



Nelson County Planning Commission

Meeting Minutes

February 28th, 2024

Present: Chair Mary Kathryn Allen and Commissioners Mike Harman, Phil Proulx, Chuck Amante, Robin Hauschner. Board of Supervisors Representative Ernie Reed

Staff Present: Dylan Bishop, Director

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

Review of Meeting Minutes – January 24th, 2024

Ms. Proulx made a motion to approve the minutes from the January 24th, 2024 Planning Commission meeting. Mr. Harman seconded the motion.

Yes:

Phil Proulx

Mary Kathryn Allen

Chuck Amante

Mike Harman

Robin Hauschner

Ernie Reed

Review of Meeting Minutes – January 31st, 2024

Ms. Proulx made a motion to approve the minutes from the January 31st, 2024 Planning Commission meeting. Mr. Harman seconded the motion.

Yes:

Phil Proulx

Mary Kathryn Allen

Chuck Amante

Mike Harman

Robin Hauschner

Abstain:

Ernie Reed

Discussion and Recommendation of Draft Comprehensive Plan 2042

Ms. Bishop noted that the Planning Commission had held a public hearing for the Draft Comprehensive Plan 2042 on January 31st, 2024. She explained that the public comments were included in the minutes from the meeting and additional public comments had been included in the packet. She added that they were now looking to make a recommendation to the Board of Supervisors with or without any revisions. She explained that the Board of Supervisors planned to hold their own public hearing at the High School on March 20th, 2024 at 7 PM and could potentially adopt the plan at their regular April meeting.

Mr. Reed noted that he and Mr. Harman had recently been in touch with a lot of people from Montebello. He explained that it caused him to take a closer look at the references to Montebello in the Comprehensive Plan. He suggested the following revisions:

1. Table 3.1 p. 32 –steep slopes and floodplain in Montebello
Mr. Reed noted that steep slopes and floodplain are significant in Montebello.
2. P. 36-41 – Montebello as a conservation area
Mr. Reed explained that Montebello is surrounded by conservation areas that are predominantly national forest. He added that it has the highest conservation value of any place with the exception of the area to the south of the Blue Ridge Parkway and Afton. He noted that in Montebello they take their identity from the landscape and that the area is primitive and not very accessible in a natural state. He suggested that Montebello qualified to be identified as a ‘Conservation Area’.
3. P. 41 Montebello – add references to Priest and Three Ridges Wilderness areas and access to primitive recreation
Mr. Reed noted that the type of recreation available at the Priest and Three Ridges Wilderness areas was not available anywhere else in the general vicinity. He explained that primitive recreation did not allow mechanized transportation and allowed camping anywhere off trail.
4. P. 149 Local Assets – add Priest and Three Ridges Wilderness areas and state fish hatchery
Mr. Reed added that while the state fish hatchery did not provide recreation, it was open to the public and should be considered a local asset. Chair Allen noted that they considered the wayside to be a local asset and that the state fish hatchery would be considered one.

Ms. Proulx suggested the following revisions:

1. P. 67 Railway

Ms. Proulx noted that the current wording implied that the railway serviced passengers within the county. Mr. Reed clarified that the railway ran through the county but did not service Nelson County residents.

2. P. 90 Housing Quality and Maintenance

Ms. Proulx noted that a lot of the vacancy was a result of Wintergreen vacation rentals. Mr. Hauschner noted that using ACS data over 5 years could be difficult and sometimes 1 year estimates were easier but not necessarily reliable. Chair Allen recommended removing "..., and 37.9% of homes are considered vacant. This is relatively high compared to the statewide vacancy rate of 11%." from the language.

3. P. 93 Local Assets

Ms. Proulx noted that the language for Here to Stay in Wintergreen implied that they were helping elderly community members. She noted that it was only available to Wintergreen property owners. She suggested adding 'to Wintergreen community members' to the language. Mr. Reed noted that Here to Stay Wintergreen had held events outside of Wintergreen that were community focused but still in the North and Central district areas of the county. Mr. Reed added that it was a relatively new organization and that he would like to encourage them to have a broader reach than Wintergreen. Ms. Proulx suggested leaving the language as it was.

5. P. 171 – Tuckahoe Clubhouse

Ms. Proulx noted that the language should be changed to clarify that the Tuckahoe Clubhouse is available to Wintergreen but not the Wintergreen area. Mr. Reed noted that it was a polling location and that he had attended events there. Ms. Proulx noted that to initiate a program at the Tuckahoe Clubhouse you had to be a Wintergreen property owner.

6. P. 146 – Agriculture & Agritourism section and Table 7.10 Agriculture Trends

Ms. Proulx asked if this data included vineyards. Ms. Bishop noted that she was not sure. Mr. Hauschner noted that the data came from the Census of Agriculture and should have included vineyards as agriculture.

7. P. 172 – Sentara

Ms. Proulx noted that Sentara did not offer dermatology.

8. By-right definition

Ms. Proulx noted that someone had requested a definition for the term "by-right".

9. Glossary –

Ms. Proulx noted that the definition of "easement" should be "conservation easement" because it specifically relates to conservation easements.

Ms. Proulx noted that there were a lot of implementation strategies and asked if there should be so many. Ms. Bishop noted that they were to cover 20 years and that the strategies could be whittled down at annual reviews as things change. She explained that starting with a larger number left them with more options going forward.

Mr. Hauschner noted that they could amend the language or add a strategy to discourage the use of large scale development in Montebello. He recommended language that would be actionable. Mr. Amante noted that it could be added as a strategy and that the actionable portion would be in the implementation matrix. Mr. Hauschner noted that he wished to include it to show the intent either on that page or in the implementation matrix.

Ms. Bishop asked the Commission if they considered Montebello to fit in with the rest of the locations included as 'Rural Destinations'. She added that if they had similar thoughts on the other locations then they may want to revisit how 'Rural Destinations' are described. Chair Allen noted that Montebello was fairly unique in its inaccessibility and was not the same as Roseland or Massie's Mill. Ms. Bishop asked if there were any other locations that should be classified as a 'Conservation Area'. Chair Allen noted that she could see Tyro fitting under 'Conservation Areas'. Mr. Reed noted that he liked the idea of having Montebello as a standalone 'Conservation Area'. He noted that it could potentially be considered a 'Gateway' but that many would not consider Route 56 to be a gateway into the county. Ms. Bishop asked if it could be considered a 'Gateway' in 20 years. Mr. Reed noted that he did not think it would and hoped it would not be. Chair Allen noted that with regular review of the Comprehensive Plan, amendments could be made if opinions were to change in 10 years. Ms. Bishop added that if the intent was that they did not want to see it in 20 years, then this would support that. Mr. Reed noted that the old Comprehensive Plan had been very heavy on tourism, and many people felt they had had enough.

Mr. Harman agreed with Mr. Reed that Montebello was unique and could not be compared to the rest of the county. Mr. Hauschner agreed and noted that some of the other 'Rural Destinations' were closer to population centers. Mr. Amante questioned how much they could call conservation when they got to zoning. He recalled a Major Site Plan along the Blue Ridge Parkway that was not supposed to be visible. Ms. Proulx noted that the Major Site Plan was by-right. Mr. Amante questioned if they could tell someone that owned 800 acres in Montebello that they could not subdivide. Mr. Reed noted that they could draw the zoning up in response to the intention of the Comprehensive Plan. Mr. Harman questioned how long it would take to get into the Zoning Ordinance update. He noted that they should look at by right uses to see if they still applied. He added that the Comprehensive Plan was complete and a good vision for the county. He noted that in 10-15 years they would be able to see how successful it was.

Ms. Bishop asked Mr. Hauschner what page he was considering for adding the language for large scale development. Mr. Hauschner noted that it was on the Rural Destinations page (40). Chair Allen asked who had noted it in their meeting. Ms. Proulx noted that it had been Mr. Lanning. Mr. Hauschner noted that the request was that the language discouraging large scale development be more specific in how it would be discouraged. He recommended adding an item to the matrix that would dictate the discouragement of large scale development in the Montebello area through zoning. Ms. Bishop noted that they could add it to the strategies on page 50.

Ms. Bishop asked the Planning Commission if Chapter 6 had any references about incentivizing community scaled and based solar projects in regard to Strategy 11 on page 50 “Reduce or exempt permit fees for residential solar installations.” Mr. Reed noted that the state did not allow community based solar at the time and it could be added when possible. He added that lobbying Richmond to allow community based solar could be a good idea. Mr. Amante noted that the state had the potential to take the locality out of the decision. Mr. Reed questioned whether the Comprehensive Plan could include things that the county would like to be able to do but currently could not. Chair Allen noted that by including it as a strategy they were doing that. Ms. Bishop noted that Chapter 6 had several strategies relating to solar. Mr. Reed added that they would be able to amend the Comprehensive Plan. Ms. Bishop noted that the Planning Commission or the Board of Supervisors would be able to initiate a Comprehensive Plan update or amendment at any time. She added that in Amherst, they amend their Future Land Use Map every time they rezone a property because theirs is property-specific. She noted that they did not feel a property specific map was appropriate for Nelson County. Ms. Bishop added that there was a goal to do at least a yearly review of the Comprehensive Plan moving forward.

Mr. Amante questioned if Montebello should be labelled solely as a Conservation Area when he did not see a real conflict with it being labeled as a Rural Destination. Mr. Reed agreed and noted that it could qualify as both. Ms. Bishop noted that there is an overlay for ‘High Conservation Value Areas’ that already covered much of Montebello on the Future Land Use Map. Mr. Amante asked if the intention was to make the entire Montebello area fall under ‘Permanently Protected Landscapes’. Mr. Reed noted that at the moment, the designations were considered all-or-nothing, categorizing certain things as applying to those areas. He suggested that Montebello fall under both ‘Rural Centers’ and ‘Conservation Areas’ on page 36.

Ms. Bishop questioned if the Commission wanted Montebello to fall under ‘Rural Areas’, ‘Conservation Areas’, and ‘Rural Destinations’. Chair Allen noted that Montebello was a rural destination in the sense that people went there to hike. Mr. Hauschner noted that the Planning Guidelines of ‘Rural Destinations’, including traditional wayfinding and signage to direct people to the location, as well as the idea of integrating more infrastructure, conflicted with the nature of a wilderness area. He suggested removing Montebello from ‘Rural Destinations’ and adding it to ‘Rural Areas’. He noted that this could buffer residences, discourage development of agricultural soils and negate visual impact to the surrounding area. He added that the intent of ‘Rural Destinations’ seemed to be increased traffic to the location.

Ms. Bishop asked if they wanted to see Montebello removed as a ‘Rural Destination’ and added to ‘Rural Area’. Chair Allen noted that she was ok with removing Montebello from rural destinations and categorizing it under ‘Conservation Areas’ and ‘Rural Areas’. She added that people would still continue to use it as a rural destination for hiking. She noted that the community’s biggest issue seemed to be preventing commercial development/vacation homes in the Montebello area.

Mr. Hauschner noted that when you drive into Montebello from the Vesuvius side there was a sign saying “Turn around – The GPS should not be leading you this way”. Mr. Reed added that they had listed the natural assets elsewhere. Ms. Bishop noted that the information being throughout the plan could be difficult. Chair Allen noted that updating the Zoning Ordinance would allow them to further decide what should and should not be permitted in the Montebello area. Mr. Reed added that they are

currently setting the goal. The consensus was to remove Montebello from 'Rural Destinations' and add it to 'Rural Areas' and 'Conservation Areas'. Mr. Amante noted that a lot would be grandfathered if zoning was changed. Chair Allen noted that this would be the case with the Zoning Ordinance change regardless. Mr. Hauschner added that this would be for the prevention of further development. Mr. Amante questioned how an owner operated bed and breakfast would be permitted versus a vacation house. Mr. Reed noted that he did not think the zoning would be that restrictive. Chair Allen added that the Comprehensive Plan was not a legally binding document. Mr. Reed noted that he was looking forward to the recommendations from the consultants in regards to the Zoning Ordinance.

Ms. Bishop reviewed the requested revisions up to that point. The language on page 93 was decided to be left as is.

Ms. Proulx recommended approval of the 2042 Comprehensive Plan to the Board of Supervisors with the following revisions:

- 1. Table 3.1 p. 32 – Check boxes for steep slopes and floodplain for Montebello**
- 2. P. 36-41 – Remove Montebello from 'Rural Destinations' and add to 'Rural Areas' and 'Conservation Areas'**
- 3. P. 41 Montebello – in description, add references to Priest and Three Ridges Wilderness areas and access to primitive recreation**
- 4. P. 149 Local Assets – add Priest and Three Ridges Wilderness areas and state fish hatchery**
- 5. P. 67 indicate that railway runs through the county but doesn't currently serve its residents**
- 6. P. 90 Housing Quality and Maintenance – take out "..., and 37.9% of homes are considered vacant. This is relatively high compared to the statewide vacancy rate of 11%."**
- 7. P. 171 – Tuckahoe Clubhouse "Serves as the community center for ~~the~~ Wintergreen area..."**
- 8. P. 172 – Sentara does not offer dermatology**
- 9. Glossary – definition of "easement" should be "conservation easement"**
- 10. Add "by-right" definition to glossary**
- 11. Add strategy #16 to P. 50 "Discourage the use of large scale development in Montebello through zoning."**

Mr. Harman seconded the motion.

Yes:

Phil Proulx

Mary Kathryn Allen

Chuck Amante

Mike Harman

Robin Hauschner

Ernie Reed

Board of Supervisors Report

Mr. Reed noted that they are moving forward with the new county building on Callohill Dr. Chair Allen asked if Social Services, Planning, and Building offices would be included in the building. Mr. Reed noted that Social Services would be phase 1 where the Planning and Building Offices were a theoretical phase 2. He added that they had not allocated funds or architectural services for phase 2 at that point. Chair Allen noted that Planning and Building offices would have to go somewhere and could not stay where they were.

Mr. Reed noted that they are moving forward with the school renovation project and Lovington waste water improvements. He noted that there is new branding for Lovington approved by the Board. He noted that the 4th of July event will be moved from the High School to Oak Ridge and would be done in conjunction with a 3-day event including a fireworks display.

Ms. Proulx noted that SUP 1085 for a campground had been denied by the Board. Mr. Amante asked if a decision had been made on the recreation center. Mr. Reed noted that everything was waiting on the debt service they would need to do for school renovation, jail, and Social Services. He added that they likely would need to wait for some improvement to Dillard Creek to provide more possibility for infrastructure. He added that there is a vision for Parks and Recreation.

Mr. Amante asked when the Planning Commission would see the pending Major Site Plan. Ms. Bishop noted that it was currently pending reviews from other agencies and would come before the Planning Commission once those are received. Ms. Bishop noted that they were not expecting to have an application scheduled for the March Planning Commission meeting.

Ms. Harman made a motion to adjourn at 8:07 PM. Mr. Amante seconded the motion.

Yes:

Phil Proulx

Mary Kathryn Allen

Chuck Amante

Mike Harman

Robin Hauschner

Ernie Reed

Respectfully submitted,

A handwritten signature in black ink that reads "Emily Hjulstrom". The signature is written in a cursive style with a long horizontal flourish at the end.

Emily Hjulstrom

Planner/Secretary, Planning & Zoning