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**NELSON COUNTY PLANNING COMMISSION  
MEETING MINUTES  
February 28, 2018**

**Present:** Chair Mike Harman, Commissioners Philippa Proulx, Mark Stapleton, Mike Harman Mary Kathryn Allen, Rob Goad and Tommy Bruguire

**Staff Present:** Sandy Shackelford, Director of Planning & Zoning and Heather Graham, Secretary

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

**Approval of Minutes – January 24th, 2018:**

The Planning Commission decided to table the review of the minutes until the March 28<sup>th</sup> meeting.

**Public Hearings:**

- **SUP 2018-01 – Rockfish Valley Events**

Ms. Shackelford presented the following information:

**“BACKGROUND:** This is a request for a special use permit on property zoned A-1, Agricultural to allow for the construction of a building that will contain three suites. One of the suites will be used as a nano-brewery where farm products used by the facility will be grown on-site. This will be considered a farm brewery and does not require a special use permit. One of the suites will be used as a farm winery permanent remote retail establishment (§4-1-16a) and the other will be used as a restaurant (§4-1-34a).

Public Hearings Scheduled: P/C – February 28, 2018; Board – March 13, 2018 (tentative)

Location / Election District: 9485 Rockfish Valley Highway / North Election District

Tax Map Number(s) / Total acreage: 6-A-131 & 6-A-163D / 10.937 acres +/-

Applicant Contact Information: Todd Rath, 161 Wood House Lane, Nellysford, VA 22958; 434-996-7133.

Comments: The applicant applied for, and was granted, a special use permit previously for six one-bedroom cabins and to convert the existing building on the east side of the property into a tasting room/restaurant and use the storage building beside it as an accessory to that use. He had originally requested additional special use permits for other businesses that would potentially be interested in locating on the property, but at the time of the request, the businesses that would likely locate in the space had not been identified and the applicant withdrew that portion of the request prior to final action being taken by the Board of Supervisors.

At this point, the applicant has signed letters of intent from two businesses (farm brewery not needing a SUP and farm winery permanent remote retail establishment) that would occupy the proposed building, and is in discussions with a few potential businesses that would occupy the third space as a restaurant.

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## **DISCUSSION:**

**Land Use / Floodplain:** This area is rural in nature. There are no 100-year flood plains on the property.

**Access and Traffic:** Property is accessed from Rockfish Valley Highway (Route VA-151 – AADT 4,800 trips per day). The proposed development will generate additional traffic along this corridor, but a traffic impact analysis is not required at this time. VDOT previously reviewed the proposed development when the initial special use permits were requested. They indicated that the entrance would need to be relocated to align with the entrance into Silverback Distillery. Future phases of development would require a right turn taper and a left turn lane, but those are not needed at this time. The full list of comments from VDOT based on their review of this phase of development are included in the packet for your further review.

**Utilities:** Property is served by private well and septic systems.

**Conditions:** The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. Conditions placed on the initial request approved by the Board of Supervisors included a 9:00 pm amplified music time limit and landscaping along Route 151. Staff recommends that these conditions also be applied to this next request should approval be granted.

**Comprehensive Plan:** This property is located in an area designated as rural and farming use based on the current Comprehensive Plan.

**RECOMMENDATION:** The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate. *The proposed use is consistent with the development pattern along the 151 corridor. However, there is concern about continued expansion of higher intensity uses along 151.*
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 neighboring property. *The proposed could be considered complimentary to other uses in the area. The Silverback Distillery is located directly across the highway from this site. The businesses that would potentially be permitted are small in scale and would support the types of businesses that are already located in this general area.*
3. The proposed use shall be adequately served by essential public or private water and sewer facilities. *The applicant will work with the engineers and the health department to ensure adequate facilities are provided.*
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance. *There are no significant ecological, scenic or historical features that would be impacted by the proposed use.*

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The Planning Commission had no questions for staff at that time. Ms. Proulx asked Mr. Rath where he was in the process with the first part of his project. Mr. Rath noted that they have run

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into a lot of hurdles with DEQ and engineers. He added that he is close to satisfying VDOT's requirements. Mr. Rath displayed front view and rear view drawings of the new proposed building. Mr. Rath noted that last year Blue Toad spent over a half a million pounds of Nelson County apples. He added that he has promoted other business to press local apples as well.

Ms. Proulx asked where the farm would be. Mr. Rath responded that they would grow hops and apples down the hill on the property.

Public Hearing called at 7:18pm

- 1) Dr. Margaret Flather  
507 Rockfish Orchard Drive  
Afton, VA 22920

Dr. Margaret Flather is a non-adjacent neighbor of the parcel in question but lives close by. She read from page 3 of the Rockfish Valley Area Plan "that there is responsibility to minimize unplanned growth and prevent undesirable change, to protect rural residential areas, to identify future land use patterns that are most desirable and appropriate, and to maximize quality of life for residents." Ms. Flather believes that the county succeeded in developing Rockfish Orchard. The Rockfish Orchard covenants that were approved and listed with the county established a subdivision of residential homes in an environment that are intended to protect and promote property values, privacy, a peaceful rural lifestyle with homes in harmony with the environment, forest, and river ecosystems.

She explained that this neighborhood and several other residential properties are the neighbors for this development. She believes that the county has made a few mistakes on what they have let into the county. The two nearby developments D'ambola's Restaurant and its many subsequent reincarnations of different businesses has just become more and more disruptive for the neighbors. She mentioned that she feels the same way about Silverback and that it is her understanding that they were able to come in through a farm-business loophole. She does not believe that Silverback is growing any of their product on their land.

She stated that the neighborhood's water, peace and quiet, property safety, property values, roadways and commutes are threatened.

She stated that when the board approved the first phase of the project they were really pressured by Mr. Rath so that he could move into the new buildings by March. She stated that Tommy Harvey suggested that the supervisors take a closer look at this and postpone it but was overruled.

She noted that the garage is essentially supposed to be a package building where people will be able to buy Blue Toad products including alcohol. Ms. Flather believes that this building is either on the line or over the line of Shirley McGatha's property.

She stated that one of the members of the Planning Commission discounted their concerns of the road when asked about it. She stated it is a .8 mile section of highway and that the combination of the residential traffic and business traffic on that road is too much.

She noted that on page 17 of the Rockfish Valley Area Plan it shows that the area is already a hot spot for accidents.

She then went over the staff report recommendations that were given to the Planning Commission:

**RECOMMENDATION:** The approval of special use permits should be based on the following factors:

5. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate. *The proposed use is consistent with the development pattern along the 151 corridor. However, there is concern about continued expansion of higher intensity uses along 151.*

She stated that D'ambolas and Silverback are not the standard of the neighborhood.

6. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property. *The proposed could be considered complimentary to other uses in the area. The Silverback Distillery is located directly across the highway from this site. The businesses that would potentially be permitted are small in scale and would support the types of businesses that are already located in this general area.*

She stated that placing a package building and a bar practically on the line of someone else's land adversely affects the neighboring property. She said that Todd Rath had told the board in Phase 1 that there were no houses within 600 yards. She stated that there are houses within 600 yards of the property and showed a photo taken by her of the distance between the garage on the parcel and the house on Shirley McGatha's property.

7. The proposed use shall be adequately served by essential public or private water and sewer facilities. *The applicant will work with the engineers and the health department to ensure adequate facilities are provided.*

She noted that everyone in the neighborhood has a well. She said that it was her understanding that the garage that had once been there dumped used oil down behind the trading post. She also noted that there was a car graveyard there and that she understands there are buried tanks there. She explained that to put in the wells and septic systems for

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all of these buildings would disrupt the stream at the bottom of the property and that it could affect surrounding wells.

8. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance. *There are no significant ecological, scenic or historical features that would be impacted by the proposed use.*

She noted that there are wetlands on either side of the stream. She noted that a couple down the stream use it to water their horses and that another couple intends to use the stream for animals on their property.

She urged the Planning Commission to not be bullied into making a rushed decision. She asked that the Planning Commission deny the application. She also noted that if the Planning Commission were to approve this application then they should attach conditions to protect the neighbors.

- 2) Jeri Lloyd  
9322 Rockfish Valley Highway  
Afton, VA 22920

Jeri Lloyd expressed that she was disappointed with the Planning Commission because she and her husband were never notified of any meeting for Phase 1 of the project. She noted that her home is directly across the street from the proposed development.

She noted that the proposal goes against the residents' survey responses gathered in the Rockfish Valley Area Plan. She noted that 96-98% would like to preserve the mountain scenery, clean water, clean air, conservation of environmental features, dark skies, and the rural nature of the valley.

She noted that the property in question is zoned A-1 (Agricultural). She noted that the statement of intent in the Nelson County Zoning Ordinance for the A-1 district is to discourage the random scattering of residential, commercial, and industrial uses in this district.

She also noted that Goal NR-2 of the Rockfish Valley Area Plan mentions protection of groundwater resources from depletion and pollution. She mentioned that well and septic systems serve this property and asked how the new proposal would protect the ground water and wells of the neighbors.

She reviewed Goal NR-3 and its objective to protect priority scenic view sheds. She notes that right now she has a beautiful view of the mountains to the west and that this development would block her view.

She noted that this development will cause the traffic to grow exponentially and that it will make travel very difficult and unsafe.

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She also noted that she believes that if an applicant can get a special use permit to put a business in, then the zoning in the county does nothing.

She noted that the current Blue Toad location is a nuisance on the neighborhood and that it is held open later than it is supposed to be. She worries the applicant will not be able to control or maintain this new project.

She requested that the Planning Commission deny this request and any further development in Afton Depot.

- 3) Philip DeJong  
305 Falling Springs Drive  
Afton, VA 22920

Philip DeJong shares 1400' of property line with the proposed project. He noted that he and his wife are new to the community and that they moved there because of its rural character and beauty. He appreciates the Planning Commission's attempts to protect the precious resources of the county. He is encouraged by the fundamental principles found in the RVAP. Mr. DeJong doubts that Mr. Rath's development falls under the planned growth mentioned in the RVAP. He further explained that Mr. Rath's property is surrounded by rural residential neighbors. He noted that phases 2 and 3 of Mr. Rath's plan includes 48 cabins. He explained that this amount of lodgers is 20% less than a Hampton Inn (60 rooms). He stated that he does not want this project in this community. Mr. DeJong then went on to explain how the project would affect the neighborhood. He mentioned that there would be 50+ toilets flushed into the drain field daily, that there would be no regulated parking, that well water systems would be taxed, and that the appearance of the county would suffer with a strip mall. He believes that the density of the cabins is too much for the rural neighborhood that it is surrounded by. Mr. DeJong asked where the protection for the neighbors would be. He also mentioned that there are many other locations along RTE 151 that would be more ideal for Mr. Rath's project. He explained that it is important to be hospitable to tourists and businesses but that the residents need to be protected.

- 4) Mike Fox  
9232 Rockfish Valley Highway  
Afton, VA 22920

Mr. Fox noted that he is right next to the D'ambola property and across the street from the proposed project. Mr. Fox said after the D'ambola property was purchased by Blue Toad that every negative concern he had became a reality. He said that a few years ago his wife was rear-ended turning into their driveway at 50 miles per hour. He said that there is loud amplified music and loud customers at the establishment sometimes until midnight. He says that there are often beer bottles and trash thrown onto his lawn. He also noted that the dumpster is dumped at 6 am and is very loud. He said that the delivery trucks are also very loud and that the lighting in the parking lot is very bright. He explained that this area is very special to him and his family and that his ancestor bought it in 1759 and that his family is buried on his land and behind the

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D'ambola property. He asked the Planning Commission to not allow this proposal to move forward.

- 5) Connie Fox  
9232 Rockfish Valley Highway  
Afton, VA 22920

Ms. Fox noted that 151 is a very narrow road with no shoulder on either side. She does not think that the road could handle this amount of business and does not think it should be widened just for the businesses. She is also worried about having even more impaired drivers that are also not familiar with the road. She mentioned that trash blows all over their lawn and up into their trees. She noted that from her yard she can hear profanity and ruckus from the customers next door. She questioned whether or not there was a need for this type of business and who would benefit from it. She requested that the Planning Commission not allow this proposal to move forward.

- 6) Shirley McGatha  
43 Rockfish Orchard Drive  
Afton, VA 22920

Ms. McGatha purchased her property in 1992 and has loved living in Nelson County. She stated that in about 1999 or 2000 she attended a meeting at the Rockfish Valley Fire House held by Emily Couric and was about the traffic on RTE 151. She said they were able to state their concerns at the meeting but that now in 2018 they still have concerns. She went on to say that she is worried about this proposal adding to the traffic of the area and is also worried about patrons at the property trespassing on her land.

- 7) Christine DeJong  
305 Falling Springs Drive  
Afton, VA 22920

Ms. DeJong noted that she loves living in Nelson County and understands new business opportunities coming in. She is very concerned about the stream that runs along her property getting contaminated by the proposed project. She believes that there are opportunities closer to Nellysford that would fit this proposal better.

- 8) Justin Shimp  
148 Tanbark Dr.  
Afton, VA 22920

Mr. Shimp noted that the pictures look really nice but that is no guarantee that the project will not be a strip mall. He asked the Planning Commission to look at the benefits and costs to the

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citizens. He said that it was great that the tax revenue and use of local products helps the county but that it might be unsightly and that there are no guarantees that it will be successful. He also noted that it didn't look like it fit the character of the neighborhood very well. He mentioned to the Planning Commission that they have 100 days to make a decision. He recommended that the Planning Commission defer the application and try to get more information.

After all the public speakers presented, Mr. Rath was permitted to step forward again and respond to the public comments.

Mr. Rath addressed Jeri Lloyd and told her that he had only operated Blue Toad as a bar from 2011 to 2014 while serving cider and then took it back over in November 2015 after a new tenant had taken over the building and caused ruckus. He noted that they close at 8pm and that there is no late night music. He also mentioned he can't remember a concert that they have had that was held late enough for it to get dark out. He noted that Rockfish Valley Inn is not a bed and breakfast but a lodge. He stated that the building once had a tax assessment of \$175,000 and that now it has an assessment of \$450,000 and is a business that generates over \$90-100,000 a year. He noted that the Inn is only busy on the weekends and that they don't serve breakfast. He stated that taxes have gone up 35% since 2008 and that it probably would have been 75% if not for the argitourism businesses in the County. Mr. Rath mentioned said he has done a lot for the county and community.

Mr. Rath stated that the oil tanks were taken off the property in 1991. They also made sure that they had the proper soil to handle the septic and drainage that the project will require. He also stated that the 4 swampy acres at the bottom of the parcel are going to be put under environmental conservation.

He stated that they noticed that the garage was close to the line and they brought the surveyor back out to confirm that it was built 1 foot from Shirley McGatha's property. He clarified that the picture that was taken from behind the garage was of one of their septic tests. He stated that there are already very many septic tanks near the creek and that it is normal and the water is fine.

Mr. Rath explained that he can't put his project in Nellysford because parcels zoned B-1 are very hard to find.

Mr. Rath said that the only solution he can see for the traffic issues is to reduce the speed limit.

Mr. Rath also said that because of septic limitations there will never be as many as 48 cabins.

Mr. Rath noted that the outdoor lighting was put in by another tenant when the building was not Blue Toad.

Mr. Rath noted that he does get a food delivery in a truck once a week between 10am and 1pm. He also noted that the garbage being picked up that early can be addressed.

Mr. Rath noted that he will build a fence between his and Shirley McGatha's property.

He explained that the project will not be a strip mall and that he recommends adding conditions to the approval so that it can't be a strip mall.



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Ms. Proulx clarified that the Planning Commission did not recommend approval for the last set of Special Use Permits; there was a motion to recommend approval but the vote was 3-3 so the motion went down. Ms. Proulx noted that her concern with the project is its impact on the neighborhood. She said that she is hesitant to approve more intensive uses when they still don't know how the early stage of the project will do.

Ms. Proulx explained that Silverback Distillery was approved as agriculture whether or not it should have been. She also mentioned that the D'ambola building went in 20 years ago and that nothing can be done about it now. She believes that approving these buildings were errors and doesn't want to increase density there. She also noted that the Special Use Permit would not enforce the design that Todd Rath has proposed and that the buildings might not look like what was shown by him. She also noted that she knows of a woman that lives farther away that can also hear the loud music from Blue Toad.

Mr. Goad asked when the Board of Supervisors approved the first application. Ms. Shackelford noted that it was August of 2017.

Mr. Stapleton noted that he doesn't see where a compromise can be made. He stated that the quality of life for the residents is more important than having the business there and that the business is able to move elsewhere where it would be more appropriate.

Mr. Goad's concern is that the first Special Use Permit has not been exercised on yet and that the first phase should be completed before adding to it.

Ms. Allen agreed with Mr. Goad stating that she had initially voted in favor of the Special Use Permit but now has reservations because she has not seen anything done to exercise the first phase and that the Planning Commission would need to see the impact of the first phase on the community before approving more.

Mr. Bruguere noted that outside agencies can hinder the process and make things take longer. He also noted that the Board of Supervisors has asked VDOT to lower the speed limit on RTE 151 to 45 mph many times and that they have been ignored. He noted that they also tried to lower the speed to 35mph in Nellysford and were again ignored. He explained that people come to Nelson County because of the tourism. He also noted that the proposed buildings look much better than the abandoned buildings that are currently on the lot. Mr. Bruguere explained that silt fences will keep dirt from entering the creek. He stated that the tax rates will go up next year and that most of the counties money is spent on the schools. He noted that if Nelson County does not expand then it will stagnate. He noted that VDOT requirements have been holding a lot of businesses back. He stated that after Phase 1 is done then they can see the impacts of it and move on from there.

Ms. Allen agreed with Mr. Bruguere and further stated that we need to encourage business growth in the county so that we can put more money in the schools and support the children.

Mr. Bruguere recommended delaying the application for a month and having a work session to look at the application more. Ms. Proulx disagreed, stating this needed to be done at Planning Commission meetings with public hearings. Mr. Bruguere then recommended delaying the

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application to have more time to decide. Ms. Proulx noted that she didn't think anything will change in the next month that would change the Planning Commissioner's positions.

Ms. Proulx made a motion to NOT recommend approval of SUP# 2018-01 for Rockfish Valley Events to the Board of Supervisors. Mr. Goad seconded the motion.

**VOTE: 5-1**

**Favor:**

- Philippa Proulx
- Mary Kathryn Allen
- Mark Stapleton
- Mike Harman
- Rob Goad

**Opposed:**

- Tommy Bruguere

**The motion to NOT recommend approval passed by a vote of 5-1.**

Mr. Rath explained that they have not torn down the old houses yet because they were going to have the fire department burn them, and they don't want to ruin the trees. He also noted that they are not able to start moving dirt around until the DEQ says they can. He noted that the cabin units are 1200 sq ft each, the trading post is 1400 sq ft and the garage is 600 sq ft.

**A 5 minute recess was then taken**

- **SUP 2018-02 – Forest Entertainment & Preservation Society, LLC**

Ms. Shackelford presented the following information:

” **BACKGROUND:** This is a request for a special use permit to allow for a primitive campground on property zoned A-1 in accordance with §4-1-10a of the zoning ordinance.

Public Hearings Scheduled: P/C – February 28, 2018; Board – March 13, 2018 (tentative)

Location / Election District: Union Hill Drive, two parcels north of 909 Union Hill Road / South Election District

Tax Map Number(s) / Total acreage: 80-A-52 (this parcel is divided into two pieces that are physically separated – this request is for the northern piece that is under contract for purchase) / ~29 acres +/-

Applicant Contact Information: Robert Honeycutt, Forest Entertainment and Preservation Society, LLC, 3810 Vawter Avenue, Richmond, VA 23222; 804-437-3244.

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Comments: The requested use falls into the definition of campground per the Nelson County Zoning Ordinance. The applicants are required to provide potable water and sanitary facilities. A well was previously dug on-site and the applicants are planning a small bathhouse for use by those staying on the premises. The applicants are not planning to bring any permanent power in for the campground and will be utilizing previously cleared land for parking.

**DISCUSSION:**

Land Use / Floodplain: This area is rural and agricultural in nature. There are no 100-year floodplains on the property.

Access and Traffic: Property is accessed from a private road off of Union Hill Drive (Route 626 – AADT 80 trips per day). The additional traffic generated by this request is minimal.

Utilities: Property is served by private well and septic systems. There is an existing well on the property, and the site has already been perc-tested. A septic system will be installed.

Conditions: The Planning Commission may recommend, and the Board of Supervisors may impose, reasonable conditions upon the approval of the special use permit. Conditions recommended by staff are that the site shall be developed in substantial conformance to the use described in the request including that the campground will not be served by a permanent power source and that the number of vehicles on the site for use by those camping at the facility will not exceed 25.

Comprehensive Plan: This property is located in an area designated as rural and farming based on the current Comprehensive Plan. This request is generally consistent with the Comprehensive Plan.

**RECOMMENDATION:** The approval of special use permits should be based on the following factors:

1. The use shall not tend to change the character and established pattern of development of the area or community in which it proposed to locate. *This use does not change the character/development pattern in the area.*
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 neighboring property. *This use seems to be in harmony with the current use of the property and would not adversely impact the neighboring property owner. The use as described in the application will preserve the land as is. The number of guests permitted at the campground and the low frequency of events will not cause major disruptions to the area.*
3. The proposed use shall be adequately served by essential public or private water and sewer facilities. *The applicant has made arrangements to ensure that the necessary water and sanitary needs are available.*
4. The proposed use shall not result in the destruction, loss or damage or any feature determined to be of significant ecological, scenic or historical importance. *There are no significant ecological, scenic or historical features that would be impacted by the proposed use.*

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Robert Honeycutt spoke and presented his ideas for a primitive campground in Wingina. He explained that the camping will be a private campground and will not be a camp for workers on the pipeline.

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Ms. Proulx asked if there would be an onsite manager at the campground. Mr. Honeycutt responded that whenever the campground is open one of the owners will be there.

Mr. Goad asked if the property is served by a public road or right-of-way. Mr. Honeycutt responded that it is served by a two lane private drive that travels about 10-15 miles through different hunting properties. He also noted that they will maintain the road themselves. Mr. Honeycutt explained that the campground is surrounded by 1000s of acres that are reserved for environmental protection and hunting. He also noted that the closest neighbor is ½ mile away and is happy with the proposed project.

Mr. Honeycutt explained that this would be rented out for small events (retreats) to small groups of people (not individuals) that want to come out together. He also noted that there will be a small bath house with two women's restrooms and one men's restroom, two showers, and a couple of sinks.

Mr. Goad asked how waste would be removed from the property. Mr. Honeycutt responded that they will have a dumpster that will be emptied after each event. He also noted that there would be a pre-constructed building brought in to serve as a small management office.

Mr. Honeycutt confirmed that there would be no RV's, and that it would just be tent camping with 25 tent sites.

Public Hearing called at 8:50pm.

- 1) Rev. James L. Rose  
2225 Union Hill Drive  
Wingina, VA 24599

Rev. Rose is concerned that he wasn't notified of this application. He questioned why the applicant chose the location. He also asked if the campground would only be open on weekends and how many employees there would be. He asked what would keep campers from bringing alcohol onto the property. He noted that he was concerned about loud noises, littering and speeding on the road. He noted that the road is narrow and can be dangerous especially for people that run/walk/bike on the road.

Ms. Allen asked Rev. Rose how close he is to the property. Rev. Rose noted that he is 1.5 miles away.

- 2) Francesca San Giorgio  
Realtor of Applicant  
1471 Beech Grove Road  
Roseland, VA 22967

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Ms. Giorgio noted that she is the real estate agent for the applicants. She noted that most of Union Hill Drive is mostly vacant land and that the property is 3 miles away from RTE 56. She noted that the only neighbor that lives adjacently is Mr. McDonald and he is 1 mile from the property.

- 3) Ramona Woodson  
435 Cabell Road  
Wingina, VA 24599

Ms. Woodson says that there are about 7 houses between RTE 56 and the location of the proposal and that it is a very narrow road. She mentioned that there are a lot of Wingina residents that did not come to the meeting tonight and she is here to represent them. She noted that a lot of the neighbors are concerned that they don't know the company owners. She explained that the neighborhood has been going through a lot and that it doesn't need any more change. She noted another concern is people trespassing on other properties. She noted that there is concern for forest fires and crime. She noted that there are inconsistencies in the application. She noted that the Game and Inland Fisheries campground is nearby that offers free camping to the public. She noted that the traffic for the current campground is already a problem. She recommended when campgrounds are desired that national parks service should be petitioned to take over the land and run it.

- 4) Rev. Dr. Valdrie N. Walker  
9897 Norwood Road  
Norwood, VA 24581

Dr. Walker noted that she had served on the Planning Commission for many years. She noted that she helped create a survey given to the county that asked the residents what they wanted. She also noted that there was a special interest in protecting the South District. She said that the South District is zoned agriculturally and that the residents there want it to stay that way. She said that she is very proud of being from Nelson County and that she was born there.

Dr. Walker said that in the 90's when the county adopted Special Use Permits that they weren't meant to be used for every little thing. She said that she couldn't find Forest Entertainment & Preservation Society, LLC anywhere online. She also noted that the traffic in the area (from Rte 60 to Wingina) is terrible. She said that they don't complain when they don't get all the services the rest of the county gets but that they like that they have their privacy and family there.

She noted that if there is a forest fire caused by the campers then her 569 acres of woods are at risk. She noted that there should be a campground without a Special Use Permit. She said that her neighbor Mr. Lantz did not know that the campground was going to be used for people other than family of the owners and that he is now against it and that part of the access to the campground is through his property.

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- 5) Eleanor Amidon  
931 Tanbark Drive  
Afton, VA 22920

Ms. Amidon noted that she travelled Union Hill Rd. for the very first time last week and that it was very curvy and very dangerous. She noted that she went to an Augusta County BZA meeting and they asked every applicant two questions:

- Have you spoken to your neighbors about your project and come to an agreement about any concerns they have?
- Are you going to live on this property?

She said that the Planning Commission should also ask every applicant these two questions. She said that the adjoining neighbors were notified but that everyone along the easement should be notified if they haven't been. She also asked who maintains the gate on the easement. She mentioned that there can be farmers with animals along the easement and that the campers could bother them or let the animals out.

She noted that the deed (#060003717) for the easement calls it a "20' non-exclusive lane" and that the map submitted with the application shows a 50' easement. She asked if in an emergency an ambulance or firetruck would be able to access the campground. She noted that she has looked at previous deeds (back to 1893) and hasn't seen a 50' easement mentioned anywhere.

She noted that an LLC (Legal Liability Company) exists to limit liability to its own holdings. She also noted that Forest Entertainment & Preservation Society, LLC registered as one in October of 2017 and that it has no track record. She noted that when Devil's Backbone put in a campground they were already an established company within the county. She also noted that they had restrictions on their lighting and noise and that they put a fence around the area and required security. She noted that the current application is very vague and doesn't include these things.

She asked if the LLC would allow the campers to have open fires anywhere. She asked if the LLC would allow campers to bring firearms for target practice. She asked if campers would be allowed to come and go any time during the weekend. She asked what would happen in an emergency and if the campers would have cell service to call 911. She said that the applicant mentioned solar panels and that they would need to clear trees to do so.

Ms. Amidon requested that the Planning Commission deny the Special Use Permit.

**The public hearing was then closed.**

Mr. Honeycutt noted that he did list all neighbors in his application and that the only nearby neighbor that lives on their land is Mr. McDonald. He also noted that they were considering buying a piece of land between them and Mr. McDonald for his comfort and privacy. Mr. Honeycutt noted that he loves Nelson County and would like to move here when he retires. He

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noted that he has spoken to Mr. Lantz several times and that he was fine with everything that Mr. Honeycutt had proposed. He noted that Mr. Lantz and his brother are the only ones with a key to the gate and that they are fine with the proposed project.

Mr. Honeycutt clarified that the LLC had an agreement to fully maintain the easement from Union Hill Rd. up to the entrance at the corner of the property. He mentioned that they created the LLC to purchase the land because they needed to get a small business loan.

He noted that they have no desire to sell liquor on the property. He also noted that the goal is to keep the campground as natural as possible.

Ms. Proulx asked about the easement. Mr. Honeycutt stated that on the deed is shown a 50' shared easement with a 20' road on it. He stated that there is 20' of gravel and 50' of clearing along the easement.

Mr. Honeycutt stated that they plan on fencing around the edge of the property and that two sides of it are already fenced by the neighbors.

Ms. Allen stated that she doesn't understand why they need bathrooms and an office for a primitive campground. She also questioned why the campground was so far from Crabtree Falls when it was described as being a getaway for people wanting to go there.

Mr. Honeycutt stated that the bathroom is meant to keep things clean on the property and that there would be solar panels on top of it.

Mr. Goad asked who would be on site. Mr. Honeycutt noted that he would be there the entire time that campers would be there.

Ms. Allen asked whose property the gate is on. Mr. Honeycutt explained that the gate is on Mr. Lantz's property and that the gate will always be locked unless he, Mr. Lantz, or Mr. Lantz's brother were using it.

Mr. Goad noted that there are no conditions submitted with the application. Mr. Honeycutt stated that they would only have campers 4-6 times per year. Ms. Proulx said that it would need to be stated as a condition. Mr. Honeycutt said he is willing to have any conditions that the board needs.

Mr. Goad stated that he does not see the surrounding area being supportive of a campground. Mr. Honeycutt stated that the idea is for people to spend the nights camping and the days exploring the county.

Mr. Honeycutt noted that there will be one designated fire pit but no individual fires.

Mr. Goad mentioned that things can be stolen from the land while it is uninhabited. Mr. Honeycutt noted that it would be secured as much as possible and that there are already game cameras on the land.

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Ms. Proulx recommended that Mr. Honeycutt speak with his neighbors more. Mr. Harman noted that Mr. Honeycutt might want to add some conditions to his application and come back in a month.

Ms. Shackelford mentioned that when the applicant comes back it will be public meeting and not a public hearing.

**Ms. Allen made a motion to table any decision at this time on SUP #2018-02, and asked that applicant comes back with more complete plan at the March 28<sup>th</sup> meeting. Ms. Proulx seconded the motion.**

**VOTE: 5-1**

**Favor:**

- Philippa Proulx
- Mary Kathryn Allen
- Mark Stapleton
- Mike Harman
- Rob Goad

**Opposed:**

- Tommy Bruguere

**The motion to table the decision passed by a vote of 5-1.**

**Other Business:**

- **Amendments to M-1 and M-2**

Ms. Shackelford asked if Mr. Bruguere had any reservations on tabling this discussion until the March 28<sup>th</sup> meeting. Mr. Bruguere stated that he had none.

**The Planning Commission tabled the discussion on Amendments to M-1 and M-2 until the March 28<sup>th</sup> meeting.**

**Board of Supervisors Report:**

**Adjournment:**

**Commissioner Allen** made a motion to adjourn the meeting at 9:56 PM.

Respectfully submitted,



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Emily Hjulstrom  
Secretary, Planning & Zoning