



# **Nelson County Planning Commission Meeting Minutes January 24, 2024**

**Present:** Chair Mary Kathryn Allen and Commissioners Mike Harman, Phil Proulx, Chuck Amante, Robin Hauschner.

**Staff Present:** Dylan Bishop, Director - Emily Hjulstrom, Planner/Secretary - Pam Self, Administrative Assistant

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

## **Officer Elections**

**Chair:**

**Ms. Proulx nominated Ms. Allen to be Chair. Mr. Hauschner seconded the motion.**

**Yes:**

**Mary Kathryn Allen**

**Phil Proulx**

**Chuck Amante**

**Robin Hauschner**

**Mike Harman**

**Vice Chair:**

**Mr. Amante nominated Mr. Hauschner to be Vice Chair. Ms. Proulx seconded the motion.**

**Yes:**

**Mary Kathryn Allen**

**Phil Proulx**

**Chuck Amante**

**Robin Hauschner**

**Mike Harman**

**Secretary:**

**Ms. Proulx nominated Ms. Hjulstrom to be Secretary. Mr. Amante seconded the motion.**

**Yes:**

**Mary Kathryn Allen**

**Phil Proulx**

**Chuck Amante**

**Robin Hauschner**

**Mike Harman**

**Planning Commission Officers for 2024:**

**Chair: Mary Kathryn Allen**

**Vice Chair: Robin Hauschner**

**Secretary: Emily Hjulstrom**

**2024 schedule**

# 2024 Schedule

JANUARY						
S	M	T	W	T	F	S
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FEBRUARY						
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JULY						
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SEPTEMBER						
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
  

NOVEMBER						
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DECEMBER						
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29	30	31				

	BZA submittal deadline		PC application deadline		BOS Meeting
	BZA Meeting		PC Meeting		Holiday

Mr. Harman made a motion to accept the 2024 Schedule. Mr. Hauschner seconded the motion.

Yes:

Mary Kathryn Allen

Phil Proulx

Chuck Amante

Robin Hauschner

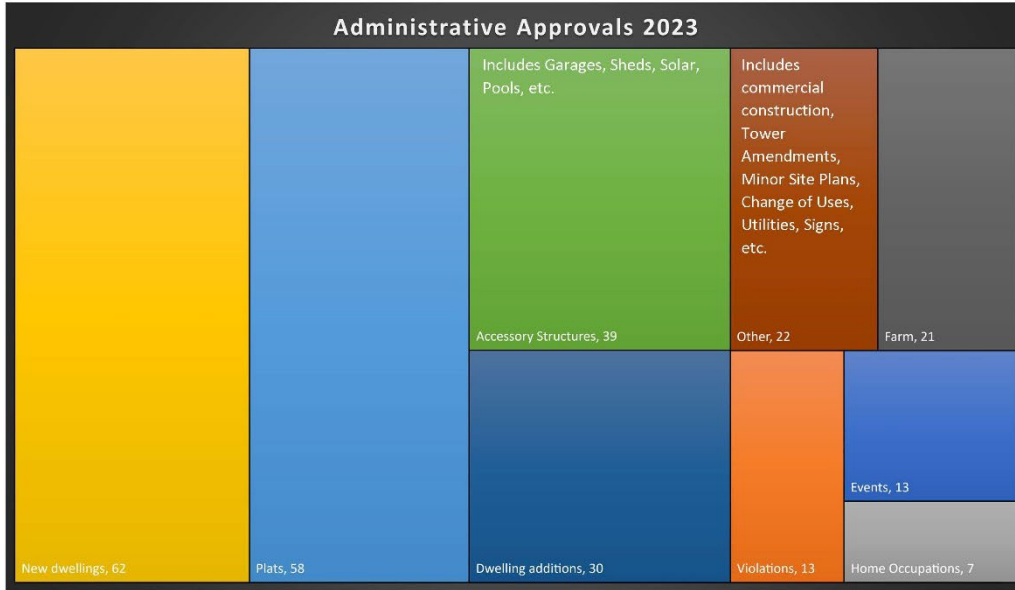
Mike Harman

Annual Report

Ms. Hjulstrom presented the following information:



**In 2023 the Planning and Zoning department processed the following administrative permits:**



## Planning Commission 2023 activities

1. **Special Use Permit #830 – Campground – Bell – Withdrawn**
2. Special Use Permit #838 – Automobile Graveyard – Carpenter – PC for approval (6-0) – BOS approved (4-1)
3. Special Use Permit #849 – Multifamily Dwelling – Mannino - PC for approval (6-0) – BOS approved (5-0)
4. Special Use Permit #867 – Restaurant – Hodson - PC for approval (5-0) – BOS approved (4-0)
5. Special Use Permit #898 – Vacation House – Ealy – PC for approval (5-0) – BOS approved (4-0)
6. Special Use Permit #899 – Outdoor Entertainment Venue – Morse – PC for approval (5-0) – BOS approved (4-0)
7. Special Use Permit #927 – Single Family Dwelling – McFadden - PC for approval (5-0) – BOS approved (4-0)
8. Special Use Permit #928 – Brewery – Ebrahimi – PC for approval (5-0) – BOS approved (4-0)
9. Special Use Permit #934 – Vacation House – Boyer – PC for approval (4-0) – BOS approved (4-0)
10. Special Use Permit #986 – Outdoor Entertainment Venue – Groves – PC for approval (4-1) – BOS approved (4-0)
11. **Special Use Permit #998 – Vacation House – Rush – PC failed to make recommendation – BOS denied (4-0)**
12. Special Use Permit #1005 – Campground – Hoge – PC for approval (6-0) – BOS approved (4-0)
13. **Special Use Permit #1022 – Multifamily Dwelling – Byers – Withdrawn**
14. Special Use Permit #1044 – Campground – Fitzgerald – PC for approval (5-1) – BOS pending
15. **Special Use Permit #1050 – Campground – Bowman – PC for denial (6-0) – BOS denied (4-1)**
16. Special Use Permit #1085 – Campground – Kahle - Pending
17. Special Use Permit #1101 – Multifamily Dwelling – Teasley – Pending
18. Rezoning #837 – A-1 to M-2 – Esh – PC for approval (6-0) – BOS approved (5-0)
19. Rezoning #850 – Multifamily Dwelling – Mannino - PC for approval (6-0) – BOS approved (5-0)
20. **Rezoning #938 – A-1 to M-2 – Schultz – PC for denial (5-0) - Withdrawn**
21. **Rezoning #1021 – R-/A-1 to B-1 – Byers – Withdrawn**

## **Planning and Zoning Staff**

**Director: Dylan Bishop**

434-263-7091 – dbishop@nelsoncounty.org

**Planner: Emily Hjulstrom**

434-263-7092 – ehjulstrom@nelsoncounty.org

In 2023 staff processed a total of 265 zoning approvals, site plans, violations, tower amendments, and plats. This includes all permits shown in the 2023 Administrative Approvals graphic.

**In 2023, Nelson County continued and began finalizing the process of updating the Comprehensive Plan and subsequent Zoning and Subdivision Ordinances. The Comprehensive Plan is planned to be adopted soon and Zoning and Subdivision Ordinance changes will follow.**

**Mary Kathryn Allen** (South District)  
*Chair of Planning Commission*  
434-933-4650

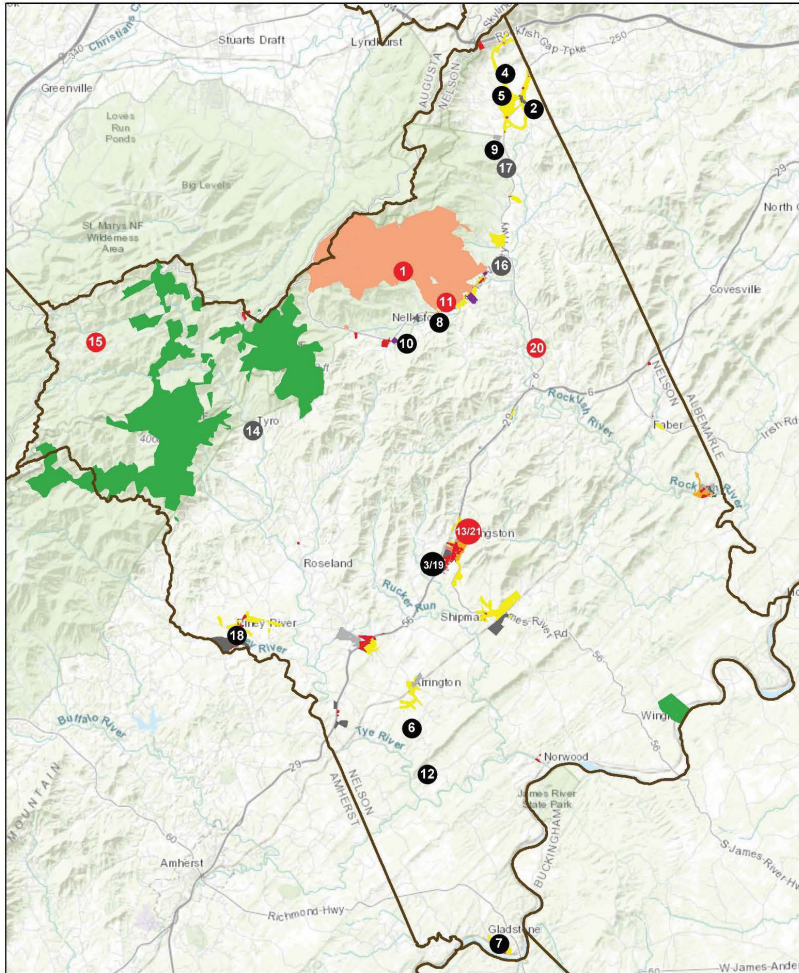
**Robin Hauschner** (Central District)  
434-989-8899

**Michael Harman** (West District)  
434-277-5016

**Philippa Proulx** (North District)  
540-456-6849

**Charles Amante** (East District)  
703-269-8586

**Ernie Reed** (Central District)  
*Board of Supervisors Representative*  
434-249-8330



## Review of Meeting Minutes

June 29<sup>th</sup>, 2023 Joint Work Session:

Ms. Proulx made a motion to approve the June 29<sup>th</sup>, 2023 Joint Work Session minutes. Mr. Hauschner seconded the motion.

Yes:

Mary Kathryn Allen

Phil Proulx

**Chuck Amante**

**Robin Hauschner**

**Mike Harman**

**September 28<sup>th</sup>, 2023 Joint Work Session:**

**Ms. Proulx made a motion to approve the September 28<sup>th</sup>, 2023 Joint Work Session minutes. Mr. Amante seconded the motion.**

**Yes:**

**Mary Kathryn Allen**

**Phil Proulx**

**Chuck Amante**

**Robin Hauschner**

**Mike Harman**

**October 25<sup>th</sup>, 2023 Planning Commission:**

**Mr. Hauschner made a motion to approve the October 25<sup>th</sup>, 2023 Planning Commission minutes. Mr. Harman seconded the motion.**

**Yes:**

**Mary Kathryn Allen**

**Phil Proulx**

**Chuck Amante**

**Robin Hauschner**

**Mike Harman**

**Wild Rose Solar Project**

Jeannine Johnson of 17 Pressley Ct in Asheville, NC and Lauren Devine of 303 Spruce St in Chapel Hill, NC are here to present the project. Mr. Amante stated that he did not accept this presentation and read



the disclaimer from the presentation “By accepting this presentation, the recipient agrees that neither the recipient nor the recipient’s agents or representatives will directly contact the Company, its affiliates or any of its or its affiliates’ respective directors, officers, employees, shareholders, customers, vendors, consultants, advisors, representatives, agents or related parties at any time with respect to the Transaction or the information contained herein.” He stated that he could not promise this. Ms. Johnson noted that it is part of the template provided by their department. She explained that they were here today to present the project to the Planning Commission and answer any questions that come up. Ms. Bishop noted that the intention seemed to be to direct inquiries to their marketing department. She added that this presentation had already been given to the Board of Supervisors. Mr. Hauschner added that this was being presented at a public hearing and nothing in the presentation wouldn’t be disclosed to the public. Ms. Johnson agreed that it was the intention for this presentation to be shared with the public.

Ms. Johnson explained that they had presented to the Board of Supervisors in November of 2023.

She noted that they had submitted their Special Use Permit application the previous week and hoped to provide information on the project and receive any questions before coming back for public hearings.

*Ms. Johnson presented the following:*

## Wild Rose Solar Project



## Agenda



Savion Company  
Overview



How Solar Works



Why Solar Power



Wild Rose Solar Project



Questions

## About Us

WILD ROSE  
SOLAR PROJECT



Founded in 2019, the Savion team is comprised of utility-scale solar and energy storage development experts.



U.S. based company headquartered in Kansas City, MO, with projects in various phases across 33 states.



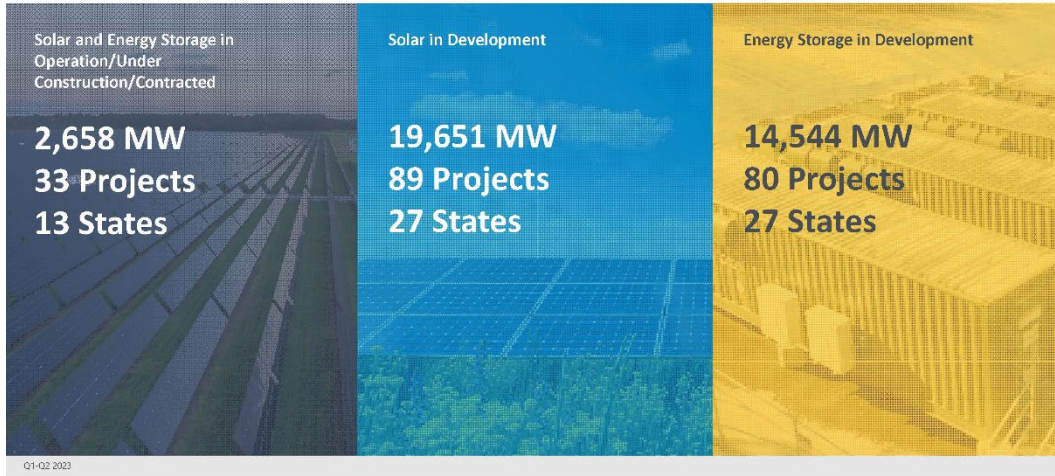
Over 190 employees providing comprehensive services at each phase of renewable energy project development.

Q1-Q2 2023

Ms. Johnson noted that they were a utility scale solar company that developed utility scale projects and provided energy to utilities like AEP.

# Projects Portfolio

WILD ROSE  
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# How Solar Energy Works

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Ms. Johnson showed the following photos of solar panel construction and operations:

## Construction

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The left picture depicts pile drivers setting up the racking for the panels. The right picture depicts the tracking system.

## Construction

WILD ROSE  
SOLAR PROJECT



## Operations

WILD ROSE  
SOLAR PROJECT



## Operations

WILD ROSE  
SOLAR PROJECT



## Why Solar Power?

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### Cost-Effective

Solar power is not only cost-competitive with conventional electric generation—it hedges against fluctuating fuel and transportation cost risks.



### Reliable

Solar photovoltaic systems demonstrate high availability levels and provide reliable power during peak electrical demand periods.



### Sustainable

Solar photovoltaic systems produce sustainable, clean electricity, which significantly reduces atmospheric emissions.



### Creates Grid Diversification

Solar power provides additional diversification to the nation's electric generation mix and increases stability and security of the electric grid.



### Produces Positive Economic Impacts

Solar power electric generation contributes to the economic revitalization of local communities through increases to the local tax base, creating an influx of new funding to local schools, and dollars for the local community during the construction process.

Ms. Johnson added that a solar farm can be a silent revenue generator for a county.

## Typical Development Process

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- Projects take 4-7 years from inception to construction
- **Early-Stage**
  - Sign agreements with landowners
  - Desktop Environmental Studies
  - File interconnection application
- **Mid-Stage**
  - Permitting – State and/or Local as required
  - Transmission System Impact Study
  - Field Environmental Studies –Threatened & Endangered Species, Wetlands
- **Late-Stage**
  - Signed Utility Sale Agreement (PPA or purchase)
  - Design and Engineering
  - Procurement
  - Transmission Facility Study and Interconnection Agreement
  - Construction

Ms. Johnson noted that AEP was the utility that they would be working with. She added that the project life was expected to be 35-40 years and then the project would be decommissioned. She noted that they would comply with Nelson County's decommissioning requirements. She added that as part of their application they are committing to panels that have been approved by EPA TCLP to not be hazardous. She noted that once the site is decommissioned the land would go back to the landowner who utilizes the land as silviculture.





## Wild Rose Solar Project WILD ROSE SOLAR PROJECT

### Solar



- Proposed 90 MW Solar Project
- Equivalent to powering ~14,000 VA Homes

### Interconnection



- POI: AEP Gladstone Substation

### Site Control and Permitting



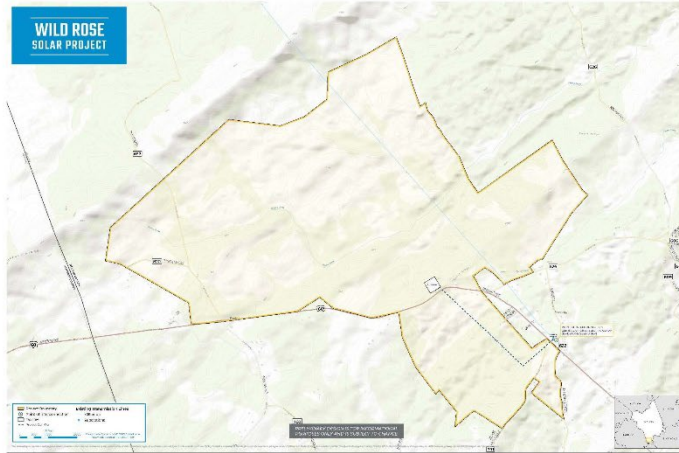
- Project Site 100% secured
- Large timber tract in rural area
- No significant environmental issues



STRICTLY CONFIDENTIAL

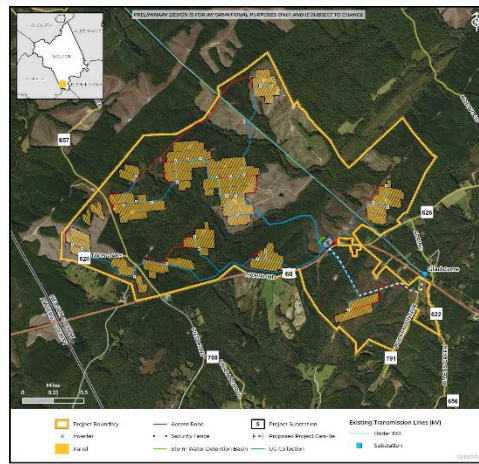
# Project Boundary

WILD ROSE  
SOLAR PROJECT



# Project Boundary

WILD ROSE  
SOLAR PROJECT



Ms. Devine noted that she was the permitting and environmental manager for the Wild Rose Solar Project. She explained that the project was about two miles North East of Gladstone and about ¼ mile from the Amherst County line.

Ms. Devine noted that there were three different acreages worked with in the project:

- Subject Parcel - the greatest extent of the parcels that the project would be on. Approximately 4600 acres.
- Project Limits – the area of the parcels that would be used for the project. Approximately 2500 acres.
- Project Footprint – the area that would be developed. Approximately 550 acres.

Ms. Devine explained that the panels would be dispersed around the site due to topography and environmental constraints. She noted that they would only have site control over the project area while the rest of the land would remain in silvicultural use through the property owner.

Ms. Devine displayed the project map and showed that the light green indicated where they would be required by the Zoning Ordinance to put in buffer. She noted that they would be going above and beyond what the ordinance required and implementing a 125' buffer of existing vegetation (blue on map). She added that they would plant supplemental buffering in the areas where the existing vegetation did not meet the requirement (orange on map). She explained that the visual impacts would be mitigated from the start of construction by utilizing the existing vegetation.

Ms. Devine noted that the Zoning Ordinance had required setbacks of 100 feet from property lines and 200 feet from residentially zoned property. She explained that there were no residentially zoned properties adjacent to the project limits. She noted that they utilized the county's GIS to identify parcels that appeared to have residential structures on them. She explained that they would be implementing the residential setback for these properties.

Ms. Devine noted that they are working closely with the landowner to ensure that their actions would not impact the current silvicultural operation surrounding the proposed project or the area of the proposed project after decommissioning. She explained that when the project is decommissioned the project area would return to the property owner and return to a silvicultural use.

## Local Economic Impact

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### High Local Economic Impact – Property Tax for a 90 MW project

- Increased revenue to Nelson County
- Estimated \$8.04 MM in tax revenue to Nelson County over the expected 40-year project life
  - Approximately \$140,000/ year

### No cost impact to local school districts, public infrastructure, or emergency services.

- No Stress on local infrastructure or sewer (no heavy haul or general traffic increase caused by ongoing Project operation)
- Minimal water use
- Project will be a “silent revenue generator” for Nelson County (no noise or emissions)

### Construction benefits

- ~250 direct and indirect construction jobs through construction; local labor used as available
- Local companies such as landscapers, printers used directly for project needs
- Approximately 1 year of increased revenues to local business such as equipment rentals, hotels, restaurants, gas stations etc.
- 2-5 permanent O&M jobs plus indirect services

Ms. Johnson presented the above slide and added that they have filed a notice of intent to locate a project which gives them the opportunity to work with Nelson County to determine what the tax revenue would be for the project. She added that there would be an increase in traffic during construction but once constructed their would be minimal traffic. She noted that she was hoping to work with the Gladstone Fire Department so that they are familiar with the project and how to access the site. She added that they were working on a job training program in hopes to train local residents to be able to work on the project.

## Milestone Schedule

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## PROJECT STUDIES AND PERMITS

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### Studies & Reports

- Phase I Environmental Assessment
- Threatened & Endangered Species Review
- Traffic Study
- Decommissioning Plan
- Glint/Glare Analysis
- Landscape Screening Plan
- Biological Habitat Assessment
- Wetland Delineation
- Cultural Resource Studies
- Geotechnical Review & Hydrology Study

### Permits

- Special Use Permit (Nelson County)
- 15.2-2232 Substantially in Accord Determination (Nelson County)
- Permit By Rule (VA DEQ)
- Jurisdictional Determination (US Army Corps of Engineers)
- Stormwater Pollution Prevention Plan (VA DEQ)



Ms. Devine added that they have gathered best practices from other solar projects in the state and added them as conditions to their Special Use Permit application. For example, proactively committing to a construction management plan, construction traffic management plan, road repair plan, etc.

## PERMIT BY RULE

WILD ROSE  
SOLAR PROJECT

### VA Department Of Environmental Quality

- DEQ enables the construction and operation of renewable energy projects of 150 megawatts and less. DEQ's regulations take the form of permits by rule (PBR). Facilities can obtain authorization from DEQ by agreeing to comply with all the construction and operating requirements of the specific PBR.

### Analysis of beneficial and adverse impacts on natural resources

- Analysis to Wildlife (Wildlife report and map from Virginia Fish and Wildlife)
- Analysis of Historical resources (compilation of known historic resources, Architectural Survey & Archaeological Survey)
- Analysis of other Natural Resources

### Public Input

- Notice in local newspaper
- 30-day comment period
- Public meeting (held after 30-day comment period)

Ms. Devine added that Permit By Rule was a pretty onerous state process that would ensure any impacts to environmental features are either avoided, minimized, or mitigated. She explained that this would take about a year but could not be started until the local permit is acquired.

## Contact

WILD ROSE  
SOLAR PROJECT

**Jeannine Johnson**  
Development Manager  
Savion, LLC  
jjohnson@savionenergy.com

**Lauren Devine**  
Senior Permitting & Environmental Manager  
Savion, LLC  
ldevine@savionenergy.com

## Disclaimer

WILD ROSE  
SOLAR PROJECT

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All inquiries with respect to the presentation should be directed to: Savion Marketing

01-02-2023



Mr. Harman asked who currently owned the land. Ms. Johnson noted that it was owned by Weyerhaeuser Company. Mr. Harman asked what the current use of the land was. Ms. Johnson noted that it was silvicultural/timbering. Chair Allen noted that a lot of it had been cut already and that was why the project would require additional buffering on the Tye River Rd side.

Chair Allen asked who had received notices about the community meeting in Gladstone. She added that she lived within a mile of the substation and did not receive a notice. Ms. Johnson explained that the first meeting included everyone that abutted the project where the second included everyone within one mile. She noted that there may have been a loss in the mail or another issue that prevented her from getting a letter. Ms. Hjulstrom added that she would be working with them to create a new adjoining property owner list for the next community meeting. Chair Allen asked if there was another site on Route 60 that they were looking at. Ms. Johnson noted that there was not.

Mr. Hauschner asked if power customers in the area would get any subsidization of electric bills. Ms. Johnson noted there would not be and that the best they can do is provide cheaper electricity to the utility. Mr. Hauschner asked how Savion was different from the Shell Group. Ms. Johnson explained that Savion was founded in 2019 but was previously another company. She explained that they were acquired by Shell over the past two years. She explained that their mission was still to develop solar energy projects but now with the Shell backing. She added that Shell would ultimately take on some of the operations and maintenance with their existing infrastructure. Mr. Hauschner asked if Shell benefited from any green credits from their acquisition of Savion or anything that would come out of thousands of acres of solar production. Ms. Johnson noted to her knowledge it was no different than any developer constructing a solar project.



Ms. Proulx asked when they could expect this application to go to public hearing. Ms. Bishop noted that the applicants had submitted their application earlier that week. She added that they were planning on having the community meeting in Gladstone at the end of February. She noted that it would likely come to the Planning Commission for public hearing at their March meeting.

**Public Hearings:**

**SUP 1085 – Campground:**

*Ms. Bishop presented the following information:*

## Nelson County Planning Commission

**To:** Planning Commission  
**From:** Dylan M. Bishop, Director of Planning & Zoning *DMB*  
**Date:** January 24, 2024  
**Re:** SUP #1085 – Campground (2 sites) – 5032 Rockfish Valley Hwy (Faber)

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**BACKGROUND:** This is a request for a special use permit on property zoned A-1 Agriculture for a campground use for two (2) sites on two (2) adjacent parcels.

Public Hearings Scheduled: P/C – January 24; Board – February 13 (tentative)

Location / Election District: Rockfish Valley Hwy, Faber / North Election District

Tax Map Number(s) / Total acreage: 22-A-59, 59D / 2.001, 2.00 acres +/-

Applicant/Owner Contact Information: Kelly A. Kahle, P.O. Box 448, Sherman, NY 14781, 434-262-2639, kellyakahle@gmail.com

Comments: These two adjacent properties are primarily wooded. A third adjacent parcel also owned by the applicant contains an existing cabin that the owner intends to secure a certificate of occupancy for and utilize as their primary dwelling.

The owner is proposing to establish two campsites – one on each lot. Lot 59D would contain a “yome” or “yurt home”, and a teepee style tent on Lot 59. These short term lodging options that are not offered within an approved dwelling are classified as a campground use and require a special use permit. According to the narrative and site plan, there is a shared parking area for both of the sites, and guests will access the individual sites by foot along the south property lines. The narrative indicates that they intend to hire out for property maintenance, lawn maintenance, and property management.

### **DISCUSSION:**

Land Use / Floodplain: This area is agricultural and residential in nature, and is adjacent to Rockfish Presbyterian Church. These properties are located south of the Route 6 / Route 151 intersection, and north of the Wintergreen development on the east side of Route 151. There are no floodplains located on the property. This property is also located within the South Rockfish Valley Rural Historic District, although there are no County regulations or implications associated with this fact.

**Access and Parking:** The property is accessed by an existing commercial entrance on Route 151 that is shared with Rockfish Presbyterian Church. According to the application, guests will use the existing entrance to the property where a shared parking area would provide sufficient parking for the proposed use. An abandoned right-of-way along a utility easement along the southern property boundaries to access the sites is currently grass. VDOT indicated that they do not have any comments; that utilizing the existing commercial entrance will have no impact to Route 151.

**Utilities:** The narrative provided indicates that each site will have a camping toilet and self-contained sink station. Comments from the Health Department indicate that with two (2) sites, there is no VDH requirement for permanent sewage disposal or water supply. The applicant informed the Health Department that they plan to contract with a local company to provide and service a portable toilet and hand wash station, and to provide commercially available drinking water. The Zoning Ordinance definition for a campground use requires the provision of potable water and sanitary facilities.

**Comprehensive Plan:** In the 2002 Comprehensive Plan, this area is designated as Rural and Farming on the Future Land Use Map. This district would promote agricultural uses and compatible open space uses but discourage large scale residential development and commercial development that would conflict with agricultural uses. The Rural and Farming District would permit small scale industrial and service uses that complement agriculture. Protection of usable farmland should be encouraged.

**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.
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.
3. The proposed use shall be adequately served by essential public or private water and sewer facilities.
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.

Should the Planning Commission recommend approval of SUP #1085 for a campground, staff recommends consideration/discussion of the following conditions:

1. There shall be no more than two (2) sites, and the accommodations shall be provided by the property owner.
2. Any lighting shall be directional and glare shielded to prevent light pollution onto adjacent properties and roadways and to protect the dark night sky.
3. There shall be no more than six (6) guests on these two (2) properties at any one time.
4. Fencing shall be installed along the southern property boundaries (discuss height and material).

5. There shall be no fire of any kind (including but not limited to campfire rings, grills, etc.) permitted on these two (2) properties.
6. Campsites shall be setback a minimum of 50' from the southern property boundary.

Attachments:

Application  
Narrative  
Site Plan  
Photos  
Zoning Map  
Historic District Map  
Public Comments

**Applicant Kelly Kahle of 116 Park St in Sherman, NY:**

Ms. Kahle noted that her well and septic permits were in place and she was waiting for the weather to clear to get them installed. She added that her address would be 5032 Rockfish Valley Hwy when she moved to the county. She explained that 5032 Rockfish Valley Hwy was a part of the property that she had owned since 2004.

She noted that no one appreciated the beauty of the corridor between Route 6 and Nellysford more than she did. She explained that the woods made her fall in love with the property as well as the large pieces of crystal everywhere. She added that there were mature hardwoods that she made sure were cared for and allowed to mature to preserve the acorns.

She noted that there were a lot of concerns with a campsite meeting zoning requirements. She noted that forestry departments and state sites have campers all over the place. She explained that these were not transient campers or homeless people but fellow Virginians, celebrating anniversaries and birthdays. She added that they were also pastors and leadership within ministry which she had shared with the task force that visited her unannounced. She stated that she was not sure if that was not conveyed to the church body or was being disregarded.

She explained that the main focus of the camp was to support two non-profit ministries that had been founded by veterans. She noted that one of them would have been there tonight but her mother passed away that day. She hoped that they would be able to make it to the next meeting. She explained that this was a camp for veterans suffering from PTSD and ministry leadership, with an 80% burnout rate within the first five years of starting, to find respite as well as a place to stay while they receive training in Waynesboro. She added that this would not be for tourists who were coming to drink on Route 151 but a niche camp for those individuals.

She explained that she understood the fear being felt by her neighbors next door because a parsonage burned down years ago. She explained that she would not allow fires at the campsites and hoped this

would alleviate that concern. She noted that she could advertise on the campsite listing websites as not being child-friendly that no fires would be permitted.

She noted that the concern of there being no one on-site made it seem like fear and misinformation were being shared. She questioned if it was people not being receptive to change. She noted that if campers were to trespass on the neighboring property they would need to walk roundtrip .56 miles to the woodpile, .8 miles to go to the church, .33 miles to go to the garden, and .68 to go to the pavilion. She added that the pavilion was built after she purchased her land. She stated that the burden of building a fence should not be on her because they chose to put the pavilion there. She added that it would cause undue financial burden on someone with limited income. She explained that the campsites would not be visible from the church and would be 30-40 feet into the wood line. She noted that being 50 feet into the wood line would make the campsites more visible from Route 151. She added that doing this would also require her to remove hardwoods and native mountain laurel that preserved the wildlife.

She noted that on the backside where the power line was, there would be meadow-scaping installed with native plants encouraging pollination. She noted that this would only increase the yields of the church's garden. She added that she saw this as a win for the entire neighborhood and hoped that her explanation cleared the air.

Ms. Proulx asked about Ms. Kahle's plans for sanitary and potable water facilities. Ms. Kahle noted that she had been working with the VDH on having a handicap-accessible latrine facility that would be between the two sites. She explained that it had hand-washing capability and would get cleaned out once a week. She added that she would be providing potable water in bottles. Ms. Proulx questioned if this would fit the requirement of adequate water and sanitary facilities in the ordinance. Ms. Kahle noted that there was also a water pipe on site. Ms. Proulx asked where the water pipe was and if it was functioning. Ms. Kahle explained that it goes to a well and pointed out the location on her site plan. Ms. Proulx asked if it had potable water and if it would be available to the campers. Chair Allen noted that it was likely a spigot-style pump and Ms. Kahle confirmed. Ms. Kahle added that the water had been tested by VDH and would be available to the campers. Mr. Harman asked if she was going to have someone managing the property. Ms. Kahle stated that she would be living on the site full-time.

Chair Allen asked if the pictures provided depicted what the teepee would look like. Ms. Kahle confirmed that it would and added that it would be built by the same company that outfitted the set of Dances With Wolves.

Ms. Proulx noted at what point it was not possible to put a septic system for the building. Ms. Kahle noted that she had approved well and septic permits for the building. Ms. Proulx asked if they would be separate from the parcels with the proposed campsites. Ms. Kahle confirmed that they would be.

Ms. Allen asked how far apart the sites would be. Ms. Kahle noted that they would be approximately 70 feet apart.

Ms. Kahle noted that the church was classified as a public/semi-public building per zoning. She added that as far as people accessing any of the facilities it was not a private building. She explained that the benefit of this was that you have a 1.3 million dollar building that was not required to pay real estate

taxes. Chair Allen asked that Ms. Kahle focus on her application and not her relationship with the church.

*Chair Allen opened the public hearing at 7:57*

**Mary Hopkins of 738 Chestnut Ridge Rd in Roseland:**

### Speaker #1 – Historical Church

I am Mary Hopkins, a property owner and resident of Nelson County. I am also a member of Rockfish Presbyterian Church, which abuts Ms. Kahle's property. If you visit us, you will see at our entrance an historic marker placed by the Virginia Department of Historic Resources in order to, according to the Department's own website, "identify Virginia's significant historical persons, events and places...providing a deeper understanding of the State's rich history and cultural heritage." As the marker reads, the roots of the church date back 287 years, to 1746, making it one of the oldest Presbyterian churches in the region. It is also identified as a "Heritage Site" in the South Rockfish Rural Historic District, recognized by both the Virginia Department of Resources AND ALSO BY the US government in the NATIONAL Register of Historic Places. The new draft Nelson County Comprehensive Plan also recognizes this historic district and places value in the importance of protecting its historic properties. Our congregation has worshipped in the same sanctuary for over 171 years and the church houses irreplaceable books, records, photographs and more reflecting our area's history. Our cemetery is also home to the remains of veterans from each of the major wars in which Americans have served, beginning with the Revolutionary War, where a commemorative service is held each Memorial Day.

We know of no comparable historic site in Nelson County.

This church also has a long history of service in Nelson County. If you read our members' letters in your packet, you saw a list of at least 20 missions which specifically serve our County, and in addition, we contribute financially and through volunteer work to dozens more. Just over a year ago, we started a Community Children's Chorus, now bringing together over 30 children from throughout the County, most of whom do not attend our church.

We know of no comparable source of ongoing services to the County.

Why does this matter? Because approving this application puts this important historic site, especially its main church building, and thus all its community activities, at seriously increased risk, particularly from fire but for other reasons my friends will explain. Our building is 171 years old and we have no fire suppression system or sprinklers - it is simply too expensive. Damage to or the loss of our building would cause irreparable harm and be a devastating blow not just to our congregation but to Nelson County, as literally hundreds benefit from our missions.

One of the four mandatory criteria you all must consider in assessing this application is that "THE USE **SHALL NOT RESULT IN THE DESTRUCTION, LOSS OR DAMAGE OF ANY FEATURE DEEMED TO BE OF SIGNIFICANT HISTORIC IMPORTANCE.**" The current draft of the NEW Comprehensive Plan (Ch 6.22) specifically provides for working with the Nelson County Historical Society to **identify, protect and celebrate historic and culturally significant properties.** The Federal government, the State government and Nelson County have already found Rockfish Presbyterian Church to be

historically significant. The proposed use does not protect and, in fact, can adversely impact our historic church.

The applicant has not satisfied this criteria and conflicts with the goals & objectives of the new Comprehensive Plan. We therefore respectfully ask that you recommend denial of this application. I ask that those of you here who also oppose this application please stand.

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**Mary: Also add the following only in the event Kahle raises personal issues, for example attacking the church as a bad neighbor during her statement :**

"Throughout this process, we have tried very hard to keep this from being personal, from being a battle between neighbors. Instead we have tried to focus solely on those issues of importance to you on the Planning Commission in making a sound decision regarding this application, only those issues both appropriate and relevant to the Nelson County planning process."

**Peggy Toms of 279 Cedar Meadow Dr in Nellysford:**





## **Speaker #2 – Fire Concerns**

I am Peggy Toms, a property owner and long term resident of Nelson County. I am also an Elder of the Church. I want to raise one of the most serious risks of damage to our church if this application is approved.

### **FIRE!!**

We're all aware of our recent severe drought and all the fires during that time. Our church is about 80% surrounded by woods and hayfields, not surprising since it is zoned A-1 primarily for farming and forestry. The applicant says that she will not permit campfires on her sites. But many of us have already experienced visitors to Nelson County who, feeling they are on a vacation they are paying for, are lax in following rules, respecting others or caring for the environment. Several of us have experienced fires and fireworks, among other problems, on adjacent properties occupied by short term renters, and have even found it necessary to call 911. The proposed sites would be more short term rentals without sufficient regulation.

Even if campers are told campfires are not permitted, it is unreasonable, even naive, to expect ALL campers will honor that restriction. This is very basic camping, especially with a tent, with no source of heat or provision for cooking. Campfires are a typical feature of camping, for warmth or simply ambiance, as well as for cooking - hot dogs and marshmallows on a stick at a campfire are camping staples. We can easily envision a family with children begging for s'mores - are ALL parents are going to say no, we're not allowed? Who will stop them?

A camper could easily build a fire which gets out of control due to drought or high winds, spreading across the field to our church. How is it going to be noticed, reported or extinguished with the minimal water supply provided to the campers? Or if a camper builds a fire, believes it has been extinguished, then goes out for the evening, or packs up and heads home, leaving live embers behind? And what about shooting off fireworks, another potential source of wildfire? There is no prohibition of fireworks in the application, and if there were, we're not convinced campers would honor it.

These scenarios all create a significantly increased risk to our historic church sanctuary, with no fire suppression system - it is simply far too expensive. In addition, between the campsites with a potential campfire and our church building are our wood ministry, filled with logs and firewood, our large garden area and equipment shed, large wooden outdoor pavilion and playground, all of which are also at risk from a fire.

In these situations, campers won't have enough water to put out a fire. Would they have cell service to call 911? Finally, the applicant doesn't have a proper road to accommodate fire trucks. There is presently only a narrow dirt road. In the event of fire, the firetrucks would likely need to access the campsite across our property - fire trucks simply need to get to a fire in the fastest way possible. Also, I'm also a volunteer with the Wintergreen Fire Auxiliary. I do not ever want to hear a call go out for Rockfish Presbyterian Church.

We believe the serious risk of damage or loss from fire to our important historic church, which is so very significant to the Nelson County community, requires the denial of this application.



### Speaker #3 - Trespass and Attractive Nuisance

I am Leslie Buchanan, a property owner and 50 year resident of Nelson County, and an Elder of Rockfish Presbyterian Church. I want to speak with you about yet another issue which creates a substantial risk to our church.

That is the risk of trespass onto church property. Please understand that we are not concerned about the simple matter of trespass on church property. This is the country, where it is very difficult to identify property boundaries, even for residents. But we are very concerned about possible injury and don't want anyone to be injured, particularly on our property. So that you may better understand our concern, I want to talk about a legal concept called "attractive nuisance."

Briefly, under Virginia law, if a property owner has a feature that might be of interest to, or attract the attention of, a child - like an in-ground pool - and the child trespasses onto the property and is then injured or even dies on that property, the property owner could be found liable. Even if the property owner fences it off. Adults, like a parent, could even sue the property owner for injuries they might sustain in efforts to come to the aid of the child.

Why are we so concerned? Because we expect there may be children among the campers, that adults may not be watching them every minute as they are playing "out in the country," and that children may roam from the actual campsite. We are concerned that we have 'features' which could possibly be considered an 'attractive nuisance.' This has not previously been an issue as there has been no real concern about children wandering in from adjacent fields. But this use would change things.

What "features" do we potentially have? We have several outdoor ministries which are important to the operation of the church, our missions and our work in the community. They are all immediately adjacent to the campsites and could attract trespassers.

One is the wood ministry, with members cutting and splitting firewood for local folks who rely on wood for warmth and even cooking. This is in full view of the campsites. Campers could easily see this wood and come onto our property for ready fuel for campfires, despite the applicant saying it's not allowed. Climbing around a woodpile might look like lots of fun to a child, resulting in a fall and injuries.

Another is Goodness Grows, a large garden providing fresh produce to local folks, also in full view and possibly attractive to campers. The water standpipe there is also visible and could readily attract campers because they will have such limited water provided by the applicant - for example, to provide water for hygiene, washing dishes, cooking, or even extinguishing a fire they were not supposed to build. The church could be found responsible for injury from even just tripping on the standpipe.

Also adjacent to the campsites are our cemetery, with markers, plantings and flags, our pavilion with bench seating for outdoor services, and most worrisome, a playground. It is easy to envision a child seeing and running to the playground, then perhaps falling from the top of the slide, sustaining a serious injury. Or children could wander in the

**Speaker #3 - Trespass and Attractive Nuisance**

cemetery and fall climbing the headstones, or trip while running among the benches in the pavilion and fall onto the concrete.

Please understand that we are not just worried about legal liability — we don't want anyone to be injured. But each of these scenarios could cause injury to a trespassing child. It is unreasonable to expect the church to fence in each outdoor activity - especially because that does not necessarily protect us - or even worse, need to terminate these ministries.

We ask that you deny this application due to the very serious risks of liability and loss to our church.

**Harris Luscomb of 780 Stoney Creek East in Nellysford:**

**Speaker #4 – Need for Onsite Supervision**

**I'm Harris Luscomb, resident and property owner in Nelson County, and a Trustee of the Church. Trustees are tasked with protecting the Church, and we believe approval of this application would put our church at serious risk due to the lack of on-site supervision.**

Mr. Luscomb noted that this application was a moving target after hearing the applicant's presentation. He noted that the applicant had previously stated that a manager would be able to be at the campground in 30 minutes and had not said that she would be on-site managing the property. He noted that most of his comments were about the fire danger but that the applicant had just stated she would not be permitting campfires. He questioned who would want to go camping without a fire. He added that the ministry was at risk of abuse. He noted that they have Sunday morning services outside under the pavilion and noted how disruptive campers could be. He asked who would prevent disruptive campers without onsite supervision? He asked if limiting the campers to ministers and veterans would be added as a condition. He noted that the applicant recently sold the adjacent house for \$464,000 but has stated that she could not build a fence. He asked what supervision would look like when the applicant was not on the property. He noted that the applicant stated that the church was a public building. He stated that this was not true and did not reassure them about her attitude with the campers coming on to the church property. He added that they pay a lot of money for insurance.

**Dave Lawson 1107 Bryant Mountain Rd in Roseland:**

**Speaker #5 – Special Use Permit Criteria**

My name is Dave Lawson, and I am a resident and property owner in Nelson County. I am also an Elder of the Rockfish Presbyterian Church. We understand you must now decide whether the applicant has satisfied all four of the criteria for a special use permit in accordance with the County's own Zoning Ordinance requirements. I would like to summarize why I feel that this application fails to satisfy to do that.

With respect to Criterion #1: That the use SHALL NOT change the character of the area.

The "established character" of the property adjoining the proposed campground is basically 'quiet and peaceful 'farmland and a 278 year old church site. Placement of tent campsites adjacent to our church would be a significant change to that character. This property is in an A-1 district zoned for farming, forestry and limited residential use. In fact, the statement of intent for this district is to "discourage the random scattering of residential, commercial, or industrial uses in this district." Therefore, the proposed use is not consistent with the stated intent of this district and is essentially spot-zoning for a commercial purpose.

With respect to Criterion # 2: That the use SHALL NOT adversely affect the use of neighboring property.

The Church conducts outdoor services and other outdoor functions during the seasons when the proposed campground would be in use, and these functions could be negatively impacted by activities associated with an active campground (e.g., increased vehicular traffic into and out of the campground and noise).

With respect to Criterion # 3. Others have already addressed the lack of services, most importantly, an adequate street access for fire-fighting or emergency equipment.

With respect to Criterion #4. The proposed use SHALL NOT result in the destruction, loss or damage of any feature determined to be of significant historic importance.

Our Church, on this site for 278 years, is within an historic district recognized by both the State and Federal governments, and has been specifically identified as an historic site. Potential damage to this historic site due to activities associated with trespass by campers or to accidental fire cannot be ruled out especially with the lack of continuous on site supervision. Criteria #4 is therefore NOT satisfied.

According to your requirements, the applicant must satisfy every one of these criteria. I do not believe she has done so. I therefore ask you to recommend denial of this application.

Phyllis Savides of 264 River Ridge Ln in Afton:



**Speaker #6 – Comprehensive Plan and Wrap Up**

My name is Phyllis Savides and I'm a property owner and resident of Nelson County, and an Elder of the Church. I want to explain from the perspective of the Comprehensive Plan why this application should be denied.

It would be premature to approve a special use permit before the new Comprehensive Plan is approved and implemented in the Zoning Ordinance. As the Commission is aware, the Comprehensive Plan is the guiding policy for the future of the County, the policy foundation for how Nelson will develop and grow. A special use permit is permission to use land in a NEW WAY and is a PERMANENT APPROVAL FOR AN ADDITIONAL USE. Review of this application now for new short term rentals would be based on an outdated Plan and Zoning Ordinance, while the new draft Plan specifically recommends addressing the many concerns about short term rentals on a county-wide basis.

So now let's look at the new proposed Comp Plan. It says that short term rentals can impact neighborhood character and quality of life – with issues such as parking, traffic and noise.

Quote: "The County should consider defining short-term rentals and specifying performance standards in the Zoning Ordinance to help mitigate negative impacts".

Folks here this evening have already had problems with short term rentals. Before allowing more of them, shouldn't the County finalize its new plan? Shouldn't there be "performance standards" or regulations, as recommended, to help prevent or minimize these problems? Drafters of the new Plan think so. Shouldn't that be done before allowing even more of them on a random, spot-zoning, yet PERMANENT, basis?

This application for more short term rentals should not be approved on the cusp of new regulations to address the 'negative impacts' many of us have experienced.

You've also heard that our church is recognized as historic by the State of Virginia and the US government. This is a key consideration of current Comp Plan policy, in the fourth criterion, as just discussed.

But again, let's look at new new draft Comp Plan, which includes several statements regarding the key importance of historic resources to Nelson County.

- First: Protecting natural and historic resources is a top priority for the community. There is language calling for working with partners, specifically naming the Historical Society, to "Identify, PROTECT AND CELEBRATE historic properties." The church has already been identified. It should now be protected. Approval of this special use permit would be the precise opposite.
- Second, and I quote: "Sustainably protecting natural and historic resources for future generations" The church houses many documents, books and photographs reflecting the history of this County. The proposed use does not

protect the historic resource, the church and its contents, for future generations  
– in fact, it threatens it.

In a brief summary of our speakers tonight, we ask you to recommend denial for the following reasons:

To grant a permanent approval for a new and permanent change of use based on an outdated Plan is unwise and unfair to Nelson citizens, especially as the NEW Plan already recommends regulating such rentals differently.

Without onsite management, it will be difficult to protect our historic church from potential damage from fire, from trespass and the use of the church's amenities, creating potential liability, and to prevent noise and trespass and other activities from disrupting our morning outdoor service and other outdoor activities.

Finally, this application does not meet ANY, much less all, of the 4 required criteria for approval of a special use permit, most especially the 4th which is designed to protect and celebrate historic resources, including our church, for future generations.

**I ASK THAT EVERYONE HERE WHO OPPOSES THE APPROVAL OF THIS APPLICATION TO STAND.**

Ms. Lloyd stated that she did not go to the neighboring church and she went nuts when she saw the application. She explained that the sites would be on only two acres of land right on Route 151. She added that the owner lived in New York at the time and did not have everything set up to live on the property permanently. She noted that a fence would be a wonderful addition to separate the sites if the Planning Commission were to recommend approval. She noted that there was no driveway or way to get into the property. She added that the entrance would be near the roundabout planned to be installed at the intersection of Routes 151 and 6 where people are less likely to think about where they are going. She stated that it would be incomprehensible if this application were approved. She noted that the applicant stated that National Parks are wonderful for camping. She stated that the property was not a National Park. She asked that this application be denied.

**Paul Davis of 2514 Rockfish Valley in Nellysford:**

Mr. Davis stated that he did not go to the neighboring church either but that he was considering going now. He explained that he had been to several meetings in the past over other Special Use Permits and sometimes supported them. He noted that the argument that he heard that night and that he had heard in the past was that it was not against the applicant but that as far as he knew no one in the county did follow up on approved Special Use Permits. He noted that he chuckled at the idea of a campsite without a campfire. He added that once a Special Use Permit is granted it stays with the property forever. He also recommended that the county hire people to enforce Special Use Permits.

*Chair Allen closed the public hearing at 8:22 PM*

Mr. Hauschner asked the applicant about the area around the campsites and if there would be a platform or any changes to the surrounding area. Mr. Kahle noted that the two campsites would be on platforms with the rest of the area left natural.

Mr. Harman noted that he was not comfortable with the application and that he had a lot of concerns. He explained that he was concerned with fire and inadequate water, sewer, electricity, and supervision. Ms. Proulx noted that the character of the area was significant. She explained that she had concerns about sewer and water. She noted that the Health Department would not have to weigh in but that the Zoning Ordinance requires the provision of potable water and sanitary facilities. She added that she was not convinced they were adequately provided. She added that the Special Use Permit would stay with the land. She included that the house that was sold is now a short-term rental property.

Mr. Hauschner noted that each of the two sites would be on separate two-acre parcels. He noted that there would be a spigot and latrine available. He explained that it would not be taking housing away from the county in relation to short-term rentals. He added that they had recently recommended approval for campsites on small acreage. He explained that he did not consider space to be an issue. Mr. Amante noted that the acreage was plenty and that several of the complaints brought up could be brought against a single family dwelling on the same parcel. He added that a private residence could have a fire in their backyard, make noise, enter and exit, trespass, etc. He noted that a lot of the complaints heard in the public hearing are irrelevant. He noted that he did not like the location and that the Special Use Permit would stay with the property. Mr. Amante added that he was not comfortable until they could better address short-term rentals and update the Zoning Ordinance. Ms. Proulx noted

that they do need to operate on the existing Zoning Ordinance and Comprehensive Plan. Ms. Proulx noted that the character of the area is of significance as well as the Special Use Permit staying with the land. Ms. Proulx added that the applicant noted that the campsites would be seasonal and a porta potty being serviced once a week was not necessarily the most sanitary thing to have next to a busy parking area. She noted that she did not think the proposal was a good idea.

Mr. Hauschner noted that with short-term rentals the issue was taking housing away from residents and impacting the local housing market. Chair Allen added that short-term rental arguments are going to be based on location. She explained that no one was arguing about short-term rental issues in Gladstone but they were North of Lovington.

Ms. Proulx noted that she had visited the property and it would be right on the church line. She did not think that they could be responsible for what the campers do but that they would not need to hike far to reach the church facilities.

Ms. Allen asked how often the sites would be available for camping. Ms. Kahle explained that the season would be from April to October. She added that her properties are also nationally recognized as historical property. She added that it had the same designation as the church did. Ms. Allen asked if the historic designation had any bearing on what could be done on the property. Ms. Kahle noted that it did not. She added that the national designation makes it publicly accessible. Chair Allen asked how far Ms. Kahle's dwelling would be from the campsites. Ms. Kahle noted that it would be approximately 3000 feet. Chair Allen asked when Ms. Kahle planned to be living in the dwelling full-time. Ms. Kahle noted that she had spoken with Building Inspections the day before but that everyone was out for a training. She explained that her building permit would be ready as soon as it was approved. She added that she is repurposing an existing agricultural building into a residence. She explained that it would take her about a week to repurpose the building when she gets an approved building permit.

Ms. Kahle noted that she would be on the property but was disabled with things that she would not physically be able to address. She explained that she would hire out for the services she could not do. She noted that she would not tolerate fireworks or all-night parties. She asked if the Special Use Permit could only be applied to herself and not the property. Chair Allen explained that this was not possible.

Ms. Kahle noted that there is a 5-year review of the Comprehensive Plan to keep it relevant. Ms. Kahle noted that the housing shortage is not new business. Ms. Proulx noted that this did not relate to the discussion of the camp sites. Chair Allen explained that in Nelson County, when they are surrounded by localities with twice their population, people from areas like Richmond are able to buy housing and turn them into short-term rentals while people living in the county could not afford to buy a \$400,000 house. She added that it was relevant for discussion but not to their decision on Ms. Kahle's application. Ms. Kahle noted that this would provide alternative transient lodging options to people coming to the county for the experience. She noted that there was not a single teepee in Nelson County. She added that the garden at the church is fenced in and would require a concentrated effort to be stolen from.

Ms. Proulx noted the character of the area, water and sewer, and the Special Use Permit staying with the land were her main concerns. She also questioned how they could require on-site management with the dwelling and camp sites being on separate parcels as they could be sold separately.

**Ms. Proulx made a motion to recommend the denial of SUP 1085 for a Campground. Mr. Amante seconded the motion.**

**Yes:**

**Phil Proulx**

**Mary Kathryn Allen**

**Chuck Amante**

**Mike Harman**

**No:**

**Robin Hauschner**

**SUP 1101 – Multifamily Dwelling:**

*Ms. Bishop presented the following:*

## Nelson County Planning Commission

**To:** Planning Commission

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

**Date:** January 24, 2024

**Re:** SUP #1101 – Proposed Amendment to Condition of Approved SUP #716 –  
“The DeLander at Nelson” Multifamily Dwellings – 9485 Rockfish Valley  
Hwy

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**BACKGROUND:** This is a request for an amendment to a condition of a previously approved special use permit for a multifamily dwelling use on property zoned A-1 Agriculture.

*Public Hearings Scheduled:* P/C – January 24; Board – February 13 (tentative)

*Location / Election District:* 9485 Rockfish Valley Hwy / North District

*Tax Map Number(s) / Total Acreage:* 6-A-131 & 163D / 8.13 & 2.81 respectively, +/- total

*Applicant Contact Information:* Charles Meade & Quakeela Teasley (Owner), 4804 Craigs Mill Court, Glen Allen, VA 23060, 804-916-9545 / 804-564-4138, cmeade2261@gmail.com / quateasley3@yahoo.com

*Comments:* SUP #716 for multifamily dwellings was approved by the Board of Supervisors on October 11, 2022 with conditions (attached). The Major Site Plan has been submitted and is currently in the review phase with various agencies including Health Department, VDOT, Erosion & Sediment Control, and DEQ for stormwater management. The final site plan will come to the Planning Commission for administrative review when approvals are near finalization.

As more formal plans and details were developed, the applicants noted the scale of the required fencing, and are requesting an amendment to condition #6. The condition as approved states, “A fence 6’ (feet) in height lined with evergreen vegetation shall be installed along all property boundaries.” Instead of fencing the entire property along the boundaries (approximately 11 acres), the applicants are proposing to fence the area around the usable community only (approximately 3-4 acres). They are also requesting a reduction in the height requirement from 6 feet to 4 feet. The final amendment they are requesting is to require only evergreen vegetation along Route 151 (per condition #5) with no fencing. This is shown on the attached site plan dated December 8, 2023. Existing vegetation would be left in place where appropriate.

*Conditions:* Approved by the Board of Supervisors on October 11, 2022:

1. Dwelling units shall only be rented to those individuals 55+ years of age.
2. The maximum number of units shall not exceed 12 units, and each of the two buildings shall not exceed 5,000 square feet each.
3. All existing structures on the property shall be removed prior to the start of construction.
4. The existing boundary lines shall be reconfigured to comply with density requirements in Section 4-10, prior to the issuance of a building permit.
5. A landscape buffer along Route 151 is required, as shown on the site plan dated September 14, 2022.
6. **A fence 6' in height lined with evergreen vegetation shall be installed along all property boundaries.**
7. All lighting shall be directional and glare shielded to prevent light pollution onto adjoining properties, roadways, and the dark night sky.
8. The units shall not be utilized for short-term rental purposes.
9. Construction shall begin within 2 years of the approval date (October 11, 2022).

Should the Planning Commission recommend approval of an amendment to condition #6, staff would recommend the following language:

6. A fence 4' in height shall be installed along the boundary of the community as shown on the site plan dated December 8, 2023. Existing vegetation shall be left in place where feasible.

All applications for Special Use Permits shall be reviewed using the following criteria:

- a. The use shall not tend to change the character and established pattern of development of the area or community in which it proposes to locate;
- b. The use shall be in harmony with the uses permitted by right in the zoning district and shall not affect adversely the use of neighboring property;
- c. The proposed use shall be adequately served by essential public or private services such as streets, drainage facilities, fire protection and public or private water and sewer facilities; and
- d. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.

Attachments:

Application

Site Plan

Acknowledgement Letter dated 10/13/22

**Applicants Quakeela Teasley and Charles Meade of 4804 Craig's Mill Ct in Glen Allen, VA:** Ms. Teasley explained that they are asking for a small amendment to their Special Use Permit. She noted that after

meeting with their architects and engineers they felt it was better for the aesthetics as well as their budget to change the height and amount of the fencing.

Mr. Harman asked what the purpose of the fence requirement was. Mr. Meade explained that the community asked them to fence in the property. Ms. Teasley added that it was due to safety. Mr. Meade noted that it is an independent living facility.

Ms. Proulx asked about the area outside of the proposed line. Ms. Teasley explained that it was natural vegetation and would remain as such.

Mr. Amante noted that he was fine with the proposed changes. He questioned if the fencing shown on the plan was to scale.

Ms. Teasley explained that their new plan allows them to cut back on cost and the architect planned the fencing to preserve the meadow. Mr. Meade explained that all of the units would be facing the mountain view in the back. Ms. Proulx noted that the parking would be on the Route 151 side.

*Chair Allen opened the public hearing at 8:51 PM*

**Tracy McGatha of 43 Rockfish Orchard Dr.:**

Ms. McGatha explained that the purpose of the fence was that they had a 2.5-acre pond that abutted the property. She added that their concern was people having access to the pond. She asked what the fence would be constructed of.

**Jeri Lloyd of 9322 Rockfish Valley Hwy:**

Ms. Lloyd noted that she had a couple of concerns. She asked what the fence would be made of. She noted that a 4-foot fence would be shorter than her whereas a 6-foot fence would be taller than her. She questioned if it would be three-board, chain link, etc. She noted that she would like it to be aesthetic as it would border on her property. She noted that there was a creek in the back that was attractive. She added that a three-board fence would not keep anyone from going on to the McGatha property. She noted that she had no issue with the fence being 4-feet on her side but stressed that she wanted to know what kind of fence it would be. She noted her concern with the applicant coming back to ask for additional amendments to their Special Use Permit.

*Chair Allen closed the public hearing at 8:54 PM*

Chair Allen asked what kind of fence they would be constructing. Ms. Teasley noted that they did not have those details yet but that it would not be a chain link fence. She added that it would be wood or metal (not chain-link). She explained that they wanted it to blend in with the neighborhood and be aesthetic. Mr. Hauschner asked if the property outside of the fence line would be maintained. Mr. Meade noted that it would be grass, vegetation, and trees that would be maintained. Mr. Amante noted that there is a black mesh fencing that is hardly visible. Mr. Meade noted that it would be some kind of aesthetically rustic country fence.



Mr. Amante questioned how a 6-foot fence would be able to stop trespassers if a 4-foot fence could not. He questioned the need for a fence at all. Ms. Proulx noted that having fencing was fair to make it clear where the boundary is. Chair Allen asked if the property was wooded beyond the planned fence line. Ms. Teasley confirmed that it was.

Ms. Proulx asked what their front landscape buffer would be. Ms. Teasley explained that they have a Civil Engineer planning it. Mr. Harman noted that he was ok with amending the fence line but questioned whether they should leave the 6-foot height requirement. Mr. Meade explained that most businesses he saw in the area have split rail fencing in front and nothing in the back. He added that it was almost double the cost to comply to the original condition. He added that they were yet to see a 6-foot fence like that around a business in the area. Chair Allen noted that bringing the fence line in would possible prevent trespassing more than having it on the property line.

Ms. Proulx asked if they could defer their vote until they know what the fence would be made of. Ms. Bishop noted that the material was not a concern in the original condition. Mr. Hauschner noted that as the condition is they would have to put in a worse fence due to the increased amount of fencing required.

Chair Allen asked what a 6-foot fence would achieve. Mr. Harman noted that there could be a liability issue with the pond. Ms. Teasley noted that this would be for individuals that are 55 years old or older with medical background checks and no cognitive issues. Chair Allen asked if people were allowed to leave the facility willingly. Ms. Teasley noted that it was independent living as if it were a home. Mr. Amante noted that he saw no difference between 4-feet and 6-feet.

Ms. Bishop wondered how it would feel for someone living there to have a 6-foot fence in the backyard. She added that they would still need to get through the rest of the property to trespass on someone else's land. Ms. Proulx asked if the walking path was within the proposed fence line. Ms. Teasley confirmed that it was.

Ms. Proulx questioned what the landscaping in the front of the property would be. Ms. Teasley added that the landscaping in front would be a variety of trees, bushes, and flowers. Chair Allen noted that this would be no different than someone building a house on Route 151 and they did not have buffering requirements for their parking. Ms. Proulx noted that this was an amendment to a previous requirement that the entire thing be fenced.

Ms. Bishop noted that they could amend the condition to include a specific kind of landscaping. Ms. Proulx noted that it would be too difficult to condition.

**Mr. Amante made a motion to recommend approval of SUP #1101 for an amendment to Condition #6 of SUP #716 by changing the language to:**

- **A fence 4' in height shall be installed along the boundary of the community as shown on the site plan dated December 8, 2023. Existing vegetation shall be left in place where feasible.**

**Mr. Hauschner seconded the motion.**

**Yes:**

**Mary Kathryn Allen**

**Phil Proulx**

**Chuck Amante**

**Robin Hauschner**

**Mike Harman**

**Discussion of 2042 Draft Comprehensive Plan**

Ms. Bishop noted that the Planning Commission public hearing for the Comprehensive Update would be at Nelson County High School at 7PM on January 31st, 2024. She noted that it would function like any other public hearing and the Planning Commission's discussion would not be until their regular February meeting. She explained that she added the discussion to the agenda that night to allow time for the Planning Commission to have any last-minute discussions before the public hearing. Chair Allen noted that she was ready for the public hearing and excited to go forward with the plan. Mr. Harman gave staff a public comment he had received for the Comprehensive Plan. Ms. Hjulstrom noted that all public comments should be sent directly to her.

Ms. Bishop introduced Pam Self, she is the new Administrative Assistant for both the Building Inspections and Planning and Zoning departments.

**Ms. Proulx made a motion to adjourn at 9:16 PM. Mr. Amante seconded the motion.**

**Yes:**

**Mary Kathryn Allen**

**Phil Proulx**

**Chuck Amante**

**Robin Hauschner**

**Mike Harman**

Respectfully submitted,



Emily Hjulstrom

Planner/Secretary, Planning & Zoning