



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda

March 25, 2026

General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingson

- **7:00 – Meeting Convenes / Call to Order**

- **Minutes – Joint Work Session with BOS:**
 - **February 26, 2025**
 - **August 27, 2025**
 - **October 22, 2025**
 - **December 17, 2025**

- **Other Business**
 - **REZ #250339 – R-1 Residential and M-1 Limited Industrial to M-2 Industrial (Cold Storage)**
 - **SUP #260024 – Restaurant (Coffee Shop) in A-1 Agriculture (Rockfish Fire & Rescue)**

- **Public Hearings:**
 - **SUP #250263 – Campground in A-1 Agriculture (Morse Lane)**
 - **SUP #260068 – Campground (Cabins) in A-1 Agriculture (Swannanoa)**

- **Board of Supervisors Report**

- **Continue Meeting to Next Joint Work Session**

- **Next Regular Meeting: April 22, 2026**

Virginia:

AT AN ADJOURNED JOINT MEETING of the Nelson County Board of Supervisors at 6:00 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
Dr. Jessica L. Ligon, South District Supervisor
Amanda B. Spivey, Assistant County Administrator/Deputy Clerk
Dylan M. Bishop, Director of Planning and Zoning

Michael Harman, West District Planning Commissioner
Gary Scott, South District Planning Commissioner
Richard Averitt, Central District Planning Commissioner
William Smith, East District Planning Commissioner

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Reed convened the Board of Supervisors meeting at 6:00 p.m. with four (4) Supervisors present to establish a quorum. Mr. Harvey was absent.

Mr. Harman convened the Planning Commission meeting at 6:00 p.m. with four (4) voting Commissioners present to establish a quorum.

Attendees introduced themselves.

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

Chris Musso of the Berkeley Group stated that he and his colleague, Cecille Gaines, have been working with the County for approximately the last six months to update their zoning and subdivision ordinances.

Mr. Musso stated that the project involves a two-year effort to update the zoning and subdivision ordinance, divided into three phases: investigation, development, and adoption. He said the investigation phase was complete, noting that they began with a diagnostic of the existing subdivision and zoning ordinance. Mr. Musso said they analyzed how the current ordinance aligns with state code and the new comprehensive plan, identifying areas needing updates to comply with state law and plan objectives. He stated this diagnostic is available on the project website, nelson2042.com, in the document library, or can be obtained from staff.

Mr. Musso explained that after completing the diagnostic, they initiated the zoning ordinance update with County staff, holding a joint session with the Planning Commission and Board of Supervisors to gather direction. He said they launched community engagement in the fall, conducting five focus group sessions and two public workshops, one in the north and one at the Nelson Center, after modifying the original plan for a single workshop.

Mr. Musso stated that following engagement, they drafted a table of contents crosswalk—a matrix showing the proposed new ordinance structure compared to the existing one—which is included as Attachment H. He explained that the crosswalk details the current section numbers, their proposed placement, and the final location in the draft, noting that these may change as drafting progresses. Mr. Musso said the crosswalk is not fully completed yet, as it only covers drafted sections for the four articles presented that night, but he will continue to update it as more sections are completed.

Mr. Musso reported that the last work session was held on December 18, when the team reviewed the table of contents crosswalk and gathered input from public engagement. He stated that this session marked the beginning of five ordinance drafting work sessions, with a total of six joint sessions planned. Mr. Musso explained that the drafting phase would culminate in a public open house, allowing the community to review and provide feedback on the ordinance. He said that any public input would be brought back to the room for consideration, and adjustments could be made before proceeding to public hearings in winter 2025–2026.

He stated that the session would begin with a review of the ordinance’s structure and table of contents, noting that bolded articles would be discussed, with definitions addressed at every session until complete. Mr. Musso said Article 1 covers general provisions, Article 2 addresses administration, Article 3 pertains to permits and applications, and Article 9 concerns nonconformities; he would explain each as the session progressed. He said much of the ordinance is driven by state code and structural requirements, with Article 3 offering the most flexibility. Mr. Musso explained that the drafting process follows the Code of Virginia, including references to relevant sections to ensure future compliance and simplify updates.

Mr. Musso explained that the ordinance is being reorganized to improve readability and make it easier for contractors, lawyers, and County residents to find regulations, updating provisions to reflect community input, and drafts include footnotes to highlight major changes and questions with yellow highlighting to flag section references or effective dates for later revision. He stated that review of Article 1 would begin next, outlining its four divisions: Division 1, covering enactment and authority, including the ordinance's title and purpose; Division 2, on interpretation; Division 3, establishing the official zoning map and its interpretation; and Division 4, specifying the ordinance's effective date, adoption date, and transition provisions.

Mr. Musso said the official zoning map must have an original copy filed in the zoning administrator’s office, updated as needed, though online versions could be considered if appropriate for the County. He stated that provisions now allow outstanding development permits or plats to continue under the new ordinance unless approvals expire or are revoked, requiring conformity with new rules. He noted that Article 1 is concise and largely guided by state code.

Mr. Reed referenced the third page of Article 1 and asked if it was necessary to have a definition for what a condition is, when talking about conditions imposed.

Mr. Musso responded that it is entirely up to the County, but his opinion is that you can never have too many definitions. He added that if there isn’t a definition provided, the *Webster’s Dictionary* definition will prevail and serve as a default, and they should include their own if that is not a definition they want to use.

Mr. Rutherford commented that most County definitions wouldn’t contradict what state statute calls for, and he asked how much they are pulling from state definitions.

Mr. Musso agreed, stating that the Code of Virginia definitions are included but are not an exhaustive list. He stated that “condition” is definitely not defined in the state code. He said where applicable, they will include state code definitions—and their ordinance will match state code definitions unless they stipulate otherwise.

Mr. Musso stated that Article 2 addresses the administration of the ordinance, specifying roles and responsibilities. He said Division 1 establishes the powers and duties of the zoning administrator and subdivision agent, but going forward, both would be referred to simply as "administrator" in the zoning ordinance, unless a provision applies specifically to the subdivision agent. Mr. Musso stated this change is intended to improve clarity and ease of reading, and “administrator” will refer to the planning and zoning director, zoning administrator, subdivision agent, or their designee.

He said Division 2 covers the appointment, terms, membership, meetings, powers, and duties of the Planning Commission. Mr. Musso stated that current regulations for the Planning Commission are in Chapter 9 of the County Code, but he recommended repealing those provisions and moving them into the zoning ordinance for best planning practice. He said this consolidation ensures that all Planning Commission matters are organized within the zoning ordinance.

Mr. Musso stated that some sections in Division 2 refer directly to state code, as there were no existing provisions, and said that the Commission could request more explicit language if desired. He stated the major change was transferring all Planning Commission regulations into the zoning ordinance.

Mr. Musso said it was previously unclear whether the Board of Supervisors representative on the Planning Commission was a voting member. He stated that, based on his interpretation, the ordinance had implied voting authority, which he found extremely uncommon and has since revised. Mr. Musso said it is standard practice for a Board member to serve as a representative and liaison to the Planning Commission but not as a voting member, as dual voting creates conflicts and the potential for tie votes. He stated that, in this ordinance, the voting power for the Board representative has been removed.

Mr. Reed pointed out that Section C says each member is appointed for a four-year term, but the Board representative is appointed yearly.

Mr. Parr said that technically, that person is a liaison and not a voting member.

Mr. Harman noted that it was clarified in Section B where it stipulates five voting members and one non-voting representative.

Mr. Averitt said if it was being suggested that the administrator is the subdivision agent, they would be using the word “administrator” to reference everyone—but the way the definition is drafted, it says “zoning administrator.” He stated that they may want to clarify that this is applying to anybody in that capacity, no matter what their official role is.

Mr. Musso stated that Article 2 addresses the administration of the ordinance, outlining responsibilities and procedures. Mr. Musso said Division 1 establishes the powers and duties of the zoning administrator and subdivision agent, generally referred to as the administrator in the ordinance. He stated that the term “administrator” again includes the planning and zoning director, zoning administrator, subdivision agent, or their designee, with the authority to delegate responsibilities.

Mr. Musso said Division 2 covers the appointment, terms, membership, meetings, powers, and duties of the Planning Commission. He stated that all current provisions for the Planning Commission, located in Chapter 9 of the County Code, are recommended to be repealed and moved into the zoning ordinance for clarity and consistency. Mr. Musso said that references to state code are included in this division, and if the Commission wishes to specify any powers or duties explicitly, adjustments can be made. He stated that the only substantive change is relocating all regulations to the zoning ordinance.

Mr. Musso said that previously, the Board of Supervisors representative on the Planning Commission appeared to have voting authority, which he stated is uncommon and has been removed to prevent double voting and potential ties. Mr. Musso said Division 3 addresses similar provisions for the Board of Zoning Appeals, noting that these are primarily governed by state code. He stated that Division 4 regulates enforcement, including violations, and Division 5 discusses relevant fees for the ordinance.

Mr. Musso stated that civil penalties have been added as an optional provision from state code, allowing the County to fine ordinance violators up to \$5,000 before criminal penalties are applied. He said this provision offers a less punitive alternative to criminal misdemeanors and allows incremental fines for unresolved violations. Mr. Musso stated that a countywide fee schedule is recommended as best practice. He said the schedule would list all County fees, initially covering zoning and subdivision, and would be adopted annually by the Board of Supervisors, typically during budget season. He stated that this change streamlines fee updates and eliminates the need for public hearings and text amendments for adjustments, ensuring fees remain current and reasonable.

Mr. Musso stated that the ordinance specifies adoption by the Board annually, though this schedule can be modified to biannual or triennial adoption if preferred. He said he included the annual adoption as a best practice, but affirmed that if no changes are needed, the Board can simply approve the existing version. Mr. Musso said the ordinance also allows the County to charge applicants for professional review services. He stated that since Nelson County does not employ a professional engineer, the County may need to hire external experts for complex development reviews, which can involve significant costs. He explained that passing these fees to the applicant is permitted, and emphasized this applies to any professional review service, with engineering reviews being the most typical.

Mr. Musso stated that Article 3, Permits and Applications, encompasses all zoning action permits or applications. He said that Division 1 addresses general provisions for zoning or subdivision permits, while Division 2 details procedures for rezonings and text amendments. Mr. Musso stated that Division 3 establishes standards for proffers in rezonings, and Division 4 outlines standards for Special-Use Permits. He said Division 5 provides standards for variances, mostly dictated by state code.

Mr. Musso noted that Division 6 covers both concept and site plans, merging concept plans with site plans, and retaining both minor and major categories. He explained that Division 7 describes the procedure for obtaining a zoning permit, and Division 8 introduces temporary use permits, allowing flexibility for the County to create more as needed. He said that Division 9 outlines the administrator’s written determinations on zoning matters. Mr. Musso stated Division 10 details all appeal procedures, including appeals of

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administrator, Commission, Board, and BZA decisions. He added that Division 11 provides legal guidelines for public hearings, notice to property owners, and public posting.

Mr. Musso stated that the revisions span two pages, divided for clarity. Mr. Musso added that new provisions include pre-application and community meetings. He explained that a pre-application meeting allows an applicant to consult with the zoning administrator before submitting an application, helping address issues in advance. Mr. Musso said that while community meetings are encouraged for substantial applications, staff are not required to organize and hold them, but applicants are encouraged to do so, with guidelines provided.

Mr. Reed asked what a site plan review committee is.

Mr. Musso responded that he saw a few mentions of that committee in the Nelson County Zoning Ordinance, and his question for the Board and Commission is whether that actually still exists and functions.

Ms. Bishop explained that it existed before COVID but then became virtual, with everyone realizing it was easier and more streamlined to do that virtually—so there is no set committee or meeting schedule. She added that some representatives are in Albemarle, Lynchburg, Appomattox, etc.

Mr. Musso agreed to remove all mentions of a site plan review committee from the ordinance.

Mr. Averitt asked about the impact of pre-application meetings and any risks if there is non-binding guidance that ends up conflicting with actual decisions.

Ms. Bishop said they also have a pre-application meeting, which isn't anything formal, and that's done before an applicant submits a formal application. She emphasized that there is never a "soft green light" because staff are not the authoritative decisionmakers; they are simply stating that an application is complete and can be moved through the process. She added that staff can guide them based on the comprehensive plan and recommend that they speak to their elected and appointed officials.

Mr. Musso reported that minimum submission standards represent the essential requirements for an application to be considered complete, as outlined in the ordinance and now moved to administrative determination. He said that these standards are maintained by the zoning administrator—such as Ms. Bishop—in the office or, ideally, on the County website for public access and timely updates without requiring a zoning text amendment. Mr. Musso stated that if the Planning Commission or Board of Supervisors wished to see more detail in applications, the zoning administrator could revise the standards, and the changes would be reflected in future submissions.

Mr. Musso said there were no objections or questions following this explanation. Mr. Musso stated that ownership disclosure is included as a provision from the Code of Virginia, requiring Planning Commission and Board members to submit an ownership disclosure if they hold a vested interest in a property subject to a zoning application. He said that conversely, a notarized oath is required for rezoning, variance, and special use permit applications. He stated that this practice is common and easily fulfilled if a notary is present in the planning and zoning office when applications are submitted. He said the notarized oath affirms the truthfulness of all information on the application, and he wanted to confirm that both requirements were appropriate for inclusion in the zoning ordinance.

Mr. Rutherford stated that it seemed unnecessary to get things notarized, and he asked if this was a state statute requirement.

Mr. Musso responded that it was not, and both were optional provisions in state code. He added that a lot of communities are getting away from it because they have digital applications; they just submit it all online.

Mr. Harman asked if they would still be operating under the old ordinance until this was adopted in 2026.

Mr. Musso confirmed that they would be, noting that these articles are not set in stone and can continue to be discussed and revisited up until ordinance adoption.

Ms. Bishop mentioned that there is a declaration on the County's current application that says the information is true to the best of the applicant's knowledge.

The Board and Commission agreed that this was sufficient, and they hoped there would be an increasing shift to digital and away from paper.

Mr. Musso reported that public hearings require the posting of signs, particularly for zoning actions, as requested during public engagement. He said that a zoning action pending sign is common in Virginia, often placed on properties involved in special use permits, variances, or other zoning actions, and typically includes the planning and zoning office number and action details. Mr. Musso added that the Planning Commission currently operates with a two-person staff. He stated that each time an application requiring a public hearing is received, staff must install a sign on the property, which demands additional effort, but this process is effective in keeping the Board and County residents informed.

Mr. Musso said they could modify it to say that the applicant must post the sign on the property in question, but that comes with a lot of other potential problems.

Ms. Gaines mentioned that for another locality, they are stipulating that the County will provide the sign, but the applicant has to post it.

Mr. Musso stated that the sign cannot be placed on a state roadway and must be posted on the subject property at least 15 years prior to the hearing, and it must be “clearly visible from the frontage road of the subject property,” which means the front of the parcel where the driveway goes. He added that they could revise the language to clarify what is meant by “frontage.”

Mr. Bishop commented that she is fine with staff handling the signs because it is a really good practice to visit the site ahead of time anyway.

Mr. Musso commented that they should consider how much manpower will go into policing this and administering the ordinance, especially during budget season.

Mr. Parr asked if they had skipped over modified provisions for including expiration time limits on SUPs.

Mr. Musso responded that he had missed it, and the Code of Virginia was recently updated last year to allow this provision. He said that Nelson was already doing this or has codified that they can do this, and they’ve retained that provision because it’s now legal and was a gray area before.

Mr. Musso presented a slide for concept and site plans, stating that a concept plan is a rough-drawn schematic plan, usually one or two pages instead of 20 pages and a lot less difficult to put together than a site plan. He stated that they are currently requiring a concept plan for almost every zoning action—with the caveat that the zoning administrator at any time they determine a site plan is needed can ask for a site plan to be submitted. He said they still have minor and major site plans; a minor site plan is any development of buildings and improvements, increased parking, land disturbance, change in traffic patterns, or at the administrator’s discretion; a major site plan is when the land disturbance exceeds one acre, it’s a commercial or industrial use, it’s three or more buildings on one lot, or if the building is more than 5,000 square feet. He noted that they don’t need site plans for single-family dwellings, two or less dwellings on a single parcel, accessory structures, agricultural activities, or temporary uses.

Mr. Musso said there is a long list of required elements that must be on every minor site plan—but for major site plans, it says “whatever the administrator determines.” He noted that this provides flexibility, and they can direct Ms. Bishop on items they want to see with a minor site plan. Conversely, he said, if they’re getting too much information or putting too much burden on citizens, they can adjust in the other direction.

Mr. Rutherford stated that the new Commissioners have not had the chance to really see this unless it was in their personal capacities. He noted that the Board has voted on special use permits that were drawn on a napkin, because it wasn’t complicated and there was no reason to ask them to do anything too egregious. But as it relates to a major site plan, he said the last large one was the solar facility and before that the retirement community on 151. He noted that the largest mechanisms involved are health department requirements, VDOT design, general elevation, and some topo maps. He expressed caution about requiring an applicant to spend thousands of dollars on drawings for something that may be uncertain for approval, such as converting a barn. Mr. Rutherford emphasized that most of the applications that come before them aren’t done by major corporations and big-money people.

Mr. Musso agreed and said that was the idea behind the concept plans for everything, and Ms. Bishop can ask for more if she needs it.

Mr. Musso stated that page 23, section 368C, contains standards and improvements related to site plan infrastructure. He said the list is exhaustive and not intended for an immediate answer. Mr. Musso stated that they should review the section and consider which items are necessary and which may be overly restrictive for County citizens. He explained that while he did not wish to remove existing items from the County's zoning ordinance, he had included a few additional points that were previously missing. Mr. Musso said that if members identify any items that should be revised or removed, they should forward their suggestions to Ms. Bishop. He emphasized the importance of this section and wanted to ensure it received appropriate attention from the Planning Commission and the Board of Supervisors.

Mr. Reed asked about Page 22, under Waiver of Requirements, it states the waiver won't have an adverse effect on preservation of agriculture, forestry, and conservation lands. He said he is totally in favor of that but is wondering if that would also apply to something that comes up later, on Page 29, under Amendments of a Major Site Plan, ag and forestry districts are important in the County, even though they aren't binding. He suggested that for consistency's sake, they should perhaps add that this is something to always be considered. He said when talking about adequate fire hydrants, it would also be good to mention the service authority because that body ensures that is done and meets with their specifications, as well as when addressing water connections and disconnections.

Mr. Rutherford pointed out the language that says, "No alley on a site plan should have a right of way of less than 20 feet," as he didn't know of many alleys other than in Lovingson, and they're all less than 20 feet.

Mr. Musso noted that going forward, they are encouraging bigger development around Lovingson in their comp plan, so they may run into that.

Mr. Musso presented two examples of nonconformities and said the setback is basically non-existent. He said the building shown clearly does not fit in with the urban appeal as it stands because it's a historic building and has been preserved. He explained that nonconformity is basically something that was legal under an older ordinance or an older law but has since become illegal because we've updated the law, not because they've done anything wrong. He said it's a legal nonconforming status that gets applied to them, and all of these are very regulated through the Code of Virginia.

Mr. Musso stated that the current ordinance contains a provision allowing nonconforming uses to apply for rezoning or a special use permit without the usual application fee. He said that this consideration has now been extended to buildings, structures, and lots. Mr. Musso explained that this change encourages property owners to update or rezone their properties to achieve compliance, emphasizing that the fee is waived in these cases. He noted that the previous provision only permitted a nonconforming use to occupy 50% of a building, but now this applies to any preexisting building. Mr. Musso said that if a nonconforming use exists in one room of a building, it is now considered nonconforming throughout the building.

Mr. Musso clarified that expansion of the building itself is not permitted. He stated that the standard for nonconforming uses remains that, after two years of inactivity, the use may not resume.

Mr. Musso said the current ordinance allowed owners of nonconforming uses to apply for an extension to the two-year requirement, but this has been removed to align with state code and best practices. He concluded that if a nonconforming use ceases for two years, it cannot be reinstated.

Mr. Rutherford said he had issues with that because Lovingson is a great example of nonconforming uses—and some of these buildings sit there for years and had an original purpose, with 95% of Lovingson being nonconforming. He said there's got to be some opportunity for them to get an extension of a use instead of going through the whole special use permit process.

Ms. Bishop said what Mr. Musso is referencing is a nonconforming use, and then it stops for two years.

Mr. Rutherford said they need for them to be able to ask for extension, and it's worth studying further.

Mr. Musso said the last topic concerned meeting front setbacks and the use of parcels, specifically nonconforming lots and parcels. He stated that if a parcel is unusually shaped or has mountainous terrain making it difficult to meet the front setback, the average front setback of the adjoining properties may be used. Mr. Musso said that as long as the appearance matches neighboring properties, the approach is acceptable. He stated that his only question relates to the difficulty of applying this method in large rural

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counties, where parcels may span 15 or 20 acres. He asked if they want this to apply countywide or just to residential zones or commercial zones.

Mr. Rutherford responded definitely for R1, as they have very limited R1 stock at this time. He said A1 has a lot more accessible stock, so that is up for discussion.

Mr. Reed suggested picking up Article 9 again at their next meeting on this.

Mr. Musso said they would pick up where they left off next time and in the meantime, he would upload all these articles online to the website.

Planning Commissioner made a motion to continue their meeting.

Planning Commissioner seconded the motion, which passed unanimously (4-0).

III. OTHER BUSINESS AS PRESENTED

There was none.

IV. ADJOURNMENT

The Board of Supervisors adjourned their meeting at 7:00 p.m.

Virginia:

AT AN ADJOURNED JOINT MEETING of the Nelson County Board of Supervisors at 5:00 p.m. in the former Board Room located on the third floor of the Nelson County Courthouse, in Lovingson, Virginia.

Present: J. David Parr, West District Supervisor – Chair
Ernie Q. Reed, Central District Supervisor – Vice Chair
Jesse N. Rutherford, East District Supervisor
Dr. Jessica L. Ligon, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Grace E. Mawyer, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning

Michael Harman, West District Planning Commissioner
Gary Scott, South District Planning Commissioner
Richard Averitt, Central District Planning Commissioner
William Smith, East District Planning Commissioner
Philippa Proulx, North District Planning Commissioner

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Reed convened the Board of Supervisors meeting at 5:00 p.m. with four (4) Supervisors present to establish a quorum. Mr. Harvey was absent.

Mr. Harman convened the Planning Commission meeting at 5:00 p.m. with four (4) voting Commissioners present to establish a quorum.

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

Rebecca Cobb, Deputy Director of the Planning Department for Berkeley Group, introduced herself and Cecille Gaines, Senior Planner with Berkeley Group, who would be taking over for Chris Musso as project manager for the County's updates.

Cecille Gaines stated that they were on the last two articles, 8 and 10, and she would be going back over things and finishing up. Ms. Gaines said Article 8 is mostly new, except for parking and loading and signs. She said the lighting standards in Division 8-2 include recommendations from the International Dark Skies Association, and those standards include nighttime safety, utility lighting, security, productivity, and commerce. She said they minimize light trespass, obtrusive light, and glare; help to curtail light pollution; reduce sky glow; preserve the nighttime environment for astronomy, wildlife, and enjoyment of residents and visitors; and ensure security for people and property. She noted that there is a list of exemptions, with some of those listed on the screen and the full list is in Section 8-2-2. She stated that types of lighting that are exempt from these standards include state and federal types of lighting such as FAA lighting, agricultural, temporary, holiday and decorative lighting, official flags, athletic fields, and some residential uses.

Ms. Gaines confirmed that these standards apply to new developments and new subdivisions, and there is a lighting plan required for any site plans and zoning use permits as part of the approval process. She said shielding is required to prevent glare and light trespass; hours of illumination are included to limit the illumination and protect neighborhoods; and color temperature, type of lighting, and illumination levels prevent glare and night blindness. She said there are height limitations of 30 feet in industrial districts and 20 feet in all other districts, and the ordinance does require uniformity of lighting within a project site along with canopy lighting.

Ms. Gaines stated that all landscaping and screening standards are new, with the purpose of protecting the visual character and the natural environment, protecting safety and privacy, helping to control erosion, and promoting economic development. She noted that it requires buffers between districts with differing intents and densities, with parking lot landscaping, frontage landscaping along Route 151 and Route 29 in the corridor overlay districts. She said this section requires preserving existing trees and vegetation and provides for proper planting and maintenance of trees and plant materials. Referencing Page 10, 834B.4, Ms. Gaines

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read that landscaping materials “should be sustainable, biologically diverse, and tolerant of an urban environment with emphasis on trees and plants native to Virginia and the region,” and asked the Board to consider whether they wanted to change the “should” to a “shall.” She clarified that “urban environment” in Nelson’s case means elements such as landscaping/planting at a gas station or a strip mall, etc.

Mr. Rutherford said from a development standpoint when working with landscaping, what grows best isn't usually native, such as autumn olives that grow quickly. He said the same was true with evergreens, and this wasn't something they were necessarily going to monitor—so they should leave the language as “should.”

Mr. Reed commented that it would concern him a lot more that the materials were not invasive, and that should be a “shall.”

Dr. Ligon mentioned that holly, autumn olive, blueberry, and Bradford pear are all technically invasive.

Ms. McGarry suggested that they start with emphasis on non-invasive trees and plants native to Virginia and the region.

Ms. Proulx expressed concern with “should” as not being enforceable.

Mr. Rutherford said he was okay with leaving it as should.

Mr. Scott said he didn't know who would be enforcing it anyway, and he hoped they would not use County resources to go around and enforce people's bushes.

Ms. Gaines suggested that they leave it as “should” in the general plan and “shall” in the landscape plan.

Ms. Gaines stated that on Page 14, it says if there are 10 or more spaces, landscaping is required, and she wanted them to make a decision as to whether they're comfortable with that number. She noted that 10 spaces is an industry standard for triggering landscaping.

Mr. Smith said that he would be comfortable with 20 spaces, given the size of many small businesses.

Ms. Cobb stated that it varies greatly among localities, with stormwater being the biggest issue.

Ms. Gaines noted that it's technically based on square feet of frontage.

Cody Barker said the problem is that a lot of business owners over time aren't as interested in the upkeep of landscaping, and it can be pretty challenging to enforce from the code aspect. He said if the tree dies and they decide to remove it, it automatically puts the site in violation, and the only way they would be able to show the County they are in compliance is to hire someone like an arborist to prove something else killed it.

Dr. Ligon said that as a business owner, you make someone plant a tree and then put asphalt around it—and in 20 years, they're having to replace the asphalt because of the roots of the tree, then you have branches falling onto people's cars, which is a liability for the business. She emphasized that it's a lot put on the business owner; it's not just a tree.

Ms. Gaines presented a slide showing landscaping standards and highlighting that the purpose is to provide shade, screen views, and mitigate stormwater runoff. She noted the provision for parking areas of greater than 10 spaces, and the provision that the grass areas “shall be maintained in good condition,” and that “any dead or dying plants shall be removed and replaced.” She said it does not apply to off-street parking for single-family homes, duplexes, triplexes, quadplexes, or for parking garages or multi-level parking structures.

Mr. Averitt commented that for small businesses, 20 spaces feels right to him, and he wondered how this applies differently in zoning areas—and properties zoned industrial should have a different set of considerations.

Mr. Harman commented that he likes the number 30 better than the number 10, because if you think about the small business owner, they cannot afford a lot of landscaping.

Ms. Bishop said that based on the site plans she has seen since she has been here, she thinks 30 is fair.

The Board and Commission agreed to use 30 spaces as the triggering mechanism.

Ms. Gaines reported that all street standards are now in Article 8 instead of being in both, which would be easier for staff. She said that street standards are provided for easements, street alignment, street angle and layout, reserve strips, street widening, service drives, public street design, alleys, and private streets.

Ms. Gaines reviewed the standards for public versus private streets, streets that are built to VDOT standards versus streets that are not. She explained that street construction and maintenance, especially private streets, can cause a lot of problems for people, because people buy homes not knowing that they're in charge of paying for the street maintenance. She said that homeowners associations get freaked out about how much it's costing to upkeep the roads, so they end up going to the County and asking them to take over the private streets and maintain them; they want to minimize those risks. She said the content presented was taken from Nelson's cluster development language in the existing ordinance, but Berkley feels like the County should consider requiring the private streets be constructed to state standards in case of eventual adoption into the state highway system. She said they would thus remove A through C in that section and replace it with a statement requiring that they be built to state standards. She noted that there's A, B, and C, and then class 1 private streets, class 2 private streets—and they could replace all of this with just a statement that they be built to VDOT standards, which are on the VDOT website and controlled by VDOT, with them setting those standards.

Mr. Rutherford asked who would inspect the standard, as it wouldn't be VDOT.

Ms. Gaines responded that it would be whomever inspected the class 2 street currently.

Mr. Rutherford said you build it to the VDOT standards, with a lot of subdivisions built that way, but 25 years later, if they don't maintain their drainage systems and sediment ponds, it becomes more difficult to manage. He said when you purchase a property, you're signing with whatever road maintenance agreement has been recorded; developers are already required to do that, to produce some type of road maintenance that goes with the deed forever.

Mr. Averitt said he agreed that the County shouldn't take over any roads that aren't up to VDOT standards, and private roads should have to meet that criteria if they are handed over.

Mr. Scott stated that counties like Augusta will require you to get an outside consultant to establish that.

Ms. Gaines commented that she's not entirely confident on what they have here because it didn't come from a solid spot in the County's existing ordinance; it came from the cluster subdivision because that was all they could find.

Mr. Reed commented that he is happy with the way it's already worded, but the burden of proof is on the applicant to demonstrate that this is how it is at the time they receive approval. He pointed out that VDOT is really good about saying they are not going to take a road over.

Ms. Proulx agreed, adding that it's not just up to the County.

Ms. Gaines noted that they could also require a maintenance plan, with the applicant submitting a maintenance plan for how they're going to maintain it.

Ms. Bishop said she was going to suggest this as well, and she asked if the Commission and Board liked a provision for a private road for 3–10 lots, and a VDOT-standard road for 11 or more lots, which would qualify as a major subdivision by ordinance standards.

Mr. Harman asked about the provision of 21 lots having to go through VDOT if any one of those lots is under five acres.

Ms. Bishop said she was fine with taking that out.

Ms. Gaines said that makes it much simpler, and they could just say that major subdivisions have to have roads built to VDOT standards; anything else does not.

Ms. Gaines said for the bikeway and sidewalk standards, she is referencing a strategy pulled from their comp plan, which says it's a strategy "to support expanded greenway trail networks and ensure that the trail network connects to key public destinations, such as parks, libraries, schools, and community centers, as well as private developments and other trail systems, including regional trail networks." She noted that in Section 8-5A on page 27, it requires that subdivisions construct either bicycle lanes on collector and arterial streets, or they can build off-road bikeways, shared use paths, or sidewalks in their subdivisions. Ms. Gaines stated that in B, it states that if a subdivision's land falls within the comprehensive plan designated bikeway areas, the developer may construct a bikeway and dedicate it to the County. She asked the Board and Commission to consider if they want to change that to a requirement, presenting the greenways and trail map from the comp plan. She stated that it's a lot easier to require developers to put a piece in when they are putting in a subdivision, noting that this pertains to subdivisions that have their land in one of the bikeway areas.

Mr. Rutherford asked if an applicant could get a waiver for this.

Ms. Bishop responded that this particular provision says “may,” so it doesn’t mean they have to.

Ms. Gaines noted that there was a similar plan in the Roanoke Valley 25 years ago—and it’s almost all built out now, which has been done section by section by four different jurisdictions.

Mr. Reed suggested that it be required for major subdivisions, because they would be talking about something that’s larger scale and something that’s going to have some use internally as well as externally.

Dr. Ligon noted that they would already have to be constructing to VDOT standards.

Ms. Proulx added that it would be easier to put in a bike lane.

Mr. Parr asked where the lines were derived, as it was unlikely that people were biking on some of these roads.

Ms. Gaines said that regarding parking and loading, the next section establishes standards for off-street parking and off-street loading; it provides ways to reduce parking spaces, such as shared parking spaces. She noted that there’s a bicycle parking credit to reduce the number of vehicle spaces one has to provide; there’s a reduction or increase in required spaces for certain things someone might want to do with their parking lot, and it also provides design standards. She clarified that it would apply to a new development required to put in off-street parking, but it’s not going to apply to people who are already in operation.

Ms. Bishop mentioned that she and Mr. Barker would be going through the entire ordinance before their final work session, so they could provide recommendations to the Commission and the Board.

Ms. Gaines stated that the next category relates to signs and sign regulations, which have been brought into compliance with the Code of Virginia and with the Reed v. Gilbert case law. She noted that allowable sign sizes have been modified based on zoning districts, and the overlay district standards will supersede the underlying districts in those overlays. She said the purpose is to enhance the visceral environment of the County, provide adequate business signage, provide safe streets and sidewalks, prevent excessive signage, ensure that signage is maintained, and offer ways to measure this. She added that some signs are permitted by district, and she confirmed that political signs and banners are considered temporary signs.

Ms. Gaines noted that there is a long list of prohibited signs on page 44, pointing out signage that is too close to the parkway, public forests and parks, cemeteries. She noted that roof signage is not allowed to be above the roof line or the parapet; you can’t attach signs to inoperative vehicles or paint them on cliffs, rocks, trees, on utility poles and similar items, or across a public right-of-way or obstruct motorists or pedestrians. She said they can’t mimic official traffic signs or be flashing, revolving, or beacons, or mimic emergency services signage and balloon signage. She said that signs exempt from the standards include governmental signs, flags up to 24 square feet, any signs not visible from the right-of-way, small signs that are less than three square feet or four feet high, temporary signs, window signage that’s less than 10 percent of the window area, memorial plaques and cornerstones, and then nameplates that are less than two square feet.

Ms. Gaines reported that Article 10, Subdivisions, compiles and reorganizes the content from both the existing zoning ordinance and the subdivision ordinance—which would all be in the zoning ordinance now. She said the existing subdivision ordinance would be repealed, and the subdivision code will be contained in Article 10 of the new ordinance. She noted that the standards expand upon and update the regulations in the existing subdivision ordinance and ensure compliance with the Code of Virginia.

Mr. Reed asked if there were any things the Planning Commission had jurisdiction over that would have to come before them for a decision.

Ms. Bishop responded that this is all taken out of the equation.

Ms. Gaines explained that a major subdivision is 12 or more lots; minor is 3 to 11 lots; and a single subdivision is just making two lots out of one. She noted that family subdivisions are for family members of the parcel owner. She also stated that a preliminary plat is optional if it’s less than 50 lots and required for more than 50 lots—and those are now administrative review and approval, which was also part of the state code change. She said this also addresses HOAs and their ownership and maintenance of common areas unless they’re dedicated to the County; minor subdivisions of 3 to 11 lots also have an HOA to own and maintain common areas unless they decide to dedicate it to the County; a preliminary plat is optional, a final

plat is required, and all of that is through administrative review and approval. She stated that no preliminary plat is required for a single subdivision, with the final plat required with administrative approval.

Ms. Gaines said the purpose of family subdivisions is to promote the ability of family members to live near each other, mutually care and support each other, and preserve family lands. She noted that immediate family does have a definition, which is in the definitions article and also in state code: a natural or legally defined offspring, stepchild, spouse, sibling, grandchild, grandparent, or parent of the owner of the land. She stated that the grantor must own the land for five years before they can gift any of it, and then that grantee has to own it for five more years before they can sell it.

Ms. Gaines explained that the five-year provision is something they can change—and Berkely has seen it as low as three and as high as 15, which is the maximum. She said the five years is basically 10 because someone has to own it for five before they can give a piece away to a family member; they also have to own it for five more before they can sell it out of the family.

Mr. Averitt asked if the only difference in splitting parcels off was the minimum lot requirements.

Ms. Gaines confirmed that family subdivisions are less restrictive, with the benefits being lower lot size requirement and reduced road requirements.

Ms. Gaines stated that design requirements provide for how subdivisions are designed and managed, and most of what is drafted here is new content, with the content from the existing subdivision ordinance incorporated and footnoted in the document. She said requirements are that the land has to be suitable for development, and there are obligations related to flooding as well as lot characteristics such as shape, dimension, orientation to the street, and stem lots. She said there are standards for utilities and providing for utilities, obligation of improvement that pertains to how the roads, etc. are paid for. She added that there are provisions from state code for forming homeowners associations and for property marker monuments. She reminded them that all the street, bikeway, and sidewalk standards are now in Article 8 rather than being both in 8 and 10.

Mr. Reed noted that on Page 7 under C, it says the Board of Supervisors can determine that a circumvention has occurred in a family subdivision; he asked if it is appropriate for the Board to be the one that's making that decision, or if that is also an agent scenario.

Ms. Cobb explained that this is similar to the BZA process, so if someone comes in and asks Ms. Bishop a question about what the ordinance says, she provides a determination—and if that person disagrees, they can appeal to the BZA. Ms. Cobb said Item C does the same thing, with Ms. Bishop “ruling” that they are circumventing the ordinance, and then the landowner taking their proof to the Board of Supervisors.

The Commission and Board discussed whether this should go to the BZA instead to be more consistent with other appeals.

Ms. Bishop noted that there's a section that says nothing shall prevent the owner or developer from filing for an appeal from the BZA.

Mr. Harman asked if the Supervisors can overrule the BZA.

Ms. Bishop responded that only a judge can do that.

Mr. Rutherford stated that this is if the Board of Supervisors sees something concerning and can directly intervene, but only in this specific instance—and typically when something is brought to their attention by neighbors or other affected.

Ms. Bishop explained that there have been scenarios before where she has made a determination and has to send written notification to all adjoining landowners; for example, if she has to make a formal determination on a family subdivision and approves it, all the neighbors get a letter. She noted that the neighbors can then appeal that decision to the BZA, and adjoining landowners have 30 days to appeal any decision. She also mentioned that the County doesn't currently have any codes about zoning determinations, and this is something she would look into later on.

August 27, 2025

Joint BOS – PC

Regarding guarantees, Ms. Gaines explained that these establish the type, amount, and release of guarantees required for public and other site-related improvements; this division streamlines and reorganizes content from the existing ordinance and ensures Code of Virginia compliance.

Ms. Gaines reported that these divisions outline the required elements on plats, review timeframes, and approval and disapproval actions; they incorporate recent state code changes that reduce the review timeframes and remove the Planning Commission from the approval and disapproval process. She said these are general requirements, approval before sale, the subdivision name, separate ownership, changes to plats, preliminary plats, final plats, vacation of plats, and then enforcement violation and fees.

Ms. Gaines states that this brings them to the end of Article 10 and asked if there were any questions.

Mr. Rutherford noted that they went back to the drawing board on lot size minimums and asked if they had ever held a work session on that.

Ms. Gaines responded that they had not held one, and this was something requiring more direction from the Board and Commission.

Mr. Reed noted that in Article 10, Page 15, under Monuments, permanent Monuments A, that language also says, “Approval of final plats by the Planning Commission.”

Ms. Gaines assured him that Berkley would go through all of that and edit accordingly.

Ms. Gaines stated that there are a few outstanding items to discuss in addition to those they will be addressing later. She said for the 151 corridor overlay, Article 8 already now contains the buffer and frontage landscaping standards, walls and fences, sidewalk standards, bicycle parking, and sign standards for the 151 corridor; however, they have not yet established the corridor in Article 5, and she would draft that for them—but she needed to get direction from them first. She explained that she needed them to determine the boundaries of the overlay from beginning to end, and then whether you want it to go 250 or 500 feet.

She referenced the future land use map from the comp plan and asked if they wanted it to go end to end from Afton down to the Piney River boundary.

The Commission and Board mentioned Rue Hollow as a start/end point, just past Devil’s Backbone.

Ms. Proulx said someone had raised the notion that the other side—the West District—would also need to be brought into the overlay district, and she wondered if they wanted to do that now or stop at Rue Hollow.

Mr. Averitt stated that there are a few cideries down there and more in the plan, so it’s moving in that direction, with this area emerging as the next area for the continued agritourism run down 151. He said the question is whether they address that now for the next 20 years and decide whether the standards should be different on one side of Brent’s Gap versus another.

Ms. Bishop commented that with Brent’s Gap upward, there are fewer topography challenges.

Mr. Rutherford noted that it’s also in the floodplain, and the topography would also provide natural limitations.

Dr. Ligon said she didn’t think the traffic would be as big of an issue because this isn’t an arterial connection to Waynesboro.

Ms. Proulx said there would be traffic coming up from Amherst and Lynchburg though.

Mr. Averitt stated that the question is whether they are designing the 151 overlay for traffic considerations or for more of a design aesthetic and development consideration; he emphasized that the next phase of development would be down there, and the question was whether they want that to happen.

Mr. Rutherford said the big difference is there is County water and sewer there, and the County at one point put infrastructure down there for a reason—with flatter topography there versus going north. He commented that it would likely take 15-20 years, as it did with Afton before Blue Mountain. He added that they would be writing the next comprehensive plan and could address it that way.

The Board and Commission agreed that the Rue Hollow to Afton (the Albemarle boundary) seemed to make sense at this point.

Ms. Bishop mentioned that they could also revisit this through amending the zoning ordinance, adding that she would add this to the internally accessible GIS system so they could see where the boundary lies.

Ms. Gaines said that the 29 Overlay District is 500 on each side, and she wasn't sure if they would follow that for this one.

Ms. Bishop said she would like to discuss this at their September Planning Commission meeting along with other topics they have not fully addressed.

Ms. Proulx stated that she would like to limit future access points in that overlay corridor, as that has been a significant issue. She also said the road is too dangerous for people to ride bikes.

Ms. Gaines responded that this plan reflects off-road bike trails.

Ms. Bishop reviewed the calendar for additional meetings and work sessions, with all comments slated to be sent to the Berkley Group by the end of October. She emphasized that some topics, such as short-term rentals, would take some time. She confirmed that she would email dates for those meetings as well as the open house and public hearings.

III. OTHER BUSINESS AS PRESENTED

There was none.

IV. ADJOURNMENT

Planning Commissioner made a motion to continue their meeting to September 24, 2025 at 5:00 p.m..

Planning Commissioner seconded the motion, which passed unanimously (4-0).

Mr. Parr moved to adjourn the Board of Supervisors meeting. Mr. Rutherford seconded the meeting, which passed unanimously (4-0).

The Board of Supervisors adjourned their meeting at 6:39 p.m.

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 5:00 p.m. in the former Board Room 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
Dr. Jessica L. Ligon, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Grace E. Mawyer, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning

Michael Harman, West District Planning Commissioner
Gary Scott, South District Planning Commissioner
Richard Averitt, Central District Planning Commissioner
William Smith, East District Planning Commissioner
Philippa Proulx, North District Planning Commissioner

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Reed convened the Board of Supervisors meeting at 5:00 p.m. with four (4) Supervisors present to establish a quorum. Mr. Harvey was absent.

Mr. Harman convened the Planning Commission meeting at 5:00 p.m. with four (4) voting Commissioners present to establish a quorum.

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

Ms. Bishop stated that the Berkeley Group was not present for this work session but would be included in one coming up in December to do a review of the full ordinance draft, with the option to schedule more in between if needed. She said for today, the Berkeley Group provided the Route 151 corridor overlay added to the scope of work, as well as lot size minimums and short-term rentals. She noted that there had been a work session with the Planning Commission a few weeks ago for the PC to give some guidance, and they would be reviewing those recommendations.

Ms. Bishop stated that she would review the purpose and intent for the primary districts—rural districts, C-1 conservation, and A-1 agriculture, noting that everyone had agreed with the intent sections. Ms. Bishop stated that the minimum area requirement originally recommended by the Berkeley Group was 10 acres for the A-1 agriculture district; the Planning Commission had discussed this a few weeks ago and thought that aligning the requirement with the land use taxation program would be more appropriate. She said she had spoken to the Commissioner of Revenue’s office, which indicated that the requirement is five acres plus one additional acre for the homesite, so they simplify this for the public by saying “six acres.”

Ms. Bishop stated that reducing the front setback from the center of the road would clear up many nonconformities by using 50 feet instead of 75 feet, and the discussion also included minimum lot width. She stated that she had Glen Yi and the IT department prepare a map with zoom function, which shows blue parcels as less than 10 acres. Ms. Bishop said this is all currently A-1 zoned property, with green lots being over 10 acres and blue lots under 10 acres. She said the intent was to consider what areas should be rezoned or slated for residential development, in the context of the future zoning map to be updated along with the comprehensive plan. Ms. Bishop stated that the map is not an exact blueprint of future zoning maps but gives an idea of where existing residential development under 10 acres exists in the A-1 zone.

Mr. Rutherford commented that 10 acres is “pretty crazy,” and they are in an awkward spot of defining something when they don’t really know what the future land use/rezoning map would look like. He said that doing six-acre minimum lot sizes can destroy ecosystems, and he confirmed that he was advocating for lot sizes that were lower than 10 acres. He explained that they currently have a sliding scale with one two-acre zoning right, one two-acre subdivision right, then it scales to five or six—so they already have a less intensive use, yet the population has still continued to decline.

October 22, 2025

Joint BOS – PC

Ms. Bishop stated that the idea is that to be consistent with the future land use map, noting the green areas representing high-conservation value rural areas and currently protected landscape. She mentioned the village hub status, with Lovington and Colleen identified for additional residential development. Ms. Bishop read from the planning guidelines from the comp plan: “Alterations and retrofits to existing low-density single-family subdivisions is appropriate and encouraged; however, expanded or new subdivisions is not the primary intent of this planning area.” She noted the existence of cluster development standards and mentioned the finite number of allowable lots as another method to ensure the rural nature of those areas is protected by increasing the lot size but also increasing the amount of residential zoning and then retrofitting existing developments.

Mr. Reed said it was great in concept, but he agreed that not having a map actually reflecting it makes it difficult to compare it to anything else and see what areas it would apply to. He added that residential zoning is a good idea, and using the small parcels of ag/forestal makes a lot of sense.

Mr. Rutherford commented that he agrees they need more R1, but it will be interesting where they locate that and how they work it into specific villages and what water/sewer capacities may exist within those.

Ms. Bishop acknowledged that the water/sewer was another important piece and said she understood that the service authority has been slowly working on mapping their systems, which would be important when they do the zoning map. She emphasized that they are just breaking down the categories now; when they get to the map development phase, that’s when all the lot sizes, water/sewer, etc. would come into play in determining what areas should be rezoned.

Mr. Rutherford responded that they would have R1 in both the water and sewer context—conventional as well as County—because the stretch of areas such as Schuyler were very limited.

Ms. Proulx commented that going back to the chart showing minimum lot size in agricultural, and there may be a transition period where it doesn’t make sense in all the places it will five years from now when there will possibly be a new zoning map. She noted that the Planning Commission had talked about the six acres aligning with what could be done with agriculture, including getting tax credit for it.

Mr. Rutherford said he wants to know where A1 is going to be, and someone in Williamstown or Wingina with an eight-acre parcel who wants to sell off an acre or two, they would not have that ability; it would be a nonconforming ag parcel at that point, and it’s hard and expensive to rezone in those particular areas.

Ms. Proulx asked what he would do in the meantime.

He said in the meantime, they have a two-acre allowed by right and a sliding scale—so they have more opportunity today with A1 than if they were to go into this more restrictive approach.

Ms. Proulx commented that she would have to do some math to determine whether a six-acre minimum is really more restrictive than the larger than 10-acre parcels when the “sliding scale” is applied.

Ms. Bishop provided a hypothetical example of someone who owns a 60-acre lot; with a six-acre lot minimum, they could create 10 lots out of that, and if they wanted more than that, they could apply to rezone it to residential, which drops it down to a one-acre lot minimum. She noted that the Berkeley Group recommended two acres, but the Planning Commission felt one was appropriate. She emphasized that when you are giving in one area, you are taking in another.

Mr. Rutherford commented that rezonings were subject to whatever Board existed in the future. He said he is supportive of having agriculture in areas that make more sense, but there will be a weird lull period with the A1 that is not a lot of fun for a lot of people.

Ms. Bishop pointed out that in the meantime, while they’re developing the map and people come forward with potential projects, the market is identifying where they should go—and they then come to the Board to demonstrate that they meet minimum water and soil requirements.

Mr. Rutherford said in his opinion, they should have to prove percability anyway, because it doesn’t do anyone any good to have five acres that hasn’t been perc tested. He added that some localities require percability proof before subdividing, and to prove water feasibility to equal the three-bedroom household standard.

Mr. Rutherford clarified that he is supporting having A1 be what it is today, because it is going to be more restrictive—and he would prefer to stay at the current sliding scale if they’re going to make it more restrictive.

Mr. Reed stated that they are trying to create more R1 and protect rural character.

Mr. Rutheford said they've done a great job in protecting rural character over the last 20 years.

Dr. Ligon noted that this objective is in their comp plan.

Mr. Reed said this proposal does that, as it allows for rezoning when situations come up, and that is a perfectly viable way to get additional housing as well. He asked Mr. Rutherford what his concerns are.

Mr. Rutherford explained that they are putting this into effect but don't know what the map looks like, and they could be making scenarios in more rural contexts where it's going to be very hard to get those rezonings.

Ms. Proulx said once they do the map, they don't to rezone residential.

Mr. Rutherford emphasized that there would be a lot of rural families who are out of luck with this.

Mr. Reed said a rezoning is not difficult and allows the County to weigh it in terms of whether it's good or not.

Mr. Rutherford pointed out that they have never successfully done this in a residential before. He clarified that only one has come forward, with a potential second one from someone who wanted to do cluster housing.

Ms. Bishop asked if there was any consensus on any number.

Mr. Rutherford said no.

Dr. Ligon said she liked what they had talked about.

Ms. Proulx said aside from the difficulty of tracking, she likes the model they have at the moment but could also move to six acres.

Mr. Rutherford stated that they will have the same amount of public participation as they did in the early 2000s when they considered a lot size minimum of 20 acres.

Dr. Ligon suggested that they hear from the public.

Ms. Bishop said they had to start somewhere and can always modify it later on.

Dr. Ligon noted that they could get feedback during the public engagement process before it goes to public hearing.

Ms. Proulx commented that she would not want to see the two acres without a sliding scale.

Ms. Bishop stated that the residential districts are R1, R2, and R3, the latter of which is a new district. She said part of what the Planning Commission discussed by making A1 six acres was dropping R1 down to one acre. She said a 35-foot setback from the center line of the road would involve nonconformities, and they would also want to address reducing the road frontage requirements.

Ms. Bishop reported that the village overlays identified were Piney River, Gladstone, Schuyler, Shipman, Faber, and Arrington. She stated that goals for the Route 29 corridor were to promote high-quality commercial development, tourism-friendly businesses, etc., and she referenced a map showing the corridor at 500 feet on each side for the length of the County. She noted that some higher standards in the plan for Route 29 were access management, signage (no pole-mounted signage), and other parameters.

Mr. Rutherford asked if they had already addressed sign sizes.

Ms. Bishop responded that Article 8–Community Design Standards addresses landscaping, lighting, parking, and signage.

Ms. Bishop stated that the Route 151 overlay intent is, "To preserve the rural and scenic character of the Gateway Corridor to protect its role as an outdoor rural tourism destination. This district promotes safe and efficient travel by preventing traffic congestion along the corridor, design standards, including those related to landscaping, signage, and site aesthetics, ensure new businesses and services, enhance and support the preservation and promotion of the county's natural beauty, and promote a Gateway Corridor that reflects the values of the county. Growth within the corridor should complement the county's tourism economy and rural identity, supporting both economic vitality and long-term preservation of the corridor's unique character."

Ms. Bishop clarified that this corridor goes from the County line down to Rhue Hollow, anything in the corridor requires an access plan, so landowners must show all access points within 400 feet of their property lines and must submit a traffic impact analysis and any improvements to mitigate negative impacts to traffic circulation, as well as a landscape plan.

Ms. Proulx asked if the access plan had to be approved by someone or some entity.

Ms. Bishop responded that it depends on the proposal, and if it's a permitted use, it would just be reviewed administratively; if it was something requiring a special use permit, the whole package would go to the Planning Commission and the Board. She said it could be thought of as another zoning district layer, so all the provisions in an A1 district, for example, are administratively confirmed to be met. Regarding the access plan, Ms. Bishop said there are sections on vehicular access and circulation, including that, "Any partial subdivision or cluster development having frontage along Route 151 or a roadway within the corridor will be allowed only one direct access to that roadway," and that "Additional access points must provide access to adjacent parcels," and "No direct access on the 151 from out parcels which are part of a larger coordinated development."

Ms. Bishop mentioned that on pages 42–43, the plan includes guidance on what she would be reviewing as planning director. She said that she and Cody Barker would be continuing to go through it and look at the regulatory aspects of it. She also stated that this joint meeting was a higher-level overview, and they would have more work sessions and Planning Commission meetings to delve into the details.

Mr. Reed asked if there was any place where it specifies the responsibilities the HOA has to maintain other things besides the open space.

Ms. Bishop responded that this is likely covered under Article 8 as well, which has a whole section on open space, but she would need to spend more time with the HOA part of it.

Ms. Proulx commented that she wasn't sure they wanted bicycles on 151, as the road was hazardous.

Mr. Harman said that issue had come up previously, and his understanding was that they were going to create some sort of space on the side—but he did not understand how that was going to work either.

Mr. Reed said there is mention of the connectivity between things, that is either actually done or has space allocated for it.

Ms. Bishop explained that regarding bicycle parking, the draft ordinance says, "Any commercial development within the Route 151 corridor overlay district that requires 10 or more vehicle parking spaces." She noted that she is not as familiar with people who are doing it internally as opposed to people doing it along Route 151, and she asked if they wanted to address it at all.

Ms. Proulx said she did not feel a need to address it.

Mr. Reed said if they don't do something about it and don't mention parking, it doesn't preclude that there won't be any; it was the connectivity that would create parking, and businesses would want to provide that anyway regardless of it being obligatory.

Ms. Bishop agreed that requiring it implied supporting it, and she received consensus from the PC and Board that they should just remove those requirements from the ordinance.

Ms. Bishop stated that "EV Charging Station" was by-right across the board in the use matrix, which aligns with what they have already, and she asked if they wanted it as a special use permit (SUP).

The Board and Commission agreed that it should not warrant an SUP since it's already by-right.

Ms. Bishop stated that storage shed businesses are prohibited except in B-1.

Mr. Reed said one of the prohibited uses is solar energy utility scale, which infers an industrial component, and he wondered if they could add data centers to prohibited uses.

Ms. Bishop responded that they are permitted by SUP in the heavy industrial district.

Ms. Bishop reviewed other uses in the matrix and asked for input. She said all the sections have additional use standards that go with them in Article 7. She said that for the residential districts, the primary points since they last discussed this was whether they want by right or special use in the overlay districts, which the Planning Commission went through and made recommendations on, such as SUP and 151.

Mr. Rutherford asked if someone could do a by-right multifamily dwelling if it only had four units.

Ms. Bishop responded that under suggested residential, there's dwelling townhouse, dwelling triplex, or quadplex, and those are by-right in the Village Overlay District.

Regarding home occupations, Ms. Bishop stated that Class A is by-right, with no more than one person employed other than members of the family; Class B is also by-right, but with no more than four persons employed other than members of the family.

Mr. Rutherford commented that Village Overlay should definitely have Class B, and he thinks of something like Ralph Turpin's office.

Dr. Ligon asked if this would be for the Route 29 Corridor too.

Mr. Rutherford said he felt home occupations should also be in the Route 29 Corridor, and he asked if A1 in the corridor, it would not be by-right.

Ms. Bishop responded that the overlay governs. She also stated that mixed-use is by-right in the Village Overlay and 29 Corridor Overlay, and she asked if they also wanted that by-right or by permit for 151.

Ms. Proulx said the default is always SUP if they're not sure about by-right, so they could have it as SUP there.

Ms. Bishop clarified that accessory dwelling is by-right in Village, C1, A1, R1, R2, and Service Enterprise.

Regarding short-term rentals, Ms. Bishop said the Planning Commission deliberated these a few weeks ago. She said what is proposed is 30 days or less, transient stays—a homestay, owner-occupied, permitted by right, and a single-family dwelling, which is something that state code per this past legislative session mandated. She said the other use is a hosted stay—with a primary resident or designated resident manager onsite (not necessarily the owner). She said rental of one additional dwelling, such as an ADU, on the same lot is permitted; if someone lives on a property and owns an adjoining property, they can rent that out because it adjoins. She noted that this would be in the A1 and R1 districts but can be considered in other districts such as overlays and service enterprise districts.

Ms. Bishop reported that two forms of verification of primary residence would be required; with five acres or less, only two rentals are allowed on one lot; more than five acres is a maximum of three; number of occupants can be limited based on health department regulations (septic) by number of bedrooms; fire extinguisher is required; no amplified music or sound from 10 p.m. to 7 a.m. She said the owner must submit a property management plan including a point of contact for complaints, number of permitted guests, parking information, location of fire extinguisher and smoke alarm, and trash management; there is prohibition of events that include attendees who are not guests at the short-term rental; RVs, buses, travel trailers, or non-permanent structures; and there must be written consent allowing County inspections as needed, requested, or upon a complaint.

Ms. Bishop stated that while not certain of the legality or enforceability of this, there is a stipulation that upon change of ownership, the new owner must comply with these provisions. She said there was also consideration of an annual fee, and the County is procuring a software to track and monitor short-term rentals.

Ms. Bishop said there was some interest in restricting short-term rentals to only residents of Nelson County, but she has learned that would not be a legal pathway in zoning because it's a land use consideration, so there's a state code section: "All zoning regulations shall be uniform for each class or kind of buildings and uses throughout each district, but the regulations in one district may differ from those in other districts." Ms. Bishop said they must separate the Nelson County ownership resident aspect from the land use issue.

Ms. Proulx commented that they could have a resident manager addresses that consideration.

Ms. Bishop pointed out that the current language does not allow absentee owners and asked if everyone is okay with that, as it would be possible for them to ask for an SUP. She also clarified that state code says once a use is legally vested, it can continue with that use and would not lose that right until two years without being used for that purpose. She said the Virginia Attorney General released an opinion that will be codified that says if the parcel is zoned agriculture and is engaged in bona fide agricultural productions, short-term rentals are by-right on that farm as part of agritourism.

Mr. Parr asked about a scenario under which an owner rented out their primary residence for a week or so during a special event in the County.

Ms. Bishop responded that it wouldn't fit under either scenario under short-term rental.

Mr. Averitt said if they were to stipulate an established residency of at least six months every year, it could qualify for short-term rental; then you're allowed to rent it for 180 days.

Ms. Bishop asked if they should consider absentee owner SUP requests, noting that this would trigger input from neighboring residences. She reminded the Board and Commission of the criteria for review for an SUP: "Shall not tend to change the character and established pattern of development of the area or community, be in harmony with uses permitted by right and not affect adversely use of neighboring property, adequately serve by public or private services, and result in destruction, loss of any ecological, scenic, or historic importance."

Mr. Rutherford commented that he felt they could find "no" in there if warranted.

Ms. Proulx disagreed.

Mr. Rutherford said if someone comes to this community, finds a very old farmhouse, and says they're willing to save a farmhouse—and the only economics that can justify doing this is a short-term rental, he feels that is a net positive for the culture of Nelson County and potential economic development.

Ms. Bishop said if they wanted to consider SUPs for the absentee-owner short-term rentals, they could exclude specific overlays or corridors, and she asked where they would allow someone to pursue an SUP.

Mr. Harman said the Route 29 Corridor.

Mr. Rutherford said the Village Overlay District.

Ms. Bishop read the intent of the Village: "Preserve and enhance traditional village character by promoting walkable mixed-use development. Integrates residential, office, commercial, and public. Small-scale businesses, housing, essential services. Supports rehab of older structures and fill. Infrastructure improvements to reinforce the village as a rural community hub."

Mr. Rutherford pointed out the language regarding supporting the rehabilitation of older structures and said this supported the SUP and the absentee short-term rental owner.

Ms. Proulx said the community aspects were interrupted by having vacation rentals.

Mr. Rutherford said they already had vacation rentals in Lovington.

Dr. Ligon said just to be devil's advocate, since they don't have a lot of hotels but have all these events and are a tourism community, if they're too restrictive, no one's going to stay here and spend money here—and that's the County's main income. She said eventually, you are stealing money from infrastructure.

Mr. Reed asked if that should be first priority for residents, to be able to benefit from all those things.

Dr. Ligon emphasized that they have to fund the government somehow, and right now, it's on the backs of property owners and short-term rentals.

After further discussion, the Board and Commission agreed to have the short-term rental SUP request provision for the 29 Corridor and Village Overlay districts.

Mr. Rutherford asked how they quantified amplified music or sound.

Ms. Bishop responded that they may want to consider updating the noise ordinance.

Mr. Reed asked if they could require, as they do with fire extinguishers and smoke detectors, posting of the business license in the short-term rental so people know they're in a modified regulated short-term rental.

Ms. Bishop stated that Ms. McGarry had suggested having an affidavit for applicants to certify that they're meeting all requirements, as there is no way the County will be able to go inspect them all.

Mr. Rutherford asked if they are asking owners to meet Virginia IRC standards for smoke alarms and fire extinguishers.

Ms. Bishop responded yes, as she had looked at other ordinances and would work with Jeremy Marrs on how the language should be worded.

Mr. Parr said whether it's related to short-term rentals or other initiatives, he wants to ensure that they incentivize or not de-incentivize the renovation of older structures—and perhaps they can accomplish part of that with the short-term rental ordinance. He commented that there was outrage over tearing down the house where Belties is now, yet no one said a word about the house across from the Dollar General in Nellysford. He said it would improve the community to have residences like that turned into either residences or short-term rentals. He confirmed that he would like to see financial incentives for primary residences, and he did not want to see de-incentivizing of potential short-term rental properties.

Ms. Bishop said there are provisions in this update that, through zoning laws, are trying to do that with lot sizes and other financial incentive programs. She said she is not sure how much of that could be incorporated into the zoning ordinance, but the Board can look into other incentivizes or perhaps a vacant property registry.

Ms. Bishop presented language for adaptive reuse of an existing structure as a short-term rental: conversion of an existing building, regardless of its original structure is retained or substantially reused, rather than demolished and replaced; can be fully residential or mixed use with both commercial and residential. She clarified that you get a permit to do an adaptive reuse project, and you've got dwelling units—in Village Overlay, for example—then it could be by-right to rehab the building and put dwelling units and commercial space there. She said the short-term rental aspect could be incorporated into this definition, and if the structure is rehabbed, they can use it as a short-term rental. She asked if it should be by-right everywhere.

The Board and Commission said it would make sense in R-1 and other districts but not industrial.

Ms. Bishop urged them to take time to go through this over the next week, noting that they had to get their comments back to the Berkeley Group by the following Friday.

Mr. Parr asked where addressing data centers might fit into this work.

Ms. Bishop responded that her understanding is that Nelson County is not interested in data centers, and currently they are only mentioned under heavy industrial.

Ms. Bishop revisited the timeline for future work sessions, public input, and a final draft for public hearing.

III. OTHER BUSINESS AS PRESENTED

There was none.

IV. ADJOURNMENT

The Board of Supervisors and Planning Commission adjourned their joint meeting at 6:39 p.m.

Virginia:

AT A CONTINUED MEETING of the Nelson County Board of Supervisors at 5:00 p.m. in the former Board Room 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
Dr. Jessica L. Ligon, South District Supervisor
Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Grace E. Mawyer, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning

Michael Harman, West District Planning Commissioner
Gary Scott, South District Planning Commissioner
Richard Averitt, Central District Planning Commissioner
William Smith, East District Planning Commissioner
Philippa Proulx, North District Planning Commissioner

Absent: Thomas D. Harvey, North District Supervisor

I. CALL TO ORDER

Mr. Reed convened the Board of Supervisors meeting at 5:00 p.m. with four (4) Supervisors present to establish a quorum. Mr. Harvey was absent.

Mr. Harman convened the Planning Commission meeting at 5:00 p.m. with four (4) voting Commissioners present to establish a quorum.

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

Cecille Gaines of the Berkley Group stated that now that they've done a deep dive on each article of the ordinance, they would go through the whole thing at a higher level. She said that after this work session, they would go through next steps, including proceeding to a public open house, and the comment form currently on the web would remain live for a week after the open house. Ms. Gaines said they would convene for one more final joint work session to review public input and the ordinance before public hearings; the Commission would then make a recommendation, and the Board would vote on adoption.

Ms. Gaines stated that Article 1 establishes the County's legal authority to regulate land through zoning, establishes the official zoning map, and details the transition from the old ordinance to the new one, and there have been no changes to this article since they reviewed it in work session two. She said Article 2 details powers and duties of the relevant bodies and entities who administer the ordinance; it has the required enforcement and fee structure for the ordinance; and there have been no changes to this article since work session two. She said Article 3 has the requirements for zoning permits and applications, rezoning, special use permits, variances, etc., and the process for appeals and public hearings and notification requirements; there have been no changes to this article.

Mr. Reed asked about the single reference to the site plan review committee, specifically who that would be.

Ms. Bishop clarified typically, a site plan review committee consists of staff from various agencies, such as VDOT, the health department, emergency services, erosion control, building inspections, etc. — so that's something done administratively for a site plan review process.

Ms. Proulx noted that at one time, a Planning Commissioner was on that committee.

Ms. Bishop said her understanding was there has always been one, and they shifted to doing more virtual and internal meetings during COVID — with that rationale continuing because it's difficult to convene people from all the agencies that work in different regions. She said that's something they'll continue to do as the format, on a case-by case basis.

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Mr. Reed said that's mentioned on Section 269, Page 28 in Article 3. He asked if, because it's mentioned in the ordinance, they should define who would make up that committee.

Ms. Bishop responded that she didn't think that was necessary because it's going to be dependent on the project, and some agencies will be applicable, some won't.

Ms. Gaines reported that the next area of review is where changes begin to appear since the last work session. She stated that Article 4 contains the regulations and procedures for the primary zoning districts, including provisions that apply to all districts, district standards, and cluster development standards. She said the slide shows the primary districts and the changes since the last work session on Article 4. She stated the purpose of the RPC was changed, reflecting their intention to limit it just to Wintergreen. She said changes were made to steep slopes and critical areas based on information sent by the County, code review, and research; critical slopes were changed to "critical areas" to match the Code of Virginia and the building code. She said the purpose was expanded to include the protection of humans and the environment, especially concerning anything over a 10% grade not being accessible to emergency vehicles. She stated that ingress and egress for EMS and fire vehicles were added, along with land disturbance to the requirements, and a requirement was added to demonstrate that design limitations will be achieved.

Ms. Gaines stated that the standards for slope and critical areas were rewritten, and access language now includes the 10% grade limit for roads and driveways. Ms. Gaines said she recommends the County Attorney review the language to confirm it meets the County's best interests, particularly regarding emergency vehicle access. Ms. Gaines stated other changes in Article 4, many coming directly from this group, are found in the tables. She said A1 lot size was changed from 10 to 6 acres; A1 road frontage went from 200 to 150 feet; the R1 minimum lot size shifted from 2 to 1 acre; the R1 front setback changed from 50 to 35 feet; and the R2 accessory structure setback was reduced from 10 to 5 feet. Ms. Gaines stated that road frontages were reduced as shown on the slide, and all these changes were requests from staff and the Board and Commission.

Mr. Rutheford recalled that the Commission was going to discuss A1.

Ms. Proulx responded that this was where the six acres came in.

Dr. Ligon noted that they were going to discuss it the previous week, but that was canceled.

Ms. Proulx commented that she still liked the scale with the two acres and the other divisions, which they have discussed before.

Mr. Rutherford stated that he likes the sliding scale they currently have, and he would like to stay there with the potential of adding another two-acre subdivision. He noted that Ms. Bishop had a good solution to this.

Ms. Bishop explained that she and Cody Barker have been working on this and think that upping the R1 low-density residential as rural residential with the sliding scale would accomplish the same thing; then they could leave A1 at six acres.

Ms. Proulx said if you have 100 acres, you could do a lot of six-acre lots—which doesn't do much to protect agricultural areas.

Ms. Bishop responded that the six acres comes from agricultural land use, so if it is a true ag lot, you could do a large development at six acres but would still have to meet all other requirements.

Ms. Proulx asked why they wouldn't just keep the sliding scale for A1, and Mr. Rutherford commented that he would much rather keep it.

Dr. Ligon said the thought was that the sliding scale was challenging for staff, and when they don't set defined rules, it muddies the waters even further. She emphasized that if they have a sliding scale in agricultural, it really screams that they are going to get residential in the middle of that area.

Ms. Proulx commented that it would only be small amounts.

Mr. Rutherford said they would be better off with just the definition of rural as opposed to agriculture, because the reality is most of their agriculture is never used for agriculture purposes. He said unless they're planning on swapping 70% of their map with the new R1 concept, he would hate to put the A1 in that and

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take that gamble, as they don't know what A1 is going to look like in terms of implementation. Mr. Rutherford emphasized that his district has had no issues with the sliding scale in the A1 concept.

Ms. Proulx noted that other localities manage scale, and this is not a new concept.

Ms. Bishop commented that if that is what the Board decides to do, the staff would have to figure out a way to implement some kind of tracking system, which ideally would have existed from the onset.

Ms. Proulx reiterated that they did not have to reinvent the wheel, as other localities have these structures.

Dr. Ligon asked Mr. Rutherford if his idea is that he just doesn't want to have to rezone anything.

Mr. Rutherford responded that it had nothing to do with that, as he was open to rezoning. He said the reality is it's hard to imagine what the map would look like with A1, and there is a lot of 151 that would like to be in A1 in some regard, with that demographic being who they are catering to with the six acres.

Dr. Ligon said she didn't see it that way at all.

Mr. Rutherford stated that the last election cycle and comprehensive planning showed that they wanted larger lot sizes and less development; so for him, the sliding scale has been successful and has preserved a lot of rural character. He added that it has also allowed purchases of two acres intermittently.

Ms. Proulx said she agreed with him completely on this aspect, and it seems to have worked well for the whole County. She acknowledged that it did require a level of having to track.

Mr. Reed stated that he is in favor of the six acres—one acre for dwelling and five for land use—and it makes sense to him throughout the entire County, not just along 151.

Ms. Proulx emphasized that they are talking about the agricultural zone overall.

Mr. Reed said the best agricultural opportunities, or certainly the most, are in the other districts.

Mr. Rutherford said with a flat six-acre minimum, you could do as many lots as that would allow—so 60 acres would be 10 lots, whereas the sliding scale would be four or five. He said the biggest issue he had with this concept is that he didn't know where A1 was going.

Mr. Averitt commented that they make the decision though, from what he understands.

Ms. Bishop said for zoning ordinance purposes, they should think less about where it would affect these areas geographically and more about the different types of uses characterized: agricultural, residential, industrial, commercial.

Mr. Rutherford said it's hard to separate those two, and there are people running hobby farms on four acres.

Ms. Bishop said that will all come out in the mapping process when the areas are actually evaluated based on what current uses are there and what district they fit, so there's a lot more value. She emphasized that they would be evaluating what's on the ground, what fits those areas, and where the County wants them.

Ms. Proulx pointed out that when a rezoning starts happening, the County is going to be up in arms if they start trying to change people's zoning in a way that they don't want to see it changed. She said that if they start prescribing this, they could run into some pretty heavy opposition depending on exactly what is being proposed.

Mr. Reed said that by and large, the areas are going to maintain the same character that they have in the current map.

Mr. Rutherford commented that 90% of their map will be subjected to six-acre lot minimums.

Ms. Proulx mentioned the person who wants to retain most of their property but needs to sell off two acres.

Mr. Averitt said, unless they apply for a rezoning.

Ms. Proulx responded that they're going to have a hard time rezoning one two-acre lot; that's just not good planning practice, and in the scenario she's considering, they're not going to want to rezone their whole 100 acres or 60 acres.

Ms. Bishop said the future land use map and the comp plan also give a little bit of better guidance as to what areas are going to be and what types of zoning—the village overlays, the rural areas are all considered there.

Mr. Rutherford said he didn't think anybody necessarily disagrees in where they're seeing R1, R2, and R3 populate. He said they're talking about the other 60%, the big one. He said if they enacted the six-acre minimum, there would be many nonconforming lots, which there already are, and they would make an astronomical number of nonconforming lots. He added that many smaller lots zoned in the 50s and 60s are not necessarily agriculture in nature.

Ms. Bishop noted that in R1, they still have provisions for residential agriculture, whereas right now if you're zoned R1, the County doesn't allow chickens or anything; with this ordinance in R1, you still can have residential agriculture.

Mr. Rutherford asked how similar this is to the Buckingham version, where their C1 zoning requires a primary dwelling before someone can build a barn.

Ms. Bishop responded that Nelson does that as well, and a person must have a residence or a bona fide agricultural use.

Mr. Rutherford asked if an ag permit would apply in the R1 sense.

Ms. Bishop responded that it would not.

Ms. Gaines asked for clarification as to what they are proposing for R1 and the sliding scale.

Ms. Bishop replied that she and Mr. Barker would like to see R1 go back up to two acres.

Mr. Rutherford said if there's a place to do small acres, it would be Shipman, Schuyler, and Lovington.

Ms. Bishop pointed out that village overlay was different than rural residential, which is what they are discussing here, and the blue parts of the map she presented were parcels above and below 10 acres.

Mr. Averitt asked if they would have the map in conjunction with the ordinance to vote on.

Mr. Rutherford replied that they have to pass this, then do the map.

Ms. Bishop explained that the comprehensive plan was phase one, the ordinance is phase two, and the land use map is phase three.

Ms. Ford commented that when they start rezoning properties, people get very upset—whether it's just out of fear and concern or not understanding what is changing and what's happening. She said this is why they want to ensure they have a better ordinance to use and adopt, without it being derailed by a map change. She said similarly, if they feel like a change in acreage is going to derail this and cause public opposition, that needs to be part of the consideration as well.

Mr. Reed said it would be good to see what the public says, and they have to give them something to push up against—which is the whole purpose of the public process.

Mr. Rutherford said that is completely fine, and he would hate to see this be one of the things that really derails how they draw the map. He added that it was his hope that the Planning Commission would have had the opportunity to work this out in a work session, which he recalled was the intent, but he understands that schedules were a factor.

Mr. Scott asked if the Berkley Group has experience with any other counties that are close as far as that much percentage in agriculture, where they are trying to decide on the size.

Ms. Ford responded that there is a locality that is in the same situation and is currently debating scaling or set acreage.

Dr. Ligon said the great debate is what they're trying to make things affordable, and the other debate is maintaining the rural character.

Mr. Rutheford and Ms. Proulx stated that the sliding scale does the best job of that.

Mr. Averitt said the problem as he understands it is that somebody chooses the sliding scale, splits off two acres, and sells it; then some number of years later, they do the same thing again, so they don't have a good way to track what hasn't been done on a single lot.

Ms. Bishop said it hasn't been tracked in the past, and staff has to pull previous plots to see when they were designated and allocated. She said this is why staff likes six acres for A1 and two acres for R1; whether or not they want to do sliding scale for one or both of those, staff will serve at the pleasure of the Board.

Ms. Gaines emphasized that they have a brand new comp plan that the County is on board with, so they definitely want to use that for guidance here and use that future land use map to guide the new zoning map.

Mr. Reed stated that maintaining the rural character seemed to be the main objective; affordability was not.

Ms. Bishop commented that it's worth keeping in mind that there are a lot of other provisions and tools in this new ordinance that work toward accomplishing other goals of preservation and affordability, adaptive reuse of structures and properties etc. So in her mind, it all kind of works together.

Ms. Proulx asked about a subdivision in Albemarle, just before you get to Nelson on 151, and whether anyone knew the size of those lots.

Staff confirmed that there was a minimum two-acre lot size.

Ms. Proulx asked how they could get past the six acre vs. two acre conversation.

Mr. Rutherford responded that if they want to leave it at the six acre and then just have the public rally, he is okay with that.

Ms. Bishop said Ms. Gaines would be pulling up the future land use map from the comp plan.

Mr. Harman asked how important the five-acre tax structure is for Nelson.

Ms. Bishop explained that you cannot get land use taxation without a minimum, but that is a separate thing that just drove the recommendation.

Ms. Gaines said they could vote on this now and see how that falls, or they can take the ordinance to the public as written and see what the feedback is; then at the final joint work session, they can talk about whether they want to change the lot size.

Mr. Rutherford said he's fine with taking this to the public at six acres, but they just need to be prepared to dilute a lot of discussions since they haven't figured it out.

Mr. Averitt said everyone did a lot of work to figure out the long-range plan for the community, and if they don't do anything to establish guardrails for the future, they negate all that work and leave it up to chance.

Mr. Rutherford stated that they ran into the same discussion in 2001, which is why the sliding scale came into existence, and he felt it kept Nelson rural while aiding affordability by allowing two-acre lots.

Mr. Averitt commented that they are introducing some new density opportunities that have never existed in the county, which sets up a whole new set of possibilities.

Mr. Rutherford reiterated the notion of taking the six acres out into the public.

Mr. Harman said it would be nice to see what the public thinks of it, and he agreed with Mr. Averitt that this provides more options than they had before.

Mr. Averitt said he is challenged because he wants to ensure the opportunity for affordability, and the “picking winners and losers” part of rezoning is a very difficult aspect of this process.

Mr. Parr said he has not heard as much discussion about the landowner who owns 500, 1,000, or 1,500 acres and how this is going to impact them. He said there is the buyer and the affordability piece, but the seller is of equal concern. He said he could envision an unintended consequence of a six-acre minimum diluting the value or the sale price that they can get — where six acres might be worth this much, but since the buyer can only afford three acres, they may have to sell the six acres for a lower price to get a buyer.

Ms. Gaines said in that kind of scenario, it's typically a rezoning. I

Ms. Proulx pointed out that it would only be if they wanted to rezone the entire property; if they just want to keep their property rural and sell off two-acre parcels, they can't rezone those two-acre parcels.

Mr. Parr stated that there is the possibility someone has a farmhand that's worked on the family's farm for the past two generations, and the owner want to break off two acres so they can put a nice manufactured home for them on the corner of the farm. He emphasized that those are the types of things he didn't want them to unintentionally prevent.

Ms. Bishop asked if it would be prudent to have several scenarios to get public engagement on for this piece.

Ms. Proulx responded that she felt it would be, as it wasn't going to be very obvious if they just take a few statements.

Ms. Ford said they can do boards and people can sort of vote, so they can see very clearly where those votes are.

Ms. Rutherford said there are 14,000 people in this County, and they're all not going to agree with what is done. He added that if they satisfy 30%, he will be impressed.

Mr. Reed emphasized that they really need to answer to the comp plan.

Ms. Gaines reported that Article 5 is overlay zoning districts, which are regulations and procedures for the overlays within the County and include the general floodplain district, the village overlay, the Route 29 corridor, and the Route 151 corridor. She noted that changes have been made according to direction given during and after work session three. She explained that for the village overlay district, the permitted and prohibited uses were revised for clarity, with a list of uses by special use permit added. She said these are ways they're also increasing housing options, which hopefully bring down costs for people: Multifamily dwelling, fuel center, hotel, recreation, entertainment, indoor, garden center, medical office, and vehicle service repair would be allowed by special use permit. She said they added public cemetery, short-term rental, and smoke/vape shop to the list of prohibited uses. She noted that for the Route 29 corridor, boundaries are 500 feet on either side of Route 29, except in a section of Lovington where it's only on one side of the road, and the corridor runs from the Albemarle County line to the Amherst County line.

Mr. Reed asked about the maximum structure height provisions in Article 4, in R3, which is 45 feet but in Village Overlay is 35 feet with an increase to 45 feet based on setbacks. He said this was the difference between a three- and four-story building, and he wondered if a four-story building was appropriate in the Village Overlay, in either that district or R3.

Ms. Bishop said she didn't mind keeping it in R3 but wouldn't mind taking it out of Village.

Mr. Averitt said if they want to encourage density, they need to accommodate places that have some height.

Mr. Rutherford said they have to go vertical if they want to encourage density.

Dr. Ligon noted that mixed use with business and residences above it would require some height.

The Board and Commission agreed to leave the height provisions as they were.

Ms. Gaines said in the Route 29 corridor, they added a list of uses to special-use permit uses: commercial stable, educational facility, general office, hotel, large store, medical office, RV parking, maker space, and transportation services. She referenced the new corridor overlay district for 151, which applies 500 feet on either side of Route 151, and stated that she corrected Rhue Hollow Road and two uses for special use: maker space and EV charging station. She said they are requiring VDOT standards for new roads just in the overlay, and vehicular access and circulation standards to restrict access points to 151, with access roads to cut down on curb cuts.

Ms. Gaines presented a matrix showing all allowable uses within the County and which district they're allowed in and whether they're by right or special-use permit in each of those districts. She said it provides the reference to Article 7 for specific uses, and the changes since work session four are in red text in the use matrix. She clarified that the overlays are left off the matrix because the uses are listed in their individual sections, and no changes were made unless the Board and Commission had requested them.

Mr. Reed asked if CAFOs were by right in A1 or could be special use permits.

Ms. Gaines confirmed that they could not be SUPs because they are by right in agriculture.

Mr. Rutherford asked if multifamily manufactured housing was still an opportunity for R2 and R3 because it's a new product that isn't provided for here. He also asked how the County is defining attached.

Ms. Gaines responded that it's in Article 11 with all dwelling types, and he is basically talking about a manufactured duplex. She said she wasn't sure why that wasn't already in R3 but should go there.

Ms. Ford noted that regular duplexes were allowed under R2 and provided for in that section.

Ms. Gaines stated that for Article 7, use performance standards, these are for specific land uses to mitigate potential externalities that may affect health, safety, and welfare of the surrounding area and community; they apply to both by right and special use. She said in the case of a special use permit, the Board can add additional standards, but they have to follow the standards in Article 7 as a base, then you can add more onto an SUP. She stated that since work session 4, they deleted the honey bee regulations; the minimum lot area per horse was removed from commercial and private stable; and "manufactured home park" was changed to "manufactured home community."

Ms. Gaines reported that the biggest changes were to short-term rentals, and they drafted it for three different types of short-term rentals: Homestay is the one where you live onsite, you're there all the time, and you rent out part of your property as a short-term rental, but you don't leave when you have guests there; the hosted stay is similar, but it can be either the primary resident or a designated resident manager who's present during the rental periods, or if you own parcels next to each other, you live on one parcel and have a short-term rental on the one next door, with a maximum of two short-term rental units per lot; and the unhosted stay is operated by someone who lives in the County but doesn't live on the property that's being used as the rental.

Ms. Proulx commented that the first item under Operation Owner Occupancy, A1, Section 739.A.1, could be removed: "In no case shall a short-term rental be operated by a property owner whose primary residence is outside of Nelson County." She said it seems to be covered by saying people have to be in residence or have a manager. She also questioned whether the unhosted stay should remain, from a legal standpoint.

Mr. Averitt said he didn't think it would work to say there should be no unhosted stays in the County, and the intent was to prevent people who swoop into the County and buy up a bunch of properties and basically run a distributed hotel franchise here. He said they don't want to block someone who lives in the County or has a vacation home here in the County legitimately renting out their other property. He said if they want to achieve that goal, they need to look at a limit of number of units, but the challenge there is if you put everyone in a single LLC.

Ms. Gaines suggested looking at these in terms of the districts that these uses are allowed in, so they have the unhosted stay only as a special use permit; the homestay is by right in C1, A1, R1, R2, R3, RPC, and SE1, and the hosted stay is A1, R1, and SE1; the unhosted, which is when the owner doesn't live here, is only by SUP in A1, R1, and SE1.

Ms. Proulx commented that Albemarle does not allow for unhosted stays.

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Mr. Barker said enforcement is the issue, and they're going to be there no matter what. He said as staff, they don't like the idea of an unhosted stay, and they want to ensure if there is a home built in Nelson County, somebody occupies it.

Ms. Gaines said while existing short-term rentals would be grandfathered, these new standards would apply to all short-term rentals: They have to be registered, and they have to show two forms of verification of their primary residence. She noted that there would be a right for the County to inspect them if they suspect a violation or if someone complains.

After further discussion, the Commission and Board agreed to keep the unhosted stay and remove the language about them being a Nelson County resident.

Mr. Barker said the other thing he urged them to do is to think about any emergency situation that could occur, which is the other big reason they want a registry in the first place, so they know everybody's had an inspection. He said they need to ensure there is a working fire extinguisher and smoke alarms, but it's hard to arrange a building inspection with someone who is never there.

Mr. Reed commented that because they have Wintergreen, which is full of unhosted stays and legal unhosted stays, it would make sense to get rid of unhosted stays for the rest of the County and make the grandfathered ones non-transferable.

Mr. Rutherford said you can't make them non-transferable; if you have a non-conforming use, you have to prove the two-year threshold.

Mr. Reed said that makes sense, and going to the comp plan, they want to have access for long-term rentals and single families in the County.

Dr. Ligon said she wanted them to consider that this is one of the main incomes for the County, and she would like to know where they would make up the TOT money if that decreases based on these actions.

Mr. Rutherford commented that they are arbitrarily picking a bunch winners and losers right out of the gate, and at least the special use permit gives someone a reasonable shot.

Mr. Averitt stated that it's not typical to rent an Airbnb and have the owner on the property with you.

Ms. Gaines said it's more common in cities, and the shared houses are usually cheaper.

Mr. Averitt said there are a lot of people in this County who count on supplemental income from their short-term rentals because Nelson is a tourism County.

Mr. Rutherford clarified that they are really just debating the requirement for a special use permit for unhosted.

In a straw poll, the Board and Commission agreed to keep unhosted in and enact requirements for it.

Ms. Bishop suggested adding SUP criteria and use standards in the ordinance for unhosted stays, instead of making it an SUP with conditions.

Ms. Gaines said they would add them in Article 7 to unhosted stay rather than two special use permits and put in more automatic standards, then the special use permit can add more standards depending on where it is.

Ms. Proulx said she had a question about "underutilized" in the context of the section on adaptive reuse.

Ms. Gaines explained that they had adaptive reuse in the ordinance, but they didn't have it in Article 7, so this is a new section to provide standards. She said this establishes standards for conversion or redevelopment of existing at-risk buildings, converting them into residential or mixed residential and commercial uses. She noted that there are standards for a site plan; they have to retain and reuse the original structure, preserving the original character, and it can be residential or mixed use. She said it has to be at least 50% residential; additions to the building are limited to 40% of the original floor area; and any new accessory buildings are permitted if the administrator determines that the number, type, scale, and uses within the new buildings is compatible with the existing building.

Ms. Gaines noted that there are incentives to incentivize this use, including that non-conformities can remain; a new loading zone would not be required; new parking would only be required for any expansion. She said multifamily is permitted by right in any districts that allow this use; density bonuses are available in rural and

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central villages or service center with adequate water and sewer, and it also permits 60% additional building footprint or floor area when it includes affordable housing or certified green building.

Ms. Gaines said these would be allowed as a special use in A1 and R1, and by right in R1, R3, RPC, B1, B2, and SE1. She said Berkley recommends that the County keep track and monitor how well the incentives are working to see if they may want to tweak the incentives in the future based on feedback and input from usage.

Ms. Proulx reiterated her question about “underutilized.”

Ms. Ford said they had hoped the words around it would provide clarification.

Ms. Gaines responded that it wasn’t defined and could be changed if necessary.

Ms. Bishop said the definition for an adaptive reuse project states: “The conversion of an existing building, regardless of its original use, into one or more residential units applies only when original structure is retained and substantially reused, rather than being demolished and replaced, may include redevelopment as a fully residential or mixed-use structure with commercial and residential, and may include existing accessory structures.” She said regardless of the building, this, like all the other purpose and intent sections, gives them more ways to back it up.

Ms. Gaines said “underutilized” was probably a better word than “blighted.”

Mr. Averitt said in combination with the definition, “underutilized” could remain and was likely sufficient.

Mr. Rutherford recalled a previous discussion under which they would allow short-term rentals as part of an adaptive reuse project, without a special use permit.

Ms. Gaines suggested allowing all three short-term rentals without an SUP in an adaptive reuse project.

Ms. Gaines stated that they also had requested a new use category: resort.

Ms. Bishop clarified that this was a result of the discussion they had when someone had multiple projects they wanted to do; for example, when Devil’s Backbone applied, they had four or five special use permit requests—so this would encompass a full project as one SUP as opposed to one for a venue, one for a campground, one for the restaurant, etc.

Ms. Gaines said they could have a resort with a retreat within it.

Ms. Gaines also stated that data centers were only allowed by SUP in the industrial district, M1. She said provisions in the new proposed ordinance include changing the viewshed analysis from 1,000 to 1,500 feet; encouraging air-based systems, cooling systems as opposed to water; and increasing the setbacks from 100 to 200 feet. She said for utilities, they added that data centers shall be located on property with a power station or an existing transmission line or immediately adjacent to a property or easement with a power station or existing transmission line; no new offsite transmission lines shall be constructed for the data center; and no data center shall be built until evidence is given as part of the application that the owner has been approved by the utility company. She said they also added a requirement for annual noise testing.

Ms. Gaines commented that she lives in Roanoke, and there’s a big data center issue going on there right now, so she has been watching that and trying to think of ways they could have been better protected—as it is threatening their water supply.

The Board and Commission agreed that requiring transmission lines and air-based cooling systems would likely hinder data centers from moving forward.

Ms. Gaines said that additional changes under Article 7 included removing the storage container standards, removing minimum lot area from accessory dwellings, and adding category 3 temporary events for really big events like Lockn, which does require a temporary event permit and an SUP. She noted that the SUP automatically gets reviewed every five years, so the Board could vote down the SUP after five years and not allow it anymore, and it’s limited to a maximum of six consecutive days. She noted that the use permissions there are by right in A1, B1, B2, and SE1.

Ms. Ford said when this is an SUP, they can always add conditions and tailor them to what they want.

In discussing recent events that had a high noise level, Mr. Reed said there's a note about having amplified sound regulated by the County Code instead of the zoning administrator. He said Page 77 says, "The County should consider changing...the amplified sound shall be regulated by the County Code, Chapter 8, Article 2, noise control. This would shift the noise enforcement from the zoning administrator to law enforcement."

Ms. Bishop said that's currently how it already is.

Ms. Gaines said it has those limitations, but it's up to zoning to enforce it. She said if they change that to say they have to follow the noise ordinance, then it becomes a law enforcement matter; if the neighbors call at 2 a.m., they can call the police, and the police can enforce it.

Mr. Harman said the police don't know how to work the noise meters, and they refuse to learn.

Ms. Gaines asked if they wanted to change that so that it's all following the noise ordinance instead of having separate hours in the zoning ordinance?

Ms. Bishop noted that they were just talking about the by-right events that are not part of the special use permit, like if someone has a category one or two event.

Ms. Gaines suggested that it should be the same across the ordinance instead of having different hours for different uses.

Ms. Bishop suggested that Article 3 say, "Amplified sound shall be regulated by SUP condition," because that's the only way that event is allowed anyway.

Ms. Ford clarified that for Category three, they will change it to say that it's by the SUP conditions; for the other two, the noise ordinance will apply.

Ms. Gaines said Article 8 pertains to community design standards for lighting, landscaping, walls and fences, streets, bikeways and sidewalks, parking and loading, and signage.

She noted that there have been a few changes since work session five: For parking lot landscaping, the trigger that requires this landscaping in the parking lots went from 10 to 30; at 30 parking spaces, there is a requirement to provide shade, screening and stormwater mitigation; they added a maintenance responsibility to private streets, prohibited feather signs; sign setbacks were added and simplified to 15 feet; and all open space requirements are now in division 8-8.

Ms. Gaines said that Article 9 is nonconforming uses, and this covers legally protected status to land uses, lots and structures that are conforming with the existing ordinance, but may not conform to the new ordinance. She noted that this is controlled by state and federal code, and there have been no changes to this article. She said in the subdivision ordinance, the only change was changing planning commission to administrator per the state code changes.

She stated that definitions added since the last work session were highlighted in green in the ordinance, and they revised the definitions on the screen according to their request. She said the only use that was deleted was that trade person service because they had felt like home occupation would cover that.

Ms. Proulx said the other short-term rental things other than bed and breakfast refer to 30 days as temporary, and bed and breakfast just says, "provides temporary lodging." She asked if that should state under 30 days.

Ms. Bishop clarified that in 7.31 bed and breakfast, it does say, "Guests may stay no longer than 30 consecutive days."

Ms. Ford shared some ordinance review tips. She said she heard remarks about being prepared to read all 300 pages, or however many pages the document contains. She stated that she likes to show the group this overview because it assists with review and helps connect different sections without reading every page. She said, for example, when referencing Article 7, it is difficult to remember what was noted in Article 5 or 4, and this approach is helpful. She said they have provided resources such as the summary change memo, which highlights major changes, and the editor's notes at the bottom of the document. She stated the group should continue to refer to those notes, but also remember that the articles work together.

Ms. Ford said there are various scenarios the group can work through, and this method applies to any situation. She stated if someone has a current permit or application under consideration, they should test it against the new ordinance to see the outcome. She said the topic is not intended to derail the meeting, but since short-term rental is a hot topic, it is useful to see its application in the ordinance and the requirements involved. Ms. Ford said for short-term rentals, one should begin with Article 6 to review district permissions. She stated that, for example, if considering a homestay, it is allowed by right in certain districts. She said if someone knows the zoning of a parcel in their community, such as R1, a homestay with a resident would be by right, and a hosted stay would also be by right. She stated that an unhosted stay would require an SUP, and in the R2 district, short-term rentals are not permitted.

Ms. Ford said the next step is to review the use standards, referring back to the matrix table, which directs users to the relevant section. She stated that by consulting section 7-3-9, users can identify use standards and see specific requirements for a hosted stay. She noted the slides were not her creation and did not know why one was blank.

Ms. Gaines said the occupancy is determined by state building code and septic permits. She stated that obtaining a County business license is necessary. She said registration is required, as previously discussed, and the County must be allowed to inspect the dwelling upon request or if a possible violation is reported. Ms. Gaines stated that general standards apply to the use, including providing parking for guests and following standards for revocation, suspension, or cancellation of registration, as well as penalties.

Ms. Gaines said Article 4 is relevant only if a new dwelling is being built. She stated Article 8 does not apply to an existing single-family home, so there are no applicable standards for that use. She said Article 3 applies only if hosting a short-term rental in a district that requires a special use permit, describing that as the hypothetical hosted stay scenario. Ms. Gaines stated that for a hotel development scenario, Article 6 should be consulted to determine which districts allow hotels. She said there are no use standards for hotels, but certain districts require a special use permit, which is outlined in Article 3. She stated that if the hotel is in the B1 district, it is permitted by right. Ms. Gaines said it is important to read the district purpose and standards, including those specific to B1, and that Article 8 contains requirements for new development. She stated the process involves reviewing relevant articles and standards, then consulting Article 3 for information about the pre-application meeting, application process, and site plan process.

Ms. Gaines said the change summary document includes a table showing all strategies in the comprehensive plan being implemented with the new ordinance, spanning about three pages. She stated that the rewrite addresses many comprehensive plan strategies and encouraged the group to recognize their swift implementation and commitment.

Ms. Bishop noted that they would have an annual review of the comp plan, with an annual report brought forward in the spring.

Ms. Gaines said if they are feeling unsettled about any of it, they can always amend the zoning ordinance.

Ms. Gaines said if they have additional comments regarding this work session, they should get those to staff by the 24th and then to Berkley by the 31st. She stated that they had originally planned the public open house for January 20 but would need to set a new date for that since this meeting was pushed back.

Ms. Bishop suggested another work session in January with the new Board of Supervisors member, then the public open house in February.

Ms. Gaines suggested having the public open house on February 25 since they already had that on the calendar, from 4:30 p.m. to 6:30 p.m. at the Nelson Center.

Ms. Proulx suggested having an automatic snow date advertised.

Ms. Bishop said after the public open house, they would have another joint work session with the Berkley group on March 25.

Mr. Reed said he could not attend that date but was available the following week, April 1st.

Ms. Bishop noted that the next Planning Commission meeting would be three weeks after that.

III. OTHER BUSINESS AS PRESENTED

There was none.

IV. ADJOURNMENT

The Planning Commission adjourned its meeting at 7:11 p.m.

The Board of Supervisors adjourned its meeting at 7:11 p.m.

Nelson County Planning Commission

To: Planning Commission

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

Date: March 25, 2026

Re: REZ #250339 – R-1 and M-1 to M-2 Industrial – Nelson Storage, LLC

BACKGROUND: This is a request to rezone property zoned R-1 Residential and M-1 Light Industrial, to M-2 Industrial. The purpose is to align the zoning designation with the current use.

Public Hearings Scheduled: P/C – February 25; Board – April 14 (tentative)

Property Information: 2742 Arrington Road, TM# 77-A-45, 1 acre (R-1 Residential) / 2731 Arrington Road, TM#s 77-3-1, 2, 77-A-5, 46, +/- 3 acres (M-1 Industrial) / South District

Applicant Information: Nelson Storage, LLC – Jeremy and Elisabeth Hale

Comments: The subject properties are currently utilized for both indoor and outdoor storage. The R-1 Residential zoned parcel has been used for storage of shipping containers available for rent, which is a violation of the zoning ordinance. Corrective notice was sent to the owners, who reached out to develop a compliance plan. In discussions with staff, a rezoning proposal to align the current and desired use of the property with the zoning designation was determined as the course of action. Commonly referred to as the “cold storage” area of Arrington, the owners have made improvements to these properties during their tenure. They sent letters to property owners in the community, as provided in the application package. The site plan layout which delineates proposed uses indicates the blue parcels to be continued for indoor storage, the red marked areas for outdoor storage, and green marked areas to be maintained as open space. No improvements or additional development is proposed at this time.

Should the rezoning be approved, Section 9-1-10 allows storage yards as a by-right use. The dwelling would be permitted to be renovated and utilized as such.

The Planning Commission held a public hearing at their meeting on February 25, 2026, at which a community member spoke in opposition. The Planning Commission requested the applicant consider limiting uses and work with staff to develop proffers to reflect these limitations.

DISCUSSION:

Land Use / Floodplain: These parcels are located on the northwest side of the railroad in the heart of Arrington. Mixed zoning includes R-1 Residential, M-1 Light Industrial, A-1 Agriculture, and even a B-1 Business zoned parcel. There are several legal nonconforming uses in the vicinity including livestock and agricultural activities on R-1 and M-1 zoned property

Access / Traffic / Parking: The properties are accessed by existing entrances, and no improvements or modifications are required at this time.

Comprehensive Plan: This property is located in Arrington, a *Rural Village* as designated by the Nelson 2042 Future Land Use Map. The core concept of a *Rural Village* is to Focus investment and small-scale development within the County's Rural Villages to protect the rural landscape, ensure more efficient and effective provision of community services, create a sense of place to bolster economic development, and improve quality of life. This area also calls for these communities to take cues from the historic qualities of the villages to ensure a continued sense of place that provides economic vitality.

Associated planning guidelines include preserving existing structures and traditional patterns of development while allowing for a mix of uses in a more compact village setting.

Recommendation: Staff recommends that the Planning Commission should recommend approval of REZ #250339, from R-1 and M-1, to M-2 Industrial to the Board of Supervisors, with the following proffers as submitted by the applicant:

1. The areas delineated in green on the site plan shall remain open space for a distance of 75' from the center of the road.
2. The areas delineated in red on the site plan shall be utilized only for outdoor storage; no other industrial uses shall be permitted.
3. Should a dwelling be constructed within 100 feet of the property lines, the owner shall construct a fence for screening acceptable to the Planning Director within 60 days of issuance of a certificate of occupancy.

Attachments:
Application
Narrative
Site Plan
Zoning
Public Comment



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: REZ # 250339
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):

- Special Use Permit RI/
- Rezoning from M1 to M2
- Conditional Rezoning from _____ to _____
- Other: _____
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request:

To realign our zoning to match current and historical use,
primarily outdoor storage.

(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.)

Applicant Property Owner Name: Nelson Storage, LLC

Mailing Address: 2731 Arrington Rd, Arrington VA 22922

Telephone #: 434-981-6281 Email Address: _____

Relationship (if applicable): _____

Applicant Property Owner Name: Jeremy and Elisabeth Jamie Hale

Mailing Address: 2731 Arrington Rd Arrington VA 22922

Telephone #: 434-981-6281 Email Address: _____

Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):

Properties surrounding 2731 Arrington Rd Arrington VA 22922

b. Official tax map number: 77.3.1, 77.3.2, 77.A.46, 77.A.5, 77.A.46

c. Acreage of property: Total 4 acres

d. Present use: Storage

e. Present zoning classification: M1

f. Zoning classification of surrounding properties: M1 plus one undeveloped residential

4. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: _____

Printed Name: _____

Jeremy Hale

Signature: _____

Printed Name: _____

Elisabeth Jamie Hale

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

5. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

6. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----**TO BE COMPLETED BY PLANNING & ZONING STAFF**-----

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

o Completed application and fee (\$ n/a) received on _____

o Hearing Notice published on 2/12/26 & 2/19/26

o Planning Commission action: Date of Meeting / Hearing: 2/25/26

Recommendation: _____

o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____
Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949
(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

History of Industry in Arrington

Long before the settlers arrived in Arrington, native Americans would use the passage in Variety Mills to access the mountains from the James River. As colonization moved forward, goods, logging and supplies were moved on the canal on the James. When the Southern Railroad was installed through Nelson County, the crossroads from these activities merged in what is now the town of Arrington. This was Nelson County's only railroad access point, and everyone traveled to Arrington to board the train until 1915, when five more stations were built. Many industrial activities have occurred in this area, including a stone mill, railroad stations, hardware stores, and too many businesses to list. In 1917, Ford Motor Company found Arrington to be a viable location to install an assembly plant and showroom for their cars and tractors. In 1930, apple farmers from all over central Virginia created a cooperative and petitioned the federal government to build the old cold storage warehouse. When we came to Arrington, all of these facilities were mostly in a state of abandonment and disrepair. All of the grounds were overgrown and covered with historical dumping grounds. We have spent the last twenty years cleaning and beautifying this property and renovating, repairing and modernizing the old cold storage for present and future use. We have discovered foundations of old commercial structures on these properties. We installed a grand brick entranceway and built a brick well house, along with removing some of the defunct refrigeration equipment before replacing the roof. These projects did wonders for the appearance of the neighborhood and improving property values. We have been pleased to see locals walking their dogs, playing with children, and taking wedding pictures on the property.

We worked with zoning to install a post-consumer recyclables baling operation that saved the county of Nelson at least \$35,000 per year in fuel and labor costs for over ten years, without asking for any assistance from the County. We partnered with a local ISP to install an internet tower to bring high-speed internet to the community. In 2013, we purchased the Ford Motor Company building to continue our process of rejuvenating the downtown area.

We've pulled dozens of building permits during our numerous renovations, and are currently approved for a permit to renovate the white house. We have been renovating the Ford Motor Company over the years, along with continuing to utilize the cold storage. For five years, we rented the property with the white house on it to store our empty containers. Then in 2022, we purchased that property and began cleaning up the landfills on it, including no less than three outhouses, a full truckload of tires, half a dozen mattresses, and dumpsterloads of sifted trash. Our intentions are to restore the house, but in the interim, we would like to continue utilizing the space to generate income in order to pay for said renovations.

We feel that all of the properties previously discussed would benefit from being zoned M2 in order to align the official zoning with their historical and current uses. We have no plans to do any site work or construction other than renovating the house and continuing to renovate the Ford building and cold storage. We would rather not install fences in order to keep our sight lines available to monitor activities. We feel that M2 zoning descriptions are far closer to what we have been doing than the antiquated M1 description of light industry, and describe its best and highest uses. If all five lots we own are zoned M2, it will make a neat square of industrial properties along the railroad.

This town was born on industry and would not exist without the activity that encouraged residents to settle here.

Project Narrative

No changes will be made to the site. Rezoning will bring the zoning in line with the current use of the properties and allow current operations to be by right. Sight lines have been previously cleared to improve visibility of traffic on the adjacent street. All materials being stored are temporary and need no infrastructure. Shipping containers have been placed in locations to shield the view from the only residence with a view of the property, next to adjoining undeveloped lot, currently being used for outdoor storage, eliminating the need for fencing.

Alignment with Nelson's Comprehensive Plan:

In the process of utilizing the property for local business, the house will be renovated for a future residence.

Compatibility with the surrounding properties:

Rezoning would mean that all of the parcels would be consistent, bringing the zoning in line with the current use of the properties and allow current operations to be by right.

There will be no new traffic generation.

Letter sent to 19 homes west side
of railroad tracks. 3 signatures received.
Discussed with 7 families with
noncommittal approval.

Jamie & Jeremy Hale
2731 Arrington Road
Arrington VA 22922

October 29, 2025

Hi neighbor,

My husband and I own the old cold storage building, the old Ford Motor Company building, and the white house on the corner of Arrington Road and Cold Storage Lane, just down the road from you. We hope to adjust the zoning of our parcels of land to bring them all into alignment and match with our existing operations. It has been our intention since we purchased the old cold storage building twenty years ago to renovate, restore and beautify the buildings and the neighborhood as best we could. We've cleaned up numerous trash dumps, restored derelict buildings, improved driving sight lines, and built structures of interest, including public art and visual attractions. We plan to continue reinvesting in this commercial area for the foreseeable future. We've received thumbs up and words of encouragement from the community, which motivated us to continue. We have amassed more projects than we have time for, but we are working on renovating the white house and that project, in part, has spurred us to request this zoning adjustment.

As we work with the zoning department, I'd like to share with them any letters of support from our neighbors.

I didn't want to bother you at home with this request, but I would be happy to have a conversation if you have any questions or thoughts. You can call Jamie at 434-263-4369 or Jeremy at 434-981-6281. You could also drop this letter off at the warehouse or in the mailbox. Time is of the essence, so please let me know any way I can make this easier for you.

Sincerely,

Jamie Hale

I support the Hales in their attempts to preserve and utilize the commercial properties of downtown Arrington.

Name: _____

Address: _____

Date: _____

Nelson County Property Map

Whitelhead property rented for storage



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, Virginia

Addresses

Flood Hazard Areas 2025

- 0.2% Annual Chance Flood Hazard
- 1% Annual Chance Flood Hazard
- Regulated Floodway

Roads



Nelson County Property Map Zoning Site Plan

1" = 94'



Total acreage:
4.5 acres.

Ownership:
Jeremy Hale and
Elisabeth Jamie Hale
2731 Arrington Rd
Arrington VA 22922

APPROVALS:

Planning & Zoning:

VA DOT:

VA DOH:

Nelson County
Service Authority:

Green: Green space, recreation, art display
Red: Outdoor storage
Blue: Indoor Storage

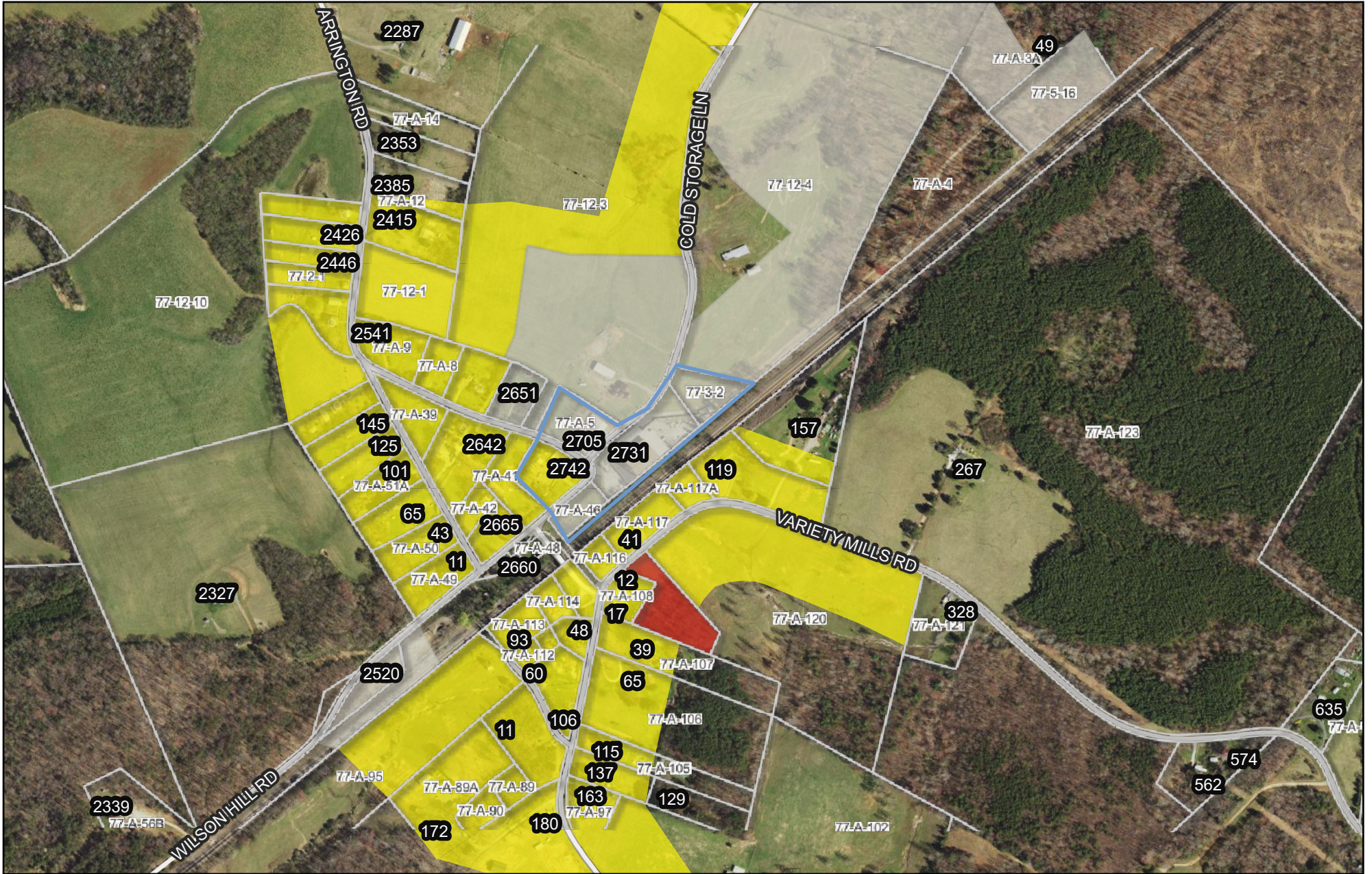
Nelson County, Virginia

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Addresses	Business District B-1 (0)	Limited Industrial District M-1 (8)	Service Enterprise District SE-1(7)	Buildings
Zoning	Business District B-2 (1)	Residential District R-1 (4)	Residential Planned Community RPC (6)	Railroad
Agricultural District A-1 (2)	Conservation District C-1 (3)	Residential District R-2 (5)	Small Buildings	Roads
	Industrial District M-2 (9)			

Nelson Storage, LLC - Zoning

1" = 549'



Nelson County, Virginia

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.

Addresses	Business District B-2 (1)	Limited Industrial District M-1 (8)	Service Enterprise District SE-1(7)	Election Districts
Zoning	Conservation District C-1 (3)	Residential District R-1 (4)	Residential Planned Community RPC (6)	
Agricultural District A-1 (2)	Industrial District M-2 (9)	Residential District R-2 (5)	Roads	
Business District B-1 (0)				

February 19, 2026

To: Nelson County Planning and Zoning Commission

Re: Rezoning # 250339 R-1, Tax Map # 77-A-45

I am writing to request that you Do Not move forward with rezoning the above referenced property. The R-1 property is next door to property owned by Charles Thompson and myself. We purchased our home in 1983 and plan to build a single story more handicap friendly home adjoining # 77-A-45.

Two years ago I brought this zoning violation to the attention in proper form to P & Z and since that time the property has been used even more for M-1 purposes. There have been many pictures and emails between myself and Ms. Dylan Bishop. There have been messages left on voicemail after listening to the "understaffed message". I understand understaffing but am disappointed we have had to cancel social events to be hosted in our community due to this mess! May I add this lady needs some help!

I plan to attend the meeting February 25th and will answer any questions you might have.

Sincerely,

Melissa Thompson

2642 Arrington Road

Arrington, VA 22922

434 989 0396

Nelson County Planning Commission

To: Planning Commission

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

Date: March 25, 2026

Re: SUP #260024 – Restaurant (Coffee Shop) in A-1 – Rockfish Valley
Volunteer Fire Department

BACKGROUND: This is a request for a special use permit for a restaurant (coffee shop) use on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – February 25; Board – April 14 (tentative)

Location / Election District: 11100 Rockfish Valley Hwy (Afton) / North District

Tax Map Number(s): 7-A-9B

Total Acreage: 22.04 acres

Owner Information: Rockfish Valley Volunteer Fire Department (David Graves)

Applicant Information: Ian Hudlow and Eli Moore

Comments: This property currently contains Rockfish Fire and Rescue in Afton, who has entered into a lease agreement with the applicants. The applicants are proposing to establish a community-based mobile coffee business on the property, Turk Mountain Coffee Company, to serve residents and commuters. The applicants also intend to implement a “round-up” program, the proceeds of which would support Rockfish Fire and Rescue. A 450 square foot pad is proposed to house the trailer, 140 feet from the edge of Route 151.

A restaurant is currently defined as, “any building in which for compensation, food or beverages are dispensed for consumption on the premises, including among other establishments cafes, tea rooms, confectionery shops, or refreshment stands”.

Planning Commission held a public hearing at their meeting on February 25, 2026, at which concerns were raised regarding traffic and safety impacts, including the flow of traffic on the site. The Planning Commission deferred the application to the March meeting to allow staff to work with the applicants on a revised site plan.

DISCUSSION:

Land Use / Floodplain: This area is somewhat mixed use, including rural, residential, and commercial properties. Zoning in the vicinity is A-1 Agriculture on the east side of Route 151, including the Sentara medical facility. The west side of Route 151 is zoned R-1 Residential; just south of the property at the intersection of Route 151 and Tanbark Drive, is B-1 Business zoning where the Afton Service Center is located.

Access / Traffic / Parking: The property is accessed by an existing entrance on Route 151. Ample parking is provided. Comments from VDOT indicate that the concern regarding queuing into the site could be remedied during site plan review process by showing a queuing analysis and site circulation.

Utilities: The property is served by existing utilities. A grey water tank will be utilized for the minimal amount of waste and will be disposed of on-site (at existing equipment washout station) or pumped out.

Comprehensive Plan: This property is located in a *Rural Area*, and part of a *Gateway/Corridor* as designated by the Nelson 2042 Future Land Use Map. The core concept of a *Rural Area* is to 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. Primary land use types include institutional uses, farms, agriculture, forestry, agritourism uses, parks, recreation and trails.

Development along and within Gateways and Corridors should protect the rural landscape and incorporate features and quality design that enhance community character and quality of life.

In reviewing the draft zoning ordinance, this property would be within the proposed Route 151 Corridor Overlay, and would require a Special Use Permit.

Recommendation: Staff recommends that the Planning Commission should recommend approval of SUP #260024 for a coffee shop at Rockfish Fire and Rescue to the Board of Supervisors, with the following conditions:

1. The site for the mobile trailer shall be setback at least 200 feet from the edge of the right-of-way of Route 151.
2. VDOT and Planning staff shall approve the site circulation, signage, and pavement markings.

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;
- c. 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



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: SUP # 260024
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):

- Special Use Permit
- Rezoning from _____ to _____
- Conditional Rezoning from _____ to _____
- Other: _____
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request: SEE ATTACHED

(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.)

Applicant Property Owner Name: IAN HUDLOW AND ELI MOORE

Mailing Address: 26 PINE BLUFF RD WAYNESBORO VA.
ELI (540) IAN (540) 241-1910
Telephone #: 471-3737 Email Address: _____

Relationship (if applicable): LESSEE

Applicant Property Owner Name: DAVID GRAVES - (SMITH/QUICK)
ROCKFISH FIRE AND RESCUE

Mailing Address: 11100 ROCKFISH VALLEY HWY AFTON VA. 22920
(540)
Telephone #: 456-6465 Email Address: _____

Relationship (if applicable): LESSOR / PROPERTY OWNER

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):

11100 ROCKFISH VALLEY HWY

b. Official tax map number:

7-A-9B

c. Acreage of property:

22.04

d. Present use:

ROCKFISH VALLEY VOL FIRE DEPT.

e. Present zoning classification:

77

f. Zoning classification of surrounding properties:

CLASS (2) SINGLEFAMILY | CLASS (6) 6 AGR 100+A

4. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: [Signature]

Printed Name: ELI MOORE

Signature: [Signature]

Printed Name: Ian Hudlow

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

5. Additional information: (Please attach separate sheet for additional details, explanations, etc.)

6. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----TO BE COMPLETED BY PLANNING & ZONING STAFF-----

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

- o Completed application and fee (\$ 200) received on 1/20/26
- o Hearing Notice published on 2/12/26 & 2/19/26
- o Planning Commission action: Date of Meeting / Hearing: 2/25/26
Recommendation: _____
- o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____
Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingston, Virginia 22949 | (Physical Address) 80 Front Street, Lovingston, Virginia 22949
(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | (Fax Number) 434 263-7086
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

Dear Members of the Nelson County Planning and Zoning Department,

We respectfully submit this letter as a formal request for a Special Use Permit in Nelson County, Virginia, to allow the placement and operation of a mobile coffee business in the parking lot of the Rockfish Fire and Rescue Squad, located along Route 151.

Turk Mountain Coffee Company is owned and operated by Ian Hudlow and Eli Moore. We have entered into an agreement with the Rockfish Fire and Rescue Squad to lease a portion of their property for this purpose. This partnership is foundational to our vision and reflects our commitment to supporting the local community.

Our goal is to establish a community-based coffee company that serves both residents and daily commuters traveling Route 151. Beyond paying a lease fee to the Rescue Squad, we will also implement a “round-up” program on all purchases, allowing customers to round up their total to directly support the Rockfish Fire and Rescue Squad. In this way, every cup of coffee contributes to the continued service and strength of our local first responders.

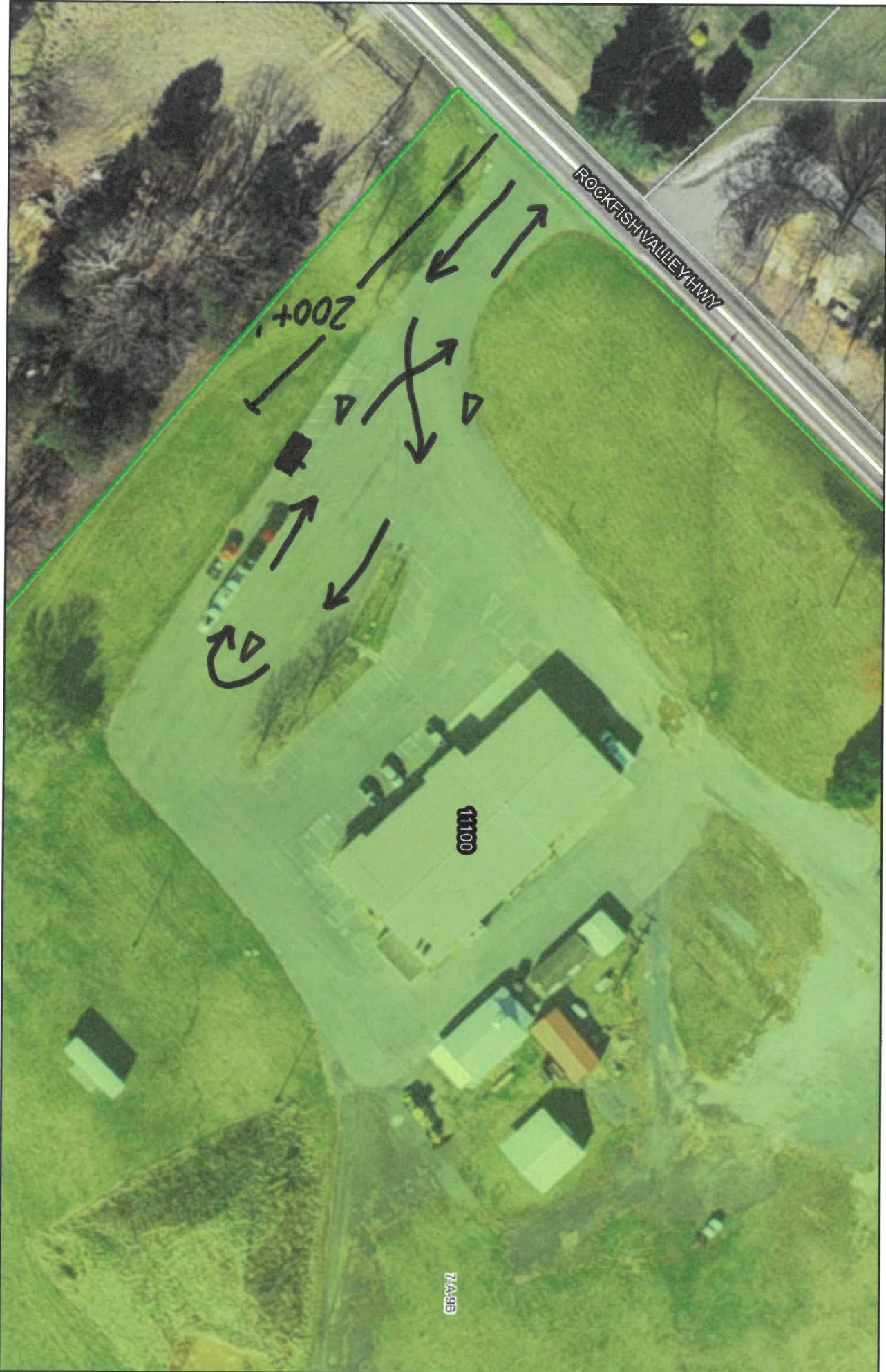
Turk Mountain Coffee Company is being launched not only as a business venture, but as a long-term family business rooted in Nelson County. Our desire is to create something enduring—an everyday gathering point that becomes part of the daily rhythm of the community while giving back in meaningful ways. We hope to introduce customers to great coffee while also giving them the opportunity to do something good for the community through their purchase.

We feel truly blessed by the opportunity to pursue this endeavor. It is our hope that this business will not only provide for our families but also serve as an example to our children of the importance of community involvement, generosity, and local support. We envision Turk Mountain Coffee as a positive presence—one that supports the Rescue Squad, the Fire Department, and the broader Nelson County community for years to come.

We respectfully request your consideration and approval of this Special Use Permit and thank you for your time, service, and thoughtful review of our request.

Sincerely,
Eli Moore and Ian Hudlow
Owners, Turk Mountain Coffee Company

11100 Rockfish Valley Hwy (Rockfish Fire & Rescue)



Nelson County, Virginia

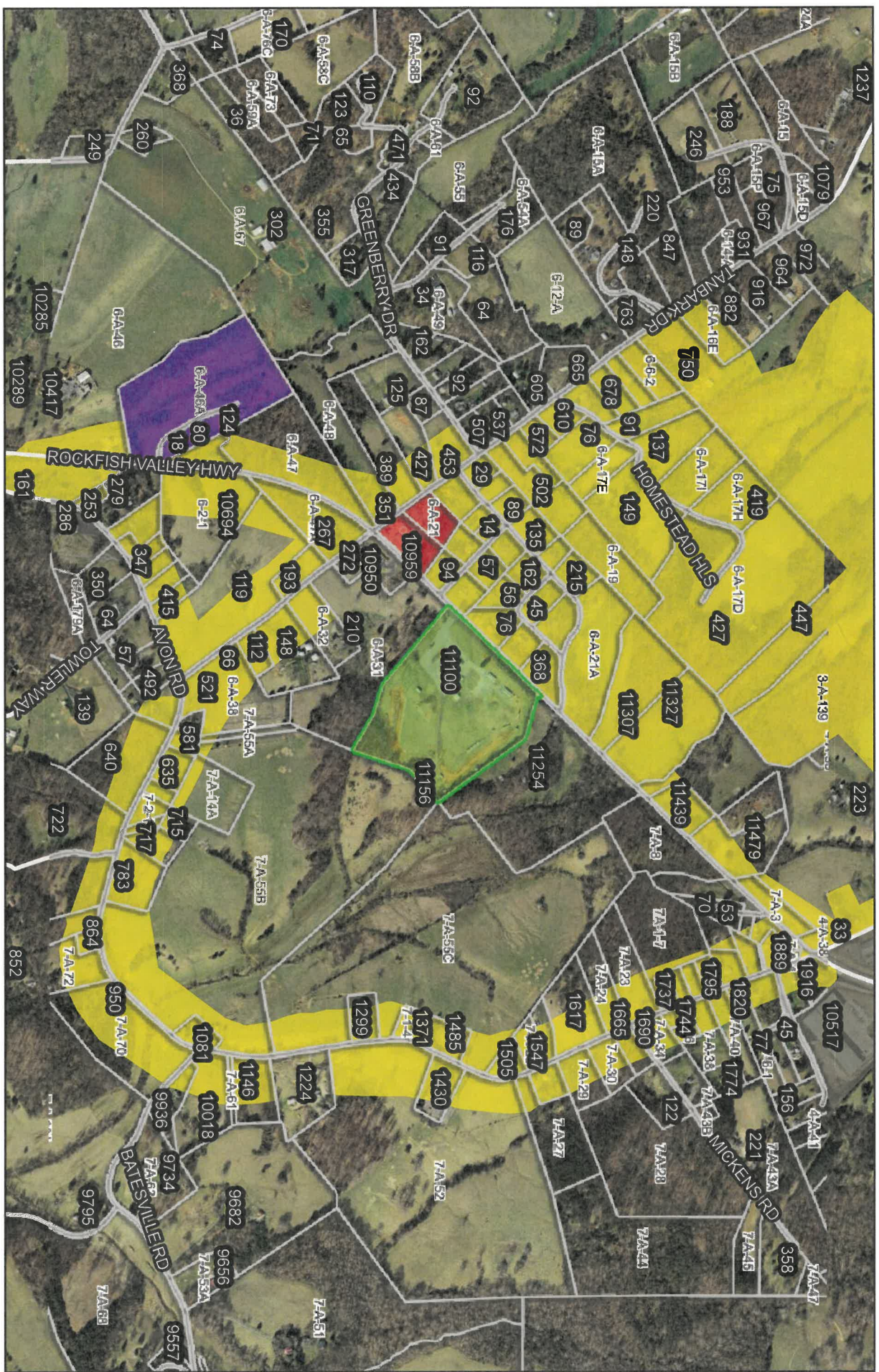
Addresses

Roads

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Rockfish Fire & Rescue - Zoning Vicinity Map

1" = 916'



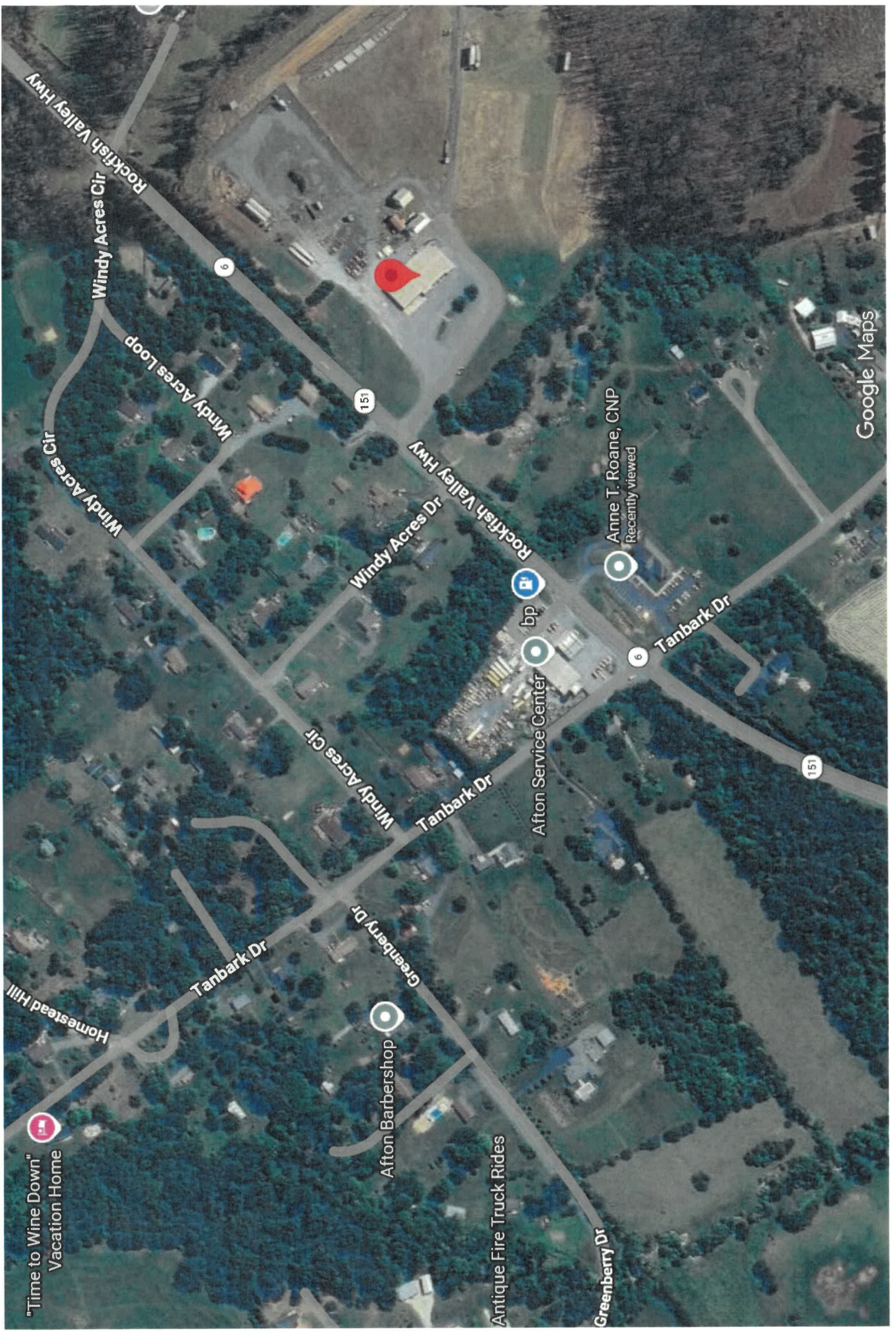
Nelson County, Virginia

Addresses

- Business District B-2 (1)
- Conservation District C-1 (3)
- Industrial District M-2 (9)
- Limited Industrial District M-1 (8)
- Residential District R-1 (4)
- Residential District R-2 (5)
- Service Enterprise District SE-1(7)
- Residential Planned Community RPC (6)
- Election Districts
- Agricultural District A-1 (2)
- Industrial District M-2 (9)
- Residential District R-2 (5)
- Roads
- Business District B-1 (0)

Zoning

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Nelson County Planning Commission

To: Planning Commission

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

Date: March 25, 2026

Re: SUP #250263 – Campground in A-1 – Morse Lane

BACKGROUND: This is a request for a special use permit for a campground on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – March 25; Board – April 14 (tentative)

Location / Election District: Morse Lane (Arrington) / South District

Tax Map Number(s) / Acreage: 76-5-4 (35.92 acres) / 76-5-5 (77.5 acres)

Applicant / Owner Information: Tim and Lori Beth Masters / Nelson Morse Lane Land Trust

Comments: This property is currently vacant. The applicant is proposing to develop the sites in three (3) phases. The first phase includes 7 pad sites along Morse Lane with proposed screening along the road, and 9 pad sites along the interior access road. The second phase is proposed to include an additional 18 pad sites, for a total of 34 sites with access to utilities. The third phase includes tent sites only. Approximately 10 acres of the 113 acres total are proposed to contain all sites and facilities.

DISCUSSION:

Land Use / Floodplain: This area is currently vacant, with low density residential uses, and adjoins the Nelson County Landfill. A SUP was approved for an event space at 99 Morse Lane in April 2025. Zoning in the vicinity is A-1 Agriculture. There is some regulatory flood zone along Browns Creek, however no development is proposed in or near this area.

Access / Traffic / Parking: The property is accessed by an existing entrance on Morse Lane. Improvements will be required to comply with VDOT standards. There are existing road scars and an access easement to serve the property and proposed sites. Each site will have parking access.

Utilities: The property will be required to comply with the Health Department's regulations for a campground. Preliminary input from the Health Department indicates they would work with the applicant during the site plan process to ensure compliance for greywater and dumping. Electric service and dry hydrants are proposed to serve the sites.

Comprehensive Plan: This property is located in a *Rural Area* as designated by the Nelson 2042 Future Land Use Map. The core concept of a *Rural Area* is to 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. Primary land use types include institutional uses, farms, agriculture, forestry, agritourism uses, parks, recreation and trails.

Associated planning guidelines include incorporating cluster and conservation development principles, and to set back or screen development.

In reviewing the draft zoning ordinance, this proposal would require a Special Use Permit, and would be located outside of the proposed Route 29 Corridor Overlay District. Minimum standards proposed in the draft include a 10-acre lot size minimum, open space requirements, refuse requirements, and standards for retail sales and accessory facilities. Several of these aspects have been included as recommended conditions.

Recommendation: Staff recommends that the Planning Commission should recommend approval of SUP #250263 for a campground on Morse Lane to the Board of Supervisors, with the following conditions:

1. There shall be no more than 34 sites. There shall be no more than 10 tent sites in Phase 3.
2. Screening along Morse Lane acceptable to the Planning Director shall be shown on the final site plan.
3. No open fires or burning shall be permitted.
4. Lighting shall be dark sky compliant, directional and glare-shielded to prevent light pollution on adjoining property and roadways.
5. A bulk solid waste receptacle shall be provided, maintained in a clean condition, and enclosed on all four sides by a fence, wall, landscaping, or other screening as approved by the Director. Refuse shall be collected and transported at least once weekly.
6. A minimum of 10% of the total acreage shall be reserved as common open space and recreation facilities.
7. Parking area, interior roads, and access to individual sites shall be comprised at minimum an all-weather gravel surface.
8. Site shall be developed in general conformance with the submitted site plan.

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;
- c. 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



PERMIT APPLICATION: Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use # 250263
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):

- Special Use Permit
- Rezoning from _____ to _____
- Conditional Rezoning from _____ to _____
- Other: _____
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request:

RV Camping + Tenting Area to add additional part time/overnite stays to support and enhance Nelson County's Tourism initiatives. Quiet parks of this nature protect VA's beauty while bringing revenue into the County. All of the places to stay are north of it. This park would provide great access to nearby recreational opportunities.
(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.)

Applicant Property Owner Name: Timothy Masters 76-5.4 / 76-5.5
 Mailing Address: 114 Valley Dr. Landenberg Pa. 19350 Land TRUST
 Telephone #: 302-757-0948 Email Address: _____ Nelson Morse
 Relationship (if applicable): N/A 77.5 LNE

Applicant Property Owner Name: Nelson Morse Lane Land trust
 Mailing Address: Same
 Telephone #: Same Email Address: Same
 Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

- a. Address of Property (specific location, route numbers, street names, voting district, etc.): MOOSE Lane Herndon / Lovington, VA
- b. Official tax map number: 76-54 76-5-5
- c. Acreage of property: 38.91 77.5
- d. Present use: Agriculture / Tree Farm
- e. Present zoning classification: Agriculture
- f. Zoning classification of surrounding properties: Same

4. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: [Signature] Printed Name: _____
 Signature: [Signature] Printed Name: _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

5. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

6. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----**TO BE COMPLETED BY PLANNING & ZONING STAFF**-----

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
 Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

- o Completed application and fee (\$ _____) received on _____
- o Hearing Notice published on _____
- o Planning Commission action: Date of Meeting / Hearing: _____
 Recommendation: _____
- o Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____
 Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovington, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovington, Virginia 22949
(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

This is a proposal for Special Use Permit SUP #250263—a low-impact campground on Morse Lane near Lovingston and Arrington, in Nelson County’s South District. The site covers tax map parcel 76-5-5 (77.5 acres, zoned A-1 Agriculture), part of a larger holding that includes adjacent parcel 76-5-4 for a combined total of about 113 acres—currently vacant, adjoins Brown Creek on the southwest, and sits less than a mile off Route 29, the main north-south corridor for easy, safe ingress and egress.

Travelers just pass through Lovingston and Arrington on their way to Charlottesville or Lynchburg, with no real spot for privacy, rest, and personal space—so we’re adding that: a quiet base with gravel pads and hookups, letting folks recharge before heading to local draws like Blue Ridge Mountain Brewery, Route 151 wineries, Tye and James River floats, or Wintergreen skiing. It’s all close—quick drives that pump money into our economy.

Route 151’s vineyards roll out under mountain views—tastings, live music, farm-to-table spots—drawing day-trippers who’ll stay longer with a nearby place to stay. The Tye River offers easy kayaking and tubing; Wintergreen pulls skiers and hikers. Oak Ridge Estate hosts events like overland expos and historic tours—more reasons to linger, more cash for local shops, outfitters, restaurants. Tourism’s growing; this adds overnight stays that boost revenue without big changes.

We phase it carefully: Phase one starts with sixteen gravel sites along Morse Lane and up the interior road—early mobile campers, RVs, tents—engineering-approved setbacks, grid power, hydrants. Phase two brings eighteen more spots on the ridges, all matching small eco-friendly cabins: uniform style, low-profile, designed to fit the landscape—no big footprints, just cozy, screened-in units for folks wanting more seclusion. Total thirty-four sites max, plus open tent area later. Eight to ten acres disturbed only. Waste hauled by licensed services, trash by county pros, low LEDs for safety—no glare, no mess.

Privacy’s covered too: we’ll berm up along Morse Lane and plant native species—dense evergreens, shrubs, wildflowers—as a natural screen. Neighbors won’t see a thing; it’ll look like open woodland from the road, keeping everything tucked away and quiet.

Fires? No open bonfires—each gravel pad gets its own solo-type burning stove: compact, clean-burning units fueled by pellets or wood, built for one person. Fully contained, no sparks, no ash piles—just enough for warmth or cooking, checked by staff. Gated access, online check-in, ride-shares to cut traffic.

Seasonal, temporary—no permanents. Brown Creek stays clean. Lovingston and Arrington need this revenue pumped back into the local economy. Those dollars—Washington D.C., Charlottesville, Lynchburg, Roanoke, Tennessee, Maryland—big money from folks who want to spend. More visitors mean more stores popping up, more restaurants opening, a town that gets noticed instead of overlooked. Plus, it'll create steady local jobs: site maintenance, check-in help, trail guides—real work for people in Arrington, Lovingston, Nelson County, and nearby. This builds on what's working: stronger finances for Lovingston and Arrington—wineries, breweries, events all get a lift.

Access/Destination Camping

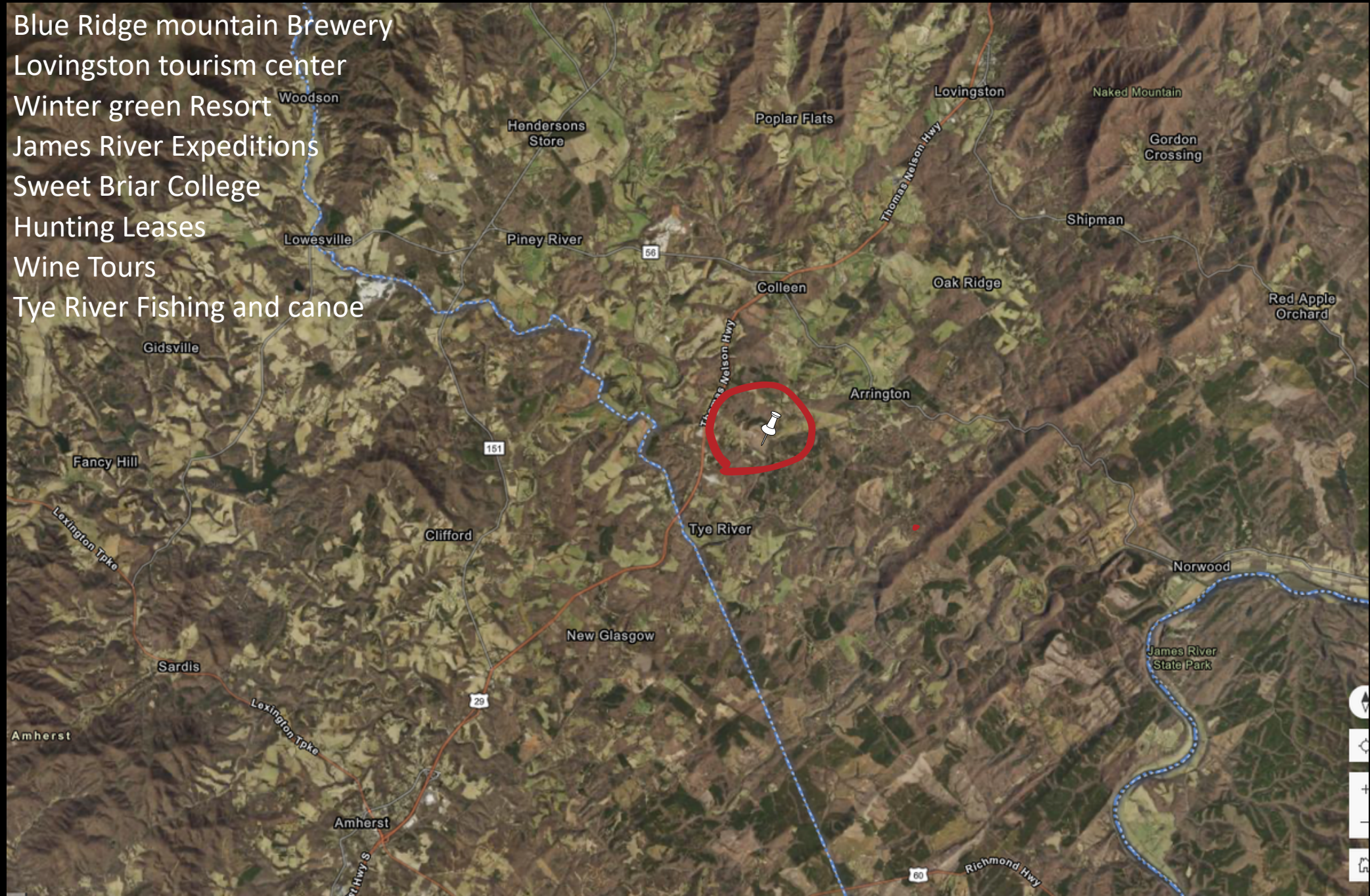


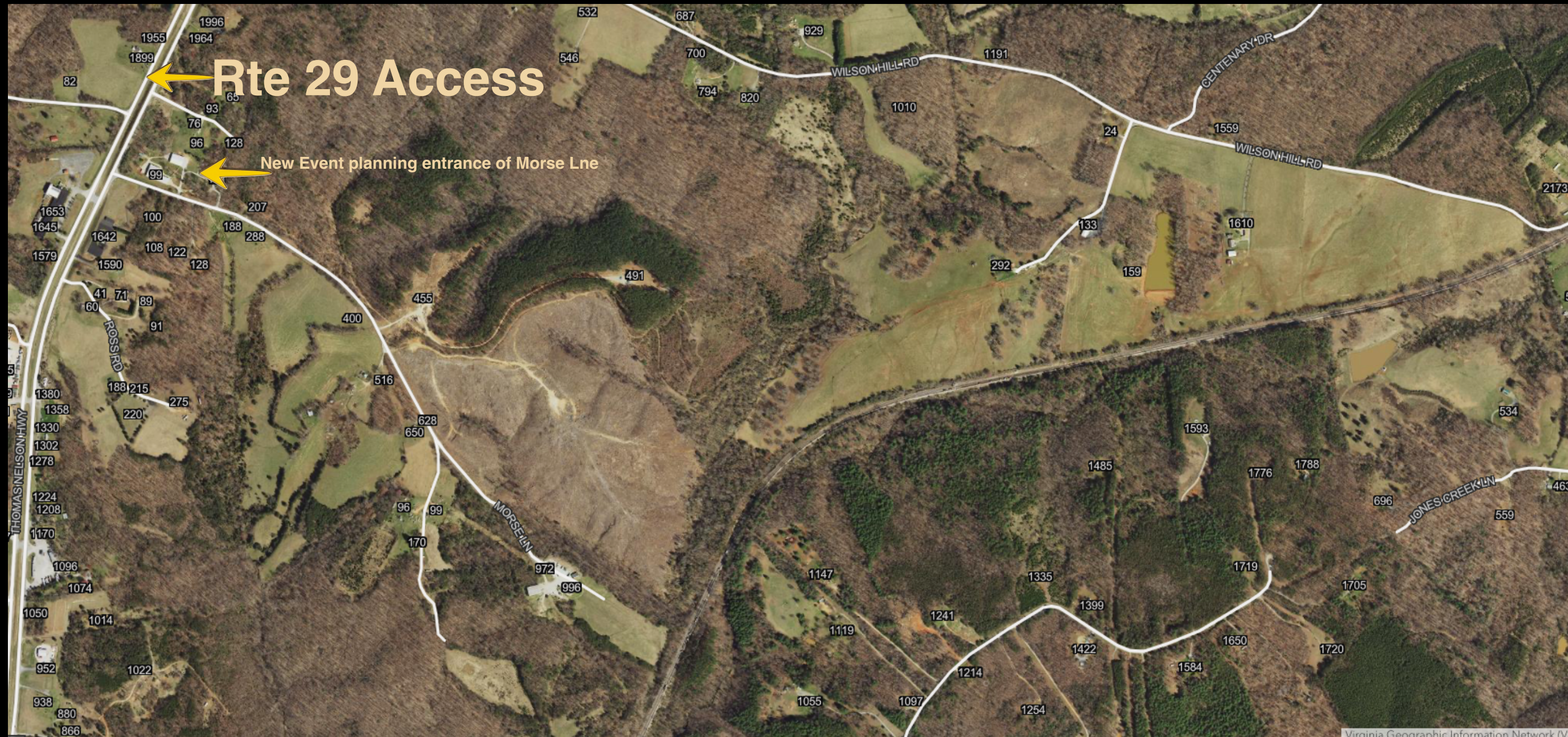
Nelson County-Access to major cities-45 minutes to Charlottesville
30 Min to Lynchburg.



Local Attractions

- Blue Ridge mountain Brewery
- Lovingston tourism center
- Winter green Resort
- James River Expeditions
- Sweet Briar College
- Hunting Leases
- Wine Tours
- Tye River Fishing and canoe





Easy Ingress-Egress
Rte 29 N/S

Stillhouse Branch Campground

PHASE 3 TENTS ONLY

Open Ground

Trash & Recycle

8- 1100 sq' pads

PHASE 2

10 -1100 sq' pads

Trash & Recycle

PHASE 1

East along interior road 9-1100 sq' pads

GREYWATER, DUMP, RECYCLE, TRASH

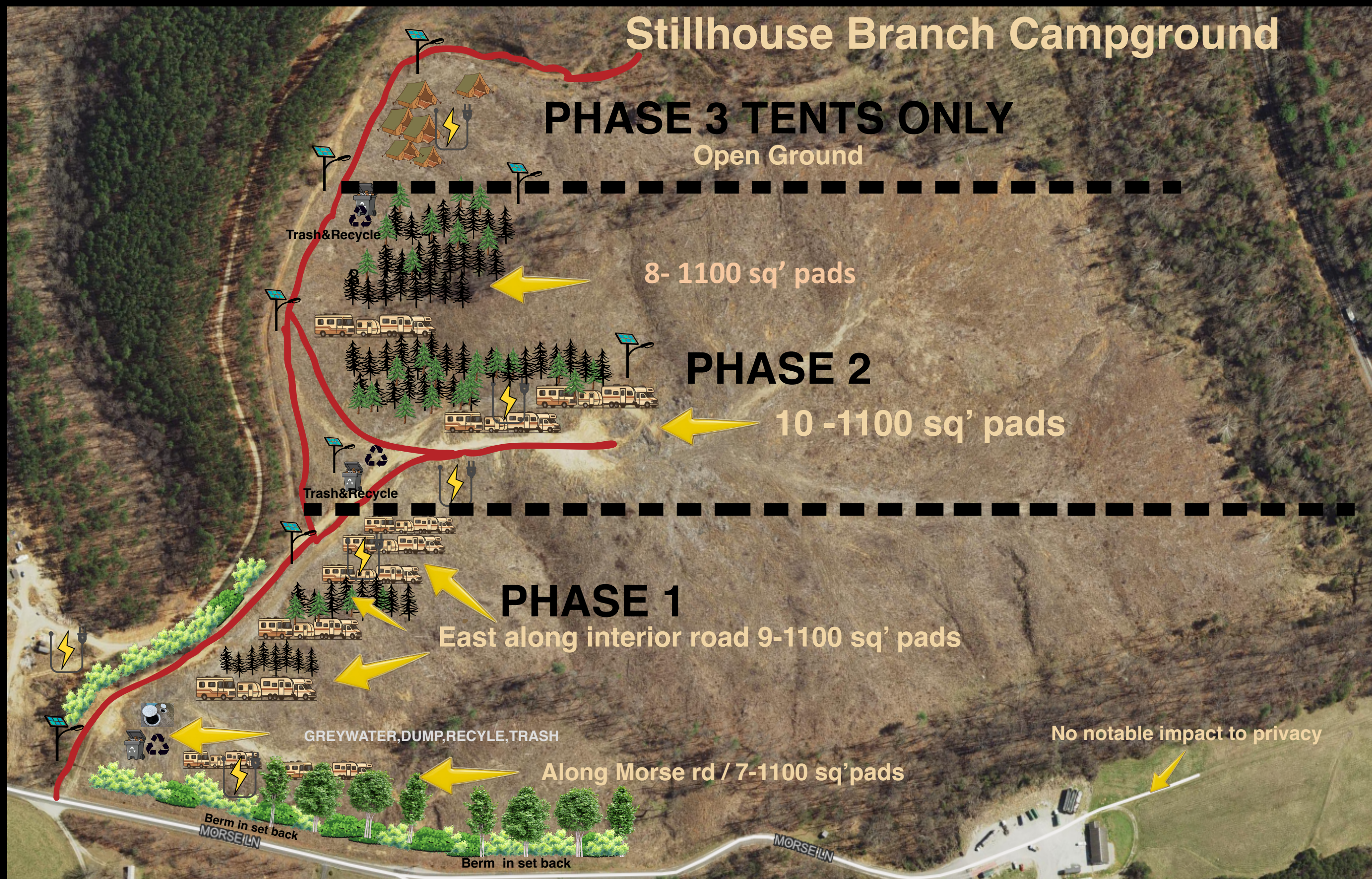
Along Morse rd / 7-1100 sq' pads

No notable impact to privacy

Berm in set back
MORSE LN

Berm in set back

MORSE LN



PHASE 1

**Along Morse lane heading SW 500'x 65' = 32500
square feet each lot 55 x 20 = 1100 square feet
29.5454 Lots Scaled back to 7 Lots for spacing,
Privacy and buffer-Parking RV and Camper lots
only**

**Heading East along service road 600'x 65 = 39000
square feet each lot 55'x 20'=1100 SQ'= 35.45 lots
Scaled back to 9 lots for spacing and buffer-
RV,Camper lots only**

16 lots Total - Phase 1

PHASE

2

**South East along
ridge**

**700' x 70' = 49000 square' ÷ 1100 = 44.45 / scaled back to 10 lots w/ Environmental set
backs and spacing**

**600' x 200' = 120000 Sq' 8 NE - then due south 200' x 100' Tent area in bend along
service Rd**

55' x 20' lots with 15' spacing= Total in 600 X 200 = 8 ECO friendly structures

18 total in phase 2

Tent area to include approximately 10 campers /Tents only

Nelson County Planning Commission

To: Planning Commission

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

Date: March 25, 2026

Re: SUP #260068 – Campground in A-1 – Swannanoa Lane

BACKGROUND: This is a request for a special use permit for a campground on property zoned A-1 Agriculture.

Public Hearings Scheduled: P/C – March 25; Board – April 14 (tentative)

Location / Election District: Swannanoa Lane / North District

Tax Map Number(s) / Acreage: 3A2-1-A1 (0.475 acres) / 3A2-1-A3 (0.46 acres)

Applicant / Owner Information: William D. Hurd / Swannanoa Inc.

Comments: These properties are currently vacant. The owner is representing Skyline Swannanoa Inc., which owns the properties atop Afton Mountain where Swannanoa is located. Long-term goals for these properties include establishing a “multi-use site, with retail opportunities, a hotel, and restaurants, much like the property when it was thriving, except updated and aesthetically pleasing.” This proposal for 3 cabins for short term rental utilization is an initial step to potential revitalization. Because the proposed cabins are not designed to meet statewide building code as a dwelling, the “campground” use is the most consistent with the current zoning ordinance.

These properties are located along the boundary that is shared with Augusta County, with the access parcel being regulated by Augusta. Staff is in contact with Augusta zoning and will provide any feedback received.

DISCUSSION:

Land Use / Floodplain: This area is currently vacant, with rural and low density residential uses. The properties are located near access to the Blue Ridge Parkway and Swannanoa Estate, and is accessed via Howardsville Turnpike.

Access / Traffic / Parking: The property is accessed by an existing entrance on Swannanoa Lane, a private road which historically has been maintained by the owners.

Utilities: The property will be required to comply with the Health Department’s requirements.

Comprehensive Plan: This property is located in a *Rural Destination* as designated by the Nelson 2042 Future Land Use Map. The core concept of a *Rural Destination* is to maintain the existing character of and enhance amenities within these areas to create places with a distinct identity that draw recreation and economic investment and improve quality of life for residents.

Rural Destinations are places with distinct character and identify within the rural landscape, have specific place names and carry historic and cultural significance for the community. Investment should prioritize improving and expanding access that serve as the backbone for these Destinations and help bolster economic growth.

Associated planning guidelines include enhancing and protecting cultural resources, and encouraging infill development and retrofitting of existing buildings.

Swannanoa is one of 28 sites in Nelson County designated on Virginia's and the National Register of Historic Places.

Recommendation: Staff recommends that the Planning Commission should recommend approval of SUP #260068 for a campground on Swannanoa Lane to the Board of Supervisors, with the following conditions:

1. There shall be no more than 3 cabins, which shall be constructed and maintained by the developer. No travel trailers or other camping sites shall be permitted.
2. No open fires or burning shall be permitted.
3. Lighting shall be dark sky compliant, directional and glare-shielded to prevent light pollution on adjoining property and roadways.
4. Site shall be developed in general conformance with the submitted site plan.

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;
- c. 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



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Special Use Permit # 260068
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):

- Special Use Permit
- Rezoning from _____ to _____
- Conditional Rezoning from _____ to _____
- Other: _____
- Subdivision
- Site Plan – Minor
- Site Plan – Major

Reason(s) for request:

The owner seeks to construct two units for a campground. Please see attached narrative for additional details.

(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.)

Applicant Property Owner Name: Julia Flynnmoore/Shimp Engineering

Mailing Address: 912 East High St. Charlottesville, VA 22902

Telephone #: 434-227-5140 Email Address:

Relationship (if applicable):

Applicant Property Owner Name: William D. Hurd

Mailing Address: 1014 D. Street NE, Washington DC 20002

Telephone #: Email Address:

Relationship (if applicable):

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of Property (specific location, route numbers, street names, voting district, etc.):

Swannanoa Lane

b. Official tax map number: Tax Map Parcels 3A2-1-A1 and 3A1-1-A3

c. Acreage of property: 0.475 and 0.46 respectively

d. Present use: Vacant

e. Present zoning classification: A-1

f. Zoning classification of surrounding properties: A-1

4. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Julia Flynnmoore Digitally signed by Julia Flynnmoore
Date: 2026.02.24 11:59:53 -0500 Printed Name: Julia Flynnmoore

Signature: _____ Printed Name: _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

5. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

6. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

-----**TO BE COMPLETED BY PLANNING & ZONING STAFF**-----

Pursuant to Article _____, Section _____ of the Nelson County Zoning Ordinance.
Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

- Completed application and fee (\$ _____) received on _____
- Hearing Notice published on _____
- Planning Commission action: Date of Meeting / Hearing: _____
Recommendation: _____
- Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____
Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949
(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086
<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

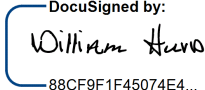
February 24, 2026

Nelson County Department of Planning and Zoning
80 Front Street
Lovington, VA 22949

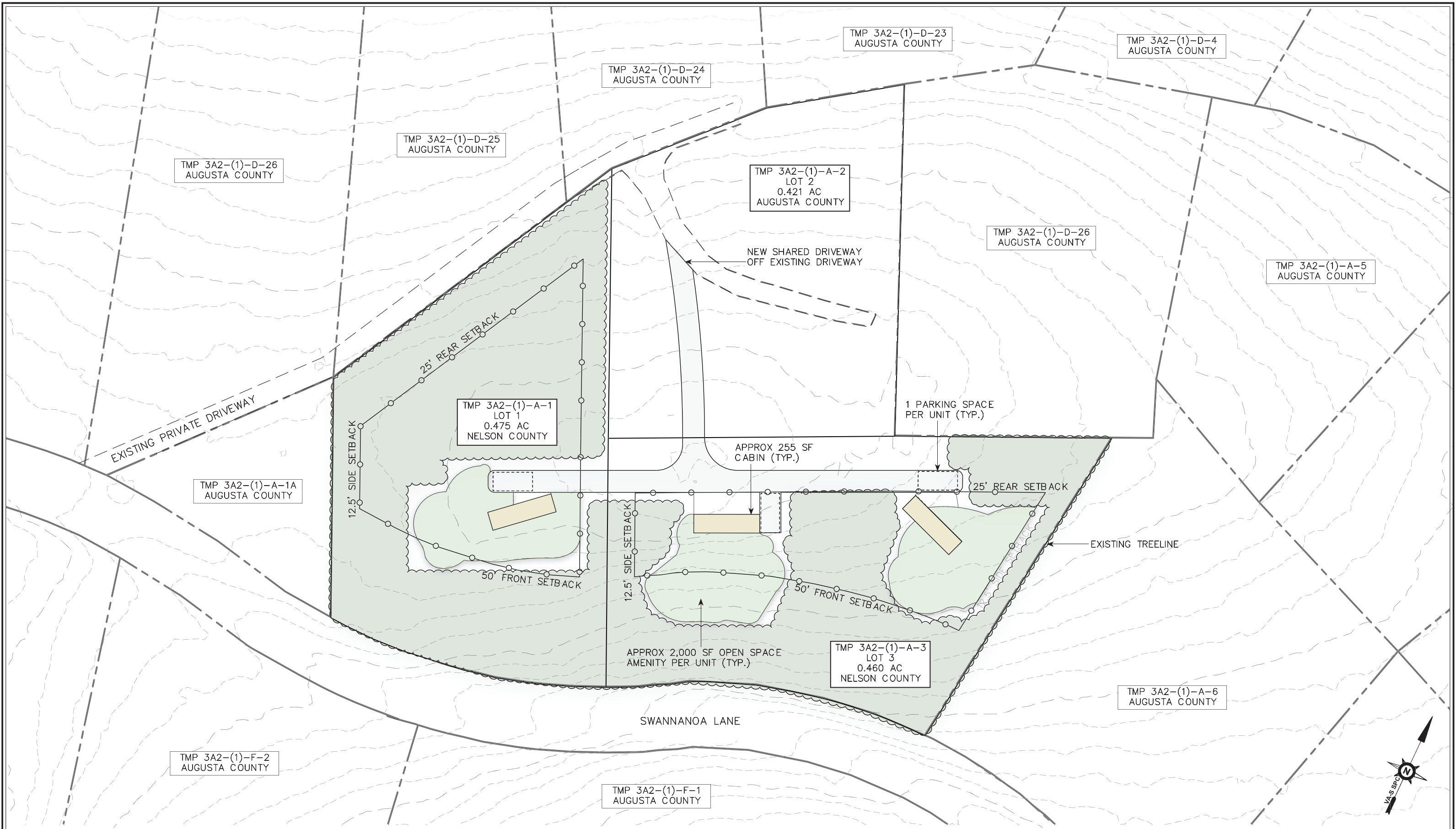
Re: AUTHORIZATION TO SUBMIT LAND USE APPLICATIONS

William D. Hurd, owner of Nelson County tax parcels 3A2-(1)-A-1 and 3A2-(1)-A-3 (together, the “Property”). The Owner desires to submit land use applications affecting the Property, such as, but not limited to, Special Use Permits, Zoning Map Amendments, Special Exception requests, Site Plan Applications, and other similar land use applications affecting the Property (collectively, the “Land Use Applications”). The Owner hereby authorizes the following individuals and entities to submit Land Use Applications on behalf of the Owners in connection with the Property: Justin Shimp, Julia Flynnmoore, and Connie Liou of Shimp Engineering, P.C. This authorization includes the authority to take any other steps, and submit any other documentation to Nelson County necessary to effectuate the Land Use Applications on behalf of the Owner.

William D. Hurd
Owner

By:  _____
88CF9F1F45074E4...

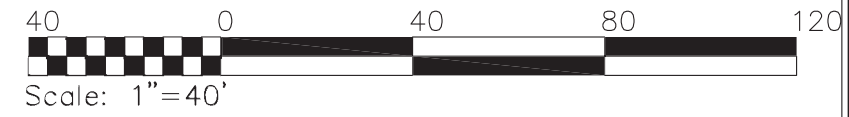
Date: 2/24/2026



SHIMP ENGINEERING, P.C.

ENGINEERING - LAND PLANNING - PROJECT MANAGEMENT
 912 EAST HIGH ST CHARLOTTEVILLE, VA 22902
 PHONE: (434) 227-5140
 JUSTIN@SHIMP-ENGINEERING.COM

**Swannanoa Campground
 Concept Plan**





Nelson County, Virginia

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.

