



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda

May 27, 2026

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

- **7:00 – Meeting Convenes / Call to Order**
- **Minutes – Joint Work Session with BOS:**
 - **January 22, 2025**
 - **February 26, 2025**
 - **March 26, 2025**
 - **October 22, 2025**
- **Other Business**
 - **Planning & Zoning Fee Schedule Presentation / Discussion**
- **Board of Supervisors Report**
- **Continue Meeting to Next Joint Work Session: Wednesday, June 3, 2026 at 6:00 p.m.**
- **Next Regular Meeting: June 24, 2026**



Nelson County Planning Commission
Meeting Minutes
January 22, 2025



Present: Chair Mary Kathryn Allen and Commissioners Mike Harman, Robin Hauschner, William Smith and Phil Proulx; Board of Supervisors Representative Jessica Ligon.

Staff Present: Dylan Bishop, Director

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

Officer Elections

- **Chair:** Mr. Smith made a motion to nominate Mr. Harman for 2025 Planning Commission Chair. Ms. Allen seconded the motion.

Yes:

Jessica Ligon

Mary Kathryn Allen

Phil Proulx

Robin Hauschner

William Smith

Abstain:

Mike Harman

- **Vice Chair:** Ms. Proulx made a motion to nominate Mr. Hauschner for 2025 Planning Commission Vice Chair. Mr. Hauschner declined.
- **Mr. Hauschner** made a motion to nominate Phil Proulx for 2025 Planning Commission Vice Chair. Mr. Harman seconded the motion.

Yes:

Jessica Ligon

Mike Harman

Mary Kathryn Allen

William Smith

Robin Hauschner

Abstain:

Phil Proulx

- **Secretary: Ms. Proulx made a motion to nominate Ms. Bishop for 2025 Planning Commission Secretary. Mr. Hauschner seconded the motion.**

Yes:

Jessica Ligon

Mike Harman

Mary Kathryn Allen

William Smith

Robin Hauschner

Phil Proulx

Adoption of 2025 Schedule

Ms. Bishop stated that the schedule is essentially the same as 2024, with the Planning Commission meetings scheduled for the fourth Wednesday of the month, BZA the first Tuesday, Board of Supervisors second Tuesday, and other dates built in as submittal deadlines to ensure proper advertisement to get items on the agenda.

Ms. Proulx made a motion to accept the 2025 Schedule as presented. Ms. Allen seconded the motion.

Yes:

Jessica Ligon

Mike Harman

Mary Kathryn Allen

William Smith

Robin Hauschner

Phil Proulx

Other Business

- Discussion on Zoning Text Amendment to Include Battery Energy Storage Projects

Ms. Bishop reported that CVEC recently approached County staff regarding two proposed battery energy storage projects at their existing substations in Colleen and Piney River. She said the goal of battery energy storage projects is a strategy called “peak shaving,” which reduces transmission and capacity costs to the utility by storing energy and reducing power consumption during peak demand hours.

Ms. Bishop stated that the batteries are charged and then energy is distributed during peak times so there is not as high of a spike. She said these projects are unique due to their small scale and the fact that the energy distributed from the storage goes only to CVEC customers, or “behind the meter,” meaning the utility controls the distribution.

Ms. Bishop stated that they are working with a company called Light Shift, based in Virginia, which would be the developer, builder, and long-term owner/operator that contracts with CVEC to provide their services. She said it is a 20-year project, and CVEC has indicated that it provides millions in savings over the life of the project from increasing transmission and capacity costs. She said the process for energy storage projects is regulated similarly to solar, and providers are also required to go through the permit-by-rule process through the Department of Environmental Quality (DEQ) and to negotiate a siting agreement with the locality.

Ms. Bishop said the project in Colleen is within their existing substation fencing, so the footprint is only 3,600 square feet (SF) and has four megawatts in the middle of a 118-acre parcel zoned M1 industrial, located in the industrial park in Colleen. She said the other project in Piney River would be located in the field behind their existing substation compound, and it is only a 6,000-SF footprint, also four megawatts on a seven-acre parcel, with that property zoned agriculture.

Ms. Bishop stated that currently, the threshold for solar projects is under and over an acre footprint; if the project is less than one acre, it is a by-right use in A1, M1, and some other districts. She said if they were to follow suit with this, these particular projects would not require a special use permit.

Ms. Bishop said there are two options at this time: 1) the Planning Commission can direct staff to draft a zoning text amendment to the County's existing solar ordinance to include energy storage facilities, then the Planning Commission would review and discuss it at the February meeting and potentially proceed with the public hearing process; 2) due to the very small scale and the circumstances of the project being accessory to CVEC utility and them being the distributor to only CVEC customers, they could treat these projects as accessory uses to the utility, which would not require an ordinance amendment at this time. She noted that battery energy storage can be addressed during the full ordinance update process with the Berkeley Group.

Ms. Bishop said that she is fine with either option. She stated that the applicants are prepared to proceed with a site plan application, which could be reviewed concurrently, but at their own risk if the County proceeds with the ordinance update process. Ms. Bishop said that knowing these are hot topics lately, she is just looking for a little guidance on whether the Planning Commission wants to pursue a zoning text amendment currently to their solar ordinance to address battery energy storage in case they get any future projects, or if this small accessory use to the utility could be treated as a by-right use.

Ms. Proulx asked if it would be an accessory use if the solar farm in Gladstone wanted to put a battery storage facility next to it, which is a relatively common arrangement, and asked if they needed to be consistent in how they treated applicants.

Ms. Bishop responded that the developer could sell that project to anyone, as the utility doesn't own it, and these projects are contracted directly with the utility—so they have control over distribution of the power only to their customers. She noted that it is on their utility sites in their substations.

Ms. Proulx said she liked the idea of it being accessory but didn't want them to get caught having to make an exception for some future project that may not have the same scale or parameters.

Ms. Bishop responded that she thinks they would revise their ordinances in the long term and have them follow suit with the solar ordinance, as Amherst County is doing because of inquiries on larger projects. She said that Nelson's so far are very small and thus could be treated as accessory uses. She stated that the battery energy storage could be addressed when the ordinance update occurs, and any separate projects brought forward would be treated accordingly. Ms. Bishop explained that similarly to solar

installations, if it's residential or commercial solar—something sized to serve whatever is on the same lot, such as a house—that use treated as accessory. She added that this was not the case with solar farms because those are owned and operated separately.

Ms. Bishop stated that she did not need any official direction unless the Commission wanted to pursue the zoning text amendment.

Ms. Proulx said she is inclined to support the accessory use interpretation, but she would like to hear from her fellow Commissioners.

Ms. Allen stated that her only hesitation was with the language that allows this to be considered by-right; even though this is small scale within the utility and specifically for that substation, she wanted to be careful in how this is sanctioned as an accessory for the by-right.

Ms. Bishop agreed that this was a good point, and a better way to word it would be that this is an accessory use to the public utility main use, instead of calling it “by-right.”

Mr. Harman expressed his support for that approach.

Ms. Bishop noted that in the meantime, if other projects propose a battery energy storage project—whether it was over and under an acre, if it was not accessory to the utility like this—then they would be having the same conversation then at that point.

Dr. Ligon asked about AEP’s project on Route 56, as they have quite a footprint there, and at what point the County would have say if that utility decided to come in and do a battery storage project.

Ms. Bishop responded that if it were accessory to their substation on the parcel, then it would follow suit with this—if it's behind the meter and they get control of how the energy is distributed. She clarified that it was under an acre for solar. She noted that it would not be difficult to draft a text amendment and go through the public hearing process; then they can apply, and it would still be an administrative approval because it's under an acre.

Ms. Proulx commented that she is okay with either approach.

Ms. Allen emphasized that electric companies are a hot topic in general, so people are not happy with anything that AEP or CVEC does because all they see are their power bills increasing. She said she would be more in favor of doing the text amendment and having the public hearing, because they can then get constituent input and bring it before the Board of Supervisors.

Mr. Smith stated that he was definitely in favor of a public hearing, and he agreed that power companies were not too popular—yet they needed all the help they could get in serving a county like this where there are frequent outages and ongoing restoration efforts. He said he would like to hear the public’s input, as many have to live next to the substations.

Ms. Bishop suggested that CVEC and the company they are working with come and give a presentation, as they have said they would be more than happy to do that.

Commissioners agreed that this was a prudent approach.

Ms. Proulx made a motion to request staff to draft an amendment to the zoning ordinance addressing battery energy storage systems (BESS). Ms. Allen seconded the motion.

Yes:

Jessica Ligon

Mike Harman

Mary Kathryn Allen

William Smith

Robin Hauschner

Phil Proulx

Ms. Bishop stated that she would see if the utility was available to present at the next meeting, and she would have some draft text for review ahead of that.

- Short Term Rental Zoning Text Amendment Update

Ms. Bishop reported that County staff and Board of Supervisors Chair Ernie Reed had met with the Berkeley Group staff on January 16 to discuss existing concerns, expectations, and potential benchmarking localities, as well as scheduling.

Ms. Bishop said that they discussed how to select the four benchmark localities using criteria such as regional proximity, population growth trends, and existing rural tourist destinations. She stated that they talked about Louisa, the Smith Mountain Lake area, wine country, Culpeper, Spotsylvania, Albemarle, Charlottesville, Massanutten, Rockingham, and Amherst. Ms. Bishop noted that Berkeley Group staff would look into those options and would provide a memo highlighting best practices and comparisons among the selected benchmarks. Ms. Bishop said Berkeley would also utilize national standards and recommendations, including reports from the American Planning Association, and County staff also asked them to review goals, strategies, and comprehensive plans from other localities regarding short-term rentals. She noted that this information would be provided and circulated internally by mid-February.

Ms. Bishop stated she would present the findings at the Commission's regular meeting in February and then to the Board in March. She said that Berkeley Group would provide a draft zoning text amendment in the current format, which would include definitions, use standards, and use permissions. Ms. Bishop stated that the scope of work included one round of revisions, and she recommended that the Planning Commission keep this as a recurring agenda item under new and old business until they were ready to provide comments to the Berkeley Group to incorporate in the draft.

Ms. Bishop said if the County wanted to consider more than four localities, they could do so independently without the Berkeley Group's assistance; by the time the County submitted their comments, that would constitute their one round of revisions, and they could proceed from there.

Board of Supervisors Report

Dr. Ligon said she was sorry to hear about Commissioner Allen's resignation, and her goal as Board representative is to reflect their general feelings about topics—but she does not plan to vote much.

Ms. Proulx asked about specific guidance related to which items the Board representative should or should not vote on.

Ms. Bishop responded that they needed to make some adjustments to their bylaws, and she would be following up on that.

Mr. Harman asked if the Supervisor could serve, at a minimum, to make a quorum.

Ms. Allen commented that if there were only four people at the Board of Supervisors meetings when a recommendation came before them, the motion could have died if one of the three voted no. She stated that in her opinion, it was no different at the Commission level—and it was important to get their input on items they are working on. She emphasized that Dr. Ligon’s position was a very integral part of providing feedback to the Commission; no matter what their vote is, this would go to the Board.

Mr. Smith stated that in the early 1980s, the Planning Commission’s decision was final, but somewhere along the way, the Board of Supervisors changed this.

Ms. Proulx said she recalled that differently, and everything the Commission does is set by state law—so any changes to that would need to be dictated by Virginia code. She noted that it has always been a recommending body.

Ms. Allen said that perhaps what Mr. Smith meant was that the Board always followed suit with the Commission’s recommendation.

Ms. Bishop mentioned she had just read that in Amherst County, if the Commission denies the 2232 review, they have to make an appeal to the Board of Supervisors—and the Board won’t even hear it until that is appealed.

Ms. Allen said the important point was that the Commission is an integral part of making the system work well together, and it puts them at a disadvantage if their decisions are completely turned around at the next level.

Dr. Ligon stated that her hope is to better reflect the Commission’s will at the Supervisors’ meetings, as the comments from the previous Board representative had not been captured in the minutes.

Dr. Ligon commented that no other county in Virginia has commanded the amount of money they did from the recent solar project, and this hopefully sets a precedent and holds the applicants accountable.

Ms. Allen emphasized that it is up to the County to hold the utility accountable—not the citizens—and the constituents in turn will hold the County accountable. She stated that she will miss her role here and did not agree with the Board’s vote, but she did enjoy working with the Board members during her tenure. She added that perhaps another voice and set of eyes will be beneficial to them.

Mr. Hauschner announced that he would also be resigning from the Planning Commission, and the clear catalyst for this was the solar project. He stated that it is clear that the Planning Commissioners are not necessarily heard, nor is the community, when a decision is made and brought before the Board.

Mr. Hauschner said that the notion from the environmentalist perspective that this was a good project to bring to the County—and that it would make a difference in the future of the citizens here—was misleading. He stated that, statistically, as was noted at the meeting, people would not be alive to see the long-term benefits of a 40-year trajectory. He said if one believes in environmentalism, it is clear that as long as production and consumption continue to expand, there will be no significant improvement in environmental health, and progress requires a political state where this is aggressively pursued. He added that with a fascist in power, that is not the current state in this country.

Mr. Hauschner stated that the idea that this greenwashed proposal by Shell was a positive step forward was “bullshit.” He said this is not the only reason for his stance, but he is not unbiased in his decisions. He stated that he wants the best for Nelson’s residents, particularly those of lower socioeconomic status. Mr. Hauschner said that, as a representative of the Central District, he speaks for a large number of older, wealthy white citizens who blow dog whistles at every public meeting. He stated that he is tired of

listening to people discuss immigration status and advocating for policing low-income neighborhoods. Mr. Hauschner said he does not represent those people. He stated that he was born and raised in Nelson, and he cares about all people of Nelson. He stated that he is weary of hearing from those who are not from the area but spread vile sentiments at public meetings.

Mr. Hauschner said that the County might eventually extract some money from this company, but the timber contractor, Weyerhaeuser; Shell as the ultimate entity behind Savion; and AEP, which would acquire the project later, would not be the ones footing the bill if something were to go wrong. He stated that the remediation of hundreds to thousands of acres, should any issues arise with these projects, would cost tens of millions of dollars, and those companies would ensure they were not responsible for the expenses. He said that their legal teams were the size of the entire staff of the County and were dedicated to avoiding such financial responsibilities.

Mr. Hauschner stated that precedent from other projects, such as Weyerhaeuser's timbering operations and Shell's ongoing activities across the country, showed a pattern of mitigating damages minimally while continuing to expand and profit. He said Nelson County would not be able to challenge that effectively. He stated that the system was wholly unethical.

Mr. Hauschner said that the U.S. Geological Survey had indicated a need to increase global mining operations by 500% to meet the demands of these battery installations and solar farms. He emphasized that it was naïve to believe there would not be a significant cost imposed on someone, somewhere in the world. He stated that although one might claim to be putting Nelsonians first, it remained an unethical decision. Mr. Hauschner said he wanted no part of it.

Ms. Proulx responded that she has been very happy over the years with some decisions made, but to her it was worth staying to do her small part in effecting change.

Ms. Allen noted that she has never resigned from anything—but she is hoping that a new voice would be heard louder than hers was. She added that the Board is going to need expertise in establishing the new zoning ordinance, which would require significant time and input.

Mr. Hauschner said if he felt his voice and perspective were being heard, or at least communication between the Board and Commission to create dialogue, he would not be resigning.

Ms. Proulx commented that people can disagree with you and still respect you, acknowledging that she missed the one meeting where this came to the forefront.

Mr. Hauschner stated that he isn't leaving because things didn't go his way; this was a much larger issue in which a decision was made based on money and false hopes for the future.

Mr. Harman said the Commission would miss him and Ms. Allen, and they were losing valuable people as well as struggling to make a quorum.

Ms. Proulx motioned to continue the meeting to February 26 at 6:00 p.m. Dr. Ligon seconded the motion.

Yes:

Jessica Ligon

Mike Harman

Mary Kathryn Allen

William Smith

Robin Hauschner

Phil Proulx

Respectfully submitted,

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

Dylan M. Bishop, CZA, CFM

Director of Planning & Zoning



Nelson County Planning Commission
Meeting Minutes
February 26, 2025



Present: Commissioners Mike Harman, William Smith, Phil Proulx, Richard Averitt, and Gary Scott; Board of Supervisors Representative Jessica Ligon.

Staff Present: Dylan Bishop, Director

Call to Order: Chair Harman called the meeting to order at 7:00 PM in the General District Courtroom, County Courthouse, Lovingston.

Review of Meeting Minutes

Mr. Smith made a motion to approve the meeting minutes of November 20, 204 minutes. Dr. Ligon seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Abstain:

Richard Averitt

Gary Scott

Mr. Smith made a motion to approve the meeting minutes of December 18, 204 minutes. Dr. Ligon seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Abstain:

Richard Averitt

Gary Scott

Public Hearing

SUP #250019 – Banquet Hall in A-1 – 99 Morse Lane

Ms. Bishop reported that this is a request for a special use permit to allow a banquet hall use within an existing structure on property zoned A1-Agriculture in Arrington in the South District at 99 Morse Lane. She said the property is 3.275 acres owned by Crystal and James Harris. Ms. Bishop stated the property has an approved special use permit from 2010 for long-term indoor vehicle storage, which was approved by the Board in May 2010. Ms. Bishop said there are two existing warehouses on the property currently serving the storage garage use, and the applicants are proposing to convert a portion of one of the warehouses to be utilized as event space.

Ms. Bishop stated that a “banquet hall” is defined as a facility for hosting public or private events, including weddings, receptions, social events or parties, and workshops; used as a venue for social, cultural, recreational, or educational activities; and does not include lodging. She said the area is residential with some commercial and institutional uses such as the Heritage Center on the other side of Route 29, now home to the Health Department.

Ms. Bishop said zoning in the vicinity is A1-Agriculture and there are no floodplains on this property, which is accessed by an existing entrance on Morse Lane. Ms. Bishop stated that VDOT reviewed the request and determined the existing entrance to be sufficient for this proposed use. She said parking requirements in the zoning ordinance are met at one space for each 100 square feet of area used for assembly. She said the floor area of the proposed event space is approximately 4,100 square feet, which would require at least 42 parking spaces. Ms. Bishop stated the existing gravel parking lot has 50 spaces and there's additional parking available in the grass if necessary.

Ms. Bishop stated that there is existing septic and spring-fed water on the property, and the applicants secured Old Dominion Engineering to complete the capacity assessment. She noted that comments from the Health Department indicate they've been in contact and don't believe the proposal will add any additional load onto their existing septic system. Ms. Bishop stated that the applicant has also consulted a registered design professional to assess the building permit requirements to change the building use.

Ms. Bishop reported that the property is located in a rural area designated on the Nelson 2042 Future Land Use Map, where the core concept 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. Ms. Bishop stated rural areas comprise the majority of the County, and alterations and retrofits to existing developments to enhance resiliency and conform to current standards is encouraged—however, expansion is not.

Ms. Bishop stated approval of special use permits should be based on the following factors: 1) The use shall not tend to change the character and established pattern of development of the area or community; 2) The use shall be in harmony with uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property; 3) It shall be adequately served by public or private water and sewer; and 4) It shall not result in destruction, loss, or damage of any feature of significant ecological, scenic, or historical importance.

Mr. Harman asked the applicants to come forward and describe their project.

Ms. Crystal Harris stated that she and James Harris reside at 171 Morse Lane, which is adjacent to the property they are requesting a special use permit for. She said they currently have one portion of the warehouse closest to Morse Lane cleared out and functioning as a space for their own personal use, but they would like to start renting them out to acquire some more revenue.

Mr. Harman commented that it's a beautiful, well-maintained building, and he recalled the building's previous use for a storage area for military people who shipped out overseas.

Ms. Harris responded that they still store vehicles in their other warehouse.

Dr. Ligon said she also stopped by and did not see that this use would change the character of the road at all, and the Board is supportive of business in the South District.

Mr. Harman opened the public hearing. There being no public speakers, he closed the public hearing.

Mr. Averitt made a motion to approve SUP #250019. Mr. Smith seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Richard Averitt

Gary Scott

Other Business

- Battery Energy Storage Presentation by LightShift Energy

Ms. Bishop said that as staff reported at the Commission's January meeting, CVEC recently approached County staff regarding two proposed battery energy storage system (BESS) projects at their existing substations in Colleen and Piney River. She said they had some discussion about how to move forward, and the Planning Commission determined they'd like to see a text amendment to the solar ordinance to incorporate battery energy storage and requested that a presentation be made by the developer.

Mr. Ricky Elder, Director of Development at LightShift Energy, said he was joined by Gabby Mayer, lead developer for CVEC partner projects, and Ivan Fithian, a development engineer with LightShift. He also noted that CVEC Chief Operating Officer Bruce Maurhoff is present at the meeting.

Mr. Bruce Maurhoff explained that CVEC purchases its power independently and strives to manage those costs for its members. He stated that determinants in that billing have escalated substantially in recent years, with some doubling over the last seven years. Mr. Maurhoff said that just last year, one component of their billing increased by 10 times what it was in 2024. He stated that one way to manage those costs is to reduce the peak load, with battery storage being one way to do that.

Mr. Maurhoff said that CVEC is working with LightShift Energy to size a battery energy storage system (BESS) specifically designed to fit within CVEC's load at the two substations, with the purpose of charging during off-peak hours and discharging the battery to reduce their peak and save on power supply costs. He stated that the impact to CVEC and its members would be a reduction in power costs by millions of

dollars over the life of the project. Mr. Maurhoff said that given the way their rates work, those cost savings are passed directly to members; if costs decrease, the charges to members decrease as well.

Mr. Harman asked if the size would allow operation for something like 10 hours, or whether it varies.

Mr. Maurhoff responded that it is a four-hour megawatt system with the capacity to discharge for three hours.

Mr. Harman asked if having the batteries could be a benefit to members while CVEC is doing maintenance on their facilities.

Mr. Maurhoff replied that this type of battery system is not a battery backup system.

Mr. Elder stated that LightShift Energy is a utility-scale energy storage development company that owns and operates battery energy storage projects, with the company headquartered in Arlington and operating as a Virginia-based company. Mr. Elder said they take a holistic approach to developing these types of resources for the benefit of customers with the needs that Mr. Maurhoff mentioned.

Mr. Elder stated that this process is determined by the wheel, referencing the graphical representation, and said that the company has teams in place to identify customer needs for these facilities, develop projects, and ultimately build, own, and operate them. Mr. Elder said that LightShift Energy already has six operational projects, including one in Virginia in the city of Danville, which is a 10.5-megawatt, 24.6-megawatt-hour system. He said this system provides the same peak-shaving benefits as mentioned, saving the city of Danville millions of dollars each year on peak demand charges. Mr. Elder noted that the company has a large pipeline of projects, ranging from 2 megawatts to 200 megawatts, with about 4,000 megawatts in various stages of development, which his team is responsible for. He mentioned that Greenbacker Capital is their financing partner, a leading operating financing firm for these facilities.

Mr. Elder said that Danville Utilities is involved in a second project with LightShift, which received a special use permit for that in November 2024, and LightShift would save the city \$2.5 million on utility power bills next year due to the system's performance. Mr. Elder added that over the project's 20-year term, they expect to save Danville in excess of \$40 million.

Mr. Elder said he had been with LightShift Energy for 2.5 years and prior to that was with Dominion Energy for 17 years. Mr. Elder said he helped develop Dominion's battery storage development arm, managing acquisitions, project development, and technology selection for customers. Mr. Elder stated that joining LightShift Energy was a great opportunity to advance projects in Virginia and provide benefits to localities wherever possible.

Ms. Gabby Mayer stated that through their battery system solutions, they are able to significantly lower the cost of electricity by discharging during peak times and lowering costs for CVEC and all its members. She stated that other benefits of energy storage are improving grid resiliency, and although they are not currently providing backup capabilities with this, they have a project underway in Groton, Mass. with microgrid capabilities connecting to a school and supplying backup power to critical infrastructure.

Ms. Mayer said for Nelson County, the benefits include revenue from local taxes such as the M&T tax. She stated that under the siting agreement, Nelson County will also receive an additional revenue stream. She said that LightShift will also commit to donating \$10,000 to an organization chosen by Nelson County to highlight the importance of partnership. She stated that they also strive to collaborate with the local community, including utilization of local labor and services.

Ms. Mayer provided a general graphic image depicting battery storage containers, similar in size to shipping containers at about 20 feet wide and 9 1/2 to 10 feet in height, making them relatively small. She stated that the entire project area will be fenced for security and occupies a small footprint, which does not materially change the parcel or property in any way. She shared additional images of projects in Holden, Danville, and Groton. She said that these projects use various technologies but look similar to substations or other utility infrastructure, matching the existing environment.

Ms. Mayer stated that both the Colleen and Piney River sites are standalone battery storage and connect directly the CVEC grid—with no additional solar or renewable energy components. She said that specifically for Colleen, the small white dots indicate the project's actual footprint, which includes only four battery containers and some inverters and technical infrastructure. She noted that the project's footprint is about 3,800 square feet, or less than a tenth of an acre, and the system's use as mentioned is primarily for peak shaving. Ms. Mayer said they recently met with Ms. Bishop to discuss the permitting process and agreed that the project qualifies as a minor site plan due to the small footprint. She clarified that both projects are 4 megawatts, with 3 to 4 megawatt hours or 3 to 4 hours of dispatch.

Ms. Mayer reported that for the Piney River site, located at 600 Tye Brook Highway, the project is the same size and also has a 4 megawatt, 4 hour duration, with standalone battery used for peak shaving. She noted that the only difference is not being attached to that substation, with location at the southeast corner of that parcel. She said this footprint is slightly larger at about 6,000 square feet, since it's not on the already existing concrete pad, but it is also less than a fourth of an acre. She mentioned that this also aligns with the minor site plan requirement, which is what Nelson currently has for its solar ordinance.

Mr. Elder stated that they were in the midst of the due diligence process, which essentially involved conducting studies required by their financing parties—typical items like a Phase 1 ESA, a cultural report, and wetland delineation, to ensure there were no risks from a use perspective on the properties. He said these were basic requirements that needed to be checked off and mentioned that the site work should be completed the following week. Mr. Elder said that after the site work, they would be ready to move forward and would cooperate and provide support for the ordinance amendment in any way possible. He said they felt comfortable proceeding with the site plan preparation effort for the minor site plan in parallel with the ordinance update, to maintain the COD expectation set by CVEC, which was eager to have the facility online as soon as possible to maximize cost savings.

Mr. Elder said that the overall process would likely allow them to complete the local permitting effort by the end of Q2, putting them in position to pursue the Virginia permit by rule process with the Virginia Department of Environmental Quality. He stated that this process would take about 60 to 90 days, which would move them into the mid to late portion of Q3. Mr. Elder said that at that point, they would be prepared to issue a notice to proceed for construction activities and equipment delivery to the site.

Mr. Harman asked if there were any other commercial uses that Nelson County should be aware of, or whether this is strictly for power companies.

Mr. Elder responded that LightShift is in final negotiations with them on the actual offtake agreement, and there will be an energy storage savings agreement (ESSA).

Ms. Bishop confirmed that this would come before both the Commission and Board for public hearing.

Mr. Scott said he gets the CVEC newsletter and has read some additional information on these, and he asked if LightShift was the manufacturer of the batteries themselves.

Mr. Elder responded that LightShift is not the manufacturer and is still working to evaluate the battery supplier they would utilize, and the current plan is to use a Trina solution. He said they have extensive experience working with Trina and have deployed multiple of their systems in the past.

Mr. Scott asked if there was any risk to neighbors with these facilities.

Mr. Elder stated that they are very safe pieces of equipment and are in self-enclosed enclosures with a myriad of safety devices and fire prevention systems to ensure that any incidents are contained.

Mr. Ivan Fithian of LightShift said that each container holds battery cells that are encapsulated and packaged together into racks, which are packaged together into racks, which go into containers that provide an additional layer of protection from water and other elements.

Mr. Averitt asked if their business model is for them to own and operate their facilities and triage the savings by harvesting energy from the grid at low power times and selling it back to CVEC at peak times—still at a rate lower than what they would otherwise be able to get that power for—with the units being theirs for the lifetime of the project.

Mr. Elder confirmed this and said that in an energy storage savings agreement, there is a component of the savings that ultimately will be reutilized by the customer, and there's a component of that savings LightShift will receive as well as long as they operate the projects as intended. He noted that there are corresponding penalties that will be associated for operational performance issues, reiterating that the first project was operational in October of 2022, and they've already saved them millions of dollars.

Mr. Harman asked if the savings would be passed onto the customers, ultimately.

Mr. Maurhoff explained that their energy rates work with a “power cost adjustment factor,” as shown on customers’ bills, so when CVEC pays more for energy than what is recovered in rates—which are set—they increase the power cost adjustment to recover the money they did not recover in their normal rates. He added that when they over-recover, that’s a credit on customers’ bills, so actual costs get passed onto members directly through the adjustment factor as well as actual savings.

Mr. Maurhoff said they have been exploring options for years on different ideas of how to control peak costs, and they’ve been looking at batteries for a number of years—starting in 2021 with looking seriously at RFPs for this technology. He said prior to that, they had done some feasibility studies, with the cost of batteries decreasing over time while safety features have been increasing. He also stated that customers would not see a rise in initial costs to offset project costs, as LightShift is the engineering, procurement, and construction entity for the project. He noted that LightShift is also responsible for maintaining performance for standards within that contract for the entire 20-year period.

Mr. Averitt asked whether the permits would run with the land into perpetuity, for a project that has a 20-year lifespan, and whether they are CVEC’s permits.

Mr. Elder answered that he was operating under the assumption that these would be permits LightShift would ultimately need to have under their name to have the permit path to operate the project long term. He said these essentially become critical grid infrastructure, and they assume at the end of 20 years, CVEC would want to do this for a longer period of time. He said that the likely approach would be for LightShift to remove old containers and replace them with new ones—but if that does not happen, LightShift is prepared to come in and decommission the facility and return it to greenfield.

Mr. Smith commented that he didn’t see much difference between this and a solar farm, which would eventually age out and need to be removed and replaced.

Dr. Ligon asked about safety and what their outreach has been to fire departments, emergency services, etc. in terms of education in the event something happens.

Mr. Elder explained that they generally start with fire mitigation and fire response plans, which are drafted in collaboration with local fire departments.

Dr. Ligon asked how community members who are not CVEC members will benefit from a project like this, as they are all going to have to see it and deal with its impacts.

Mr. Elder said there will multi-million dollar improvements and a siting agreement, but they could not guarantee that every single community member would benefit from this project.

Dr. Ligon asked whether the fire department and emergency services education was happening yearly, and whether that was in their siting agreement. She noted that turnover was high with a volunteer system, and Amherst also responds to Piney River.

Mr. Elder responded that it was not in the agreement now, but they could add it.

Mr. Harman asked what the next steps were for the project.

Ms. Bishop confirmed that staff would come back to them with an ordinance update.

Board of Supervisors Report

Dr. Ligon reported that the Board had a light meeting this month, but she did make them aware of this presentation, which would be done with two Supervisors later this week.

Mr. Smith made a motion to adjourn the meeting. Dr. Ligon seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Abstain:

Richard Averitt

Gary Scott

Respectfully submitted,



Dylan M. Bishop, CZA, CFM

Director of Planning & Zoning



Nelson County Planning Commission
Meeting Minutes
March 26, 2025

Present: Commissioners Mike Harman, William Smith, Phil Proulx, and Gary Scott; Board of Supervisors Representative Jessica Ligon.

Absent: Richard Averitt.

Staff Present: Dylan Bishop, Planning Director.

Call to Order: Chair Harman called the meeting to order at 7:00 PM in the General District Courtroom, County Courthouse, Lovingston.

Review of Meeting Minutes

There were none presented for approval.

Other Business

- Battery Energy Storage Discussion

Ms. Bishop reported that at the Board of Supervisors meeting this month, there was some discussion about the proposed projects for CVEC at the Colleen and Piney River substations. She stated that after the Board reviewed the proposals, they requested that the Planning Commission reconsider amending the ordinance to allow for battery energy storage and rather treat these projects as an accessory used to the utility, due to the scale of the project and the fact that it's a behind-the-meter project and not a standalone commercial development to allow these projects to proceed as accessory use to public utility.

Ms. Bishop stated that should the Planning Commission agree to that, they would proceed with normal minor site plan process and would still be required to do a siting agreement with the Board of Supervisors, which would include financial incentives, training for fire department staff, etc. and that's a negotiation with the Board that is still part of this consideration.

Mr. Harman commented that this makes a lot of sense to him because this is strictly just for power companies.

Ms. Proulx asked what "behind the meter" means.

Ms. Bishop explained that they are storing the power onsite, then redistributing it themselves directly to the customers—whereas a commercial project like a solar farm is keeping it onsite and then selling it back to the utility.

Mr. Smith asked if this project is within the area for the substation, meaning that it's the Co-op's property.

Ms. Bishop confirmed that the Colleen site is within the fence compound; the Piney River site is a separate location on the back of the lot but still on the same lot as the substation.

Mr. Smith asked about the fire department training and whether the volunteer fire department has what they need for this, expressing concern about chemical fires if the batteries explode.

Ms. Bishop responded that those are two separate things: There's a \$10,000 financial incentive for payment, as well as training for local fire departments. She said the representative from LightShift has already reached out to local fire and EMS to get that process going.

Mr. Harman stated that they do need to update the ordinance in the future for battery storage, because it's eventually going to come before the County with a request for some commercial operation that needs battery storage; for instance, a small computer room or a hospital or a lab that needs battery backup. He asked what needed to come next.

Ms. Bishop stated that if there's general consensus, staff can proceed with that direction.

Mr. Harman made a motion to treat battery energy storage as an accessory to the utility in lieu of amending the ordinance. Mr. Smith seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Gary Scott

- Short Term Rental Discussion

Ms. Bishop stated that the Board of Supervisors approved a work order amendment to address the short-term rental ordinance first in their process revisions, and today they would review the recommendations from the Berkeley Group. She said the proposed text is formatted into the current zoning ordinance, which would be readdressed and reformatted during the full ordinance update process. She said the Berkeley Group will provide one round of text revisions, and the Board would either send it back to the Commission for changes or set a public hearing for it as is. Ms. Bishop said that public hearings would take place with the Planning Commission and then the Board, as required for all ordinance updates.

Ms. Bishop said a common theme she has heard is the need to establish a goal for what the ordinance is trying to accomplish. She said that while better regulations for short-term rentals can help manage this industry and its potential community impacts, incentives to rehabilitate existing housing, create housing, and other tools will be the primary drivers to promote and address affordable housing and availability—which will also be addressed in the full ordinance update process.

Ms. Bishop said the Nelson County and Tourism website maintains a full business directory of all licensed businesses in the County, so there is no need to pay for a separate site as it just links back to the business directory. She stated that the current transient occupancy tax (TOT) is 7%, one of the highest in the state, and the Commissioner of Revenue's office maintains the registry as required by the state. She said they report all new short-term rentals to her office monthly for zoning checks and also provide numbers monthly to the Board of Supervisors.

Ms. Bishop stated that the benchmarking localities used by their consultant—as discussed by staff and Board members—include Amherst, Bedford, Louisa, and Albemarle counties. She said IT staff is mapping all existing short-term rentals within the County, as requested by the Board of Supervisors, and that will be ready by their April meeting. Ms. Bishop said the R1 district typically has higher land-use intensity than the A1 district, with more traffic, ambient noise, and nighttime lighting, as well as smaller lots. She said full house short-term rentals may have less impact in residential zones than in agricultural zones.

Ms. Bishop said two definitions are proposed: a short-term rental of a dwelling, meaning a full home rental by any owner; and a short-term rental of a dwelling as a homestay, where rooms are rented out while the owner occupies the residence as their primary home during rental periods. Ms. Bishop said the use permissions by district would include both current and proposed standards; currently, a vacation house is permitted by right in agriculture and by right in R1 residential if the majority of the lot is also zoned A1, otherwise requiring a special-use permit; R2 requires a special use permit and is by right in the special enterprise and B1 districts for existing dwellings.

She said that under the proposed changes, the homestay rental—where the owner occupies the residence while renting rooms—would be by-right in conservation, agriculture, both residential districts, and the service enterprise district. She said a full home rental, not a primary residence, would require a special-use permit in A1 due to possible greater rural impacts and would not be permitted elsewhere. She stated that the current zoning map reflects gray as A1 agriculture, peach as Wintergreen, green as C1 conservation, and yellow pockets along Village hubs and in Afton, with residential uses zoned close to the road and agriculture behind that usage, essentially with a dual zoning situation.

Ms. Bishop said the proposed use standards for all short-term rentals, whether by right or special use, require a property management plan including local contacts, permitted guest numbers, parking, and locations of fire extinguishers and smoke alarms. She said the recommendation is no more than one dwelling per parcel for short-term rentals, but staff recommends allowing an option for one additional, so two dwellings on one lot could be rented. She said noise levels should not exceed 60 decibels at the property line; no events with non-guests are allowed without a special-use permit; prohibition of RVs, buses, and travel trailers, with tents and non-permanent structures added for clarity; vehicles must be parked in designated areas per the property management plan; compliance with health and building codes, including affirmation that septic systems are pumped every three years; and stipulation that homestay owners must reside at the property at least 180 days per year and occupy it during rentals.

Ms. Bishop stated that recent state code requires by-right use for renting rooms if the owner lives in the home. She said staff recommends a third definition for a short-term rental where the owner is the primary resident but is not required to occupy the property during rental periods, with documentation such as a driver's license or utility bill as proof. She noted an additional recommendation for allowing short-term rental of a second dwelling on the same lot where the owner is the primary resident of the main dwelling, noting that two-acre minimum per dwelling means this would only apply to larger parcels.

Ms. Bishop stated that she recommends the homestay option as by right in business districts to encourage mixed-use development in commercial areas, in line with the Village Overlay concept. She stated that the Commissioner of Revenue currently reports registrations to her office and maintains the registry, but the draft ordinance has this reversed, so she advises clarifying this point.

Mr. Harman asked if the state is now mandating that some of these be granted by right.

Ms. Bishop confirmed this and clarified that this only pertains to ones that are owner occupied.

Ms. Proulx commented that she likes the third option/definition, but she does not like the terminology on “dwelling,” “short-term rental,” and “homestay,” which she finds confusing. She suggested changing the definitions so it’s very clear which is owner occupied and the other being a separate building. She also stated that she doesn’t agree with the notion that there is less impact on R1, as the impact on the residential area is as high or higher than on R1.

Mr. Harman agreed that this can be confusing, and they need to get a handle on it from the beginning, including having public hearings on it.

Ms. Proulx pointed out that this doesn’t limit homestays but just helps regulate them, and her understanding is that any in existence would be grandfathered.

Ms. Bishop confirmed that existing properties would be grandfathered.

Mr. Harman commented that the distance between houses seems to be important and would make it easier to be acceptable to the community.

Ms. Bishop noted that these parameters came from benchmark localities, and the Berkeley Group has emphasized that Nelson can do whatever it wants with these.

Mr. Harman said he felt this would be hard to manage, and the whole-house rental would likely be the most problematic and have the most issues, not the owner-occupied properties. He added that if the owner isn’t going to manage the property, the agent should be nearby.

Mr. Harman stated that he would like to separate A and B right out of the gate, because the homestay properties are not going to necessitate the requirements that the whole-house rentals will.

Ms. Bishop said the list Berkeley has proposed for the use standards would apply to all short-term rentals—by right or special use—the latter of which would provide extra leeway for additional conditions.

Mr. Smith asked if the term “homestay” was universal.

Ms. Bishop responded that it came largely from how other localities in the region are treating these and how they have them defined, but there are other ways to name these—partial rental, owner-occupied rental, etc.—to make the language clearer.

She recapped their input as inclusion of the stipulation that any whole-home rentals should be through special use permits; clarification of the language and terminology for the definitions, with the third definition added; addition of requirements such as distance between; and addition of tents and temporary lodging to the recreational vehicle section.

Commissioners also indicated that they liked the Amherst ordinance language and provisions.

Ms. Bishop noted that their changes would take away any short-term rental being permitted by right at A1 to only allowing owner-occupied or primary owner, and any whole home rental would be by special use permit. She said this limits it in that capacity but is not implementing a cap or percentage, although Board Chairman Ernie Reed has suggested limiting the number of short-term rentals. Ms. Bishop said that IT was working on a map to establish how many currently operate.

Dr. Ligon recalled the current number as 800.

Ms. Proulx asked if that included Wintergreen.

Ms. Bishop responded that it was important to note they do not include Wintergreen in land use.

Dr. Ligon pointed out that the Board has considered the 800 number to include Wintergreen, with the majority of rentals overall being on the mountain or at the base of it.

Ms. Bishop said that Chairman Reed had also wanted a provision that only Nelson County property owners would be able to have these.

Ms. Proulx said she was not sure that would be legal.

Mr. Smith stated that he had tried to find the legal parameters in the state code.

Mr. Scott asked if Mr. Reed's recommendation was for a charter or franchise system.

Ms. Bishop responded that she recalled his proposal for a lottery system where it rotates around, but she is not a fan of caps or these types of restrictions.

Dr. Ligon said that Mr. Reed's opinions seem to be the most restrictive, and she and other Board members have consistently reminded everyone that tourism is Nelson's primary economic driver. She emphasized that they do not want to cut their income, which has been a problem. She said they chose decades ago to prioritize tourism—and she has grave concerns about property rights for people who have decided to invest here and about cutting this income before they have something to replace it. Dr. Ligon also mentioned that there are many, many Airbnbs, as the public has noted in numerous meetings.

Ms. Bishop said that about 22% of jobs in Nelson are supported, which is higher than Virginia Beach.

Mr. Scott stated that he looks at Augusta, Appomattox, and Amherst, which have been able to have industry alongside tourism—but Nelson has put all of its eggs in one basket and needs to continue on the path it chose until that changes. He said that hopefully in the future, they will coax some industry in so that younger people will move here for jobs and be able to buy a house.

Mr. Smith commented that Nelson County has an agricultural history, and he has been farming in the County for 30 years. He said his concern is the person who comes in and buys a house and acreage just to get rental income, and this is having an impact on lower-end housing because investors come in and snap up properties with cash before a homebuyer's application can even be processed.

Dr. Ligon said that smart money is always moving, and if short-term rentals cease to become lucrative, those owners are moving on. She noted that a lot of the rundown properties in the area have been fixed up because of Airbnb, but if they are no longer viable as rentals, they will be sold.

Ms. Bishop pointed out that the Virginia attorney general had opined that if a property is zoned agriculture and is a Bonafide operation, with activities viewable by the public, a short-term rental must be by right as an agritourism activity—so that's some incentive for farmers with little or no red tape. Ms. Bishop emphasized that this is formatting regulations into their current ordinance, and as they move through the full ordinance update, they're going to get into the other many factors pertaining to housing.

Ms. Proulx commented that said there are complexities around regulating, tracking, and ensuring safety with these properties, and there are some questionable places being rented for this.

Dr. Ligon said if they are safe and appealing, that is never bad for the County's perception.

Ms. Proulx agreed but said she has struggled with the balance of individual property rights versus imposition to neighboring properties.

Dr. Ligon pointed out that the benchmark localities Berkeley used do not have tourism as their primary income, and she was curious about counties where it is the number one source.

Ms. Bishop responded that Bedford and Louisa were selected because they had a lot of tourism.

Mr. Smith noted that Bedford also has some industry.

Mr. Scott asked about Floyd County.

Ms. Bishop said they could look at additional counties.

Dr. Ligon agreed with Floyd as being comparable, along with Bath County, with both lodging/tourism and the age of their population, as well as breweries.

Mr. Scott agreed that Floyd has a lot of breweries.

Ms. Bishop said they stipulated four localities for the consultants, but staff could use others.

Mr. Harman asked how the County knows when someone is renting out a bedroom.

Ms. Bishop responded that they are supposed to register with the Commissioner of Revenue, and platforms such as Airbnb and VRBO collect all the taxes and remit them in a lump sum. She said they are still trying to work this out at the state level because a lump sum doesn't differentiate by owner, but Nelson requires people when they file to indicate what they've remitted for their taxes.

Dr. Ligon said that in the Board's proposed FY26 budget, there is money for software that makes tracking and policing easier for the Commissioner of Revenue. She said that it will ensure that even people who aren't using those rental platforms will show up with their checks.

Ms. Bishop said that part of the initial goal when they initially started talking about raising the occupancy tax was to not raise it for people who are already paying it and doing the right thing.

Ms. Proulx noted that the County has been levying transient occupancy/lodging tax for 15 or 20 years now, and the rate became 7% last July.

Ms. Bishop stated that she had forwarded an email from Maureen Kelly that further details the TOT.

Ms. Bishop said she would provide an update on everything at their next meeting.

- Proposed Overlay Districts

Ms. Bishop said that at their last joint work session with the Board, they ran out of time and were not able to discuss zoning districts or overlays, but she was asked to present this to the Board at their March 11 and would briefly review that presentation and the Board's recommendations, then solicit feedback.

Ms. Bishop reported that several comprehensive plan strategies stood out, including evaluating current zoning district densities and adjusting them to allow for additional housing in appropriate areas such as Lovingston and Colleen. Ms. Bishop said other strategies included discouraging ridgeline development to protect scenic viewsheds, supporting tourism while being mindful of over-tourism, diversifying tourism assets to distribute traffic, and preventing negative impacts to local quality of life.

Ms. Bishop said R3 was intended to address increased housing availability and diversity in areas such as Lovingston and Colleen, which are community hubs; create opportunities for a larger mix of housing types, including single-family homes, townhomes, condos, and multi-family apartments; better accommodate residents at different income levels and life stages, with higher density, reduced lot sizes, taller structures, and bigger buildings; and promote walkability, connectivity, and access.

Ms. Bishop said that Mountain Ridge Overlay is designed to protect natural assets and would include strict district and use standards to preserve landscapes, prevent erosion, and protect viewsheds. Ms. Bishop stated that the County's reliance on tourism, recreation, and conservation made this a critical tool in balancing development with environmental stewardship.

Ms. Bishop said that Village Overlay would integrate guidelines for rural villages found in the comprehensive plan, providing a mechanism to map these areas on the zoning map and further aligning with the future land use map. Ms. Bishop said the six rural villages are Arrington, Faber, Gladstone, Piney River, Schuyler, and Shipman. She stated that the overlay would establish zoning regulations tailored to the distinct character and needs of the villages—differentiating them from the current A1 and R1 designations—which would allow for a broader range of uses, including mixed use.

Ms. Bishop said this would also foster increased residential densities and village-specific design standards, facilitating context-sensitive growth while preserving community character. Ms. Bishop stated that each area has its own identity and was once a thriving community, and they hoped for a return to that vitality. She said support could come through small-scale commercial uses for local needs, walkability, and a village aesthetic.

Ms. Bishop reported that the future land use map process started with areas having steep slopes over 20%, then added high conservation value and flood zone—resulting in the base layer of the future land use map, as noted in green.

Ms. Bishop said other options considered were the Route 29 Corridor Overlay Districts, which would focus on directing development and preventing overdevelopment in sensitive areas. She stated that this would encourage tourism-related businesses by lowering barriers to entry, designate certain uses by right within the overlay, allow more lot coverage and flexibility in development standards, and introduce enhanced design standards to ensure new development maintains local character and aesthetic. She noted that architectural landscaping requirements could promote a visually cohesive, high-quality environment, reinforcing a positive first impression for visitors.

Ms. Bishop said the Route 151 Corridor Overlay District was discussed with a similar focus on managing development rather than promoting it, and stricter land use controls would emphasize preservation in an already well-developed area with a high concentration of businesses. She said restrictions would be introduced on certain development types, ensuring growth management and infrastructure capacity. Ms. Bishop stated that regulations could include limiting types of uses, reducing lot coverage and building footprints, increasing setbacks and lot sizes, and implementing more stringent use standards.

Ms. Bishop said that the County received a Growth and Accessibility Planning Technical Assistance Grant through the Office of Intermodal Planning and Investment in 2023 to develop a Nellysford Area Growth Management Plan (NAGMAP). She stated that due to community pushback, the County was required to withdraw from the award. Ms. Bishop said staff intends to reapply for the grant this fall, allowing for a separate, dedicated planning process in 2026 for Nellysford that would include public engagement and hearings for feedback, as well as a small area plan. She noted that the plan was already drafted and ready to go, and that the grant issuer has indicated there was no reason it shouldn't be approved again.

Ms. Bishop stated that Berkeley Group recommended the R3 and Mountain Ridge Overlay districts; staff had to pick three out of five and thus selected R3, Mountain Ridge, and Village Overlay. Ms. Bishop stated that the Board of Supervisors chose the R3 residential, Village Overlay, and Route 29 Corridor Overlay and requested an elevations map to determine areas with regulatory ridgelines.

Ms. Bishop explained that regulatory ridge lines have elevations of 2,000-plus feet with an elevation of 500-plus feet to the closest adjacent valley floor. She said 20% are steep slopes, and 35% are critical slopes, which will be addressed separately in the ordinance rather than as part of the Mountain Ridge Overlay. Ms. Bishop emphasized that steep and critical slopes are already being addressed.

Ms. Bishop referenced an elevation map, noting that orange-red color denoting elevations of 2,000 feet or higher. She stated that the future land use map's dark green areas with hatch lines represent permanently protected landscapes, national forest, conservation easements, and Wintergreen Resort. Ms. Bishop said those areas align closely, with some pockets in Montebello being sensitive rural areas but not permanently protected landscape.

Ms. Bishop said the Board determined that the Route 29 Corridor Overlay would be more beneficial to the County overall because incentivizing development along 29 could also potentially disincentivize development along the Route 151 corridor. She said they wanted to leave the Mountain Ridge Overlay for future consideration, and if the Planning Commission agrees with those choices, Berkeley Group will be notified and proceed with drafting, then present those drafts at the joint PC-BOS session on April 23.

Ms. Proulx stated that she would like to make a pitch for the Route 151 Overlay, as it is one of the biggest problem areas of the County due to traffic and other impacts; if that went into place, it would help push development into Route 29—which she did not feel they could achieve just by incentivizing 29. She asked what the rationale was behind choosing three and if costs were a factor.

Ms. Bishop said they have scoped out three.

Dr. Ligon explained that the discussion at the Board of Supervisors meeting included hope for grant funding for a specific study of 151, then ordinance changes later on down the line.

Ms. Bishop clarified that the study area was from Tuckahoe Antiques all the way to Spruce Creek.

Ms. Proulx said that leaves a lot of 151 uncovered and unaddressed, and the North District did not have representation in these discussions. She asked what the cost was for an additional district.

Ms. Bishop confirmed that it was \$2,500.

Ms. Proulx said that did not strike her as exorbitant, especially since much of the County's money comes from that road. She also noted that it is a primary entrance to the County with a beautiful view at Critzer's Farm. She reiterated her support to add \$2,500 for the 151 corridor overlay.

Dr. Ligon stated that she did not want to stifle investment in Piney River because they're on 151.

Ms. Proulx clarified that the area stops at 664 at Brent's Mountain.

Ms. Proulx made a motion to add the 151 Corridor Overlay District as a work order amendment for a fourth overlay. Mr. Scott seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Gary Scott

Ms. Bishop pointed out that they got a free \$100,000 to do this, and it didn't seem equitable to spend a lot more money on it when the community didn't want it in the first place.

Mr. Scott asked what was meant by "community" in this context, and whether it was just a vocal minority.

Ms. Proulx said her understanding was that it was mostly some folks in the Nellysford area.

Board of Supervisors Report

Dr. Ligon reported that a lot of what was discussed was mentioned here today. She said there was a debate on the 151 corridor, but she agreed that they were not well represented.

She said there was concern about the battery storage discussion, and she would continue to forward any Planning Commission issues with that back to them.

She also reported that they had held a joint meeting with the School Board and continued to revise the budget.

Upcoming Scheduled Meetings

- Continue to April 23, 2025 at 5:00 p.m. for Joint PC/BOS Work Session
- Regular Planning Commission Meeting to Follow at 7: 00 p.m.

Ms. Proulx made a motion to continue the meeting until April 23, 2025 at 5:00 p.m. for a joint meeting with the Board. Mr. Smith seconded the motion.

Yes:

Jessica Ligon

Phil Proulx

Mike Harman

William Smith

Gary Scott

Respectfully submitted,



Dylan M. Bishop, CZA, CFM

Director of Planning & Zoning



Nelson County Planning Commission
Meeting Minutes
October 22, 2025



Present: Commissioners Mike Harman, William Smith, and Phil Proulx; Board of Supervisors Representative Jessica Ligon.

Absent: Richard Averitt and Gary Scott.

Staff Present: Dylan Bishop, Planning Director.

Call to Order: Chair Harman called the meeting to order at 7:00 PM in the General District Courtroom, County Courthouse, Lovingston.

Public Hearings

- SUP #250278 – Request for Extension of SUP #240239 (Dwelling Units in B-1 Business at 622 Front Street)

Ms. Bishop reported that there were three special use permit (SUP) public hearings scheduled for the evening. She noted that the second hearing concerned a Campground and A1 Agriculture application, and the applicant was unable to attend because he was on a job six hours away, but the public hearing should proceed since it was advertised, and she expected the Planning Commission to defer the vote to their November meeting. She stated that the Conference Center at the Monroe Institute was also on the agenda, but the Central and South District Planning Commission representatives were not present, so she expected them to defer vote on that application as well. Ms. Bishop said the public hearing would still be held to gather feedback, after which the Commission could discuss or defer the matter.

Ms. Bishop stated that the first hearing was a request for an extension of an existing approved SUP for dwelling units on properties in B1 Business at 622 Front Street in Lovingston. Ms. Bishop said that Jesse and Alexandra Lopez-Lowe completed the renovation of the structure to be used for mixed use, including two long-term residential rental units and commercial space on the lower level. She stated that the property previously held a SUP for a dwelling, which expired after more than two years of vacancy, and the Board approved SUP 240-239 on November 14, 2024, with the condition that the dwelling units could not be used as short-term rentals. Ms. Bishop said the owners were requesting an extension of their approved SUP for an additional year because the units were not yet occupied. She noted that with a SUP, the use had to be established within 12 months of approval or it would become void.

Ms. Bishop stated that the zoning was mixed use in nature, and B1 Business and R2 Residential were exempt from off-street parking requirements. She said Lovingston was designated as a community hub by the 2042 future land use map, with a focus on regional scale development, redevelopment, and infill to protect the rural landscape, ensure more efficient and effective provision of community services, bolster economic development, and improve quality of life. She stated that the primary land use types included all types of housing, mixed use units, commercial, professional, and offices.

Ms. Bishop stated that with a new zoning ordinance forthcoming that would allow for mixed use in Lovingston, staff recommends approval of the extension request. Ms. Bishop said the Planning Commission should recommend approval with a one-year extension for dwelling units in B1 Business with the existing condition to the Board of Supervisors. She offered to answer questions and said the applicant was also present.

Mr. Harman opened the public hearing, and Ms. Bishop read the speaker guidelines.

There being no speakers, he closed the public hearing.

Ms. Proulx made a motion to recommend SUP #250278 to the Board of Supervisors with the existing condition. Mr. Smith seconded the motion.

Yes:

Phil Proulx

Mike Harman

William Smith

- SUP #250263 – Campground in A-1 Agriculture (Morse Lane, Arrington)

Ms. Bishop reported that this request is for a campground use on properties zoned A1 Agriculture on Morse Lane in Arrington in the South District. She said there are two parcels—one about 36 acres and the other 77.5 acres, owned by Tim Masters, and is currently vacant. Ms. Bishop said the owner is proposing to develop a large campground with a mixture of RV slips and tent sites. She stated that the site plan submitted shows a minimum of 60 sites on one parcel and an additional 25 on the other, and an engineering site plan would be required if this is approved.

Ms. Bishop stated that the area is residential and rural in nature, and the zoning is A1 Agriculture. She said there is some floodplain on the property but no development is proposed there, and the property adjoins the Nelson County Transfer Station. She said the site is accessed by an existing entrance on Morse Lane, and existing road scars access the remainder of the properties; she has not received comments from VDOT. She noted that there are no utilities proposed at the individual sites.

Ms. Bishop stated that the request currently proposes a dumping station located at the entrance of the property. She said the applicant would be required to comply with Health Department regulations, and she had not yet received comments back from them. She noted that EMS wants to see the dimensions on the turnaround circle so they can ensure fire apparatus can navigate it. Ms. Bishop said if land disturbance exceeds certain thresholds, it would require an erosion plan or storm water plan.

Ms. Bishop stated that there are some recommended conditions listed in the staff report. She said the applicant had also provided expanded information about his proposal, and when she spoke to him earlier that afternoon, he landed on a number of 110 sites between the two properties. Ms. Bishop said she told him she would come to him with any concerns or questions that arose from the public hearing or the Planning Commission, and they would clarify some of this information when they came back next month.

Mr. Harman asked if the 110 number was slips or campsites.

Ms. Bishop responded that it is a mix of RV slips and tent sites, but the applicant did not provide specific numbers on each; since it was advertised, they would like for the Commission to hold the public hearing.

Mr. Harman opened the public hearing.

Mr. David Morse stated that he lives on the parcel that adjoins this property, and he would like to see a map of it so he can make more informed comments. Mr. Morse stated that they already have trash disposal on his road and there's too much noise already with that. He said there is a lot of activity on the road, and he is concerned about resident safety.

There being no further comment, Mr. Harman closed the public hearing.

Ms. Proulx asked what deferral did to their timeframe and whether an applicant deferral was possible.

Ms. Bishop responded that it's acceptable to go ahead and defer, and the Planning Commission has a timeframe in which they need to act on it, so they are still well within that timeframe. She said that can be discussed with the applicant at the next meeting, or prior to the next meeting, if there's going to be another deferral. She added that staff would have the applicant put in the request and work with them on an mutually agreeable timeline.

Mr. Smith asked if they can also extend the public hearing to get more input from the neighborhood.

Ms. Bishop responded that they could schedule another public hearing if that's the pleasure of the Planning Commission, and she would just make a motion to defer with another scheduled public hearing. She clarified that if the applicant cannot be present, he can request further deferral.

Mr. Smith made a motion to defer SUP #250263, with another public hearing, to the November 19, 2025 Planning Commission meeting. Ms. Proulx seconded the motion.

Yes:

Phil Proulx

Mike Harman

William Smith

- SUP #250260 – Conference Center in A-1 Agriculture (The Monroe Institute, Faber)

Ms. Bishop stated that the application is for a conference center at the Monroe Institute, 365 Roberts Mountain Road, Faber, in the South District. She said the project covers six parcels totaling 44.44 acres, and the applicant is Shimp Engineering. Ms. Bishop stated that the property is home to the Monroe Institute, founded in 1971, and because it was established before the adoption of the zoning ordinance, it is considered a legal non-conforming use. She noted that any expansion of a non-conforming use requires compliance with the current zoning ordinance, which is the reason for the SUP request.

She said the Monroe Institute is proposing to expand its operations and develop a conference center that will include residential quarters, offices, a cafeteria, a common services area, a gift shop, meeting rooms, a studio, and storage space. Ms. Bishop stated that a project narrative and photo renderings of the proposed facility are included in the packet. She said that the applicant held a community meeting with neighbors, and the applicant will summarize those discussions. Ms. Bishop noted that a conference center is defined as a facility for hosting public or private events, including but not limited to weddings, receptions, social events, parties, workshops, and conferences, and is used as a venue for social, cultural, recreational, or educational activities that may include lodging accommodations.

Ms. Bishop reported that the area is rural, residential, and institutional in nature, and all zoning in the vicinity is A1 agriculture. She said there is some floodplain on the parcels containing the existing water

system, although no development is proposed in those areas. Ms. Bishop stated that the property is accessed by an existing entrance on Roberts Mountain Road, and some paving improvements and at least 41 additional parking spaces are proposed. She said the property is served by existing utilities, and the two parcels containing the water system are included as part of this application should any improvements be required; no structures or other development are proposed on those lots. She said land disturbance is anticipated at about 5.5 acres, which requires approval of an erosion and sediment control plan and a stormwater management plan by DEQ. She added that EMS wants to see the dimensions of the turnaround circle to ensure fire apparatus can navigate.

Ms. Bishop reported that in the comprehensive plan, this property is located in a rural area on the 2042 future land use map. She said the core concept 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. Ms. Bishop stated that primary land use types include institutional uses, farms, agriculture, forestry, agritourism, parks, recreation, and trails. She said alterations and retrofits to existing low-density single-family areas are appropriate and encouraged.

Ms. Bishop stated that with the packet that did not go out originally and was received today, there is a letter from the applicant regarding the water supply. She said there are some recommended conditions submitted by the applicant as well as all the public comments received by email. Ms. Bishop stated that Commissioners received some emails, and all the ones sent just to her are also included in the packet.

Ms. Bishop stated that for SUPs, the review criteria shall not change the character and established pattern of development of the area or the community, shall be in harmony with uses permitted by right in the zoning district, and not adversely affect the use of neighboring property. She said the property must be adequately served by essential public or private services and shall not result in the destruction, loss, or damage of any feature of significant ecological, scenic, or historic importance. Ms. Bishop referenced a map showing the six parcels outlined in green and the development area proposed for the conference center, as well as the location of the three existing buildings and the water system.

Mr. Justin Shimp of Shimp Engineering addressed the Commission and said he was pleased to represent the Monroe Institute, a staple of Nelson County for over 50 years. He said Allyn Evans is the director of the Institute and is present at this meeting.

Mr. Shimp said that a community meeting with the neighbors was held at the Rockfish Valley Community Center on October 4th to inform them of the ongoing developments. He stated that some individuals present at the current meeting had also attended the previous one, where they learned many of these same details. Mr. Shimp explained that the site location was clearly indicated, with the colored parcels representing those subject to the SUP. He said that three buildings directly below the Roberts Mountain Road label represented the current Monroe Institute facilities, which had existed before the zoning ordinance and were therefore permitted to continue, though expansion required a SUP.

Mr. Shimp stated that the proposal involved constructing a 33,000-square-foot multi-use center containing residential quarters, offices, and gift shops. He said that access to the site would remain off Rocky Road or Roberts Mountain Road. Mr. Shimp clarified that the request was for an expansion to a total of 90 guests, up from the current operation of around 28, emphasizing that the expansion was not for 90 new guests but for a total capacity of 90.

Mr. Shimp reported that the Monroe Institute was founded in 1971 by Bob Monroe, who acquired the current property in 1976, including adjacent land in a new subdivision totaling approximately 726 acres. He stated that Monroe was a pioneer in the community, leading to the establishment of similar

institutions and contributing to the character of Nelson County. Mr. Shimp said these institutions attracted visitors, allowing them to engage with nature in ways fundamental to the community and providing space for operational expansion.

Mr. Shimp stated that all current program slots were booked about a year in advance, resulting in limited access for interested attendees. He described the rendered site plan, noting that three buildings on the right were existing structures and a new three-wing building was proposed for expansion. Mr. Shimp said the existing parking lot would be extended to a new access circle serving the new facility. He presented an additional rendered view from the neighborhood, showing the three existing buildings to the left and offering a face-on perspective of the proposed expansion.

Mr. Shimp explained that the building was designed to fit into the topography, appearing as a one-story structure from the road to minimize its roadside impact, while the rear would be two stories to provide the necessary square footage for operations. He said this approach avoided a tall roadside building and reduced the development's scale from the street. Mr. Shimp stated that landscaping and site planning would be integrated into the project's design. He said views from Roberts Mountain Road showed the one-level frontage, while rear views depicted the two-story elevation created by the sloping terrain, which also allowed for integration of trails to connect guests to lakes without requiring road use.

Mr. Shimp stated that questions regarding groundwater and traffic were common and would be addressed. He said that Dr. Nick Evans, a highly experienced geologist with a long career in central Virginia, was engaged to evaluate the water impact. Mr. Shimp relayed Dr. Evans's opinion that increased water usage was very unlikely to affect the water body, explaining that the property's well was adjacent to the Rockfish River and primarily drew water from the river, which provided ample supply. He stated that neighboring wells with lesser supply were up gradient and not hydrologically connected, according to Dr. Evans's report, which was available for review.

Mr. Shimp said that in 23 years of operation, there were no reports of the Monroe Institute's well experiencing supply problems or affecting other wells. He explained that the facility's water usage was non-consumptive, as water drawn from the well was returned to the ground through a drain field, unlike agricultural or industrial uses which consume water. Mr. Shimp cited a USGS statistic indicating that agriculture accounted for 90% of consumed water in the United States, while public water supplies used 70% of the total. He stated that the current permit allowed 10,000 gallons per day, with projected expansion usage estimated below 15,000 gallons per day, requiring only slight adjustment through the health department as a site plan matter.

Mr. Shimp clarified that the property had a 10,000-gallon domestic water tank and that the new building would require a 120,000-gallon fire suppression tank. He emphasized that the fire tank would be filled once and used only in emergencies, serving as a community resource for fire response. Mr. Shimp stated that screening, such as planting trees, would be applied to the tank, ensuring it was not prominently visible, and fire access would be maintained.

Mr. Shimp said that the Monroe Institute was responsible for maintaining a specific section of road, currently 15 to 16 feet wide, and proposed widening it to at least 18 feet and repaving it as part of the project, benefiting the entire neighborhood. He stated that entrance improvements would also be made to enhance visibility when entering from Roberts Mountain Road onto Rocky Road, in compliance with VDOT standards. Mr. Shimp acknowledged a modest increase in traffic due to the expansion, justifying the road improvements.

Mr. Shimp compared anticipated traffic, estimating 523 trips per day for a hypothetical 49-lot subdivision, while current Monroe Institute traffic was lower due to shuttle use and structured programs. He stated that with expansion, traffic would rise to 72 trips per day, representing about 12% of overall traffic, up from 4.2%, but only on arrival and departure days. He reiterated the intent to improve the road and sight lines to accommodate this increase.

Mr. Shimp listed proposed conditions based on neighborhood feedback, including road improvements subject to neighborhood approval, implementation of full cutoff, dark sky light fixtures, required screening for the fire tank, rainwater capture for groundwater recharge, and limiting the structure to one story facing Roberts Mountain Road. He thanked the Commission and offered to answer questions.

Ms. Proulx asked whether they would be drilling another well or making the current one deeper since this would increase water consumption.

Mr. Shimp responded that the current well will probably have capacity, but they would likely drill a second well next to the current one or in the same vicinity as a redundancy.

Dr. Ligon asked if the applicant would be willing to do a 48-hour drawdown test and measuring other people's wells during that, if water is a concern.

Mr. Shimp said that Dr. Evans is coming to the next meeting, so he could speak to that but would likely say that a second well is unnecessary.

Mr. Harman opened the public hearing.

Mr. Ronald Blake, 86 Rainbow Ridge Road, Faber, addressed the Commission and said he was speaking on behalf of multiple property owners, a list that he would furnish upon conclusion of his comments. He said this application is severely lacking in certain areas.

Mr. Blake stated that this is a major commercial development of 59,000 square feet in total, which will adversely impact adjacent property values and irretrievably change the character of this small residential community forever. He said the proposal equates to an almost 400% increase in the subdivision's population—effectively doubling the population of the subdivision.

He said with up to 90 course attendees, half the population of the area is not vested in the community.

Mr. Blake stated that an additional 90 people, including the 22 already there and the additional attendees, comes to 90, which equates to building 30 to 40 new homes in the subdivision with this increase in the number of people. He said the permit request is assigned minor status, but in just looking at these drawings and plans, this is major.

Mr. Blake stated that the application seems to fail to meet Nelson County's five planning and zoning strategic goals, which include protecting and strengthening the County's special sense of place and high quality of life. Mr. Blake said a corporate building such as this is better suited to a business park in Fairfax or Manassas, and it is not the sense of place expected here. Mr. Blake emphasized that the proposal has limited or no benefit to the local economy, and the attendees are catered for and housed in the planned hotel and conference facilities; they do not spend money at the local wineries, breweries, or restaurants while attending the course at Monroe.

Mr. Blake stated that the third strategic planning goal is to protect and enhance property land. He said people do not choose to pay a lot of money to buy a house next to a hotel or car park. He stated that the fourth goal is to improve the public health, safety, convenience, and welfare of the citizens and facilitate the creation of a convenient, attractive, and harmonious community. Mr. Blake said this facility is

specifically not for local citizens. He stated that the users fly in or drive in, stay a week, and leave before the next cohort arrives. Mr. Blake said the fifth goal is to help Nelson County community successfully pursue a more prosperous and sustainable future. He stated that the proposed facility does not help Nelson County residents pursue those goals unless they pay over \$2,000 for a course there.

Mr. Blake stated that this is an experiment in expansion never before attempted by the Institute, and it consequently contains more inherent risk than a conventional business with a track record successfully managing expansion. He said if this is approved and proceeds to be built and ultimately fails due to over-optimism and financial overreach on the part of the Monroe Board, they can walk away from it—but the families who live here cannot.

Mr. Blake said the information presented so far has been inadequate and incomplete, though a thorough job has been done insofar as it can be and in some cases misleading, particularly regarding road development and changes. He noted that the Monroe Institute does not own the roads that are highlighted as potentially being changed. Mr. Blake said by deed of government in 2008, the Monroe Institute gave ownership of the roads to all the residents and at that time the homeowners association was created. He stated that only by a vote of 75% majority of homeowners can any road improvement, change, or otherwise be made—but that vote has not taken place.

Mr. Stephen Bickers, 122 Gasp Lane, Faber, said he has lived there 27 years and moved in with his father, who has owned the house for 35 years. Mr. Bickers said that when the Monroe Institute started, most of the people who lived there were part of the Monroe Institute; it is now very much the New Land subdivision, explaining that most of the current residents are new, with previous occupants having moved out and new houses established. He said that the area has not grown exponentially.

Mr. Bickers stated that he was the president of the New Land Property Owners Association for a period and strongly disagreed with the traffic estimates Mr. Shimp provided, explaining that part of the lots being counted are on Creekside Lane, which is not part of New Land proper and does not share the same entrance. He said those residents would never be affected by the traffic counts and Mr. Shimp did not know what Creekside was, resulting in an overestimation of the number of houses.

Mr. Bickers stated that many people either work from home or have children and do not frequently drive in and out, so he questioned whether anyone would ever observe 523 trips passing through the gate in either direction. He said that the Institute's impact is further misrepresented because the conversion of Lori and Bob Monroe's house at the top into part of the Institute requires transporting people all the way through the area. He stated that the roads are not up to quality and are barely wide enough in places for vehicles to pass, and they are already being overused—with improvements not planned for all the roads.

Mr. Bickers said that the Monroe Institute has not maintained its part of the property, and when he was on the board, he would bring up the issue of road maintenance with Angie, who was also on the board at the time and works for the Institute. He stated that every building is receiving new decks and guardrails, but the road maintenance is being neglected. He concluded by saying that, because of this, he is very hesitant to believe any of the Monroe Institute's claims, asserting that if one part is not true, the rest may not be true in terms of its impact on the community.

Mr. Heath Matysek-Snyder, 1124 Roberts Mountain Road, Faber, stated that he wanted to voice concerns and reservations about the Monroe Institute's SUP application #250260 and a subsequent expansion proposal. He stated that the first concern is the overall size, scale, and commercial aspect of the project. He said that at approximately 59,000 square feet, including the first level and walkout basement, the

building proposed is a large-scale commercial building that would be out of character with the other Monroe Institute buildings and with the houses of the New Land subdivision.

Mr. Matysek-Snyder stated that this large commercial structure will be built in a quiet rural subdivision on A1 agricultural zone property and will stand out in the landscape far more than the current Monroe Institute buildings, which are tucked away. He said this proposed expansion will negatively impact the visual character of the rural bucolic community by day and increase light pollution by night, although there were steps taken to address that. He stated that a primary concern is the potentially detrimental impact this large-scale commercial expansion will have on the New Land community's water supply.

Mr. Matysek-Snyder said the Monroe Institute's groundwater assessment for their proposal provided inadequate detailed information and evidence that this large commercial expansion will not have negative effects on residential wells in the New Land subdivision. He stated that in the past few years, several wells in the community have periodically run dry and the Monroe Institute's proposal fails to adequately assess the immediate and extended impact on the community's water supply. He said a more extensive groundwater assessment study by an independent entity is necessary.

Mr. Matysek-Snyder expressed concern regarding the lack of transparency related to the SUP application and the subsequent expansion proposal. He said that many New Land residents, himself included, were blindsided by this expansion proposal, the size and scale of the project, and the last-minute nature of how they were told about it. He said the informational meeting called by the Monroe Institute for New Land residents on October 5th was beneficial, but calling it just one week prior to the October 22nd Planning Commission meeting did not give residents of the New Land subdivision adequate time to gather relevant information and ask meaningful questions regarding this community-altering expansion proposal. He asked Commission members to consider postponing a vote on this SUP application.

Mr. Paul Devoursney, 105 Forest Lane, Faber, thanked the Commission and said he was here to address the water situation in this area. He said there are a lot of wells that are running dry, and there are properties that have four or five wells dug on them currently. He said they are talking about how this is not going to impact water usage or the water supply in the area—yet there have been no water studies done showing how much water is going into their well and how much water is coming out of their well. He suggested that an independent commission or person study and demonstrating waterflow. He emphasized that the applicant should answer a lot of questions about how much water they are actually using and how much water is available. He said they talk about returning water to the groundwater, but that is not really true; they are going to be returning water to the immediate area around the open roads.

Mr. Devoursney said they also talk about making it a one-story visible from the road. He stated that if you look at the picture, the first story is brown, followed by a roof that makes it technically a second-story building. He said if you are looking at it from the road, you will see brown and then above it, gray—two stories, not one. He stated they are talking about minimizing visual impact, but he does not see that.

Mr. Devoursney said the Monroe Institute is a fundamental part of the community. He stated he moved here four years ago with the understanding that the Monroe Institute was part of the community. He said he has had friends who attended the Monroe Institute, and at least one friend whose life was changed by the Monroe Institute for the positive. He said he has had no trouble with the traffic, and the people on the roads have been polite. He said the traffic study does not make sense to him, and there is no way that there are 500 people coming and going from there every day, or even every week.

Mr. Drew Perkins, 122 Gasp Lane and 116 Gasp Lane, said he has lived in the County for 35 years and did not know anything about the Institute when he moved here but was simply looking for a house he could afford in an area he liked.

Mr. Perkins stated that the New Land Property Owners Association (NLPOA) road maintenance agreement is divided up among all landowners, which the Monroe Institute is considered. He said that with owning two homes there and having two lots, he has two votes; Monroe has nine votes. He stated that what they're proposing in terms of the roads specifically cannot be done by their agreement—which was put in place in 2008 when they took ownership of the roads from the Monroe Family Trust.

Mr. Perkins said he was a Monroe lawyer who was in part responsible for drafting the document that we all adopted in 2008, and that document is very specific in terms of what the Monroe Institute's responsibility is in terms of maintaining the paved portion of the road. He emphasized that they haven't maintained that in at least 15 years, and it may have been longer than 15 years since they paved it—but they can't expand their paved footprint without 75% of the landowners approval based on the NLPOA document. He added that he doesn't think they have the votes to successfully be able to do what they want to do, and that would be to expand the roads and expand their paved footprint.

Mr. Perkins echoed his neighbors' concerns about water and traffic, and it was not uncommon for them to find four or five program participants walking on the road, which he did not mind. He emphasized that he respects what they're doing, but to bring that many more people into the community, they're not limited to just that section. He said he lives a mile past the institute off Roberts Mountain Road and has found people roaming in his yard and just looking through the neighborhood. He said while it was okay now, he did not personally want that many more people in the community on a weekly basis.

Ms. Shakti Pierce, 599 Remo Ridge Road, Faber, stated that she shared the concerns that she has heard and also understands the Monroe Institute's need to expand. She commented that Monroe has been central to the community and what founded it in the first place. Ms. Pierce said her family agrees that a lot of the concerns could be remedied if the proposal were scaled down—as this is a really big change, which means bigger impacts and bigger variables.

There being no further speakers, Mr. Harman closed the public hearing. He asked Mr. Shimp to readdress the Commission.

Dr. Ligon said Monroe Institute owns both sides of the road and asked if they had discussed a land grab from Barbara Bledsoe.

Mr. Shimp explained that the road itself is in its own parcel and is not owned by the adjacent landowners, but rather the property association. He said if the property owners vote against that, then they can't move forward with it—but he hoped they would accept that. It would be a condition that if the building could not open until those things (widening the road, repaving it) were completed.

Mr. Harman asked if it wouldn't impact the project if the road remained the size that it is now, or if there is a requirement that it must be 18 feet wide.

Mr. Shimp responded that there is no requirement that it be widened to that standard, as it is a private road and not a VDOT road.

Mr. Harman asked if he agreed that they have the legal right to not do that change.

Mr. Shimp responded that some things are maintenance and others are improvements, and their responsibility is to maintain—which is a tricky area to define. He said if they repave the road and widen it one foot, for example, the question is whether that's an improvement requiring a vote. He said in principle, they will put this forward and say they are willing to do it if the NLPOA is willing to accept it.

Mr. Smith asked about maintenance contributions.

Mr. Shimp responded that they already have responsibility to maintain that whole section Monroe is on, and there are many other maintenance contributions also; the agreement sort of already works that out. He said it is a matter in this case whether they want the improvements, which is where it gets into an area that has to be discussed in this agreement.

Ms. Proulx pointed out that they're asking for an SUP, and the County can put conditions on an SUP.

Mr. Smith said it's great they have offered to improve the road, but maintaining those improvements gets expensive over a period of time, so that's a consideration they need to look at.

Dr. Ligon asked if the intention with this expansion is to not be shuttling people to different buildings—that they are all going to be there.

Mr. Shimp explained that Robert's Mountain Retreat is another part of the facility that's at the very end of Robert's Mountain Road, which is similar to a non-conforming use and cannot be expanded without an SUP also. He said they are not asking for that and there's no expansion of that, so no further attendees will be going to Robert's Mountain Road; any added attendees are only at the site under consideration here.

Dr. Ligon said her inquiry was whether there would be less people going to the retreat because they're being housed down in the other area.

Mr. Shimp clarified that this is separate, and people can choose different programs, different spaces; hypothetically, if they weren't at full capacity all the time with one facility, people might choose to go there, but this SUP doesn't really affect that. He said the same number of people will have the right to go there as before.

Mr. Smith asked how many more employees they were anticipating.

Mr. Shimp responded that it would be five or six more.

Ms. Proulx commented that Monroe has facilities all over the world.

Monroe Institute Director Allyn Evans responded that they have an international presence but do not own any structures internationally.

Ms. Proulx commented that this is a huge increase.

Dr. Ligon said she still had questions on the water drawdown but realized the professional hydrologist was coming to the next meeting.

Ms. Proulx said she has not had the information for very long and would like to visit the site. She commented that they cannot address the business model, but there is also no control if they sell the business as to what type of convention center can go in.

Mr. Harman stated that it would also be helpful to have the full Commission present for this discussion and decision, as two were absent tonight.

Ms. Proulx commented that one of the issues is that the other two people won't have heard the public comment, but they could get the recording.

Ms. Bishop said she could also summarize the meeting for them, and her recommendation was not to have another public hearing on this item.

Ms. Proulx made a motion to defer action on SUP #250260 to the Commission's November 19, 2025 meeting. Mr. Smith seconded the motion.

Yes:

Phil Proulx

Mike Harman

William Smith

Board of Supervisors Report

Dr. Ligon stated that at the Board's last meeting, they received a report from the engineer for water exploration on the Larkin property, and he discussed pulling water from the creek and explained the process for a 48-hour drawdown test. She said they would have another session and discuss the report, then decide on direction.

Upcoming Scheduled Meetings

- November 19, 2025 (third Wednesday to accommodate Thanksgiving Holiday).

Ms. Proulx made a motion to adjourn the meeting. Mr. Smith seconded the motion.

Yes:

Phil Proulx

Mike Harman

William Smith

Respectfully submitted,



Dylan M. Bishop, CZA, CFM

Director of Planning & Zoning



Planning & Zoning Fee Schedule

MAY 12, 2026

Purpose of Updating the Fee Schedule

- Staff's goal is to modernize Nelson County's fee schedule to reflect future workload, ordinance updates, and County goals outlined in The Nelson 2042 Comprehensive Plan.
- When zoning reviews and inspections are provided at little or no cost, administrative expenses are ultimately absorbed by the general taxpayer rather than the applicants and property owners utilizing the service.
- In addition to fee updates, staff intends to improve public notice and advertisement visibility for hearings, which has consistently been one of the most common areas of public feedback for the Planning & Zoning Department.
- This update is driven by:
 - ❖ Need for cost recovery for administrative processes and items which require public hearings, Planning Commission review, and/or Board of Supervisors approval.
 - ❖ Expanded review requirements associated with the updated Zoning and Subdivision Ordinance
 - ❖ Addition of more structured review processes and new zoning applications
 - ❖ Adoption of Short-Term Rental software
 - ❖ Increased enforcements needs and onsite inspections

Current Fees and Regional Context

- Nelson County Planning & Zoning is below regional averages in most major development review categories.
- Some applications including zoning permits, home occupations, short-term rentals, and zoning determination letters have no fee associated with them.
- Surrounding and similar localities used for benchmarking include:
 - ❖ Albemarle County
 - ❖ Amherst County
 - ❖ Appomattox County
 - ❖ Fluvanna County
 - ❖ Greene County
 - ❖ Louisa County
 - ❖ Orange County
- Staff's objective is not to blindly adopt similar fees to these localities, but to evaluate regional practices and develop a fee structure that supports Nelson County's operational capacity and policy priorities, while remaining compliant with the Code of Virginia.

Administrative Zoning Applications

Category	Current Fee	Proposed
General Zoning Review for Structures & Signs (does not include Building Permit fees)	\$0	\$30
Zoning Permit	\$0	\$50
Home Occupation	\$0	\$25-\$35
Short-Term Rental	\$0	\$100-\$150 + \$250 yearly
Letter of Determination (NEW)	N/A	\$150
Zoning Compliance Letter (NEW)	N/A	\$50-\$100

Site Plan Applications

Category	Current Fee	Proposed
Minor Site Plan	\$100	\$350-\$400
Major Site Plan	\$500	\$600-\$750
Site Plan Amendment	\$100	\$250-300

Subdivision Applications

Category	Current Fee	Proposed
Single & Minor Subdivision	\$175 + \$15/lot	\$500 + \$50/lot
Major Subdivision (12 or more lots)	\$175 + \$15/lot	\$1000 + \$50/lot
Family Subdivision	\$175 + \$15/lot	\$150
Boundary Line Adjustment and Vacation	\$75	\$75

Discretionary Land Use Applications

Category	Current Fee	Proposed
Special Use Permit	\$200	\$600 - \$800
Zoning Map Amendment	\$300	\$1000-\$1500 + \$50/acre
Zoning Text Amendment	\$0	\$600
Variance	\$150	\$450-\$550
Appeal	\$150	\$450-\$550

Additional Considerations for the Board

- The fee recommendations as presented are only intended as a foundational policy framework and may be amended by the Board as desired.
- The Board may also wish to consider a tiered Special Use Permit and Zoning Map Amendment fee structure based on the complexity, scale, and anticipated review intensity of certain uses.
 - ❖ Example Structure:
 - ❖ Base Special Use Permit: \$600
 - ❖ Junkyard: \$1250
 - ❖ Utility Scale Solar Energy: \$2000+
- It is important to both staff and the public that the fee structure is easy to administer and not overly complex across similar application types.

Implementation

- The proposed fee schedule would become effective concurrently with the adoption of the updated zoning and subdivision ordinance.
- Staff intends to work with the Building Inspections Department to update application forms and supporting materials, revise internal procedures and workflows, and establish clearer application submittal requirements to improve process clarity and efficiency.
 - ❖ Staff is evaluating website enhancements to improve application accessibility and overall user experience.
- **Please note:** A 3.68% credit card processing surcharge is applied to electronic payments by the County's third-party payment processor and is not retained by Nelson County.



Questions?

	Albemarle	Amherst	Appomattox	Fluvanna	Greene	Louisa	Nelson (Current)	Orange	STAFF SUGGESTION
BZA: Appeal	\$585	\$300	\$550	\$550 + \$50/sign posting + mailing costs	\$500	\$1,250	\$150	\$200 + mailing & advertising	\$450 - \$550
BZA: Variance	\$590 (includes any required SUP)	\$300	\$550	\$550 + \$50/sign posting + mailing costs	\$500	\$1,250	\$150	\$300 + mailing & advertising costs	\$450 - \$550
Home Occupation	\$30	\$15	\$75	\$50	\$100	\$100	\$0	\$25	\$25 - \$35
Short-Term Rental	\$169	\$15	?	\$50	\$100	\$0	\$0	?	\$100 - \$150
Sign Permit (excludes Building and Electric fees)	\$30	N/A	\$75	\$155	\$100 + \$2/sqft	\$100 + \$5/sqft	\$0	\$50 + \$1/sqft + \$25/inspection	\$30 base zoning review fee + any application Building Permit fees
Site Plan, Amendment	\$1,775	N/A	\$250 + \$10/acre	\$150	\$500	\$300	\$100	?	\$250 - \$300
Site Plan, Major	\$1,775	\$200	\$250 + \$10/acre	\$1,100.00	\$1,500	\$1750 + \$150/acre	\$500	\$400 + \$40/acre (each over over 5)	\$600 - \$750
Site Plan, Minor	\$1,775	\$75	\$250 + \$10/acre	\$550.00	\$1,500	\$300	\$100	\$400 (5 acres or less)	\$350 - \$400
Special Use Permit	\$1,185 or \$2,365, Depending on Use	\$300	\$550	\$800	\$500	\$375	\$200	\$400 + mailing & advertising costs	\$600 - \$800
Subdivision, Boundary Line Adjustment/Vacation	\$235/\$285	\$100	\$35	\$200/? for vacation	\$100	\$50/\$75	\$75	\$50	\$75
Subdivision, Family	\$815	\$100 + \$15/lot	\$50 + 10/lot	\$200 + \$50/lot	\$100	\$250	\$175 + \$15/lot	\$50	\$150
Subdivision, Major	\$1,300	\$100 + \$15/lot	\$250 + 100/lot	\$1,000 + \$50/lot	\$1,000 + \$100/lot	\$5,000 + \$250/lot	\$175 + \$15/lot	\$100/lot (preliminary) + mailing & advertising + \$50/lot (final)	\$1000 + \$50/lot
Subdivision, Minor	\$815	\$100 + \$15/lot	\$100 + \$50/lot	\$750 + \$50/lot	\$500 + \$50/lot	\$2,500 + \$150/lot	\$175 + \$15/lot	\$50 + \$50/re-review	\$500 + \$50/lot
Zoning Compliance Letter	\$220?	N/A	\$50	\$50 single lot or \$100 multiple lots	\$100	\$125	N/A	N/A	\$100
Zoning Letter of Determination	\$220	N/A	N/A	\$200	\$100	?	\$0	N/A	\$150
Zoning Map Amendment (Re-zoning)	\$2,960	N/A	\$550	\$1,000	\$2,000 + 100/acre	\$1,000 + \$10/acre	\$300	\$500 + \$50/acre + mailing & advertising costs	\$1000 - \$1500
Zoning Permit/Clearance	\$60	\$15	\$75	\$100 primary structure or \$50 secondary structure	\$100	\$150	\$0	\$25	\$50
Zoning Text Amendment	\$840	N/A	N/A	\$550	\$500	\$625	\$0	\$300 + mailing & advertising costs	\$600

	2021	2022	2023	2024	2025	2026
Zoning Review for Building Permits	144	151	159	175	196	84
Home Occupation	8	3	7	6	12	3
New Use	0	1	3	3	7	4
Plat/Subdivision	89	82	75	99	77	24
Zoning Map Amendment	10	3	4	1	1	0
Sign	4	5	5	3	2	0
Special Use Permit	13	18	18	4	6	3
Short-Term Rental	0	0	0	0	17	8
Temporary Event	16	18	13	12	15	5
Tower	2	18	6	5	11	2
Appeal	1	0	1	0	1	0
Variance	0	0	1	1	0	0
Major Site Plan	2	1	2	2	2	0
Minor Site Plan	4	8	5	4	3	0
Other	0	2	0	1	3	4