



Nelson County Planning Commission

Meeting Minutes

February 25, 2026

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

Absent: Richard Averitt.

Staff Present: Dylan Bishop, Planning Director; Cody Barker, Planner.

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

Officer Elections

- Chair

Mr. Harman moved to nominate Mr. Scott to serve as Nelson County Planning Commission Chair for 2026. Dr. Ligon seconded the motion. Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Dr. Ligon

- Vice Chair

Ms. Proulx moved to nominate Mr. Harman to serve as Nelson County Planning Commission Vice Chair for 2026. Mr. Scott seconded the motion. Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Dr. Ligon

- **Secretary**

Mr. Harman moved to nominate Dylan Bishop to serve as Nelson County Planning Commission Secretary for 2026. Mr. Scott seconded the motion. Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Dr. Ligon

Adoption of 2026 Schedule

Mr. Harman noted that the December meeting should be the third Wednesday (December 16) instead of the fourth (December 23).

Dr. Ligon moved to adopt the 2026 schedule as amended.

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Dr. Ligon

Minutes – Joint Work Session with BOS:

- **February 26, 2025**
- **August 27, 2025**
- **October 22, 2025**
- **December 17, 2025**

Mr. Scott moved to defer the minutes approval because of the length of the meeting agenda. Mr. Harman seconded the motion.

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Dr. Ligon

Public Hearings:

Mr. Scott suggested that they move the Monroe Institute item to be heard fourth, given the potential length of that discussion. Mr. Harman agreed.

Ms. Bishop said she did not need a motion on that, just a general consensus.

- REZ #250339 – R-1 Residential and M-1 Limited Industrial to M-2 Industrial

Ms. Bishop reviewed the rules of procedure for public hearings.

Ms. Bishop stated that this application was for property zoned R1-Residential and M1-Light Industrial, which were the parcels outlined in red on the screen; the light gray was M1-Industrial; the yellow was R1-Residential; and the small red area was B1-Business. Ms. Bishop said that the purpose of this application was to align the zoning designation with how the property was currently being used. She stated that the property was located at 2742 Arrington Road and 2731 Arrington Road, which altogether totaled about four acres, and the subject properties were currently utilized for both indoor and outdoor storage. She said the R1-Residential zoned parcel had been used for storage of shipping containers available for rent, which was a violation of the zoning ordinance. She said that corrective notice was sent to the owners, who reached out to develop a compliance plan. She stated that in discussions with staff, a rezoning proposal to align the current and desired use of the property with the zoning designation was determined as the course of action.

Ms. Bishop stated that this was commonly referred to as the “cold storage area” of Arrington and the owners had made improvements to these properties during their ownership tenure; they sent letters to property owners in the community, as provided in the application package. She reported that the site plan layout, which delineates the proposed uses, indicates the blue parcels to be continued for indoor storage, the red areas for outdoor storage, and the green-marked areas to be maintained as open space. Ms. Bishop stated that no improvements or additional development are proposed at this time. She said that should the rezoning be approved, the ordinance for M2-Industrial allows storage yards as a by-right use, and the dwelling would be permitted to be renovated and utilized. Ms. Bishop reported that the parcels are located on the northwest side of the railroad in the heart of Arrington. She said mixed zoning includes R1, M1, A1, and the B1-Business parcel. She stated that there are several legal nonconforming uses in the vicinity, including livestock and agricultural activities on R1- and M1-zoned property; they are accessed by existing entrances and no improvements or modifications are required at this time.

Ms. Bishop stated that Arrington is designated as a rural village in our comprehensive plan, where the core concept is to focus investment and small-scale development in rural villages to protect rural landscape; ensure more efficient, effective provision of community services; and create a sense of place to bolster economic development and improve quality of life. She said this area also calls for these communities to take cues from historic qualities of the villages to ensure a continued sense of place that provides economic vitality. She stated that associated planning guidelines include preserving existing structures and traditional patterns of development while allowing for a mix of uses in a more compact village setting.

Ms. Bishop stated that should the Planning Commission recommend approval of this rezoning to the Board of Supervisors, staff would recommend the following condition: The delineation of uses on the

subject properties, as shown on the site plan, shall be binding. She also noted that the Planning Commission may wish to discuss requiring screening along property lines that adjoin existing R1-Residential zoning. She stated that the special use permit review criteria are that the use shall not tend to change the character and establish pattern of development; shall be in harmony with uses permitted by-right in the zoning district and shall not affect adversely use of neighboring property; shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection, public-private water and sewer; and shall not result in destruction, loss, or damage of any feature determined to be of significant ecological, scenic, or historic importance.

The Chair opened the public hearing and asked if the applicant wished to speak.

Mr. Jeremy Hale stated that he was there with his wife, Jamie Hale, and he thanked everyone for considering this. He said they came to Arrington in 2002 looking at commercial property and went forward with buying the old cold storage warehouse, then renovating it and trying to start a few different businesses there. He said that over time, they have acquired the neighboring properties, and the two of them operate and run everything they do—a salvage, a bookstore, miscellaneous rental companies, and a few other ancillary business ventures. He emphasized that they try to utilize the property as best they can and typically try to do things by right.

Mr. Harman asked if he had considered putting the screening up where it adjoins the R1 properties.

Mr. Hale responded that he had talked to his neighbors about it, noting that there are no residences adjoining the property. He clarified that there is some land and some residential properties, but there are no actual residences there; currently, the properties are being used for the same thing he is—outdoor storage—so he feels that putting a screen up between something that's already in the same use doesn't seem necessary. He added that if someone were to get a residence there and got a certificate of occupancy, he would put a fence in between the two properties.

Dr. Ligon commented that it's not that she is not supportive, but if someone does buy one of those properties and wants to make it residential, the question was who would force him to put that screening up.

Mr. Hale said he could proffer that or put that in part of the application.

Dr. Ligon said it is only as good as his word standing here.

Mr. Hale responded that it's just expensive right now to do it, and it seems unnecessary because it is dividing two commercial lots or two outdoor storage lots from one another.

Dr. Ligon acknowledged that the look of the lot would inhibit her from wanting to put a house there.

Ms. Bishop noted that they haven't done a rezoning in a while; in her staff report, she recommended conditions, which must be agreed upon by the applicant for a rezoning and cannot be imposed.

Ms. Proulx asked whether this should be a conditional rezoning and should be identified as such in the application.

Ms. Bishop explained that they are treated the same in the same process, so there's no legal reason for it to be identified separately as conditional, if they agree on proffers.

Ms. Proulx said if agreed, that could include this drawing or what it represents in terms of no other uses. She noted that her biggest problem is what could go in to an M1 zone, should they sell the property, as there are a lot of things that might not be really appropriate there. She asked if the applicant's agreement to limit what can go in there can be a condition of the rezoning and go with the property.

Ms. Bishop clarified that it would need to be agreed upon with the applicant, and if that's the way they would like to proceed with it, she would want to give him the list of M2 uses so he could pick out which ones he would want to eliminate. She said if he wanted to say right now that these are the only uses, they could do that and then come back—but she didn't think that's the case.

Ms. Proulx said at one point, the Planning Commission couldn't suggest the proffers for a rezoning.

Ms. Bishop confirmed that they can do that now, and it's more of an open conversation.

Ms. Proulx reiterated that this could certainly change hands at some point, and what might come in the future may not be appropriate. She noted that there's not a house right next door, but it is residential zoning.

Mr. Hale stated that there's a house on the property that he intends to renovate at some point as well. He said as far as screening goes, there's a sight line that comes through and he wouldn't want to put a fence there, adding that this used to all be trees before they built. He added that it is complicated to say where they would intend to put fences, as there are a lot of houses.

Ms. Proulx said it's not appropriate to talk about a fence in a rezoning situation, as that's a special use permit or a site plan.

Ms. Bishop pointed out that they could proffer a fence as mitigation.

Ms. Proulx asked if a future owner would then have to maintain that fence.

Ms. Bishop confirmed that was correct.

Ms. Proulx said she would like to get proffers pinned down and perhaps continue this meeting.

Ms. Bishop said they can hold the public hearing and then go from there.

Ms. Proulx clarified that her proffer concerns related to permitted uses and not the fence itself.

Mr. Hale said a foundry was brought up, but he didn't know if the foundry was in the more recent one.

Ms. Proulx stated that currently, he has machine assembly, painting, upholstery, repairing, rebuilding, and reconditioning.

Mr. Hale commented that he likes a lot of those, and the warehouse is kind of light industry and machining, upholstery—and all those types of things would go inside the facility, even under M1.

Ms. Proulx said the sawmill would not likely go inside.

Mr. Hale acknowledged that he did consider a sawmill at one point, but it was inside the building underneath one of the sheds, so perhaps they could restrict outdoor storage. He said the red zones could be outdoor storage, and he didn't see any reason why they wouldn't always be outdoor storage, and he suggested perhaps dividing the property into particular aspects to proffer out, if that's possible.

Ms. Proulx asked if that was possible.

Ms. Bishop said she didn't see why on the R1-zoned parcel they could restrict it to outdoor storage, because they're not talking about the other parcels. She asked if the yellow, the R1 on the corner where the house is, he was only planning on doing outdoor storage.

Mr. Hale affirmed this and said that would always be the case, including the other red zones as noted. He said he didn't think any development would be improved or be utilized by anyone in the future; the main structure is support area for the main facilities that already exist.

Ms. Bishop said if that's agreed upon, that proffer could be only the uses as shown on the site plan, which is what she had included originally.

Ms. Proulx said if you read the SUP conditions, they don't really apply on a rezoning. She said they should have the public hearing, then she would probably like to postpone—and she would recommend that so they can get a written set of proffers and some certainty. She added that it won't make any difference time-wise, because he won't have to move his storage units or anything since this is still in process.

Mr. Scott asked if they could do a contingency and still vote on this.

Ms. Proulx responded that she didn't know exactly what he would come present on paper.

Mr. Smith suggested that they go ahead and hear from the public.

The Chair opened the public hearing.

Ms. Melissa Thompson, 2642 Arrington Road, stated that she owns the lot that was purported to currently be storage—but that was not the case. She said they bought it intending it to be part of their lawn, and also because it had a septic tank and drain field on it from the previous owner. Ms. Thompson said they are planning to build a home somewhere on the 3.5 acres they own, perhaps adjoining their three lots for a more handicap-accessible home as theirs is a 103-year-old two-story home. She stated that she is only opposed to the rezoning that is beside the R1 property she own and has no concerns about the rezoning of the other property. She said they do entertain in that space with fellowship from church friends and the Order of the Eastern Star and the Masonic Lodge, and they would prefer not to have the storage bordering that property.

There being no further public speakers, the Chair closed the public hearing.

Ms. Proulx moved to postpone the decision on this item until their next meeting, pending written proffers from the applicant. Mr. Harman seconded the motion.

Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Dr. Ligon

Ms. Bishop confirmed that the rezoning was being deferred until their March 2026 meeting; they have held the public hearing; and staff would work with the applicant on shoring up the proffers.

- **SUP #260024 – Restaurant (Coffee Shop) in A-1 Agriculture**

Ms. Bishop reported that this is a request for a special use permit for a coffee shop, a restaurant use on property zoned A1-agriculture at the Rockfish Valley Volunteer Fire Department, which has entered into a lease agreement with the applicants. She said they are proposing to establish a community-based mobile coffee business on the property—Turk Mountain Coffee Company—to serve residents and commuters. She stated that the applicants also intend to implement a round-up program, the proceeds of which would support Rockfish Fire and Rescue. She said a 450-square-foot pad is proposed to house the trailer about 140 feet from the edge of Route 151.

Ms. Bishop reported that a restaurant is currently defined as “any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops, or refreshment stands.” She noted that the County does not typically regulate food trucks that are actually mobile, but this would be a stationary trailer—similar to when Woodridge applied to do their restaurant use there. Ms. Bishop stated that Outback Brewhouse is zoned business, but they treat that as a restaurant as well because the food trailer does not move.

Ms. Bishop stated that the area is somewhat mixed-use, including rural, residential, and commercial properties, and zoning in the vicinity is A1-Agriculture on the east side of Route 151, including Sentara Afton Family Medicine. She said the west side of Route 151 is zoned R1-Residential, and just south of the property at the intersection of 151 and Tanbark Drive is B1-Business, where the Afton Service Center is located. She stated that the property is accessed by an existing entrance on Route 151 and adequate parking is provided; it is served by some existing utilities, and they will be applying for other utilities.

Ms. Bishop stated that the property is located in a rural area and is part of a gateway and corridor, as designated by the County’s future land use map. She noted that the core concept is to ensure protection of the County’s rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low-density residential uses. She stated that primary land use types include institutional, farms, agriculture, forestry, agritourism, parks, recreation, and trails. Ms. Bishop said development along and within gateways and corridors should protect the rural landscape and incorporate features and quality design that enhance community character and quality of life.

Ms. Bishop stated that in reviewing the draft zoning ordinance in comparison, this property would be located within the proposed Route 151 corridor overlay and would require a special use permit, so the same process would apply. She said staff recommends approval, and the Planning Commission recommend approval with the conditions that there shall be no drive-thru component and that the site for the mobile trailer shall be set back at least 140 feet from the edge of the Route 151 right-of-way.

The Chair opened the public hearing.

Mr. Ian Hudlow, owner of Turk Mountain Coffee Company, stated that they are a family-owned and run local business that they hope to bring to the surrounding area. He thanked the Commission for their consideration of the coffee trailer. He said their mission is to deliver some of the best coffee to area residents, and to support a vital community service—the Rockfish Fire and Rescue Squad. He said their business model incorporates a dedicated round-up program exclusively for the squad, which hopefully

will ease the burden of operating costs and budget shortfalls. He added that they hoped to have long relationships with the residents of Nelson County and the first responders.

Mr. Harman asked if the mark on the top left of the map would be the trailer.

Mr. Hudlow confirmed that the trailer sits on a 9x24' trailer built on a small gravel pad, and they are planning to excavate a 15x30' pad and then put gravel down, then put the trailer down. He said at any time, they could move the trailer but do not plan to do so.

He said they have already worked with CVEC, which has approved a separate permanent service that requires him to put in a meter base; he will also dig a line to the trailer to connect it for power. He said they would share water with the fire and rescue department and would contract with them for usage, and the only waste they would have would be water, coffee grounds, and milk. He said the waste shouldn't be that much, and they have a gray water tank and are discussing with the fire department being able to put that into their wash bay. He said he has also talked with Allied Portable Toilets to come weekly or as needed to remove this gray water, and they can remove it for them. He estimated that this would be 20 to 30 gallons a day at the most, and employees would also be washing their hands. He confirmed that this would be an all drive-thru service and there would be no seating.

Ms. Proulx asked how that aligned with the recommendation that there not be a drive-thru component.

Mr. Hudlow responded that he would like to have a drive-thru component, and the trailer is fixed and stable. He said the space of the parking lot provides a great opportunity to have people come into the parking lot, loop all the way around, and then pull up on the driver's side to their window. He said if that wouldn't be allowable, they would possibly have to get another employee to be outside and then bring the coffee out to the car. He emphasized that this is a very well-built trailer that will have pneumatic jacks that hold it in place with a skirt around the whole trailer.

Mr. Scott asked how many parking spots would be dedicated to his business.

Mr. Hudlow responded that he would have to discuss that with fire and rescue, but there are easily 50 parking spots in the lot and he would like to have 5–10 dedicated. He added that if there is an event, they could shut down during that time, or any time there is a problem. He said the nearest parking space would be to the left about 20 feet.

Mr. Scott asked if he had discussed a drive-thru with the fire department.

Mr. Hudlow responded that they had not discussed it yet, but the fire department liked the initial idea. He said the first step was to come to the Commission and then go to the Board, and there are some details that need to be finalized with the rescue squad. He added that getting out and walking up to the trailer would create more of a parking congestion than if cars were coming up to the window, getting their coffee, and driving off. He said he has looked for six months to find a great location, which is challenging in this area, and they would also be providing Rockfish with lease income.

Theresa Coffey, 550 Coffey Hollow Lane, Tyro, said she is part owner of a property at 94 Windy Acres Drive, directly across from where the entrance of the fire department is. She said the people directly across from her house face the fire department, and it's already hard enough for them to get in and out of where they must turn into Windy Acres Drive, and adding more traffic coming in and out is problematic. She said they don't want to see that trailer or anything right where their home is. She said a fire department is a community service, so that's understandable—but to start having businesses when

they already have a big sign for the fire department flashing in their windows at night is something to be considered. She added that the hours of operation should also be considered in a residential area.

There being no further public comment, the Chair closed the public hearing.

Mr. Scott said the problem with doing a drive-thru with that entrance is sharing the throat or the intersection with an emergency services building; if they have cars lined up and there is a Code 3 call and they have to go, there will be an issue.

Mr. Hudlow said he hoped if people heard sirens or saw that the emergency services were coming out, everybody would stop—but it's always possible some would be so oblivious to the lights and sirens that they would pull out in front.

Mr. Scott said on 151, they hardly get out of the way of normal traffic.

Dr. Ligon said she has concerns about the placement and it being a drive-thru, realizing that they want to be seen from 151. She said she is imagining a mom with her kids distracted on 151, and they need excellent signage to make that work, and then they are going against traffic trying to get out. She said they would be navigating people coming in on the right side and crossing in front of them, which is a disaster.

Mr. Hudlow suggested that they move it down into the parking lot a bit.

Dr. Ligon said that's a better idea.

Mr. Harman pointed out that none of this shows up on the drawing.

Dr. Ligon added that this is contingent on not having a drive-thru component.

Mr. Hudlow said location is key and they would love to have visibility, but the drive-thru aspect is equally important.

Mr. Harman asked if the fire department had something to say about the drive-thru, because it's implied that they didn't want it.

Mr. Hudlow said he didn't know on that application that it said they didn't want the drive-thru.

Ms. Bishop said that did not come from the fire department, and the no drive-thru component came from the draft ordinance. She said this is along the Route 151 corridor overlay, which is 500 feet on either side, and in the draft ordinance, there are no drive-thrus permitted. She said if the drive-thru component is important, getting it out 500 feet beyond, that's outside of the corridor overlay.

Mr. Hudlow said he didn't think the parking lot goes 500 feet.

Ms. Bishop said the setback from the trailer to the back property line is 546 feet.

Mr. Hudlow said he would love to have a drive-thru component, but 500 yards would put them down in the field, and that wouldn't be appropriate.

In discussion of sign size and placement, Mr. Hudlow said he would have a sign on the trailer, but he would be relying largely on social media to generate a buzz.

Mr. Smith said he realized the fire department needed to make money and wanted the gentleman to have business in Nelson County, but he has traveled extensively and has never seen a private business share an entrance with an emergency services building, and there's a reason for that. He stated that this

really hadn't been thought out that well, and 151 is dangerous and overly congested. He said at least weekly, he has to avoid rearending someone because they decide to stop at a brewery or a distillery at the last minute. He said he wasn't saying no to this, but no, not right now—until there is better forethought and planning.

Ms. Bishop said this can always be deferred to allow staff to work more with the applicant on a revised plan.

Dr. Ligon said it's fair to give them the chance, as the zoning rules are currently in flux, but the comprehensive plan has decided to stifle business on the 151 corridor. She stated that the applicant needs to know the Board's changes and whether he still thinks this is something to pursue.

Ms. Proulx said she shared some of Mr. Smith's concerns about the business traffic and emergency services, particularly the person who's distracted and trying to figure out which way is in and out. She said some clearer separation might be helpful.

She said they haven't talked about hours at all, and this is a special use permit, which typically runs with the property. She asked if this business doesn't fly whether anybody else can then come in and put in a restaurant since that's what they are approving.

Ms. Bishop responded that it would depend on how substantially different it was from this proposal; if it were substantially different, it would come back to the Commission.

Mr. Barker said that intensification of use would require an amendment to the special use permit itself. He stated that they could have the applicant develop a site plan, and adding seating or other amenities could be done through a minor amendment; but when staff sees that there is an SUP on file, it would flag an application that this is an expansion of the use, so they would go through this process again.

Dr. Ligon moved to defer SUP #260024 until the next meeting.

Mr. Harman seconded the motion.

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Dr. Ligon

- SUP #260033 – Campground in A-1 Agriculture

Ms. Bishop reported that this is a request for a special use permit for a campground on property zoned A1-Agriculture at 4374 Tye River Road. She stated that the property is 10 acres and currently vacant. She said that in 2020, there was a special use permit issued for this property for placement of a single travel trailer, allowing stays up to 180 days, which has since expired.

Ms. Bishop said that the applicants are proposing to develop a boutique glamping property with 12 dome structures in phase one and an additional 8 units in phase two for a total of 20 sites. She stated that associated facilities and activities include a welcome kiosk, shared gathering areas including fire pits, grills, playground, camp store, centralized bathhouse, and small-scale amenities to include a sauna, hot

tub, and cold plunge. She said that the proposal includes a parking lot set back over 300 feet from Tye River Road, with pedestrian access to the sites.

Ms. Bishop said that the narrative provided by the applicant says the project intends to be a low-density, nature-focused lodging option that relies on small-scale structures, cluster development, and open space preservation. She stated that the area is heavily wooded and vacant with residential uses on the east side of Tye River Road and all zoning in the vicinity is A1. She said the property is accessed by an existing entrance on Tye River Road, and any improvements would be required to comply with VDOT standards, with the parking area containing 26 spaces proposed upon entrance to the property. She added that the property would be required to comply with health department regulations for a campground.

Ms. Bishop stated that this property is located in a rural area and that the future land use map should ensure protection of the County's rural landscape and economy to maintain open space, scenic views, and agricultural uses with compatible low-density residential uses. Ms. Bishop said primary land use types include institutional, farms, agriculture, forestry, agritourism, parks, recreation, and trails. She stated that planning guidelines include incorporating cluster and conservation development principles and setback or screen development.

She said that in reviewing the draft zoning ordinance, this proposal would require a special use permit; minimum standards proposed in the draft include a 10-acre lot size minimum, open space requirements, refuse requirements, and standards for retail sales and accessory facilities. She stated that several of these aspects have been included as recommended conditions, should the Planning Commission recommend approval:

- 1) There shall be no more than 20 sites. Overnight facilities shall be installed by the developer and shall comply with building permit requirements as applicable.
- 2) A bulk solid waste receptacle shall be provided, maintained in a clean condition, enclosed on all four sides by a fence, wall, landscaping, or other screening as approved by the director. Refuse shall be collected and transported at least once weekly.
- 3) A minimum of 10% of the total acreage shall be reserved as common open space and recreation facilities.
- 4) The parking area, interior roads, and access to individual sites shall be comprised at minimum an all-weather gravel surface.
- 5) The site shall be developed in general conformance with the submitted site plan.

Ms. Bishop stated that the applicants were present.

The Chair invited the applicants to speak.

Ms. Erin Highton addressed the Commission and said that she and her husband, William Highton, reside at 817 Wynwood Drive, Virginia Beach, and are proposing the development of a small campground here intended for use by those seeking quiet recreation in nature. She stated that this had been a dream of theirs and their families for the past two years, and that during that two-year period, they have searched the entire state of Virginia looking for a property that would work with their vision, and that the property they had found at 4374 Tye River Road checks a lot of boxes for them.

Ms. Highton said this would be a peaceful retreat with minimal disruption to neighbors—not a venue for large-scale groups, gatherings, concerts, weddings, or parties. She stated that there are no RVs; there are no tents allowed, so people are not bringing their own equipment. She stated that they planned to preserve as much of the tree canopy as possible during development and to maintain the rural character of the area. She said that glamping (glamorous camping), draws a wide range of demographics, couples,

friends, and families, and that in the past five years, the demand for immersive experiences in nature, away from the hustle and bustle of urban areas, has increased, and this will be one of the key factors driving growth for them. She stated that their campground encourages low-impact tourism and will attract visitors who want to experience the surrounding mountains, rivers, trails, wineries, breweries, orchards, and all the beautiful things that Nelson County has to offer.

Ms. Highton said as mentioned, people will not bring their own equipment. She stated that they would be providing dome tents for camping, and their proposal is an authentic camping experience with just a touch of luxury. She said that guests will book their stays in advance and receive a unique code to gain entrance to their dome tent, which will be furnished with premium linens, stylish furnishings, mini appliances, and a panoramic window to view the beautiful surrounds. She said they have two size domes that they would be constructing: 16 feet in diameter and 23 feet in diameter. She stated that these are small-scale, non-permanent structures that will be built on decks, which creates a far less impervious surface than would a cabin or a home; select sites will also offer an adjacent private hot tub.

Ms. Highton stated that guests would also have access to climate-controlled bathhouses with premium fixtures and also a camp store, which would offer snacks, ice, firewood, all camping essentials, along with some merchandise and souvenirs that they hope to bring in from local artisans and businesses. She said that they also planned to include a communal sauna, a cold plunge, and a nature playground, so there will be multiple ways for guests to take part in wellness activities and outdoor recreation while on site.

Mr. William Highton said that these are some things that are important to them and that they kept them in mind when designing this. He stated that respect for their neighbors is important. He said that clearly marked property lines and trails well within the boundaries would keep guests on site. He stated that guests will also receive clear guidelines about basically how to be courteous of the surrounding homes and land.

Mr. Highton said that safety is important. He stated that they will collaborate with local fire and EMS teams to develop a comprehensive fire safety plan. He said that they would have a turnaround space for emergency vehicles. He stated that each dome would be equipped with a fire extinguisher, and that fire safety rules will be posted, and that all regulations will be enforced. He said that the property would also be monitored with closed-circuit cameras.

Mr. Highton said that low traffic is important. He stated that guests would be allowed one vehicle per dome reservation so that even on the rare occasion that it is a full house, there are only 20 cars, 20 additional cars on Tye River Road. He said that a central parking lot on the site would prevent vehicle traffic through the property, creating a safe environment for guests while preserving the natural landscape. He stated that dark sky compliance is important. He said that, in line with Nelson's commitment to preserving dark skies, all lighting on the property would be downward-facing, warm color, and low intensity.

Mr. Highton said that peace and quiet are important. He stated that strict noise measures would be clearly communicated, and that quiet hours would be enforced as well to ensure a peaceful environment. He said that no amplified music or speakers would be allowed. Mr. Highton said that environmental care is important. He stated that the property will remain clean and well-maintained, and that the natural setting will be retained. He said that a gravel parking lot and paths will reduce erosion and that native landscaping practices will be used.

Mr. Highton said that the Ferncrest franchise is an outdoor lodging franchise focused on providing nature-based, comfortable experiences. He stated that they have been in close contact with Ferncrest

throughout the process of selecting and planning the campground. He said that the Ferncrest team offers support, brand recognition, operational assistance, as well as booking software to give them an advantage. Mr. Highton said that Ferncrest is currently in the process of registering to conduct business in Virginia, and that they are currently under contract with them and will officially join the franchise once the registration is complete. He stated that since opening the first place in the Poconos in 2023, Ferncrest has opened two additional properties and is scheduled to open six more by the end of the year.

Mr. Highton said that they are excited to bring this franchise to Virginia and the expanding market to Nelson County. He stated that they had cleaned up the site plan a little bit, but that it is all the same stuff. He said that as Mr. Highton mentioned, phase one would essentially be 12 dome tents, eight of the smaller and four of the larger.

Mr. Highton said that they would have four adjacent hot tubs, a cold plunge, a sauna, two bathhouses, a camp store, which is basically self-service, and a playground. He stated that the trail going in would basically have all-weather gravel services for the trail coming in, the turnaround, and the parking lot, as well as the trails going back to the dome tents. He said that they have also started a walking trail that is already in place to get visitors back to the creek, but that they would likely make a loop just to keep people from wandering off too far. Mr. Highton said that phase two would just add an additional eight tents and four hot tubs.

Ms. Highton said they are in 100% agreement with all conditions proposed and have no intention of exceeding 20 sites on this property. She said they already had plans for the gravel surfaces on any of the roads for the vehicles coming in, the parking area, the turnaround space, and the walking paths.

Mr. Harman said one of the issues that always comes up is how this will be managed when there is an issue or complaint—too much noise or some kind of a problem—and he asked who would be managing this on a full-time basis at the site.

Mr. Highton responded that he would be there pretty much full-time for the first couple of years until they get everything off the ground, and he would be the enforcer.

Mr. Harman said that given there would be a camp store, he assumed there would be somebody there in the camp store.

Mr. Highton explained that this is completely self-service, and they would just have some cameras inside; he said this is an upscale, resort-type situation, so there is nobody in the camp store.

Ms. Highton added that all guests would receive a code.

Mr. Harman asked for confirmation that there will be full-time management there whenever there's anybody staying in the domes; there will be full-time people there that can resolve any complaint.

Ms. Proulx asked if they were comfortable with that being one of the conditions.

Mr. Harman said that's not shown as a condition, and they live in Virginia Beach.

Mr. Highton explained that these are to be run as an Airbnb-type setup, and he asked if an onsite presence would be a requirement.

Ms. Highton pointed out that they also plan to have a remote manager. She said after the first couple of years, they plan to have a manager who would be local to the area who could handle any issues or complaints that should arise.

Ms. Proulx said in the past, the County has stipulated having someone within 30 minutes of the property.

Ms. Highton said she would feel comfortable if that was a condition.

Mr. Scott opened the public hearing.

Ms. Jackie Fitzgerald, 7139 Norwood Road, Gladstone, said this doesn't directly impact her or her home, but her stepdaughter and husband and 10-year-old grandson moved down here to build a home so they could help take care of her and her husband in their older years. She said this is directly adjacent to her stepdaughter's property, and they are under contract to build a home on the eight acres they bought—with the intent of having a farm life. Ms. Fitzgerald stated that it has been disturbing to see areas like Wintergreen developed over the years, and those people can't do anything as homeowners to have a normal life. She added that she has been here her entire 63 years, and part of the reason is to be in a quiet community. She emphasized that the applicant did not say he would be onsite 24/7, which is a necessity even after the two years he mentioned.

Mr. James Booker stated that his mother-in-law, Ms. Fitzgerald had been discussing the 10 acres of land adjacent to the 8 acres of land he had just purchased, noting that the little red dots on the pictures were part of his land. He stated that he had moved from Chesapeake County with his family and had been in an HOA there for 10 years—but he is a country boy who wants to get back to the country. He stated that they bought the 8 acres without knowing that a campground would be on top of them, and they would not have purchased it if they had known. He stated that they bought the 8 acres so his wife and son could keep chickens and cows and use the land as farmland. He stated that he enjoyed shooting guns and targets, and he wanted to skeet shoot and turkey shoot. He stated that he had a concealed permit and could do many things with guns. He stated that he was teaching his son to shoot a .410 shotgun, which they could not do that in Chesterfield County.

Mr. Booker stated that they bought the 8 acres to be closer to his father-in-law and to return to the country, and he was completely opposed to the campground. He stated that his biggest concern was his 10-year-old boy and that he bought the 8 acres believing no one would be around them. He stated that the neighboring property consisted of 10 acres, and 20 tents were being proposed for those 10 acres. He asked whether background checks would be conducted on people coming in and out of the campground, as he was concerned that unsafe individuals could be present and he did not want that environment for his 10-year-old boy. He stated that he did not want his son to go outside and see people skinny dipping in the spa, and that was not his intention when he bought this land.

Mr. Booker said the applicants were about to dig ground, and if he knew this development was going to occur, they would not have bought the 8 acres. He added that the person who sold them the land provided that assurance. He stated that he was concerned about who would regulate the people at the campground and who would be present 24/7. He stated that his primary concern was having people he did not know and who were not neighbors coming in and out right beside them on the same property. He stated that they were completely opposed to the proposal.

Mr. Scott asked him which property was his.

Mr. Booker pointed out the parcel on a map and said they purchased it in September.

Mr. Clay Stewart, 1073 South Powell's Island Road, stated that the proposed campground compromises everything the County is doing toward a better planned zoning for campgrounds. He read a letter that he had prepared: "I'm writing this formally to voice my concerns regarding the proposed campground development. As a property owner and business owner on Route 29, and an avid RVer, I believe this

project goes significantly at risk in our environment, our infrastructure, and our quality of life. Environment and watershed risk is my number one reason. Other reasons I have is inconsistency with lighting, zoning in this County; people come here for the darkness.”

Mr. Stewart said traffic and infrastructure strain is not as he has it in here, and there are no RVs, so they can ignore that concern as written. He stated that noise amplification and topography is huge for that site as well because this was rural land at one time broken up for the single purpose to allow people to come in and build single-family homes. He said that’s not what this is. He stated that the last concern is electrical grid changes since they just had 9.5% increase in the last 14 months, which is going to continue; the grid is in trouble, and they know that.

Mr. Stewart said he would home in on environmental factors, as those are his primary concern. He stated that the proposed site borders Taylor's Creek and flows into the Buffalo 1,500 feet downstream, which in turn flows into the Tye 1.5 miles down; both rivers, including Piney, are in trouble, and they are not winning the battle. He said this is due to septic fields and the rock base, and Nelson has the most complex geology of any county against the Blue Ridge. He said over the 250 million years of formation, the County is compressed where they can walk 100 feet and change the base of rock, and the geology at this site where they're going to build this does not perk. He noted that the geology shows that it will produce a problem with the watersheds there.

Ms. Jessie Keeble, 4437 Tye River Road, said she is straight across from this property and her concerns are the same as others have stated. She said her kids are grown, but she still has concerns about who is coming into their neighborhood—which was meant for single-family homes—as well as the capacity here to support a septic system and well. She stated that she is also concerned about traffic on Tye River Road, which has been tricky of late, and she is not sure this is a great fit for the neighborhood.

Mr. Don Hogston, 4365 Tye River Road, said he and his wife Jane own the property directly across the street from their driveway, and their concern is primarily the random people coming in. He stated that when there was a tiny house onsite, he could hear the noise, and this campground has activities proposed that will disrupt his tranquility—which is why he bought the house. He noted that the owner is listed as “Glorines Pollack,” not the applicants here tonight. He also expressed concern about the store and the trucking needed to stock it, with the traffic being 20 cars on one driveway right across the street from him. He said there wouldn’t be a lot of things to do there, so guests would be wandering around.

Ms. Jane Hogston said the campers would also have people visiting, and this is really upsetting. She also expressed concern about what happens if a campfire gets out of control. She stated that she has seen campsites, and you can’t guarantee what other people are going to do.

Mr. Hogston said if a property manager is 30 minutes away, things may already be out of hand, and the impact of this proposal in a residential area is concerning. He added that there are a lot of small tributaries on his properties, and the previous owner had to put a lot of pipes in.

Ms. Kerry Williams, 4295 Tye River Road, said she came to the community in 2008 and was one of the first property owners on Tye River. She stated that the main reason she came here was the tranquility—with wilderness and wildlife—and it is pure country. She said the property in question was planned at one point to be called “The Piedmont,” with single-family homes, and she opposes this request for a campground. Ms. Williams stated that the proposal would disturb the natural character of Tye River Road and increase traffic on this country road. She stated that noise from people outside at all hours would be a concern, as would trash left behind. She stated that warnings and the high risk of wildfires were very concerning, as the area was all woods.

Ms. Williams stated that she had found a 200-foot yard rule from any water source, and the property has a creek running through it. She stated that campers might not use facilities and would instead relieve themselves outside. She stated that she had health and safety concerns, concerns about preserving the environment, and concerns about the effect on property values. She stated that if the property was monitored by someone living two and a half hours away and an incident such as a fight occurred, nearby residents would have to call the police and deal with the situation. She stated that she had questions about the names on the permit request and that the mailers were different. Ms. Williams said that she hoped those concerns would be taken into consideration and that the application would be denied.

There being no further speakers, the Chair closed the public comment period.

Mr. Harman stated that he has ridden down Tye River Road and is familiar with it, noting that it is a beautiful road. He said this particular lot is about four miles east of Route 29, and that is all A1 land but is planned to be a residential area in the future. He stated that the County needs to have a plan for getting some residential lots, if people are wanting to build houses, and campground is not a by-right use in A1.

Ms. Proulx said that's why they are here for a special use permit.

Mr. Harman said he is concerned about a campground showing up in this area.

Ms. Proulx asked the applicants if they have a contingency contract on this.

Ms. Highton confirmed that they did, which is why the property owner name is different.

Mr. Smith said he drove down there and rode around, and this is a nice piece of property to do what they want to do—but he also has concerns about the neighbors.

Dr. Ligon said she had been here for one other campground request, and having an onsite manager was a contingency—so she is wondering why there is a 30-minute allowance here.

Mr. Harman commented that the management is a pervasive issue, and he thinks they will encounter this again in the future.

Ms. Proulx recalled that the 30-minute provision pertained to short-term rentals and Airbnb.

Dr. Ligon asked how this applies to their zoning, if at all, since this is a campground.

Ms. Bishop explained that this is a campground, and these are non-permanent structures versus a dwelling like an Airbnb, although they may use that platform to rent them out.

Mr. Highton stated that he will be onsite there for the first two years while they train someone to manage it—someone hopefully closer than 30 minutes away—and he assured the Commission that he would not let things get out of hand. Mr. Highton said they have been in contact with Old Dominion engineering, which has reviewed the existing soil reports and the OSC construction permit from late 2024, and they have indicated that the property “looks promising” to meet the septic needs of the campground. He said the next step would be to actually do the soil evaluations and measurements, but they're confident that it would work. He stated that he would have a well and somewhere for the fire department to plug into if needed, as well as a turnaround for emergency vehicles.

Dr. Ligon said that fire is a huge concern for her, as it spreads quickly in this area. She stated that it is a windy area, and she is assuming that this is mostly pine, and they are possibly putting their neighbors at risk because of recreation. Dr. Ligon emphasized that the fire department would not arrive in time.

Mr. Smith asked if they have had a perk test done yet.

Mr. and Ms. Highton stated that they have not had that yet, but the construction permit had all that information, which they gave to the engineering firm. He said they were in the next county over and spent \$7,000 or \$8,000 to have the perk test done, then realized the entrance would cost about \$200K because there was a ravine they had to cross. He added that they have been at this for almost two years and were learning as they go.

Mr. Scott asked if they owned others or if this was the first one.

Mr. Highton responded that this is the first.

Ms. Proulx mentioned that they don't own the property yet, and it is likely contingent on this approval.

Mr. Highton noted that the owner is 100% behind this.

The Commission agreed to discuss the item in the context of the special use criteria, read by Dr. Ligon:

- 1) The use shall not tend to change the character and establishment pattern of the development of the area or community in which it proposes to locate.

Mr. Scott said that it may seem to the applicants that this is rural out in the wilderness, but he sees it as the suburbs, and it seems odd to have a campground here as it is historically a residential community.

Ms. Proulx commented that there are no other businesses right in that area.

Dr. Ligon said the only businesses on this road per se are two churches and Westvaco.

Mr. Harman said they have a new comp plan that includes a structure to put things where they need to go—not just where they want to pop up here and there. He said he is hopeful that they will specify appropriate locations for campgrounds, but this does not look to him like the right fit for this location.

- 2) The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of a neighboring property.
- 3) The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection, and public or private water and sewer facility.
- 4) The proposed use shall not result in the destruction, loss, or damage of any feature determined to be of significant ecological, scenic, or historical importance. I'm done.

The Commission had no comments on the application per the criteria as read.

Ms. Bishop said the question for the Commission is whether they feel that they would consider this if they had additional conditions to mitigate impacts or are prepared to make a motion.

Ms. Proulx said the only additional condition, as mentioned, is onsite management; the other is no fires. She said if this is successful, it is essentially having 20 apartments or something in the middle of what is effectively a residential area.

Ms. Proulx moved that the Planning Commission recommend denial of SUP #260033 for a campground on Tye River Road.

Mr. Harman seconded the motion.

Roll was called, and the motion passed by the following vote:

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Ms. Bishop stated that this would go to the Board of Supervisors in April, with a recommendation for denial.

Recess

The Commission recessed its meeting at 8:38 p.m. and reconvened at 8:44 p.m.

- SUP #250358 – Conference Center in A-1 Agriculture (The Monroe Institute, Faber)

Ms. Bishop stated that the Commission had seen this proposal a few times previously, and it had not changed substantially except for the site, so she would summarize her staff report and allow the applicant to present the changes. She stated that the properties in question totaled 53.58 acres, were home to the Monroe Institute, founded in 1971, and this constituted a legal nonconforming use that required compliance with the current zoning ordinance. She said the conference center includes residential quarters, offices, a cafeteria, a common services area, a gift shop, a meeting room, and studio storage space. She stated that in addition to the photos provided, there were some new renderings, as well as additional proposed conditions.

Ms. Bishop reported that the Commission had first seen the matter on October 22, 2026 when concerns were raised regarding compatibility with the community and impacts from expanded operations such as traffic and water supply, and the applicant withdrew the original special use permit application and resubmitted a revised proposal for the new location. She stated that the area is rural residential and institutional, with the property accessed by an existing entrance off Roberts Mountain Road and served by existing utilities. She stated that several parcels contained the existing water system, and the proposed land disturbance was anticipated to be 6.8 acres, which would require an erosion and sediment control plan and a storm water management plan through DEQ.

Ms. Bishop stated that the Commission had seen the first five recommended conditions regarding access road, site lighting, line of sight, fire suppression, storage tank, and rain water capture features. She said the two new proposed conditions volunteered by the applicant are:

- Any new conference center structures affiliated with the special use permit would be located on Tax Map Parcel 34-12-2. Other associated non-structural uses, such as trails and utilities, may be located on the additional parcels.
- Any uses on the property affiliated with the special use permit shall either be associated with the primary purpose of the facility or shall be solely educational or charitable in purpose. Weddings were not permitted, and no event would include outdoor amplified music.

She noted that all the parcels were included as part of the special use permit application to accommodate utilities and other non-structural amenities.

Justin Shimp of Shimp Engineering, 148 Tanbark Drive in Afton, said he was before them to represent the Monroe Institute. He mentioned that Monroe Executive Director Allyn Evans was also present. Mr. Shimp stated that the Commission had a lengthy discussion on the proposal in October, so he would not repeat

a full presentation, but he did want to address a few items and show a video rendering showing the approach to the new site.

Mr. Shimp stated that they talked about all various possible impacts at the October meeting, including impacts to water, and there was no direct evidence that the proposal would have an adverse impact on water—although that was difficult to pin down exactly. He stated that the Commission had also discussed traffic, including how people would be bused in and travel in one day a week, and he stated that there appeared to be consensus that traffic was less of a concern. He said the main issue raised by neighbors was the size, scale, and location of the building, which he acknowledged was a large building, as Monroe was proposing to expand from 30 to 90 visitors at one time.

Mr. Shimp stated that Monroe needed the capacity and space to provide the experience visitors were seeking, so the building could not be reduced in size, but they were able to move its location substantially. He pointed out on his slides that the building had previously been located in the field to the west of the three existing buildings, and a mountain vista was highly visible as visitors approached the site, a location that was attractive for Monroe but had raised substantial concerns among neighbors. He stated that Monroe owned about 350 acres of the original 700 of Newland and had operated there for almost 50 years. He said they want and need to expand and are working hard with the community to find a location on its land that would accommodate expansion, which was why this site was chosen.

Mr. Shimp referenced his video and said the architect had prepared the concept planning and created a rendering. He described the approach driving up Roberts Mountain Road from the intersection, noting the site up on the left, the trees remaining in the lower area, and new plantings of smaller, shorter trees in the turn-in area as specified on the site plan. He stated that as a vehicle came up the hill, the site would be directly on the left and visible through the understory of the trees; as the approach rounded the last corner toward the existing Monroe site, the proposed facility would come into view. Mr. Shimp stated that the building was now set back substantially more from the road, at about 200 feet in this different location, and when approaching the site, the view of the building would require a hard look left over the shoulder. He stated that the concept remained the same, with one story facing the road and two stories on the other side. He said another video showed the view going down the hill past the existing site toward Newland, where the same limited view would appear as vehicles left the area.

Mr. Shimp stated that one addition to the plan—and likely a necessary condition if it isn't referenced in prior conditions—was screening with understory trees expected to be 6–8 feet in height. He said because of the way the road descended and the hill rose, planting enough trees in that corridor would effectively screen the view of the building so that observers would look over the roof at the sky around it. He stated that this proposal was intended to minimize the view of the building from Roberts Mountain Road and that the flyover rendering showed the site experience for someone visiting Monroe, with parking on either side of the main central entrance. He stated that the flyover also showed that the back side of the building remained two stories and faced down toward Roberts Mountain Road, which was well down the hill. He emphasized that the building's visibility from the neighborhood would be very limited except for the narrow opening at the entrance.

Mr. Shimp stated that the goal was to work with the program Monroe needed for its business to be successful, and the institute was already fully booked for the full year. He said this location struck a compromise within its 350 acres by setting the building farther back in a way that was less apparent to the neighborhood. He stated that the special use permit was included on all the parcels because of utilities, which tied to the project but would be on other parcels; the drain field would go in the large hay field and would remain under that condition; and the water well would remain down by the Rockfish

River. Mr. Shimp said the conditions specify that the building could only go on the one nine-acre parcel even though the SUP covered all 53 acres, and the neighbors had asked for clarification of that. He stated that one person who would likely speak who about a recommended change to Condition 7 that the applicant had accepted, and the language on uses, weddings, and related matters was being tightened.

Mr. Harman asked if he was familiar with all seven conditions and had no problem with them.

Mr. Shimp replied that he had written them with the applicant. He stated that Ms. Evans had been working hard with the neighborhood on specific concerns, and he had been trying to address them as they proceed.

Dr. Ligon noted that she did not see walking paths in the conditions, and there has been concern about people walking on the road.

Mr. Scott said they were at least in the December 10th letter.

Mr. Shimp clarified that it may not yet be in the conditions, and he realized it was a high priority.

Mr. Scott opened the public hearing.

Mr. Heath Matysek-Snyder stated that he resides at 1124 Roberts Mountain Road. He said he was born and raised in Nelson County in Greenfield, close to Ashley's Market, and that he was also a property owner in the Newland subdivision, where he lived with his wife and their two daughters. He stated that he also serves the Nelson County community as a firefighter and paramedic. He stated that he was speaking that evening to express his deep concerns regarding the Monroe Institute's new special use permit application and the new expansion proposal.

Mr. Matysek-Snyder stated that the new location for the updated expansion proposal did not address or rectify any of the previous concerns raised during the initial proposal process, with the exception of the viewshed issue—but even that change only moved the huge new conference center building from one prominent ridgeline to another. He emphasized that the massive commercial scale of the project remained the same size, at approximately 59,000 square feet, and the additional traffic concerns, both vehicular and pedestrian, remained the same, and the water concerns also remained unchanged. He stated that he understood the desire and perhaps the need of the Monroe Institute to expand, but this expansion was giant and decidedly commercial on land zoned A1-Agriculture, well outside of Nelson County's commercial development corridors.

Mr. Matysek-Snyder stated that the new proposal still allows for 60 more people, plus the 30 currently allowed, for a total of 90 people to attend workshops simultaneously, which would mean an influx of 90 attendees who had little invested in the rural neighborhood and who would inundate the community on a biweekly or weekly basis. He stated that he was deeply concerned that a conference center of this scale could easily be used to host special events to generate extra income for the Monroe Institute.

Mr. Matysek-Snyder stated that he stood in full opposition to this proposal, just as he had to the first proposal. He said he sincerely hoped the Commission would vote for denial of the new special use permit application because the Monroe Institute's plan for expansion through this special use permit stood in direct contrast to the criteria used to evaluate special use permits in Nelson County.

Ms. Angie Hicks, 1857 Rocky Road, stated that she is here with her husband, Nelson. She stated that their property borders four of the seven parcels to the south, mentioned in the application. She said they have the field and all the wooded area to the right of the solid purple line, and they have a concern that Monroe is asking for several parcels but only one for the conference center. She asked what keeps

anything else from happening on those other six parcels. Ms. Hicks noted that there have been traffic and water studies, but she wondered if they had taken into account the cafeteria where food will be coming and going, and the waste that will be involved with that.

Ms. Hicks said gift shop deliveries also need to be considered, as they will put additional traffic on Rocky Road. She said Rocky Road coming off of Adial Road is a blind entrance, and you can't always see someone who's there or is coming up to the stop sign, and the intersection of Roberts Mountain and Rocky Road is a little tricky at times too; with it being a private driveway, there's not always someone to stop, especially if they are unfamiliar with the area. Ms. Hicks said that she and her husband concur with everything that the residents of the Newland community have said, as they are mainly impacted by it, and stand behind them and ask that the Commission deny this.

Mr. Nelson Hicks said his family has owned that land since the 1940s and are trying to keep it rural and country—and he does not feel that a 59,000-square-foot building is proper in that area.

Mr. Ronald Blake, 86 Rainbow Ridge Road, Faber, said he had two items to add to what's already been said. Mr. Blake stated that he welcomed the new conditions, particularly the prohibition on loud, amplified music outside and on weddings. He stated that on December 10, Allyn Evans of Monroe wrote to every property owner and stated that the intention was not to host festivals, weddings, or concerts. He stated that the conditions should be slightly revised so that in addition to weddings, they would also prohibit festivals and concerts; while hosting these events was not the intention of the CEO, management and ownership could change over time. He said his second point concerned the 332D tax parcel, which was the largest tax parcel and the original site of the building, and it was still part of the permit request. Mr. Blake stated that he was uncertain what “non-structural uses” meant, and he asked if they needed a special permit to place a trail across a field—stating that 332D and the other parcels to the south of Roberts Mountain Road should be excluded from the permit.

There being no further speakers, Mr. Scott closed the public hearing.

Ms. Proulx said she doesn't feel any different than she did last time: It is not consistent with what the development in the area has been—residential. She said although the new building location has lessened its visibility, the scale has not changed and this is still a very large increase in what hasn't changed for quite a long time. She said she doesn't see that it is consistent with the character and the established pattern of development, nor is it in harmony with the existing uses. She noted the potential for what they are still approving, which is a conference center, although Ms. Bishop has done a great job of trying to limit events. She stated that you can't name all of the potential large-scale events that could take place there, and while Monroe is probably not going to hold those, they may not own this forever. Ms. Proulx clarified that she still does not feel like it fits the area.

Dr. Ligon asked for more discussion on the other parcels included in this application.

Mr. Shimp explained that the reason they include all the parcels is because of Virginia case law that says if you have a utility such as a drain field associated with a use allowed by special use permit, it cannot go on a property that doesn't have that same permit. He said the field is there because the drain field goes there, and they don't want a situation where they have an approval and then by a technicality the drain field can't go there. He said these are included because accessory uses to the main facility are on those properties. He added that in theory, if there's a trail there and someone from Monroe walks across it, somebody could say that's not part of a special use permit and therefore cannot be used by guests. He said “non-structural” simply means trails, drain fields, or accessory things that are part of the institute. Mr. Shimp also emphasized that events would need to be associated with the business or be charitable

or educational. He said they have really had to tailor it down to address concerns, but they are talking about 90 guests on a 350 acre collection of land owned by Monroe, and there has to be some kind of way to make that work, as their pattern of business has been there since the 1970s.

Ms. Proulx commented that Condition 6 does address that pretty well.

Mr. Scott asked if anyone wanted to make a motion.

Mr. Harman said he would make one.

Ms. Proulx asked if he wanted to add festivals and concerts, as the speaker had suggested.

Mr. Harman agreed.

Mr. Harman moved that the Commission recommend approval of Special Use Permit #250358 and include the seven conditions as presented.

Mr. Smith seconded the motion.

Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Ms. Bishop said this will go to the Board of Supervisors on April 14 with a favorable recommendation with conditions, with the revision to add no festivals and concerts.

Other Business

- Work Order Amendment ZO/SO Update – Preliminary Mapping Exercises

Ms. Bishop reported that when initially discussing the scope for the comprehensive plan, then later the zoning and subdivision ordinance update, the County decided on a three-phased approach: the comprehensive plan, then the ordinances, then the mapping. Ms. Bishop said this was due to a high need to update the ordinance from 1977 for usability and state code compliance, and the land use evaluation completed by the Berkeley Group determined that the current ordinance was only 50-70% compliant with state code. She stated that map amendments in conjunction with an ordinance overhaul can derail the adoption process, so this approach would ensure that the mapping process began with a strong and compliant ordinance.

Ms. Bishop stated that with discussion and concerns on the zoning and subdivision ordinance updates centering lately on minimum lot sizes by zoning district, staff inquired about scoping some preliminary mapping exercises. She said although this would delay the adoption process for the ordinance, the method would help guide discussion and inform decision making regarding lot sizes in particular. She stated that staff had sent out a meeting poll to the Commission and the Board to schedule focused discussions on topics such as lot size mapping and other general feedback.

She said staff also met with the Berkeley Group, and at the Board's direction, prepared a work order amendment to include preliminary mapping services, which had been included in the original scope of work as an optional service. She stated that staff would work on map exercises internally, schedule an additional work session to compare the current zoning map to the future land use map, discuss how proposed text changes have addressed certain aspects, continue text amendment adoption, and then revisit the map in Phase 3.

Ms. Bishop stated that the goal was to have the Board of Supervisors approve the work order amendment at its March 10 meeting, with April 7 as the potential work session date. She said a notice had been posted on Nelson 2042 and the County website regarding the amended adoption timeline in order to keep the Commission informed. She stated that she wanted to get the matter before the Commission and noted that on the timeline for the work order amendment, the ordinance public hearings and open houses would be pushed into the summer and fall. She stated that she was not necessarily seeking direction but welcomed any feedback or questions.

Ms. Proulx said she had mixed feelings about this approach. She said she would like to get the ordinance done, but a lot of questions have arisen around what land is going to be. She said she is still skeptical of actually getting the rezonings done, but that's another step down the road.

Dr. Ligon said for those who visually need to see where they are happening, it'll be easier to make a decision; there will be a lot less words, which is appreciated.

Ms. Bishop commented that with an ordinance update and zoning in general, there are always mixed feelings.

Board of Supervisors Report

Dr. Ligon reported that the Board had a short meeting in January but was jumping into the budget and just had a meeting before this one. She said they had received their yearly report from Davenport discussing debt capacity and future projects, and the Board set their budget meeting schedule.

Upcoming Scheduled Meetings

- **March 25, 2026**

Ms. Bishop said they would see the rezoning item again without a public hearing, as well as the coffee shop without a public hearing, and two additional applications.

Adjournment

At 9:11 p.m., Ms. Proulx moved to adjourn the meeting. Dr. Ligon seconded the motion.

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Ms. Proulx

Dr. Ligon

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 and Zoning

Virginia:

AT A REGULAR MEETING of the Nelson County Board of Supervisors at 6:00 p.m. in the former Board Room located on the third floor of the Nelson County Courthouse, in Lovingston, Virginia.

BOS Present: Ernie Q. Reed, Central District Supervisor
Jessica Ligon, South District Supervisor
David Parr, West District Supervisor
Jesse N. Rutherford, East District Supervisor
Cameron Lenahan, North District Supervisor

Candice W. McGarry, County Administrator
Amanda B. Spivey, Administrative Assistant/Deputy Clerk
Grace E. Mawyer, Director of Finance and Human Resources
Dylan M. Bishop, Director of Planning and Zoning

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

I. CALL TO ORDER

Dr. Ligon convened the Board of Supervisors meeting at 6:00 p.m. with five (5) Supervisors present to establish a quorum.

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

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

Ms. Cecille Gaines of the Berkley Group thanked attendees and noted that the document before them was a tracker of new state code pertaining to zoning and particularly to Nelson County. She said they would go through the ordinance, add what was required, footnote it in red, and prepare it for the public review draft, with the Board and Commission seeing it at their final work session prior to public hearing. Ms. Gaines said the goal for this meeting was to vote and obtain majority support on agricultural lot sizes, then discuss needed land uses and permissions that need to be addressed. She said once parcel size was done, they would pause, assess time and energy, and determine whether to continue or defer to their internal work session.

Ms. Gaines said she would begin with lessons learned, noting that excessive or overly ambitious changes to agriculture or other areas could derail the entire process if the public strongly opposed them. She said lot sizes and uses were particularly hot topics for agriculture, and increasing minimum lot size from 1–2 acres to 6+ could be a major hurdle, as could ag-residential uses such as keeping chickens, excessive restrictions, or confusing use names. She stated that as the project moved through public review, the Commission and Board would need to listen to feedback, consider revisions, and have the political will to adopt their chosen solutions, noting that some opposition was likely regardless, and the hope was to land on the most acceptable approach.

Ms. Gaines stated that Berkley had received submissions from the Planning Commission and the Board, and she would review the comments to explain how people made their choices. She summarized the comments as follows: Sliding scale accomplished the need for housing and preserved rural character; no cluster division should be allowed by right in A1 but should be through rezoning; a six-acre minimum A1 lot size allowed small farms to qualify for land use, encouraged small family farms, and preserved character; there were concerns about the service authority's ability to meet growth demands; and sliding scale preserved most agricultural land while allowing a few smaller and theoretically less expensive divisions.

Ms. Gaines said other comments included consideration of: Rezoning to R1, R2, and R3 where water and sewer existed for smaller lots, possibly a quarter acre, while keeping two-acre minimum plus sliding scale in A1; directing growth away from prime natural resources land to designated growth areas and villages; and changing existing A1 from two to six acres would not be popular with many large land and homeowners. She stated that respondents wanted improved tools to track and manage sliding scale and felt it provided flexibility for property owners, did not believe that sliding scale abuse was a major driver of bad development, felt that

family divisions should be protected, and believed that proactive rezoning should occur where A1 by-right uses conflicted with desired development patterns.

Ms. Gaines stated that comments also encouraged development with more density and residential uses, ensured the future land use map depicted development intent along corridors and villages, and directed higher-density growth toward villages, existing infrastructure, and major transportation corridors while preserving rural landscapes. She said comments supported smaller lot sizes that were more appropriate in designated growth areas with existing services and infrastructure, combined rezoning of growth areas with sliding scale and cluster development, maintenance of larger contiguous tracts of farm and forest lands, and reasonable accommodation of family divisions.

Ms. Gaines explained that she noted each of the seven options chosen, with respondents not prioritizing solutions but instead wanting a combination. She stated that everyone wanted to exempt family divisions from large lot requirements, which could be implemented independently, and three options were very popular among participants.

Dr. Ligon said that 2 and 6 stated the same thing, so it was difficult to choose one.

Mr. Rutherford said that 6 allows the cluster division to allow smaller lot sizes in A1.

Dr. Ligon said she agreed with one and agreed with 2 and felt the sliding scale was hard for staff to keep up with.

Ms. Proulx said it was possible, as other places do it.

Ms. Bishop said at their regular Planning Commission meeting this month, she would report on how other localities managed that.

Ms. Gaines stated that they could choose up to four and could certainly combine them.

Dr. Ligon stated that she was a big fan of 7.

Mr. Harman said that 6 stated a higher number with a defined acreage of 6–10, whereas 2 did not specify what that higher number was, and he asked what that higher number was.

Ms. Gaines responded that one person had actually written the number “6” and stated that it had first been 10, then was reduced to 6. She said it was currently drafted as 6 and suggested using that.

Dr. Ligon said that if they agreed with 1, she questioned why they would also agree with 6, since they would have rezoned for residential community cluster housing.

Mr. Harman said that the cluster division, as defined in number 6, has a lot size in A1 that’s different from one zoned R1, R2, and R3.

Mr. Parr stated that he chose options one, 3, 5, and 7.

Mr. Lenahan said he also had one, 3, 5, and 7.

Mr. Reed said he would like to discuss options 2 and 6, stating that he was in the minority on that but had only recently clarified his thoughts. He stated that having larger A1 minimums preserved rural character in the County in ways the other options did not, and based on some recent experiences, it occurred to him that involving the public in the process was a good idea. He stated that the more that was allowed by right, the less the public would be involved in either a rezoning or a special use.

Mr. Reed said because of that, he believed larger lot sizes with the allowance for rezoning were preferable, as rezoning was not an expensive or especially time-consuming process—although it did have to go through the Planning Commission and the Board of Supervisors. He stated that this gave the public an opportunity to weigh in, including adjoining landowners and people in other parts of the County, which he felt was valuable. He summarized that he trusted a stronger process more than he trusted a lower by-right development possibility, acknowledging that changing something already in place would be problematic.

Ms. Gaines said that if she had followed correctly, he was saying he still wanted a high number for that lot size.

Ms. Proulx said that rezoning within whatever they ultimately designated as A1 made her a bit uncomfortable, as it gave her the sense of creating pockets of something like R3 in the middle of agricultural land. She said that such development would require water and sewer, but even R2 placed inside agricultural areas had led to future conflicts as seen in parts of northern Virginia, where agriculture and residential uses did not always mesh well. She stated that she understood Mr. Reed’s point about involving people through a public hearing—but that did not always mean the Supervisors would do what the majority of speakers wanted.

Mr. Reed said that the difference between having the public involved and not having the public involved was significant, and the rationale Ms. Proulx had given was a good reason not to pursue a rezoning.

Mr. Lenahan said that a six-acre parcel in Afton would cost \$400,000.

Mr. Reed asked Mr. Lenahan what kind of development he would like to see in Afton.

Mr. Lenahan states there must be a happy medium there.

Mr. Reed said that if the property were rezoned, then the landowner could make a proposal for development. He stated that if the proposal were a good one, it would have a strong chance of moving forward—neighbors would have thoughts, the public would have thoughts, and Supervisors and Planning Commissioners would have thoughts, which he believed that was a good process.

Mr. Rutherford said that although they often talked about the public process, one of the biggest struggles was a person’s ability to afford that process, even just in terms of time. He said that if they expected site plans or preliminary engineering, such as septic performance evaluations, those requirements could be burdensome. He stated that some expectations made sense for smaller lots, and if someone were proposing something at a half-acre or less, staff could reasonably require them to drill a well and confirm adequate water before approval. He emphasized that the process was complicated for some people but easy for Supervisors to say someone should go through the entire public process and all the associated steps.

Ms. Gaines stated that they could return to discussion before voting on options, stating that the most common choices in the comments involved using combinations of options 1, 3, and 5, along with support for family divisions. She stated that Option 1 directly implemented the comp plan strategies and helped preserve ag in A1 rather than allowing it to function as a catch-all; Option 2 continued the use of the sliding scale; and Option 3 and Option 5 allowed the County, when amending the zoning map, to consider large-parcel areas for rezoning to C1. She said that taking all of this into account, she and Rebecca Cobb wanted to present two options for the group to choose from and hoped the group would prefer one over the other.

Ms. Rebecca Cobb of the Berkley Group stated that the options were developed because the comments displayed on the screen showed some clarity and a lean toward certain approaches. She said they considered the comprehensive plan, the work completed during that update, the homework responses, Berkley’s experience in other communities, and comments from the last work session.

Ms. Cobb said during the comp plan update, the Commission and Board had identified a desire to preserve agriculture, push development toward villages, and allow greater density there—which was still reflected in their recent responses. She said that rezoning would help alleviate pressure on ag, create additional areas of R2 or R3, or convert some A1 areas already developing into R1, so rezonings were an appropriate addition to these options. Ms. Cobb said that increasing lot size, as discussed earlier, would likely generate public opposition if the County moved from a low minimum to a very large one. She stated that such opposition was acceptable if they were willing to stand by the decision, but it could also create a “hole” where people questioned what else might be wrong with the drafted ordinance, so they placed significant weight on the need to adopt an ordinance.

Ms. Cobb stated that affordability had also been part of the discussion, noting the earlier comment that a six-acre parcel in Afton would cost \$400,000. She said they also heard comments that families should be able to divide their property among siblings, and the sliding scale limited some divisions with larger families. Ms. Cobb stated that some comments suggested the sliding scale had not worked as well as hoped, while others pointed to the map and said it had worked. She noted that staff also reported that the math was difficult, hard to administer, and caused delays in providing good public service when answering questions about the number of divisions available.

Ms. Cobb said with this in mind, Berkley is recommending consideration of Option 1, which was to keep the existing two-acre minimum lot size, with a one-acre exemption for family divisions, and then add map amendments after the process. She stated that map amendments were included in both options because they aligned with the comp plan, had been consistent in conversations, and would be strategically helpful in achieving the vision for the community.

Ms. Gaines said that the map amendments were essentially one and five from the list.

Ms. Cobb explained that Option 2 kept the two-acre minimum lot size and the one-acre minimum for family divisions, with an additional consideration of exempting families from the sliding scale as long as they could meet the minimum acreage. She explained that the sliding-scale adjustments were intended to slightly reduce the total number of divisions overall, just enough to respond to comments that the current system had not worked as well as hoped and that the math was difficult to administer.

Ms. Cobb explained how the current sliding scale worked under Option 1 with map amendments, noting that it was tied to the enactment date of June 1, 2007, so a six-acre parcel on that date received three divisions, while a 26-acre parcel received seven divisions, with the scale shifting from five-acre increments to 10-acre increments, and then 20-acre increments for parcels over 75 acres. She said she had streamlined those under Option 2 to reflect 0–5 acres still receiving two divisions; everything above that moved in consistent 10-acre increments; and 75 acres and above retained the 20-acre increment threshold. She noted that this meant a reduction of one division for smaller parcels and two divisions for larger ones, which helped reduce agricultural divisions while allowing the County to use map amendments to create additional residential areas or convert some A1 to C1 for conservation.

Ms. Cobb presented an example of a 20-acre parcel under Option 1, stating that it would have five division rights, with lots no smaller than two acres unless for family. She described a hypothetical scenario where someone came in on July 1, 2007 to divide parcels, explaining that after the first few divisions occurred, the original 20-acre parent parcel would have only two remaining division rights. She walked through a hypothetical sequence: The first buyer cuts off his lot; another buyer sees the sale price and decides to divide his as well; at that point, five lots have been created, fully using the five division rights tied to the June 1, 2007 parent-parcel date.

Ms. Cobb noted that the order of who divided first could vary, and if the original owner acted before one of the buyers, the result would still be the same: five lots total, exhausting the division rights under the existing ordinance. She then shifted to the key policy question: whether to keep the June 1, 2007 parent-parcel date, which she was strongly recommending. She said if the County changed the date to 2026, all parcels created since 2007 would suddenly become new parent parcels with fresh division rights; that would allow many small parcels created over the past two decades to be redivided—dramatically increasing development pressure.

Ms. Cobb confirmed that her recommendation to keep the 2007 date applied to Option 2 as well, and clarified that this discussion was specific to A1. She explained how Option 2 would work using the same hypothetical 20-acre parent parcel. She said that under this option, if two lots had already been created back on July 1, 2007, then only one remaining division right would exist today; the front parcel owner uses that final division right, and after that, none of the other parcels could be further divided under the standard rules.

Ms. Cobb then highlighted the key difference in Option 2: family divisions. She said if the County chose to exempt family from the sliding scale, then the rules change: A family must have owned the parcel for five years before using a family division; the owner of the “dark parcel” has children and wants to divide off one-acre parcels for them; under the exemption, the owner could create two one-acre parcels for two children; and if a grandchild also needs a parcel, the owner could create another one-acre lot for the grandchild as well. She emphasized that these family divisions would be allowed even though the parcel’s standard division rights were already exhausted, because the family exemption removes the sliding-scale cap.

Mr. Lenahan asked how far down the ancestry line the County would allow a family subdivision to go.

Ms. Cobb clarified that family subdivision is defined to include direct family relationships: parent, child, grandchild, and sibling.

Mr. Rutherford noted that this includes adoptive and foster relationships.

Ms. Bishop said that there is a provision that allows the definition of family to be expanded slightly, including relatives such as a niece or nephew.

Ms. Cobb stated that she included an example using a larger parcel so the group could clearly see the difference between the current ordinance and Option 2. She said that a 150-acre parcel currently allows 14 lots, while under Option 2 the same parcel would allow 12 lots. She stated that the number could be higher if the County decided to exempt family from the sliding scale, because family divisions would operate outside the standard limits.

Ms. Proulx asked if with a family subdivision whether the original owner must have owned the parcel for at least five years, and whether any restriction was being proposed for the family members who receive the subdivision lots.

Ms. Cobb said she believed it was drafted to require that the family member who receives the subdivision lot must hold the property for five years, so a total of 10 years of holding the property within the family.

Ms. Cobb stated that under Option 1, lots up to five acres receive one division right; those between 5–25 acres receive one additional division right per five acres; and parcels exceeding 25 acres receive one additional division right per 10 acres. She said the minimum lot size under this option is two acres, except for family subdivisions, where the minimum lot size is one acre. She said Option 1 achieves consistency for the community because it maintains a process residents are already familiar with, but it reduces the division of larger parcels to some degree. She noted that County staff have explained the administrative implications, which include that the system is difficult to administer and track, resulting in slow customer service because an immediate answer is not possible.

Ms. Cobb stated that under Option 2, lots up to five acres receive two lots and one division right, and lots greater than five acres receive one additional lot for each 10 acres. She said the minimum lot size remains two acres, or one acre for family, and family subdivisions may exceed the number of standard divisions. She said Option 2 does not create a major change for the community and will preserve more agricultural land than Option 1, except in cases where a large number of family divisions occur. She noted that staff believes Option 2 may involve simpler math, though she acknowledged it is still more complicated overall. She said delays would still occur unless staff identify new solutions, possibly by consulting other localities, to improve tracking and provide immediate answers when someone calls.

Ms. Gaines suggested perhaps talking to GIS staff about how that might be used to administer the system, as this could probably help improve the process.

Ms. Proulx stated that it would be especially nice if staff could create an overlay that people could view themselves.

Dr. Ligon stated that GIS would need to become more accurate than it currently is.

Ms. Proulx stated that they have to work with the GIS system as it exists, and staff are making it more accurate each time.

Ms. Bishop commented that the GIS information itself is usually accurate, and the issue tends to be with the mapping, which can be off even when the underlying data is correct.

Ms. Cobb stated that an internal GIS overlay would allow staff to look up a parcel number and immediately see the relevant information, and they would be able to confirm details such as whether the parcel includes areas of water and display that information within the system.

Mr. Harman asked for clarification about the legend on the map, noting that it lists the mean acreage of A1 parcels as 33.9 acres, while another part of the legend shows the median acreage of A1 parcels as six acres. He asked whether this means the average A1 parcel across the County is 33.9 acres.

Ms. Gaines responded that the figure shown represents the average acreage of A1 parcels, and the median is simply the middle value in the dataset, confirming that those acreage figures reflect the County's current A1 zoning.

Dr. Ligon stated that what they were really saying is that the largest number of parcels in the A1 district is around six acres, noting that this aligns with the median shown in the legend.

Ms. Proulx commented that the average parcel size can be misleading because many properties consist of multiple parcels, sometimes several, and looking only at individual parcel acreage doesn't always reflect the true size of landholdings in A1.

Ms. Gaines stated that they had already begun discussing the two options and asked if there was additional discussion.

Mr. Rutherford said he supports Option 2, specifically because it allows family subdivisions without affecting the sliding scale, which he liked. He then added that under Option 2, you essentially get one division right, meaning you lose a division compared to the current system.

Dr. Ligon asked how Option 2 actually promotes growth around towns rather than inside them.

Ms. Gaines explained that the options themselves don't shift growth toward towns; the real mechanism is map amendments and rezoning certain areas to R1, R2, or R3 so that residential growth is intentionally directed into those zones rather than scattered across A1. She added that some of the very large A1 parcels could be rezoned to C1.

Mr. Rutherford said C1 is a powerful one for 151, which is something he has said before.

Ms. Gaines said the map amendments are what make the strategy work, because rezoning areas to R1, R2, or R3 is what actually directs residential growth toward towns. She added that converting large A1 parcels to C1 is optional but can help preserve big tracts of land, especially along 151. She then asked Mr. Reed whether he had looked into C1.

Mr. Rutherford recalled that months ago, in earlier meetings, the group had already discussed C1 as a tool for preserving the Route 151 corridor.

Mr. Reed said C1 does help preserve the corridor and fits his way of thinking, because if someone in that corridor wants to pursue development, they would apply for a rezoning, and the County could then evaluate it within a broader, intentionally defined area.

Mr. Rutherford said he thought they should explore C1 and saw no reason they could not figure out how it works. He said C1 would be useful during public interaction and show the County understands the pressures of the 151 corridor, and there might be arguments about particular roads or locations where C1 could be effective.

Ms. Gaines said they could handle that later through the map amendments, but what they need to know now is whether the document should be changed for C1, including whether the intent should be revised to emphasize more agricultural uses and allow more in C1 to help preserve the large farming areas.

Dr. Ligon asked whether agritourism would be allowed in C1, noting that when she read the ordinance, she felt it restricted agritourism.

Mr. Rutherford said he thought agritourism was protected by statute.

Ms. Gaines said the County can allow agritourism in C1 if they choose to include it in their use matrix, and they would need to review the use permissions and the intent for the district.

Mr. Harman said he would accept Option 2, the adjusted scale.

Mr. Scott said he supported Option 2.

Ms. Proulx and Mr. Smith said they agreed with Option 2.

All Board members said they supported Option 2.

Ms. Gaines stated that the next items came from the Berkley Group’s work, which addressed land-use matrix standards, with comments from the Board and Commission also focusing on uses. She said one commenter stated that A1 should support true agricultural uses and protect rural character, with one commenter stating that too many by-right uses—such as farm wineries, breweries, and event centers—seemed more like commercial uses. She said the commenter stated that residential development was not the issue; it was conflicting uses. She said another commenter stated that the County should proactively rezone areas where A1 intent and by-right uses conflicted, noting that such rezoning would occur through a map amendment.

Ms. Gaines stated that the group needed to decide which by-right uses should require a special-use permit or be removed from A1, and they also needed to consider which uses should be reconsidered for C1 if that classification were used for large-parcel agriculture. She said “agriculture residential” was confusing for the public and recommended renaming it “accessory agriculture,” then clarifying in the definition that it applied to residential districts rather than A1. She said the poultry-bird limit was too restrictive, suggesting that they keep the current ordinance language but use a numeric total or refer to Virginia Cooperative Extension small-scale poultry guidance, instead of using square-footage calculations.

Ms. Gaines said that another issue was defining the types of poultry covered by the ordinance. She stated that the term “poultry” needed clarification, asking whether it referred only to chickens, ducks, quail, and pheasants, or whether it should also include turkeys, peacocks, and guinea hens. She said the question extended to how those definitions would work for quail and similar species.

Ms. Bishop said they didn’t want to regulate any of that.

Ms. Cobb clarified that they were talking about the R1 and R2 districts.

Ms. Gaines confirmed this.

Mr. Rutherford said that 10 chickens per acre in R1 seemed acceptable and stated that people in those districts were probably not raising large numbers of broiler chickens.

Ms. Gaines said she was asking whether they wanted to leave the term “poultry” undefined and simply keep it as a general category. She stated that the earlier discussion had been focused on A1, but this question applied to residential districts.

Ms. Proulx said that guineas and peacocks are really loud.

Mr. Rutherford said it was still birds and still poultry.

Ms. Proulx said they could be really offensive.

Mr. Rutherford said that was the issue, and he used to raise about 200 bobwhite in cages.

Mr. Harman asked if they truly wanted to tell someone in an R1 district how many birds they could have, and the same question applied to R2.

Dr. Ligon stated that the Board wasn’t telling residents in those districts how many they could have.

Mr. Harman asked how many were permitted.

Dr. Ligon said 10 birds were allowed.

Ms. Proulx said the question about defining poultry mattered because guineas, peacocks, and similar birds could be loud and obnoxious.

Ms. Gaines said that the draft ordinance did not currently define “poultry” and noted that this was the issue they were discussing.

Mr. Reed asked what other localities do.

Ms. Cobb said it varies depending on the locality; more urban jurisdictions often allow only six birds, and only chickens, with no other types of poultry permitted—but Nelson’s culture and character led Berkley to

suggest broadening this to include additional species. She stated that even if they expanded the definition, the group might still want to limit the number of those birds in residential districts.

Mr. Rutherford suggested that they could simply remove the definition for now, then add language later if a problem with roosters arose.

Dr. Ligon asked if there was anything stated about sound.

Ms. Cobb said that in R1 and R2, if the ordinance does not list a use, then it is not allowed, and she stated that removing the poultry use would mean all chickens would have to go, regardless of how many someone currently had, because it would no longer be a permitted use.

Dr. Ligon said that when she lived in Blacksburg, they were only allowed to have hens and were not permitted to have roosters.

Ms. Gaines said that was covered on the next presentation slide, noting that what they were looking at fell under general standards and asking for input on suggested changes.

Ms. Bishop said she liked it but didn't feel they needed to define poultry at the moment, as the rule against roosters covered the issue.

Mr. Rutherford stated it was unlikely they would actually confiscate any chickens, and asked what the penalty would be.

Ms. Gaines added that guineas or peacocks would be the more likely concern in enforcement situations, rather than chickens.

Mr. Rutherford stated Nelson was a fence-in County.

Mr. Parr confirmed that the switch to a fence-in County happened years ago and was very controversial. He recalled the exact timing: December 2019, at the meeting just before he became a Board member; it was Mr. Harvey's and Mr. Saunders' last meeting, and Mr. Harvey was president of the Farm Bureau at the time.

Mr. Rutherford said the first slide of the presentation should specify 10 chickens, as using two birds per 20,000 square feet as a standard wouldn't work, and someone in R1 would be able to keep their birds without anyone turning them in.

Ms. Gaines suggested changing the name to "accessory agriculture" and then adding a definition, noting that it applies only in residential districts. She said the concern is that people in agricultural districts might come in thinking they're limited to 10 chickens, and they would need to be told that it didn't apply to them.

Ms. Gaines introduced the agritourism section, noting that it is more complicated and involves comparing agritourism, event venues, and temporary events. She said the slide shows the draft standards, but they've found conflicts with temporary-event rules—specifically that 1,000 attendees makes an agritourism event Class 1, while more than 10,000 requires an SUP. She said Berkley is suggesting they remove the SUP requirement, add a reference to temporary events, then add a reference back to agritourism within the temporary-events section. She added that they should also consider revising trip-generation numbers.

Ms. Cobb asked if the trip-generation numbers should be matched to the temporary-event standards.

Ms. Gaines reviewed the trip-generation limits: "The event or activity must generate no more than 250 vehicle trips per day, and each event or activity must have 500 or fewer attendees at a single time." She suggested that the group decide whether they're comfortable with those numbers. She added that since higher trip generation already triggers an SUP in the temporary-events section, they should remove that requirement from the agritourism section.

Mr. Rutherford said 250 vehicles isn't very many, noting that a place like Woodridge or any farm winery would easily exceed that, and confirmed the discussion is about A1.

Mr. Lenahan asked what exactly falls under the agritourism category.

Ms. Bishop clarified that this section applies only to events and activities, not to the agricultural operation itself.

Dr. Ligon said that by making these changes, the result would be that these operations would have to come to the Board for an SUP to hold those large-scale events.

Ms. Gaines stated that to her understanding, agritourism wouldn't need to come before the Board.

Ms. Cobb explained that the draft language currently requires an SUP if an operation exceeds the stated thresholds, and there is another section on temporary events that already uses a higher number—so they are considering using the temporary-events number instead.

Ms. Bishop said she thinks the line used in the temporary-event code makes sense.

Dr. Ligon said they were making it looser, and there seemed to be consensus on that.

Ms. Gaines stated that the event-venue section was a commercial use, and the italicized portion either needs to be moved into the standards or deleted if not intended for inclusion.

The Board and Commission agreed to remove that line.

Ms. Gaines said the permissions for an event venue were shown on the top line, stating that they are permitted in A1 by SUP, and also in SUP and RPC, B1, B2, and SE1. She suggested they reconsider these, as both of the uses could be an accessory to agritourism, and they may want to change temporary event to an SUP.

Ms. Bishop clarified that only categories 1 and 2 are currently by right, and 3 was by special use permit.

Ms. Gaines asked for input on the permissions for an event venue, an issue that was raised because of comments about commercial-type uses that could conflict with the A1 district.

Mr. Rutherford asked what amount of time had to lapse between events for something to count as a temporary event.

Ms. Gaines responded that they had created three different types of temporary events for exactly that reason, with the Lockn festival being the triggering event for a Category 3. She said the standards contained the details of what each type of temporary event was, with a wedding being one example.

Ms. Bishop said the difference pertained more to permanent infrastructure or facilities, and if the land after an event stays vacant, that would be a temporary event.

Ms. Gaines said that operating a business would make it an event venue.

Mr. Rutherford said it would be okay to have weddings in a tent by right, but if someone wanted to use a barn normally used for agricultural purposes, they would still be allowed to do that; since a barn is ag-exempt, it would count as an accessory use.

Ms. Bishop said that was already how things worked now.

Mr. Rutherford confirms that is what's listed in the statute.

The Board and Commission concurred that they supported that statute.

Ms. Gaines suggested that they might set a different minimum lot size in commercial districts to push event venues toward B-districts instead of agricultural areas, which could reduce conflicts. She said the current minimum lot size in commercial districts is one acre, and she asked whether someone could realistically operate a conference facility or wedding venue on half an acre. She stated that increasing the minimum lot size in commercial districts might make it easier for people to locate them in B-districts instead of A1 or C1.

Ms. Bishop suggested taking one acre out and leaving it open to any size.

Ms. Gaines also stated that they could consider stricter hours of operation in A1 if event-related uses were creating conflicts. She explained that A1 could have earlier closing times than other districts, and noted the draft already included a version of this approach. She added they could separate A1 and assign it its own hours, stating that the currently drafted schedule created a long day.

Mr. Scott said the proposed hours were fine for A1, and he compared it to commercial districts where a bar might stay open until 2 a.m.

Mr. Rutherford said that if music is allowed, it's very hard for events not to run until midnight, although he understood concerns about noise.

Ms. Gaines said they might want to reconsider some of the temporary-event exemptions, suggesting that they split them so A1 and commercial districts have their own set of exemptions.

They agreed to take out "social temporary events," as that was a patchwork provision that was now covered by the new language.

Ms. Gaines clarified that historic properties would still be allowed to hold temporary events, but the question is whether they should be exempt from the standards. She reminded the Board and Commission that this list defines which events are exempt from requirements, and the first exemption is meant for a private family event.

She proposed several clean-up edits to the temporary-events exemptions, focusing on clarity and limiting impacts in A1:

Item 3: Either limit the number of people or delete it entirely in favor of Item 4.

Items 4–7: Put a capped number of attendees in A1, tightening standards for agricultural districts.

Item 8: Remove this item due to lack of clarity.

Ms. Proulx said she believed Item 3 can simply be removed, stating that it wasn't needed.

Mr. Rutherford said if Item 3 ever turns out to be a problem, they'll find out.

Mr. Rutherford said defining what counts as a "historical property" is difficult, noting that the County doesn't have a clear cutoff date for what makes a property historical.

Ms. Gaines clarified that historical properties can still hold events, and they would be subject to the same standards as other properties. She said the only exception would be if the property is a nonprofit.

Mr. Rutherford stated that it seemed like nonprofits can hold large parties completely exempt from regulations.

Dr. Ligon agreed, adding that they could do so with less standards.

Mr. Harman added there was no limit for religious gatherings, noting that there were workarounds to the ordinance.

Ms. Gaines reiterated her earlier point, saying that for items 4–7, the number of attendees should be limited in A1. She emphasized that this is something the group should consider.

Mr. Rutherford said he agreed with Mr. Scott's approach: remove items 3 and 8 and keep the rest. He then asked what the eighth item was.

Ms. Bishop clarified that it referred to outdoor accessory uses.

Ms. Gaines asked for clarification on whether the intention is to keep the remaining exemptions exactly as they are, regardless of which district they apply to.

Mr. Harman asked for explanation of the phrase “any use governed by the Code of Virginia” and what specific code section it refers to.

Ms. Gaines clarified that if any part of the code includes “any use governed by the Code of Virginia,” it must be exempted. She said the reference Mr. Harman was asking about is likely the agritourism statute in the Code of Virginia.

Mr. Parr confirmed with the Board that they had already agreed to delete Item 2.

Ms. Gaines confirmed that items 2, 3, and 8 would be deleted.

Ms. Gaines stated that agritourism events are exempt, adding that the group should consider requiring more SUPs rather than allowing these activities by right. She said this was particularly important because agritourism is currently permitted by right in A1.

Ms. Proulx asked where data centers fall within the framework they were discussing.

Ms. Gaines said they would be separate uses.

Dr. Ligon said the document states it does not include data centers.

Mr. Rutherford said they have no real choice about certain uses—power lines and agriculture will inevitably occur, and heavy industrial and light industrial both make sense within the framework. He stated that there will be situations where service enterprises and neighborhood businesses must obtain the required utility components anyway, depending on the scale of those utilities. He added that the same issue applies to high-density residential.

Ms. Gaines said the Board might want to reconsider these permissions.

Mr. Rutherford said the way permissions were currently structured implies that a community wastewater treatment plant or a landfill could be allowed by right in A1.

Ms. Gaines said that A1 could cause the biggest concern and asked whether they truly wanted all of these uses to be allowed by right in A1.

Mr. Rutherford asked if A1 had always been a problem or if this was new.

Ms. Gaines said she did not know.

Ms. Bishop asked whether public utilities were by right.

Mr. Parr confirmed that public utilities were by right.

Ms. Gaines said that not all of the uses being discussed are public.

Mr. Rutherford stated that they should move on and address the topic later.

Dr. Ligon said that due to time constraints, the group would not readdress the topic.

Mr. Reed stated he liked the SUP scenario posed.

Ms. Gaines agreed.

Mr. Rutherford said he felt that substations and similar utility installations should not be allowed by right.

Ms. Gaines said that an SUP would still allow those facilities but would let the County impose conditions or deny them when necessary. She stated that they should move directly to next steps, with the remaining uses to be handled during the Board and Commission’s internal meetings.

Ms. Gaines said the schedule now includes an internal meeting in July, another work session to finish reviewing uses, and a July revision of the draft by the Berkeley Group based on the group’s direction and new

state code requirements. She stated that the goal is a public review in August, a joint work session in September, a Planning Commission hearing in October, and a Board of Supervisors hearing in November. She said Ms. Bishop would meet with the Farm Bureau in June to gather input on the decisions they just made.

The Board and Commission agreed that their next joint work session would be held on July 15 at 6 p.m.

III. OTHER BUSINESS AS PRESENTED

There was none.

IV. ADJOURNMENT

At 7:27 p.m., Mr. Rutherford **moved** to adjourn the Board of Supervisors meeting. Mr. Lenahan **seconded** the motion, which passed unanimously (6-0).

At 7:27 p.m., Ms. Proulx **moved** to adjourn the Planning Commission meeting. Mr. Harman **seconded** the motion, which passed unanimously (4-0).



Nelson County Planning Commission

Meeting Minutes

March 25, 2026

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

Absent: None.

Staff Present: Dylan Bishop, Planning Director; Cody Barker, Planner.

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

Minutes – Joint Work Session with BOS:

- February 26, 2025

Ms. Proulx said she would abstain from voting because she was not present at the meeting.

Mr. Harman moved to approve the February 26, 2025 minutes as presented. Dr. Ligon seconded the motion.

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Mr. Averitt

Dr. Ligon

Abstain:

Ms. Proulx

- August 27, 2025

Mr. Harman moved to approve the August 27, 2025 minutes as presented. Dr. Ligon seconded the motion.

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Mr. Averitt

Dr. Ligon

Ms. Proulx

- **October 22, 2025**

Mr. Harman moved to approve the August 27, 2025 minutes as presented. Dr. Ligon seconded the motion.

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Mr. Averitt

Dr. Ligon

Ms. Proulx

- **December 17, 2025**

Mr. Harman moved to approve the August 27, 2025 minutes as presented. Dr. Ligon seconded the motion.

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Mr. Averitt

Dr. Ligon

Ms. Proulx

Other Business

- **REZ #250339 – R-1 Residential and M-1 Limited Industrial to M-2 Industrial (Cold Storage)**

Mr. Scott invited the applicant to speak.

Mr. Jeremy Hale addressed the Commission and said that he and his wife own the properties in question.

Ms. Bishop stated that at the last meeting and public hearing, held in February 2026, the Planning Commission had directed staff to work with the applicant on some potential proffers that more clearly addressed what was being requested. She said that on the screen, the zoning map showed light gray as

M1-Industrial, yellow as R1-Residential, and the small red dot as B1-Business. Ms. Bishop stated that the applicant had submitted a proposal for use of the space: The red area would be for outdoor storage; the green area would be for open space; and the blue areas would remain indoor storage because buildings were already there.

Ms. Bishop stated that proffers had been developed and were shown on the screen:

- Areas delineated in green on the site plan submitted as part of the rezoning application shall remain open space for a distance of 75 feet from the center of the road.
- The area delineated in red on Tax Map 77 A 45, the corner R1-zoned lot, as shown on the site plan submitted with the rezoning application, shall be utilized only for outdoor storage and residential uses; no other industrial uses shall be permitted.
- Should a dwelling be constructed within 100 feet of the property lines of tax map 77 A 45, the owner shall construct a fence for screening acceptable to the Planning Director within 60 days of issuance of a certificate of occupancy.

Ms. Bishop said that these were what had been proposed with the applicant in conjunction with them, and should the Planning Commission recommend approval of the rezoning to the Board of Supervisors, these would be the proffers associated with that.

Ms. Proulx asked for confirmation that this would stay with the rezoning for any future property owner there, including the fencing requirement.

Ms. Bishop confirmed that this was the case.

Ms. Ligon said the red area in the yellow seems clearly residential to her, with some storage containers on it, and this would rezone it to M1 with the stipulation they can just have storage containers.

Ms. Bishop responded that this was correct, and the red area on the R1-zoned parcel would just be outdoor storage, then residential use so the house could be renovated.

Mr. Averitt noted that he was not present for the last meeting, and he asked if 77 A 45 was the parcel with the house—the one that had the old VW Beetles.

Mr. Scott noted that the house was currently just being used for storage.

Mr. Hale explained that the house is being set up for renovation, and he has already spoken with the building department and had his plans approved. He said he was now trying to fund the process, but his intentions have always been to renovate that house.

Mr. Averitt asked if they were saying if this house was built, there would be a fence constructed.

Commissioners confirmed that it is the property next door, adjoining this one.

Ms. Proulx mentioned that the owner of that said they may in the future want to put a house on that lot.

Mr. Averitt clarified that if they built a house, the fence would be constructed on theirs.

Ms. Proulx said that was correct.

Mr. Hale said it would take a lot of money to renovate that house, and most people would tear it down.

Ms. Bishop noted that the current ordinance allows residential uses for nonconforming structures in any nonconforming structure in the M1 or M2 districts.

Ms. Proulx said she gets confused about nonconforming structures and nonconforming uses, noting that a nonconforming use after two years is no longer valid, but structures are different.

Ms. Bishop explained that when they redid the nonconforming ordinance, there was a provision added that said the most restrictive use of a nonconforming structure was a single-family dwelling, so if there were old homes that could be renovated, they would be allowed to do so, even if they haven't been occupied for two years.

Ms. Proulx moved to approve Rezoning #250339 with the proffered conditions as presented. Mr. Harman seconded the motion.

Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Mr. Averitt

Ms. Proulx

- **SUP #260024 – Restaurant (Coffee Shop) in A-1 Agriculture (Rockfish Fire & Rescue)**

Mr. Scott said this is SUP #260024 for a coffee shop in A1-Agriculture to be located beside Rockfish Fire and Rescue, and he asked if the applicant wished to speak.

Mr. Ian Hudlow asked if they would like to hear from Ms. Bishop first.

Ms. Bishop said that similar to the last application, they had held a public hearing for this request at their February meeting. She stated that this was a new drawing of circulation on the site after meeting with the applicants and staff to address some of the initial concerns: stacking, backing up on the road, safety with the fire and rescue squad being there, and the drive-through aspect of it.

Ms. Bishop said she and the applicant conferred to address those specific concerns and now proposed the setback to be 200 feet from the right of way, which would allow for a drive-thru. Ms. Bishop said the circulation as shown came into the site and circled around so the drive-thru was on the right side of the trailer; as traffic circulated around the parking lot, it would then come out and prevent stacking with onsite circulation. She said they had sent this to VDOT and asked for their feedback, and their response was: "The concern regarding queuing into the site could be remedied during the site plan review process by showing a queuing analysis and site circulation."

Ms. Bishop noted that there would be a more formal plan submitted, and they would address that in the conditions:

- The site for the mobile trailer shall be set back at least 200 feet from the edge of the right-of-way of Route 151.
- VDOT and planning staff shall approve site circulation, signage, and pavement markings.
- The shop shall not operate on election days, and parking areas shall remain free and clear.

Ms. Bishop said the last condition was a concern raised by one of the Commissioners regarding businesses operating on the same parcel as a polling place, as this is used as a polling place. She stated

that in tying that to a land use mitigation, she did not see any huge objection to that, and the applicant was aware of this as well. Ms. Bishop noted that the applicant had brought someone from the fire and rescue if they wanted to hear from him also.

Mr. Ian Hudlow stated that he had some additional information to ease concerns regarding emergency services, noting that they have worked with Ms. Bishop regarding the designated travel pattern. He said they were going to use small cones parallel to the trailer and have a sign to direct the traffic to the left—and they will not get anywhere near the emergency services building. He said they would bring it to the left, there will be a U-turn sign, and they will come around and come to the trailer; the cones with a small sign on top of the cones will direct traffic, and any stacking created would be on the rear of the parking lot to the side of the trailer. Mr. Hudlow said the entrance to this property is approximately 50 linear feet at its narrowest point; at its widest point, it's 70 linear feet at the mouth of the exit. He said this is one of the biggest openings on 151 that there is on the whole road, with the exception of the nearby Afton Exxon, and as a car attempts to exit the premises, there's a clear line of sight. He explained that if you're going to exit out of the premises to go 151 North, there is over 6/10 of a mile or 3,168 feet to see oncoming traffic. He said if someone turns left to go south on 151, there is 3/10 of a mile or 1,584 feet of sight to come in and out of the premises. He said they have agreed to move down 50 feet from where they initially wanted to go to prevent any stacking or concern.

Mr. Hudlow said regarding the emergency services, he has spoken with the chief and a lot of the volunteer fire and rescue personnel—and on average, there are five calls per week. He acknowledged that every call is very important. Mr. Hudlow said the Board had asked about hours of operation, and the coffee stand will operate 6 a.m. to 2 p.m. Monday through Friday, and 7 a.m. to 6 p.m. Saturday or Sunday. He said after a bit of time, they would take a day off after they know their high and low points. He added that they also might see one or two events in this parking lot while they are in business.

Mr. Hudlow said the Commission's last concern related to signage and what type he was going to have on the trailer out front. He said they planned to have two round signs on the trailer itself, and he would love to have an open flag placed somewhere near the front of the entrance to allow for the patrons to know they are open. He said a resident was concerned about a neon sign, something that would blare in her house, and they are not trying to do that—they just want a sign on the trailer and an open sign to let everyone know they are open.

Mr. Hudlow said he has done a lot of research and a lot of driving and is likely on this road as much as everybody else. He pointed out that there are over 20 temporary flag signs that fly on 151 right now, and over 55 temporary signs sitting less than 10 feet off of 151. He stated that he is willing to give and take, and he would like to have an open sign for 3–6 months, just to get the word out, in addition to driving this with social media. He said he does not need to have a big flashy sign sitting out in front of the entrance that would draw attention away from drivers.

Ms. Proulx asked how many windows the coffee trailer would have.

Mr. Hudlow responded that they would only use one window, even though the trailer has two windows. He said he would love to have a lot of cars stacked up waiting to get coffee, but he can't see that happening. He pointed out on the rendering provided where the cars would be and how he plans to divert the traffic, describing the placement of a cone and U-turn sign.

Ms. Proulx said the reason she was wondering about two windows is that it actually moves the line faster and creates less congestion.

Mr. Hudlow responded that the only way to utilize that is to put it in the middle of the parking lot, and his estimate is that they would have 20 cars per hour or 100–150 per day. He mentioned the round-up program that will benefit Rockfish Valley Fire & Rescue.

Ms. Proulx said it was a nice thing to do but was not a land use consideration.

Rockfish Valley Volunteer Fire Department Chief David Graves addressed the Commission and stated that the department has talked with Mr. Hudlow and has reviewed site plans and so forth. Chief Graves said the membership of the fire department felt this would be beneficial to the department from a monetary standpoint. He said there is no effect with the traffic as they see it, due to that big island in the middle that separates everything out, and the fact the entranceway is very wide. He also noted that during the coffee stand's times of operation, they may have five or six calls.

Mr. Scott commented that the problem is that the trailer is temporary, but special use permits are permanent. He said they might get five or six calls now, but the Rockfish Valley and 151 are growing rapidly—so in 20 years, the population has grown and they've got a special use permit in the middle of the parking lot of the fire department. He said as Ms. Bishop has pointed out, you can't always think about now and they must think about tomorrow.

Mr. Averitt asked who holds the special use permit.

Ms. Bishop responded that it runs with the property.

Mr. Scott said while it's a good idea, it's an unusual public-private partnership, and his main issue is not what it is now but what it could be.

Ms. Bishop stated that she was just speaking with Mr. Barker, and there is no reason they can't put an annual review on this—similar to what Lockn' did with the festival grounds.

Ms. Proulx asked if they would have to put in specifics on their failings in order to not renew it. She said the cross traffic is a concern, as is putting a private business in a public service area. She said the current call volume seems manageable with this, but she would not want to do anything to hinder emergency responses. She added that they are approving a special use permit for a restaurant, and she wasn't sure what would prevent them from building something more permanent in the future.

Mr. Averitt asked if the fire department would be the one to decide whether to renew their lease, or if another entity would go in this space.

Ms. Bishop confirmed that they have a lease agreement with the applicant, and the property is not owned by the County.

Chief Graves stated that he did not think traffic was going to be an issue, noting that there was more traffic going into the Sentara facility on 151, which has less sight distance than the department does. He said in terms of the special use permit, the Rockfish Community Center lets the private burrito stand set up there, and there are other kitchen places such as the tea house all along 151 that do the same thing. He mentioned the Brewing Tree House and Silverback Distillery, noting that there are more wrecks anywhere on 151, in addition to the Sentara building. He said in his 40+ years here, there have been two at the firehouse, which was due to rear-ending and not traffic volume. He added that the fire department has an agreement with Mr. Ludlow, with a six-month review period that would allow the department to terminate the agreement, then they would go from there.

Mr. Hudlow said he would like a one- to three-year lease with an opportunity to renew after that, but the department would have to come back for approval of a subsequent business.

Mr. Averitt clarified that the fire department had the right to lease that space to someone else, and he leaned on the fire department's wisdom to decide what will work with their duties—and he found it unlikely that they would do something that restricts their ability to do their primary job.

Ms. Bishop said she had added some potential conditions to address some of those concerns, and they can also place time limits on special use permits—a year minimum.

Ms. Proulx stated that her traffic concerns were not getting people on and off 151.

Mr. Hudlow said in a parking lot, people are going to drive five miles an hour, as they do in a Food Lion or Kroger parking lot. He said he believes they could trust the public to be able to understand where to go.

Dr. Ligon stated that they have an almost illegal crossing of traffic where the fire department needed to come through, and they have vehicles stopped there waiting for law enforcement to fill out information.

Ms. Proulx said there are volunteers coming in too, if there's a call.

Chief Graves said the picture does not show that you can come in much further into the island before you actually cross over.

Dr. Ligon responded that right now, the picture before them is the one that has been presented to us.

Mr. Hudlow depicted how the traffic flow might work onsite.

Dr. Ligon reiterated that this picture represents something different.

Mr. Hudlow said that he understood that and did not draw that picture.

Mr. Scott stated that they have had a lot of discussion on this, and he thinks they should leave it to the discretion of the fire department, as they own the property.

Mr. Averitt agreed and said if the fire truck comes screaming out of the building with the lights and sirens on, everybody waiting for the coffee shop is going to get out of the way.

Ms. Proulx expressed concern with that theory, stating that if this is what they were approving, she would like to see that crossover changed.

Dr. Ligon pointed out that it's VDOT and planning staff that shall approve the site's circulation and signage.

Mr. Averitt **moved** to approve SUP #260024 with the recommended conditions. He asked about the condition for no flag signage along Route 151, since the applicant was asking for some sort of signage to indicate they're open.

Ms. Bishop responded that this site is part of the Route 151 overlay corridor, so they try to include those conditions.

Ms. Proulx noted that he could put a yard sign type of sign out that says "Open."

Ms. Bishop agreed but also said she knows how the Planning Commission and Board feel about flag signage on 151.

Mr. Hudlow asked about the specific type of signage he could have.

Ms. Bishop responded that this wasn't something they were going to figure out here.

Mr. Scott noted that it can't interfere with the election signs either.

Mr. Averitt restated his motion to approve SUP #260024 with all five of the recommended conditions.

Mr. Harman seconded the motion.

Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Smith

Mr. Harman

Mr. Scott

Mr. Averitt

Ms. Proulx

Ms. Bishop noted that this item would go to the Board of Supervisors at their April 14 meeting, with the Commission's favorable recommendation.

Public Hearings:

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

Ms. Bishop reported that this is a request for special use permit for a campground on property zoned A1-Agriculture. She said this is located on Morse Lane in Arrington in the South District, adjacent to the County landfill. Ms. Bishop stated that the property is currently vacant. She stated that the applicant is proposing to develop the sites in three phases. Ms. Bishop said that Phase 1 includes seven pad sites along Morse Lane with proposed screening along the road, and nine pad sites along the interior access road. She stated that Phase 2 is proposed to include an additional 18 pad sites for a total of 34 sites with access to utilities. Ms. Bishop said that Phase 3 includes tent sites only, and approximately 10 acres of the 113 acres total are proposed to contain all the sites and facilities.

Ms. Bishop said the area is currently vacant with low-density residential uses and adjoins the landfill. She stated that in April of 2025, a special use permit was approved for an event space at 99 Morse Lane, closer to Route 29. Ms. Bishop said all zoning in the vicinity is A1-Agriculture. She stated that that purple area is regulatory flood zone along Brown Creek, although no development is proposed in or near this area. She stated that the property is accessed by an existing entrance on Morse Lane, and improvements will be required to comply with VDOT standards. She said existing road scars are visible, with an access easement to serve the property on the proposed sites, and each site will have parking access.

Ms. Bishop said that the property would be required to comply with the health department's regulations for a campground, and preliminary input from the Virginia Department of Health (VDH) indicates they would work with the applicant through the site plan process to ensure compliance for gray water and dumping, and electric service and dry hydrants are supposed to serve the sites. She stated that should land disturbance—any grading or moving of dirt—exceed 10,000 square feet, an erosion and sediment control plan is required to be approved by the building inspections office. Ms. Bishop said that any disturbance over one acre would be required to receive a stormwater management plan and approval from the Department of Environmental Quality (DEQ) before any site plan is approved.

Ms. Bishop said that this property is located in a rural area designated by the County's 2042 future land use map, where the core concept is to ensure protection of the County's rural landscape and economy by maintaining open space, scenic views, and agricultural uses with compatible low-density residential uses. She stated that primary land use types include institutional uses, farms, agriculture, forestry, agritourism uses, parks, recreation, and trails. Ms. Bishop said that associated planning guidelines include incorporating cluster and conservation development principles and setback or screen development.

Ms. Bishop stated that in reviewing the County's draft zoning ordinance, this proposal would still require a special use permit, and it would be located outside of but adjacent to the proposed Route 29 corridor overlay district. She stated that minimum standards proposed in the draft for campgrounds include a 10-acre lot size minimum, open space requirements, refuse requirements, and standards for retail, sales, and accessory facilities, and several of these aspects we included as recommended conditions:

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

Ms. Bishop noted that some of this language is a little different than what she had provided originally in the staff report, and they also have the special use permit criteria. She stated that once they hear from the applicant, they can open the public hearing.

Mr. Scott asked the applicant to come forward.

Mr. Timothy Masters stated that he is a resident of Pennsylvania but grew up in Maryland. He said the first time he came to Nelson County was 1971 when his grandfather brought him down, and his family owned 700 acres on the Tye—learning to hunt, fish, and camp here in Nelson. He said he would often retreat here when he got older and stay in the cabin on his own.

Mr. Masters reported that the property was purchased in 1985 and has been in farm use in the tree program since then. He said he bought his brothers out in 2005 and subdivided a portion of it. He said the Piedmont Housing Alliance bought it, and there is a program through which you can take some of the rights and transfer them to other developable areas, which he believes the PHA had done. He said they then sold it to Jonathan Houchens, who is his neighbor. Mr. Masters said when Judge Whitehead passed, he bought it from Paul Whitehead and his siblings with the intention of something like this. He said he still hunts it when he can, but he sees a use for it for Nelson County, with a large group of friends and family that go to Liberty University and more from the D.C./Maryland/Pennsylvania area. He said it doesn't need to sit any longer, as the Whithead family had cut the timber off and cleared it.

Mr. Masters said about \$90 million in revenue came to Nelson County in tourism last year, and about \$15–\$20 million of that hit the south side—with most of it landing in the Wintergreen area and not making it here. He said he had initially spoken with Ms. Bishop to determine whether there was a need for this type of use. He stated that he had previously visited the area during deer season when a friend brought a camper, and they stayed near Blue Mountain Brewery across the road from the site. Mr. Masters said that he and his wife were staying in Charlottesville that night; they have stayed at the Lovington Inn regularly and frequented the restaurants and other attractions in the area. Mr. Masters this needs to be a place for people to stay, visit local businesses, and spend money in the area.

Mr. Masters said that the revenue center for tourism came largely from the D.C. area, with additional visitors coming from Richmond, and much of that traffic currently passed through the area on the way to Madison Heights and Lynchburg. Mr. Masters said that he had friends from Ohio who traveled to the region and often stayed closer to Albemarle wherever they could find accommodations—and a campground in this location could encourage visitors to stay for a few nights, spend money locally, and help grow the Lovington area and the south side of the corridor.

Mr. Masters said that the intention was not to create a destination campground with swimming pools and slides; the proposal was intended to provide a place where visitors could bring their RVs and potentially use eco-friendly skid units with self-contained water and waste systems. Mr. Masters said that there would be one dumping station for campers at the road, and the gray water would be pumped off by local service providers. He stated that since the landfill had been capped, the road did not carry a tremendous amount of traffic that would affect nearby neighbors.

Mr. Masters said that one operational feature would be the use of only “smokeless” solar-burning stoves to keep impacts low, and that would be the only burning allowed. He said there would be reasonable curfews and low-density, solar-type lighting for trails, and any lighting beyond that would be subject to curfew. He stated that all other aspects of the project would be contingent upon engineering, and he had worked closely with Massey in the past. He said the proposal was also a personal long-term idea that he believed could be effective for the area. Mr. Masters said that he and his wife liked the area and would enjoy using the property themselves. He stated that above all, he believed the project could be effective for generating revenue in the area by providing a place to stay.

Mr. Harman said one of his concerns is how will this be managed onsite to take care of the problems that arise, as there would be a number of people there 24 hours a day, and there might be issues such as power outages, noise complaints, etc.

Mr. Masters responded that that's a good question and something he didn't think about because he wasn't thinking about “a trailer park.” He said that this was for patrons who would come to spend good money, and there are no sliding boards or swimming pools or vending machines or arcades and wouldn't be that type of attraction.

Mr. Harman said to Mr. Masters that he lives in Pennsylvania and thus would not be able to respond if someone has a problem, and he asked who would respond.

Mr. Masters said the way he currently responds to poachers is to call the game warden or Larry Saunders, so for anything of a criminal nature or something that's disruptive to the neighborhood, they would respond by getting ahold of the police department. He stated that he did plan on having a local manager who would do those things and manage the park and be available, much like he would with a management company that's renting a house from him. He said this would be a job for someone in the area who is here and could respond.

Mr. Harman stated that he did not see anything about that in his application.

Mr. Masters said that's because this is the first step, because before a dollar was spent on engineering or anything else, it's really difficult to say he is going to invest capital or equity partners in the money it will take to build this out.

Mr. Scott opened the public hearing.

Dr. Ligon read the rules for public speakers.

Mr. Jeremy Hester, 748 Walkers Mountain Road, Arrington, said he is the property owners association president and represents the majority of residents on the mountain. Mr. Hester stated that he does not believe that Mr. Masters really understands what the south side of Nelson County really needs. He said he was in the military as a CB (Seabee) for 16 and a half years and has been a volunteer firefighter for more than 11 years. Mr. Hester stated that on September 29, 2024, there was a massive rain flow that came through Brown Creek, which wiped out the culvert system on their road. He said the County does not help because this is a private-owned property, so residents there have spent tens of thousands of dollars every year to constantly fix and maintain their road system.

Mr. Hester said that any increase to Brown Creek and any activity that goes through there was just going to worsen conditions for the residents in the area. He stated that the year before last, he and his military buddies came up with a proposal to the group, including the sheriff, to start a shooting range and military training facility on this property for current law enforcement in the County. Mr. Hester said that most of that money would have come back into the County for them, including the training that would have kept police officers here instead of having to go to Albemarle and other places to get their training.

Mr. Hester said that he was in complete disagreement with this because of the amount of people that were going to come into it. He stated that he did not believe it was going to be just the Brown Creek and Morse Lane area that would be affected. Mr. Hester said that there were going to be more people who would want to start joining up down the Tye River, and every year there were problems with people trashing it, defecating on the sides of the road down the river, and leaving it an all-out mess—and he could not see this property being any different from that.

Mr. Hester said that he had been on many incidences on Morse Lane, including fires and accidents, and the traffic on 29 in that particular area itself was horrible. He stated that trying to get campers in and out of that area was going to make it one of the most dangerous spots to do it. Mr. Hester said that he had been in and out of there with fire trucks, and people were going full speed across Morse Lane, and their sight picture was not that great. He stated that being able to pull up far enough to get good visuals left and right was going to be challenging, especially if somebody was pulling a 53-foot camper or other gigantic craft. Mr. Hester said that if nobody was going to be onsite to regulate this type of thing, he did not see anything but more problems in the future. He stated that if they needed to see any pictures of the damage from the culvert area, he had plenty of those.

Mr. Clay Stewart, 1073 South Powell's Island Road, Arrington, said he is just on the other side of Walker's Mountain. Mr. Stewart said that he is also a local business owner and longtime RVer, as well as a resident who lives downstream from the proposed site. Mr. Stewart directed the Commission's attention to the right side of the map and said the whole right side is Brown Creek—which rises 20 feet in a hurricane on his property and puts it up halfway in the field, which is not shown on a flood map. He said that it goes into the Tye River just a mile down at his property.

Mr. Stewart stated that they often talk about ecology in the abstract, but that he wanted to talk about Tye River's impairment in terms of human life. He said that six years ago, his paraplegic son came to visit him in camp for a week; three days in, his son had two bed sores, one on each hip, and that he got a fever and got sick six years ago. He stated that today, his son has been scheduled for amputation. Mr. Stewart said that from that incident, due to the amount of E. coli and chloroform that is in Tye River today, and because of the E. coli directly present in the water, those small wounds became massive and ended up being what they are today.

Mr. Stewart stated that this river is already dangerous and is officially on the Section 303D impairment waters list for fecal chloroform and E. coli, yet this proposal asks the Commission to prove a commercial-scale septic. Mr. Stewart said that he has two on his property, a 40-gallon black tank and a 50-gallon black tank. He stated that he throws a chemical pad in there that kills every bacteria in there so his trailer doesn't stink. Mr. Stewart said that then that gets dumped into RV sites or campsites. He stated that it kills the septic system, because septic systems need the bacteria. Mr. Stewart said that RV waste is eight times more concentrated than household sewage and is full of chemicals such as formaldehyde, designed to kill every bacteria the septic system needs to function. He stated that when—not if—that system fails to fracture the landscape, the concentrated waste will bypass filtration and flow directly into Brown Creek and the Tye River. Mr. Stewart said that they must protect the integrity of their lands. He stated that this project threatens environmental health. Mr. Stewart said that for Brown Creek, Tye River, the water table, and most of the wildlife in the community, mountain communities, and dozens of other residential citizens on all sides, he urged the Planning Commission of Supervisors to maintain country standards, county standards, and deny this proposal. He stated that this location fails for a campground for many reasons, and that he had included those other reasons in his paper.

Mr. Larry Saunders stated that Mr. Harman raised a very good point in terms of who was going to manage this, particularly with open fires. Mr. Saunders said he has 100 “flammable” acres that adjoin this.

Mr. Daniel Francis McGettigan, 1055 Walker's Mountain Road, Arrington, stated that he would like to reaffirm what Mr. Stewart and Mr. Hester had said. Mr. McGettigan expressed concern with the railroad in this location and felt it was kind of a strange place to put a campground. He said the first thing he would do as a kid would be to go explore and find himself on that railroad track, guaranteed. Mr. McGettigan said the creek runs through his property 725 feet, and he would be devastated if there were any impact from a campground. He stated that he moved there to enjoy what he has, with his family owning both of the lots shown where the campsite is, and he is very concerned with potential impacts such as noise pollution. He stated that to turn in and out of that space, a person would have to make a U-turn, and this is not a great place to pull in and out with a large vehicle. Mr. McGettigan said that shortly after that land was cleared, a small rainfall happened, and he had never seen the creek come up that high in his life—even though he monitors it frequently—and he believes it was from the runoff from that property that had nowhere else to go. Mr. McGettigan said they did lose their culvert, which may have also been attributed to the loss of trees here.

Ms. Linda Milam, 1026 Walker's Mountain Road, Arrington, said that a lot of campgrounds will have generators, which can be loud, and her concern would be a whole bunch of people with generators and that sound wafting over into her quiet environment. She suggested that perhaps they could put a clause in there not to have those running.

There being no further speakers, the Chair closed the public hearing.

Mr. Smith said Mr. Stewart had raised some good points and asked when the fish kill had happened, noting that the Tye River had experienced struggles over the last 50 years.

Mr. Averitt said the mention of a black water and gray water tank that would be pumped implies that there is not a septic field.

Mr. Masters confirmed that it will be fully pumped by local service providers, and there will not be any pipes, drainfield, etc. He said this is supposing they will get to 80% occupancy, and for the first two years, he would probably stay in the fixed unit.

Mr. Harman asked how close the campsite is to the Tye River.

Mr. Masters responded that it is one mile.

Dr. Ligon said it always comes down to the manager.

Ms. Proulx commented that they have always required an onsite manager in the past, and there is a potential for problems, especially if people staying there are having a party. She asked the applicant if this was something he would be willing to agree to.

Mr. Masters responded that he would, as they would have to manage the people and what takes place there, but they are very early in the process.

Ms. Proulx noted the difference between having an area manager and an onsite manager. She asked if he had already dealt with the fire issue.

Mr. Masters said he understood the difference, and he also confirmed that there would be no fire pits or congregational spaces.

Dr. Ligon said the solar stove she has is an open fire; it's a fire pit on a stand. She commented that camping and fire go together.

Mr. Masters agreed that he would like campers to have that experience, but this would not be a fire on the ground.

Dr. Ligon asked if the buildings were going to have septic or if those were going to be pumped as well.

Mr. Masters confirmed that they would also be pumped.

Mr. Averitt said if they were to recommend approval and this goes forward, there would still be a whole bunch of additional engineering requirements that must be met and come back to be satisfied as a final approval of site plans, the waste plan, the traffic plan, and so forth.

Ms. Bishop said that was absolutely the case, and a full site plan review would need to be done by an engineer, which would require approval by VDOT and the health department. She said they sent it to emergency services for review, and they did not have comments but would also look at the site plan. She said erosion and sediment control and stormwater management plans would also be required, if applicable, and they could add a condition that septic wouldn't be permitted and the applicant would have to do a pump and haul—for which a permit must to be approved by the Board of Supervisors.

Mr. Averitt said that on paper, before hearing the public comments, this looked to him like a great idea. He stated that it was next to the landfill and was in a part of Nelson County where they would like to see more activity. He said he had heard many comments that night that made a great deal of sense and was very concerned about the waste treatment and the resolution around that issue, perhaps with a pump-and-haul system. He said he was very concerned about fire risk because the community had seen a great deal of that, and they all hated the idea of going to a campground where fires were not permitted. He said the noise risk to the neighbors was also a real concern, and he had not realized in the application

what appeared to be the relative proximity of some of the neighbors and worries regarding generators and general noise. He said those concerns were valid and worth mitigating. He said it might be possible to mitigate all of those risks with some of the conditions they had seen and with thoughtful planning.

Mr. Masters said that berms and buffers do well, and in the plan, there's a landscape tree planting plan that creates a buffer for noise. He said they had met with CVEC onsite today to see if they could power along the road, whether that would provide for the power to be running generators. He said he did not see any potential impact on the creek.

Ms. Proulx noted that he didn't have anything regarding amplified noise in the proposed conditions.

Ms. Bishop said they can add conditions addressing noise and quiet hours, and if they want to include the pump and haul.

Mr. Scott said he thinks they should consider deferring it to work with Ms. Bishop on some of the concerns that have been raised.

Mr. Hester said he has been working the Turman Lumberyard fire for three days, and that was from one single camp stove that someone neglected to put out—and the campers for this proposed campground will operate similarly to the ones at Oak Ridge who dump all their sewage on the road when they leave.

Staff confirmed that there are 34 sites and 10 tent sites, for a total of 44.

Ms. Bishop confirmed the few conditions that were added at the end:

- There shall be no development or sites located within 1,000 feet of the bank of Brown Creek.
- Vegetative buffers shall be required along the length of the property on Brown Creek.
- There shall be no generators permitted on the site.
- No amplified music is permitted; quiet hours shall be from 10 p.m. to 7 a.m.

Mr. Harman moved that the Commission recommend approval of SUP #250263, Camp Brown on Morse Lane, with the 13 conditions that are part of the record.

Ms. Proulx seconded the motion.

Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Harman

Mr. Scott

Mr. Averitt

Ms. Proulx

No:

Mr. Smith

Ms. Bishop said this would go to the Board of Supervisors on April 14 with a recommendation for approval, with the conditions as stated.

- **SUP #260068 – Campground (Cabins) in A-1 Agriculture (Swannanoa)**

Ms. Bishop reported that this was a request for a special use permit under a campground use for three cabins on properties zoned A1-Agriculture on Swannanoa Lane in the North District. She said that these properties were currently vacant and that the owner represented Skyline Swannanoa, Inc., which owns properties atop Afton Mountain, where Swannanoa is located. She said the firm states their long-term goals for these properties include “establishing a multi-use site with retail opportunities, a hotel, and restaurants, much like the property was when it was thriving, except updated and aesthetically pleasing.” Ms. Bishop said that that was a quote from the narrative and stated that none of those other considerations were a factor that night because this was just for the cabins.

Ms. Bishop stated that the properties are located along the boundary shared with Augusta County, and all the adjoining properties on the north side of Swannanoa Lane are in Augusta. She said staff contacted Augusta Zoning, and an e-mail sent out earlier that day from Community Development staff indicated that the development was all in Nelson County and the shared driveway to the development was in Augusta County, which would not require a special use permit application with Augusta. She stated that when prompted further for additional feedback, Augusta said they had no issue with the request or the use of the driveway for access.

Ms. Bishop stated that the area is currently vacant with rural and low-density residential uses; the properties are located near access to the Blue Ridge Parkway, and the Swannanoa Estate is accessed via Howardsville Turnpike. She noted that the property is accessed by an existing shared entrance on Swannanoa Lane, a private road historically maintained by the owners. She said that the property will be required to comply with health department requirements, and in terms of a comprehensive plan analysis, the property is located in a rural destination as designated by the County’s future land use map, where the core concept is to “maintain existing character and enhance amenities within these areas to create places with a distinct identity that draw recreation and economic investment and improve quality of life for residents.”

Ms. Bishop stated that these destinations are places with distinct character and identity within the rural landscape, have specific place names, and carry historic and cultural significance for the community. She said investment should prioritize improving and expanding access that serves as the backbone for these destinations and helps bolster economic growth, while planning guidelines include enhancing and protecting cultural resources and encouraging infill development and retrofitting of existing buildings. She stated that Swannanoa is one of 28 sites in Nelson County designated on Virginia's and the National Register of Historic Places.

Ms. Bishop said should the Planning Commission recommend approval, recommended conditions are:

- No more than three cabins shall be constructed and maintained by the developer. No travel trailers or other camping sites shall be permitted.
- No open fires or burning shall be permitted.
- Lighting shall be dark sky compliant, directional glare shall be shielded to prevent light pollution on adjoining properties and roadways.
- The final site plan shall be developed in general conformance with the submitted site plan and the SUP application package.

Ms. Julia Flynn Moore addressed the Commission and stated that she works with Justin Shimp at Shimp Engineering, representing the owners for this application. Ms. Moore presented images of the types of cabins the owners wish to place on the site. She pointed out that this is a special use permit by technicality, as these particular structures do not comply with Virginia Building Code simply because they

are built in Pennsylvania. She said that they are from an Amish company and are similar to modular structures or tiny houses, and they have to go through the special use permit process as a campground. Ms. Moore said that by right, they could develop large single-family residential houses on these parcels, and this is overall a less intensive use for all concerns. She said they are fine with all the conditions.

Ms. Moore referenced another image that shows the location is very close to Interstate 64. She stated that it is about a two-minute drive, one mile off the interstate, very near Blue Ridge Parkway, Skyline Drive, and other tourist destinations, which is a perfect location for furthering the goals of the comprehensive plan, as Ms. Bishop had mentioned. Ms. Moore presented another image showing other parcels in the area, noting that the same owners are a family represented by the Skyline LLC. Ms. Moore said they have two options before them, with one of them being development of large single-family houses. She said these owners, however, are more interested in going with a second option in the direction of a smaller resort or vacation-village rental style, which will have less impact overall on this area. Ms. Moore stated that obviously, they are only considering these three parcels right now, but for the long term, the owners are interested in continuing that sort of vision to revitalize the area.

Ms. Proulx asked if it was three parcels or two.

Ms. Moore confirmed that the shared driveway is the third parcel, and there are two parcels in Nelson and one in Augusta. Ms. Moore explained that the cabins are less than 300 square feet in size, and these could be much bigger if by right. She said there have already been some comments about the potential impacts of water, sewer, and traffic—and she would give the same response to all of those, that by-right development could have much larger impacts. She noted that these are probably going to be rented mostly on weekends, probably not during the week. She said Swannanoa Lane is a private road that's maintained currently by the property owners, so they have control over that.

Mr. Scott asked if he understood correctly that this had already gone before Augusta.

Ms. Moore responded that Ms. Bishop and Nelson County staff have corresponded with Augusta, which has indicated that they are okay with this.

Ms. Bishop added that Augusta does not require a special use permit for that parcel.

Ms. Proulx asked why these two parcels are Nelson County when everything around it was Augusta.

Ms. Moore and Ms. Bishop indicated that they did not know.

Mr. Harman said he had talked to some old-timers who did not have an answer either.

Mr. Smith surmised that a lot of that was done when the original Swannanoa was established, because Nelson allowed certain things that Augusta didn't.

Ms. Moore said that most of these were plotted in the 1920s, but she did not know the specifics of how that came about.

Mr. Harman said this is a similar application to what the County frequently encounters with short-term rentals, and he asked how they would be managed.

Ms. Moore said similar to previous applications, there will be a local management company involved.

Mr. Harman asked if there would be a person with contact information and a telephone number who could respond in a reasonable timeframe.

Ms. Moore responded that there would be.

Mr. Harman said he was not seeing any of this in the application.

Ms. Moore said in speaking with the owner, that is their plan.

Mr. Harman asked if there was no problem with putting that as a condition.

Ms. Moore said that was fine.

Ms. Proulx stated that with the last campground, they specified onsite, and she doesn't see that option here.

Mr. Harman noted that they have conditions for short-term rentals, but that's in a future state and not the current one.

Ms. Proulx said this is being treated as a campground, not the way that they treat the short-term rentals.

Ms. Bishop confirmed that this was correct.

Ms. Moore agreed.

Mr. Harman stated that nearby management would be as far as they could go, although there were stricter terms coming up in the future.

Mr. Averitt said they are pretty consistently saying, "What does the comprehensive plan suggest in the future for the land use for each of the things we consider?" He said if they already know that the soon-to-be adopted ordinance includes certain parameters, they could be considered now.

Ms. Bishop agreed and stated that what they've been doing since they have the full draft is comparing current applications with the draft zoning ordinance requirements and adding those as conditions.

Mr. Averitt commented that this is not really a campground, it's short-term rentals, and he would like to know how it fits with the new short-term rental policies.

Ms. Bishop responded that it doesn't fit because it's not a dwelling.

Mr. Scott asked why the applicant went with these instead of building.

Ms. Moore explained that they really just liked these structures, which are made by Zook Cabins in PA.

Mr. Harman asked if these were considered cabins.

Ms. Bishop said It's a structure that does not meet statewide building code to be classified as a dwelling.

Mr. Harman asked if they were permanent or temporary.

Ms. Bishop clarified that they are not temporary, and there are still building codes—just not as a dwelling.

Mr. Harman asked if they could still have conditions on management.

Ms. Bishop said they could, and Ms. Moore agreed to include them.

Mr. Averitt asked for clarification as to which parcels these applicants own in the area.

Ms. Moore said they would need to go into GIS click by click to confirm that.

Ms. Bishop said what they are required to do for notification purposes is to go outside of all the properties the applicants own and notify all adjoining owners, so there are owners in Nelson outside of that that received notification, as well as some in Augusta County.

The Chair opened the public hearing.

Mr. James Tashjian-Brown, 5710 Howardsville Turnpike, Afton, addressed the Commission. He stated that as he reads through the application, he keeps seeing phrases about honoring the character of the neighborhood, not changing the character. He said the character of this neighborhood is greatly influenced by what's known as the "Greenwood-Afton Rural Historic District," and Swannanoa is part of that. He noted that there are four more stone houses in this district that are all along Howardsville Turnpike, all present on the map provided. He said it troubles him that they are going from 100-year-old historic homes as the driving force of this area, with the applicants owning so many of the other parcels. Mr. Brown said this has the sound of a Wintergreen but on teeny, teeny parcels, and it's troubling and surprising to him that they would want to change the character so much. He noted that they were talking about how this is an isolated little park surrounded by Augusta County, and he owns 10 of those parcels—and most people who have houses up there have multiple parcels. He said to put three dwellings or whatever they are called on two parcels is quite a change from the neighborhood where people are having one house on quite a few parcels.

Ms. Eva Tashjian-Brown stated that residents of this area were all concerned when they saw this coming, but it never occurred to her that they would be thinking of putting tiny houses on those parcels. She said this family has not been good stewards of the land, and putting dozens and dozens of half-acre lots is going to completely change the nature of the neighborhood, as well as being a real problem for water, septic, and noise there. She said they already have a number of new bed and breakfasts here with no local management and no phone numbers they can call when there is pounding music at two in the morning. She said what makes it even worse than just being another Wintergreen is that this group is asking the County to approve them for tiny houses and avoid building codes. She said if they let them do these three, they would have a hard time saying no to anything else, which could mean hundreds of houses avoiding building codes—making absolutely no sense for the nature of that neighborhood.

Mr. Daniel Wiggins, 6046 Howardsville Turnpike, Afton, stated that he and his wife Alice live in the very first house on Howardsville Turnpike as you come up past the hotel. He said on this map, you can see how many lots there are in the Swannanoa Palace District, and he added up this evening how many houses are actually built on occupied properties on the mountaintop—and there are only 15. He pointed out on the map provided that there are hundreds of vacant properties, and every property on the mountaintop outside of the hotel and the golf course property is a single-family dwelling. He said they are now looking at putting three properties on a single, one-acre lot, and that is going to set a bad precedent. He said that given the number of properties that are owned by the Skyline Swannanoa Corporation and by the Institute of Philosophy and Science, he is afraid that if this first domino falls, they're going to see similar proposals on many of those vacant properties.

Ms. Alice Wiggins, 6046 Howardsville Turnpike, Afton, stated that these lots were allocated many years ago as what was going to become the country club and the neighborhood and the houses there. She said at that time, those sites where there were homes, including hers, which was built in 1929, purchased their water from Swannanoa. She said they had a functioning water tower and they purchased our water, but that is no longer the case; their neighbors, Alan (Tannenbaum) and Nancy (Dunbar), sent a letter in this regard to the County. She stated that most of those wells, including hers that was originally 900 feet, needed to be deep to get to water—and it concerns her that the use of the land and the allocation of

that property do not take into account the current-day situation because of how long ago the lines were drawn. She also asked if they should be considering whether this is really a campsite, because it is really a rental that just doesn't meet building codes.

Mr. Carl Outen, 5860 Howardsville Turnpike, Afton, said his house is the third one as you go along Howardsville Turnpike and is very close to the property in question. Mr. Outen stated that there was a house built right above his two years ago, and they dug a well—and now in July and August, they hardly have any water. He said he knows the Planning Commission is familiar with how many Airbnbs are already in that neighborhood, and there are at least five he knows of that are very close to all of their homes, including one that has become a party venue for UVA students. He stated that there is often loud music, and the Nelson County police say that the noise ordinance only starts at 11 p.m., so these people put big speakers out on the lawn and start booming the music at 4 p.m.; the neighbors call the police at 11; and at about 12, the noise goes off. He stated that you can hear the noise hitting their chests when they are inside their home, and he is concerned about more short-term rentals up on this mountain.

Ms. Janice Gentry, 5904 Howardsville Turnpike, Afton, emphasized that she agrees with what her neighbors have shared, including that this is very different than the current culture and land use on the mountain. She said that she and her husband own multiple lots and have one home on them, and everybody up there is used to having plenty of space around. She also stated that the water issue is real; her well is 630 feet deep and is still so low-producing that they must have indoor storage tanks to be able to do the laundry and such. She said if all these lots were to be developed as by right, nobody would have water. Ms. Gentry added that she does not understand the notification rules around this, as she didn't get any notification but it feels like it's right next door. She noted that Swannanoa Lane is a private road and is typically taken care of by the residents—but it is not taken care of well, with lots of potholes and washouts when it rains. She said that this was not a good use of those two lots, and it does feel very odd that the current zoning would allow for three dwellings to be on two very small lots. Ms. Gentry added that she trusts they know what the zoning rules allow, but it is very different than what they are used to up there.

There being no further speakers, Mr. Scott closed the public hearing and brought the matter back before the Commission for discussion.

Mr. Harman said that he is confused, as this is a great little area here but one that has a lot of issues: There's a golf course that's closed for some reason, a hotel that needs a lot of work, and a restaurant that back in the old days was great. He asked if there was any kind of master plan or a plan by Augusta County or Nelson County as to what they want to do with this beautiful area in the future.

Ms. Bishop explained that the only guidance she has is in the comprehensive plan as a rural destination based on the history of the site—but since it's not owned by Augusta or Nelson there is no master plan.

Mr. Harman asked how much of it is Nelson County.

Mr. Smith said the Skyline Corporation also own the former Holiday Inn site as well.

Ms. Proulx noted that it was all the Delaney family. She said it is privately owned, and they could put one home on each parcel—not two on one parcel.

Ms. Bishop confirmed that Skyline Swannanoa owns all of that and could put a house on each parcel.

Mr. Harman asked if the total land is less than an acre of both combined.

Mr. Scott said one is 0.460, and the other one is 0.475, so it's less than a half-acre.

Ms. Bishop reiterated that these were plotted a long time ago before there was a subdivision or zoning ordinance, and these are considered nonconforming lots. She explained that even though you could not create a lot like this today in A1 zoning, they are existing nonconforming lots—so as long as setbacks are met, they can be built on.

Dr. Ligon said that early in her tenure on the Planning Commission, they had a list of standards for Airbnbs, and she recalled that one of them was having structures that fit with the building code. She said the goal was having safe, lovely places for people to stay when they came to Nelson County.

Ms. Proulx said she thought that was one of the things they had talked about but hadn't enacted yet, and this is also why they're going for a campground instead of just doing this as a dwelling.

Mr. Scott noted that they have three mini-homes on the way to Crabtree Falls, but he didn't know how long they had been there.

Ms. Bishop said the Cabins at Crabtree is another example of a campground, even though they're cabins, but they don't meet building code as a dwelling. She added that as previously stated, they are still subject to building codes but are not regulated as a dwelling.

Mr. Averitt said it's concerning that this may be a toe in the water of a much bigger long-term vision that they don't really know and understand. He acknowledged that from a landowner's perspective, they want to figure out what works and start small, but it also feels inconsiderate to the existing community and to the County with a decision that has larger long-term implications. He surmised that the reason they are not building single-family homes here is the concerns the neighbors have raised—the small lot size and the expense of building a true single-family home with well and septic. He said if that's not practical, the owners will find a different way to use the land. He said he is not inherently opposed to the idea, but it would be helpful to see a master plan for the property they own rather than piecemealing it, and making a tiny campground on less than an acre feels like an odd decision.

Dr. Ligon said she sees his direction and completely understands it, but she is not sure they are allowed to make a decision on a property based on a plan of all the properties they own.

Ms. Proulx agreed.

Mr. Harman asked if they could limit the future number of this type.

Ms. Proulx said that was not before them.

Mr. Harman asked if they could stop all of these lots from becoming short-term rental cabins.

Ms. Proulx said they only have a say if they are in Nelson.

Ms. Bishop pointed out that the properties are not in Nelson, so they would not have any oversight. She said she wasn't sure if there would be a notification requirement.

Mr. Averitt asked if the Skyline Swannanoa LLC company owned all these properties.

Ms. Bishop confirmed that they own many of them, with properties falling in both Nelson and Augusta. She clarified that if they had special use permit requests, Nelson would be notified and would get feedback from the Commission and Board and provide that to Augusta.

Ms. Proulx emphasized that this comes down to the fact that they are dealing with this particular application today—not what they might do in the future.

Dr. Ligon read the first special use permit criterion: The use shall not tend to change the character and establish pattern of development of the area or community in which it proposes to locate.

Ms. Proulx said she felt that this did change it.

Mr. Harman agreed.

Ms. Proulx said that just putting two units to be occupied as houses on one less-than-half-acre parcel, particularly when the pattern of development has been multiple parcels per house, is a deviation.

Mr. Scott stated that he drove past the golf course, and there are quite a few large, very nice homes that have been built.

Residents confirmed that those were in Nelson.

Dr. Ligon read the second special use permit criterion: "The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of the neighboring property."

Ms. Proulx said to recommend denial, they don't have to meet all four criteria—only one of them. She stated that she is aware that there are water issues up in that area.

Mr. Harman asked if it was adequately served by water and sewer.

Mr. Scott said that it's private and requires well drilling, commenting that Swannanoa Lane is a mess.

Mr. Scott asked if the applicant's representative would like to readdress the Commission.

Ms. Moore clarified that the properties have been owned by the same family; however, there has been a recent transfer of who is heading up the management. She said regarding the other sites that have been in disrepair, this is a new path forward and they don't need to worry too much about the historical disrepair. She emphasized that this new generation is very much invested in revitalizing the properties and taking good care of the sites—and Airbnbs have to be the best-taken-care-of sites; otherwise, no one's going to rent them. She reiterated that in terms of the nature of the impact on the surrounding area, this would be less of a change than if there were a by-right development. She said by voting against it, they would be making it more likely that there's a bigger change going forward.

Ms. Proulx said that being threatened with something worse is not a good approach to take.

Mr. Smith asked how many parcels they owned.

Mr. Justin Shimp addressed the Commission and stated that this was a very unusual circumstance with the whole project. He said that a development was determined to be there in 1930, well before there were rules, and there were about 200 lots originally platted here; some had been lost and some had been sold. Mr. Shimp stated that Skyline Swannanoa Inc., which is the Delaney family, owns most of them in Augusta and in Nelson. He said that only by circumstances of the prior owner who passed a few years ago did nothing happen before now.

Mr. Shimp said that the new family members had hired him to help figure out what to do with the place, and they were actually working on water and sewer for the commercial side revitalization. Mr. Shimp said that the owners would like to keep the mansion and all the lots in the family and keep it as a development of a scale they would like. Mr. Shimp stated that they were not trying to threaten anybody, but this was established in 1930 as a development. He said as an interested bystander, he looks right from a window at his house at this place, and he had always been curious about a way to get involved

and make this into something like the Clifton Inn, where there is a historic house, a beautiful place to stay, and nice grounds.

Mr. Shimp stated that this is a special use permit for development, but it is a different kind of development than what was already approved. He said that market forces would figure out a way to get water and sewer and build houses up there, because that's the value of the land. Mr. Shimp stated that if it is not a tourism-based business, it is going to be a neighborhood, and their part in something like this is to ask whether they can it into something that is nice—but it also has to make money and be economically viable. Mr. Shimp stated that if this is not approved, the applicant will just build some by-right small houses and make them Airbnbs. He said that this is a request to do the campground because they can use these structures that are brought in, manufactured offsite, and set, similar to what J.H. Fitzgerald has on 56, which are still on wheels.

Ms. Moore added that they have no reason to believe that these would not meet building code; it's simply the fact that they're built in Pennsylvania that they cannot be certified in Virginia.

Ms. Proulx asked why these two parcels are in Nelson County when they are surrounded by Augusta County on every side.

Mr. Shimp explained that the line is right at the ridge, and in most cases, when a line transects different parcels like it does here, the respective county tax assessors discuss the situation and decide which parcels they're going to claim for each side.

Ms. Proulx said there may be a couple Augusta parcels down in Nelson County that they swapped these for, because this is surrounded by Augusta and is not on the line.

Mr. Shimp said the ridge line defines the boundary, and it goes right at the top of the lot with the two homes on it; the back of that is the top of the ridge. He said you can stand there and point one direction to Augusta and one direction to Nelson, which is why the mansion is split in half.

Mr. Averitt commented that what Mr. Shimp seems to be saying is that the family is going to go right or left; they're going to go right toward this concept with the hotel and Clifton Inn and small cabins or whatever—or they're going to go left and develop a residential community with single-family homes, which they have by-right. He asked why they don't just have a more comprehensive conversation about that holistic plan and include community input. He said this one tiny little thing feels out of context with the 200 lots or so and the hotel.

Mr. Shimp explained that there are those who control Skyline Swannanoa, Inc., but his client is the nephew who bought these parcels from another party back into the family. Mr. Shimp said he has control of these particular parcels and wants to demonstrate to the family that this is a good way to make a viable use of the land in hopes those who own the rest of the lots will get on board with that.

Mr. Scott asked how many lots the nephew owns.

Mr. Shimp responded that he owns these three.

Ms. Proulx stated that her inclination is to recommend denial of this one and let them put in a stick-built house on each of these parcels and use it as an Airbnb, should they desire. She said in that event, there's nothing that would have to come to the Commission, and she won't go revisit all the SUP consideration criteria. She stated that this is the only thing they get to decide on—not what they are going to do in the future or anything else, adding that this is not in keeping with the pattern of development in the area and is not consistent with the character of the neighborhood.

Ms. Proulx moved that the Commission recommend denial of SUP #260068 for campground cabins in Swannanoa. [REDACTED] seconded the motion.

Roll was called, and the motion passed by the following recorded vote:

Yes:

Mr. Harman

Mr. Scott

Ms. Proulx

Mr. Averitt

No:

Mr. Smith

Board of Supervisors Report

Dr. Ligon reported that the Board has had four meetings since the Commission's last meeting. She said they have almost finished their budget discussions; they approved the land use map being done simultaneously with zoning; and they addressed redistricting and Second Amendment support. She said that took the majority of their meetings, even though much of it was not specifically Nelson County business, and they have scheduled the public hearing to set the tax rate.

Next Regular Meeting

- April 22, 2026

Ms. Proulx moved to continue their meeting to April 22, 2026 at 5 p.m. for a joint meeting with the Board of Supervisors. Mr. Smith seconded the motion.

Yes:

Mr. Harman

Mr. Scott

Ms. Proulx

Mr. Averitt

Mr. Smith

Dr. Ligon

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 and Zoning