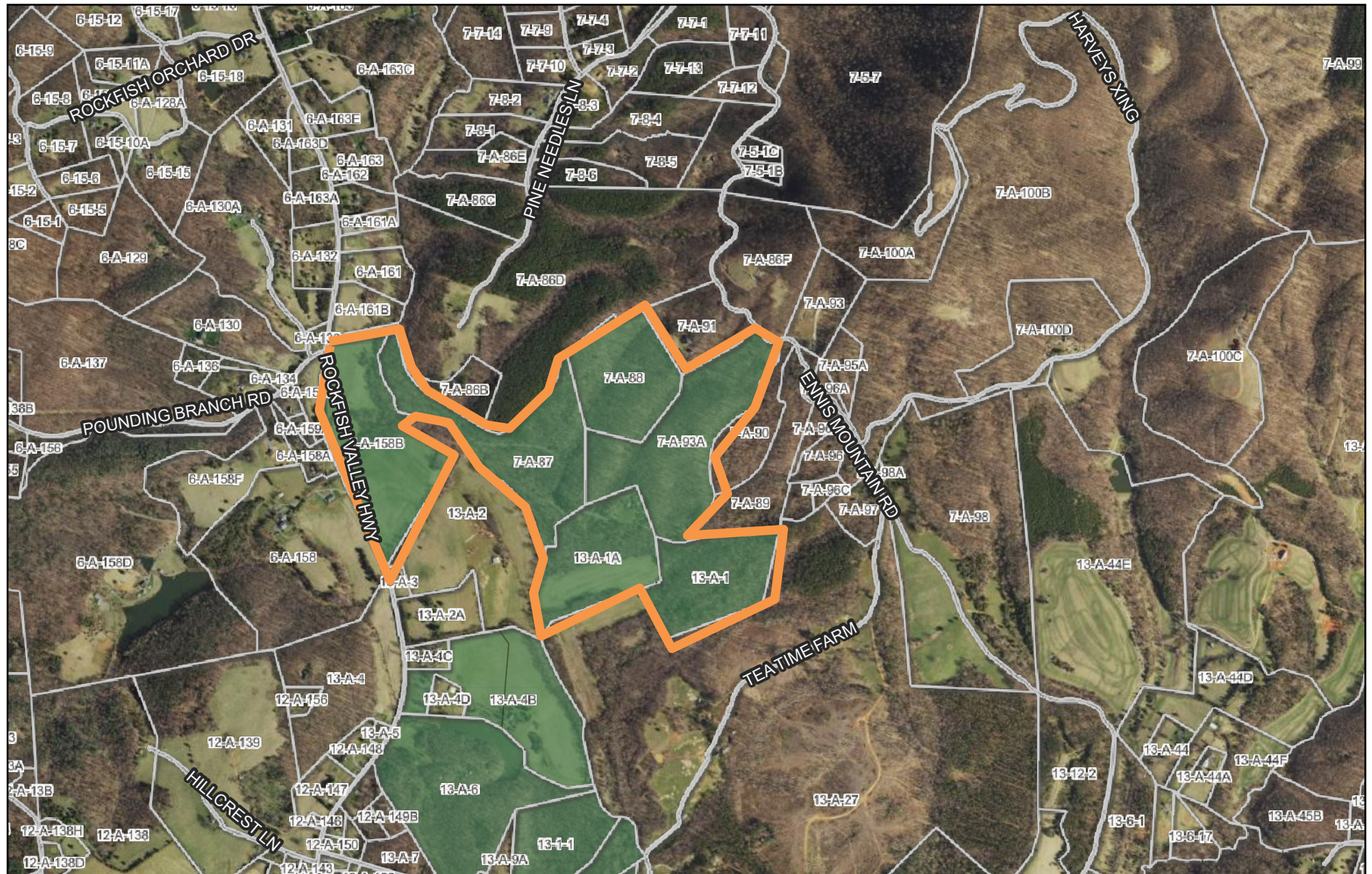
**Adjournment**

Mr. Rutherford moved to adjourn, seconded by Ms. Rea. Before adjourning the meeting, Mr. Newman suggested that the Committee get together more often to discuss issues that affect AFDs and land in general. He offered to host the additional meetings on zoom so that it would be easier to find a date when everyone was available. He adjourned the meeting at 9:59 a.m.

Minutes submitted by Ms. McSwain, Committee Secretary



# Nelson County, Virginia

$$1'' = 1,362'$$


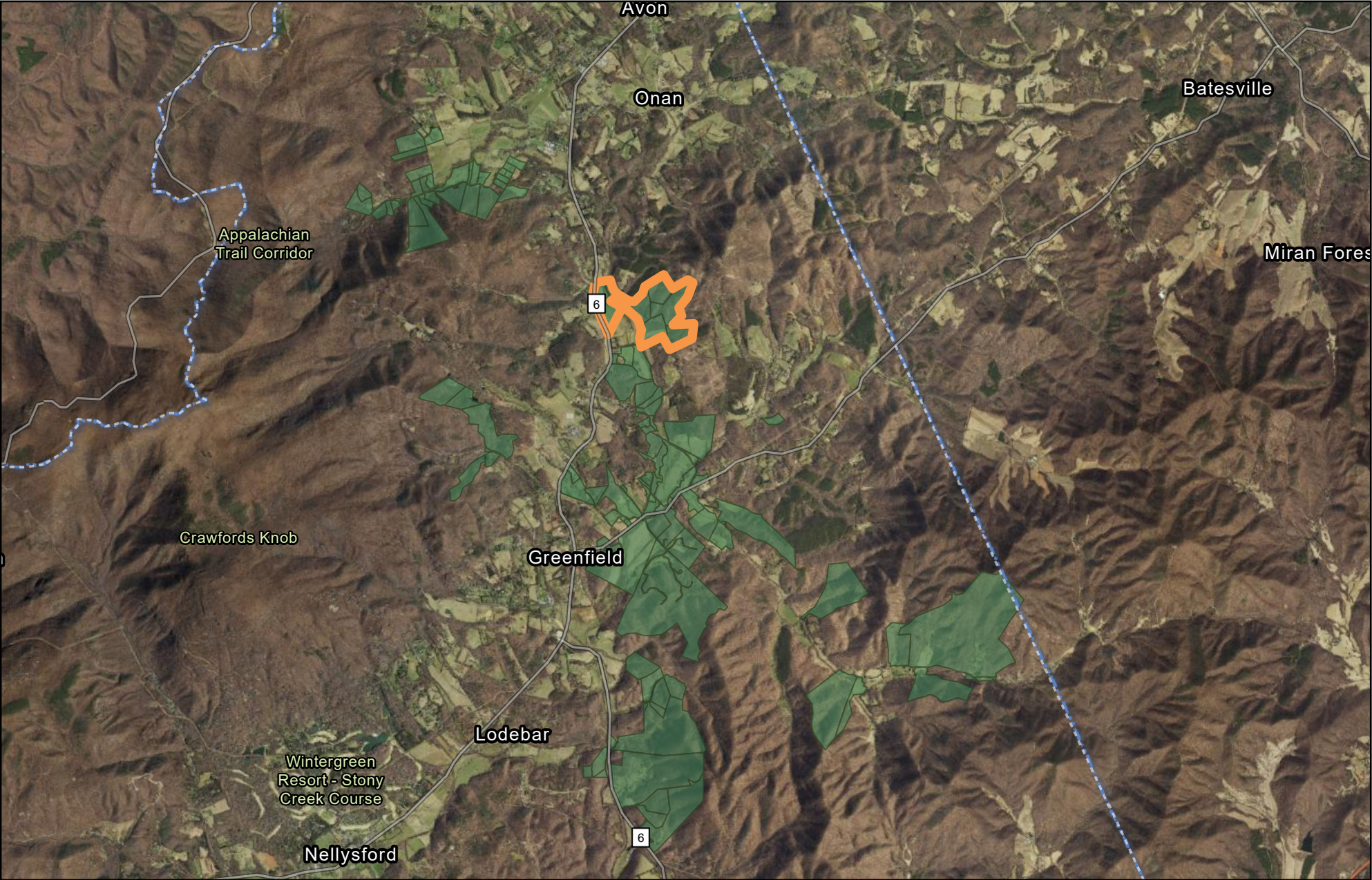
THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Site-specific information is best obtained after an onsite visit by a competent professional.

# Nelson County Greenfield AFD - Klemic

 AgForest Districts

— Roads





Nelson County Greenfield AFD

 AgForest Districts

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## **NELSON COUNTY PLANNING COMMISSION BYLAWS**

### ***ARTICLE I***

#### **Name**

The name of the organization shall be the NELSON COUNTY PLANNING COMMISSION.

### ***ARTICLE II***

#### **Authority for Establishment and Purpose**

The Planning Commission is established under the authority of the Code of Virginia (1950, as amended), Chapter 22, and Article 2. The purpose of the Nelson County Planning Commission (the "Commission") is to promote the orderly development of Nelson County and its environment. The Commission serves primarily in an advisory capacity to the Board of Supervisors ("the Board"), and serves to improve public health, safety, convenience, and welfare of County citizens.

### ***ARTICLE III***

#### **A. Powers and Duties of the Commission**

1. The Commission shall have and exercise the powers and duties conferred upon the Commission by the Code of Virginia (1950, as amended), the Code of the County of Nelson, Virginia, 1989, as amended, and any applicable County policies.
2. To make recommendations to the Board and assist them in the administration of the Zoning and Subdivision Ordinances, the Comprehensive Plan, other County policies and matters affecting the development and growth of the County and other matters as may be directed by the Board.
3. To promote programs, policies and plans to achieve a desirable distribution of population and land development within the County to facilitate effective and adequate provision of public services and facilities.
4. To appoint any committees or subcommittees.
5. By a majority vote, establish a work program with projects and priorities.



**B. Membership, Elections and Appointments**

1. The Commission shall consist of six (6) members appointed by the Board as follows:
  - a) Five (5) members shall be drawn from the five (5) election districts in the County. Each of the five (5) members shall be a resident in an election district distinct from one another, such that at least one (1) resident from each election district holds membership on the Commission.
  - b) One (1) member shall be a member of the Board, and shall act as a liaison to the Board. The liaison shall be appointed to the Commission annually by the Board at its first organizational meeting in January. The liaison shall not have a vote on matters before the Commission.
  - c) Each Commission member shall be a resident of the County, qualified by knowledge and experience to make decisions on questions of community growth, development, and preservation.
  - d) Commission members shall be appointed to four-year terms, except that appointments for vacancies occurring otherwise than by expiration of a four-year term shall be for the unexpired term. A member whose term expires shall continue to serve until a successor qualifies and is appointed.
  - e) If the Board does not receive an application from a qualified applicant in response to a duly advertised vacancy on the Commission for a seat otherwise filled, it may appoint to the Commission a person residing in an election district in which a sitting commission member appointed resides.
2. The Commission shall elect a Chair and a Vice-Chair at the first annual meeting of the Commission. The Chair and Vice-Chair shall be elected from its own appointed membership. These officers shall serve annual terms and may succeed themselves.
  - a) The Chair shall have the following duties:
    1. Preside at meetings of the Commission, promote the orderly and expeditious conduct of the meeting, and such other duties as are usually exercised by the Chair

- of a Commission or as may be assigned by the Commission or Board.
  - 2. Preserve order and decorum; decide questions of order and procedure; and set reasonable time limits for speakers and public hearings provided that by majority vote the Commission may reject such time limits.
  - 3. The Chair may speak and vote on all questions.
- b) In the absence or disability of the Chair and Vice-Chair, the member with the most seniority, alphabetically, shall preside as Temporary Chair until the Chair or Vice-Chair is present or is elected.
  - c) Any vacancy in the office of Chair or Vice-Chair may be filled by a majority vote of the Commission members present at the next meeting after such vacancy has occurred.
- 3. The Director of Planning and Zoning (Director), or other staff member, shall serve as Secretary to the Commission. In their absence, the Director shall designate a Temporary Secretary. The Secretary or their designee, shall have the following duties:
    - a) Perform the duties specified in these Bylaws and those assigned by the Commission, Chair or Board.
    - b) Attend all Commission meetings and ensure that minutes are taken.
    - c) Maintain all official books, papers, maps and records of the Commission and conduct all official correspondence of the Commission.
    - d) Notify the Vice-Chair, by telephone or in person, as soon as possible after the Secretary is informed that the Chair will not attend a future Commission meeting.
    - e) Notify the Temporary Chair, by telephone or in person, as soon as possible after the Secretary is informed that the Chair and Vice-Chair will not attend a future meeting.
    - f) Publish notice of public hearings in accordance with Section 15.2-2204 of the Code of Virginia.
    - g) When required by law, notify all applicants of the final action of the Commission on tentative subdivision plans, schematic plans, site plans, development standard waivers, appeals or any other item on which the Commission has final authority.

- h) Forward applications to amend, supplement or change the district boundaries or regulations of the zoning ordinance to the Commission with recommendations, if any.
  - i) Forward Commission recommendations to the Board. If the Commission's vote is split, or if the Commission's recommendation differs from staff's recommendations, both positions shall be explained. Attend Board meetings as required.
- 4. The Board member shall report to the Commission on all action taken by the Board on applications referred to it by the Commission.

#### **ARTICLE IV**

##### **A. Committees**

- 1. Committees shall be established by majority vote of the Commission as deemed necessary.
- 2. Each committee shall consist of no fewer than two (2) appointees, at least one (1) of whom shall be a member of the Commission.
- 3. Subcommittees of committees shall be appointed by majority vote of any committee.
- 4. The members of committees (including subcommittees) shall serve until a reassignment is made of a committee member by a majority vote of the Commission or a committee member resigns with written notice to the Secretary. Any vacancy in committees shall be filled by a majority vote of the Commission.

#### **ARTICLE V**

##### **A. Meetings**

- 1. Annual Meeting

The annual meeting of the Commission shall be held in January of each year. The business of the meeting shall include election of officers and scheduling of regular meeting dates for the year. There shall be at least one regular meeting date each month. The annual meeting may be held on, but is not required to be held on, a regular meeting date.

- 2. Regular Meetings

On regular meeting dates, the Commission shall hold public hearings (as applicable) to consider subdivision, schematic, site plan and development standard waiver requests, amendments to the comprehensive plan, substantial accord requests, zoning, conditional use, ordinance amendments and historic designation requests. In addition, the Commission may have a work session to discuss the business of the Commission and other matters, which may come before it. Cases will not be called after 10:00 p.m. without a unanimous vote of the Commission members present.

In the event more than one regular meeting date is scheduled in any month, the required public notice shall establish the later date as a date to consider any items that cannot be disposed of on the first meeting date of the month. The meeting will be held in the General District Court room at the County Courthouse Building or at a place and time designated by the Commission.

When a matter is set for a public hearing pursuant to required advertisement, the matter shall be heard even though no one in favor of or in opposition to the application appears at the hearing unless the matter is deferred or withdrawn. In the absence of a personal appearance by the applicant or agent, the Commission may either proceed to dispose of the application or defer it to another meeting in accordance with applicable law.

All motions to defer an item shall be to a date certain.

The applicant may withdraw an application at any time prior to the Commission acting on the application. The Commission shall acknowledge the withdrawal.

All persons who speak at the hearing shall furnish their names to the Commission and become parties of record. A speaker shall only speak once on any item unless the Commission asks the speaker to address questions.

No speaker may address the Commission unless recognized by the Chair. Each person who desires to speak shall be given time to present oral or written comments. Comments shall be directed to the Commission, not to the audience.

A deputy sheriff or Virginia law enforcement officer may serve as Sergeant at Arms.

### 3. Special Meetings



Special meetings may be called by: i) the Chair; (ii) two (2) members upon written request to the Secretary; or (iii) by a majority vote of the Commission. At least five (5) days in advance of a special meeting, the Secretary shall mail or email to all members a written notice specifying the time, date, place, and purpose of the meeting.

Written notice to individual Commissioners of a special meeting is not required if the time of the special meeting has been fixed at an annual, special or regular meeting of the Commission, or if all members file a written waiver of notice, or if all members are present at the special meeting.

**B. Rescheduling Meetings**

1. The Chair may cancel any meeting because of inclement weather and reschedule any such canceled meeting upon proper advertisement and notification.
2. The Commission may adjourn any meeting to any date and time that the Commission may set if required advertising and notification provisions are met. Provided, however, that a meeting that continues after midnight may be adjourned to a time on that same day without re-advertisement and notification. The motion of adjournment shall state the hour at which the adjourned meeting is to be reconvened.

**C. Minutes of Meetings**

1. The Commission may correct approved minutes only upon a clear showing that a clerical or administrative mistake was made.
2. Copies of draft, unapproved minutes shall be sent to Commissioners for approval. Draft minutes shall be clearly marked as such.

**D. Quorum**

A quorum of the Commission shall consist of four (4) of the six (6) members of the Commission. A quorum must be present at all meetings to transact any official business and, unless otherwise required by law or these Bylaws, no action of the Commission is valid unless authorized by a majority vote of those present and voting. An abstention, although not a vote in favor or against the motion, shall be counted as a vote for the purpose of determining a quorum. Provided, however, if a Commissioner is disqualified in accordance with the State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., and this results in less than the number required by law to act, the remaining member or members shall

have authority to act for the Commission by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of the remaining members.

If a quorum is not present at any meeting, items on the agenda requiring action shall be moved to the agenda of the next regular meeting of the Commission or to the agenda of a special meeting of the Commission, if one is called for that purpose.

***E. Tie Vote***

A tie vote on any motion means the defeat of the motion for lack of a majority vote, and if the item requires Board action, the item will be forwarded to the Board with a report of the tie vote.

***F. Order of Agenda for a Regular Meeting***

To the extent necessary to consider items requiring Commission action, the order of the agenda for a regular Commission meeting shall be as follows, unless amended by majority vote and the Commission shall confine discussions to the matters contained on the agenda:

1. Call to Order and determination of quorum
2. Approval of minutes, if applicable
3. Requests to postpone action, additions or changes in the order of presentation
4. Review of meeting procedures
5. Public hearing items
6. Non-public hearing items
7. Other business – committee reports, unfinished business, new business
8. Report from Board member
9. Adjournment to a designated place and time

***G. Order of Individual Items***

The procedure for consideration of an individual item at any meeting shall be as follows, unless amended by majority vote:

1. The Chair or the Secretary shall call and describe the item.
2. Comments and recommendations of the Planning staff (if necessary)
3. Applicant's presentation (if necessary)
4. Public hearing for interested citizens' presentation in opposition/support (if necessary)
5. Applicant's rebuttal (if necessary)
6. Staff response (if necessary)
7. Commission close of public hearing, discussion, questions, and action

**H. *Virginia Freedom of Information Act***

The Commission is a "public body" under the Virginia Freedom of Information Act (FOIA). It is the responsibility of the Chair, with the assistance of the Secretary to ensure compliance with all facets of this law.

**I. *State and Local Governments Conflict of Interest Act***

Members of the Commission are required to file the annual Financial Disclosure Statement.

**J. *Rules of Order***

Unless covered herein or established by Commission procedure or practice, parliamentary procedure in Commission meetings shall be the most recent edition of *Robert's Rules of Order*. Any questions involving interpretation or application of Robert's Rule shall be addressed to the County Attorney who shall be the designated Parliamentarian representing the Commission.

**K. *Work Program***

Annually, the Commission may recommend to the Board a work program of major projects (i.e., plan amendments and major ordinance amendments) having priorities for the ensuing year.

**ARTICLE VI**

### ***Amendment and Suspension of Bylaws***

With the exception of statutory requirements, the Commission may suspend the application of any of its Bylaws by a unanimous vote of all the members present at the time.

These Bylaws may be amended by a majority vote at any meeting of the Commission after not less than seven (7) days notice has been given to all members of the Commission and a copy of the proposed amendment sent with the notice.

DRAFT