

**Albemarle County Planning Commission
FINAL Minutes December 14, 2021**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 14, 2021 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Corey Clayborne; Rick Randolph; Daniel Bailey; Tim Keller; and Karen Firehock.

Members absent: Jennie More and Luis Carrazana.

Other officials present were Kevin McDermott, Planning Manager; Andy Reitelbach, Senior Planner of the Planning Division; Scott Clark, Community Development Planning Division; David Benish; Sandy Shackelford, Director of Planning of the TJPDC; Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the meeting to order. He said the meeting was being held pursuant to and in compliance with Ordinance No. 20-A(16), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster." He said opportunities for the public to access and participate in the electronic meeting will be posted at www.albemarle.org/community/county-calendar when available. He asked Ms. Shaffer to call the meeting to order and establish a quorum.

Ms. Shaffer called the roll and established a quorum.

Consent Agenda

Mr. Bivins noted that there were no items on the consent agenda. He asked if there were members of the public who wished to speak on matters that were not on the agenda.

Mr. Neil Williamson said he served as president of the Free Enterprise Forum (FEF), a privately funded, public-policy organization focused on local government in Central Virginia. He explained that the FEF annually presented a fractured caroler story to spread holiday cheer and joy. He said it started with "An Albemarle Planning Christmas," followed by "Rudolph, the Form-Based Code," "Rio, the Small Plan, Walking in a Form-Based Code Wonderland," and the previous year's "Coronavirus Carol." He continued that every year presented its own challenges, and this year's challenges included the Community Development Department's application backlog. He said that he drafted a poem entitled, "All I want for Christmas is a Building Permit," but he decided against it. He announced that for 2021, the FEF presented the poem entitled, "Middle Density is Coming to Town," a parody of the song, "Santa Clause is Comin' to Town." He said he apologized to the original writers, Haven Gillespie and J. Fred Coots. He recited the parody poem.

Mr. Bivins asked Mr. Williamson to forward a copy of the poem to the clerk so that the Commission would have a physical copy. He asked if there were any other public comments for matters not on the agenda.

Ms. Shaffer said there were no more public comments.

Public Hearings

ZMA202100005 1805 Avon St. PRD

Mr. Andy Reitelbach said that the public hearing regarded the rezoning request ZMA2021-00005 1805 Avon Street PRD. He said that the site consisted of two parcels located off Avon Street Extended, south of Interstate 64. He said that the Avinity subdivision was located to the north and east-southeast of the parcels, to the south was property owned by the Southside Church of God, the Lake Reynovia subdivision was across Avon Street, and Mountain View Elementary was north and adjacent to the parcels. He continued that the property had a small, narrow frontage along Avon Street.

Mr. Reitelbach said that the parcels totaled approximately 3.627 acres. He explained that each property had a single family detached house along with several accessory structures, such as garages and sheds. He said that the applicant was requesting to rezone the two parcels to PRD—planned residential development—for a maximum of 85 residential units. He explained that the parcels were zoned for R1, which allowed 1 residential unit per acre, so by right development was limited to 3 dwelling units while additional units were possible with bonus factors.

Mr. Reitelbach said that the overlay zoning districts for the parcels were managed deep slopes and the parcels were also in an entrance corridor. He mentioned that Avon Street was a corridor where the entrance corridor regulations were not applied. He said that the Avinity subdivision was zoned PRD, the Southside Church of God property was zoned R1, there were light-industrial properties to the south along Avon Street, Lake Reynovia was zoned R4, and PUD to the north was zoned open space as part of the Mill Creek subdivision.

Mr. Reitelbach said that in the Comprehensive Plan, the 2 parcels were part of the Southern and Western urban neighborhoods masterplan and were designated as urban-density residential. He said that the land-use designation recommended a density of 6.01 to 34 units per acre with supporting uses such as places of worship, schools, and institutional and small-scale commercial uses. He said that the recommended building height was a maximum of 3 stories. He noted that the parcels, the Avinity subdivision, and the Southside Church of God property were designated as urban-density residential, the parcels further to the south were designated as Office/R&D/Flex/Light Industrial, the Lake Reynovia subdivision was designated as neighborhood-density residential, and the Mountain View Elementary School property north of the parcels was designated as institutional use.

Mr. Reitelbach said that the applicant requested a maximum of 85 dwelling units per acre which would include a mixture of unit types, such as townhouses, multi-family apartments, and other single-family attached unit types. He said that the planned density was 24 units per acre and the buildings were a maximum of 3 stories, as per the masterplan. He explained that as a requested PRD, a minimum of 5% open space was required along with a certain level of recreational facilities, and in accordance with the County Affordable Housing policy, the applicant proposed 15% of the units be eligible for affordable housing at 80% of area median income.

Mr. Reitelbach said that interior travel ways were proposed for access to the units, and that the applicant proposed to reserve right-of-way along Avon Street to allow future construction of a multi-use path. He said that it was estimated between 17 and 22 additional students would be expected to be generated by the use depending on the exact unit mixture. He noted that Mountain View Elementary School was already overcapacity and would continue to be overcapacity over the next several years until a proposed expansion to the school, included in the Capital

Improvement Plan (CIP), was completed. He said that the expansion would only alleviate the current overcapacity and not any additional future capacity issues. He also noted that Walton Middle School and Monticello High School were both under capacity.

Mr. Reitelbach said that the applicant identified an existing structure to be repurposed as a duplex or triplex. He noted that there was an inter-parcel connection between Avinity to the northeast at the rear of the property. He noted that there were bollards placed along the property line because the streets in the Avinity subdivision were privately owned, so the potential residents of the new development would not be able to legally use those streets. He continued that the inter-parcel connection was being constructed and could be used for emergency access if needed.

Mr. Reitelbach said that the applicant proposed to reserve area for future inter-parcel connections. He said there was a potential inter-parcel connection with the Southside Church of God property. He said that the applicant proposed to provide sidewalks along the frontage of Avon Street and approximately 1200 square feet of right-of-way to allow for future construction of a multi-use path along Avon Street. He said that the multi-use path was recommended in the Avon Street Corridor study.

Mr. Reitelbach said that the main entrance for the development would be off Avon Street, and an exception request for entrance spacing requirements was approved by VDOT due to the newer frontage that the property had along Avon Street. He continued that any potential required improvements, such as turn lanes, tapers, or stop lights to ensure that the entrance was constructed safely, would be reviewed by VDOT at the sight planning stage. He said that the applicant indicated the property was not planned to be subdivided, and all of the units would be under common ownership. He continued that only interior travel ways were proposed, however, if subdivision were to occur, the applicant would have to ensure that the travel ways were constructed to street standards and obtain any necessary waivers or modifications that may be needed.

Mr. Reitelbach listed the factors that were favorable with the proposal: it was consistent with the uses and density recommended in the Southern and Western urban-neighborhoods masterplan; it was consistent with the applicable neighborhood model principles; the proposal provided at least 15% affordable housing; and the proposal provided the reservation of right-of-way for the multi-use path in order to meet the recommendations of the Avon Street Corridor study. He said that the unfavorable factor was that the proposal would increase enrollment an area school which was already over-capacity. He said that staff recommended the approval of the proposal, ZMA202100005 1805 Avon St. PRD

Mr. Rick Randolph asked why the applicant submitted then withdrew an access management exception request.

Mr. Reitelbach said that the access management request was a VDOT application for entrance spacing requirements. He said that the applicant did not meet the spacing requirements between the Southside Church of God property and the existing driveways and entrance into the Avinity subdivision, so the applicant needed an access management exception, and the exception request was granted only to allow for the spacing requirement. He explained that at the site planning stage, the applicant has to demonstrate an appropriate entrance design, and VDOT would review the needs of the entrance based on the expected trip generation from the use.

Mr. Randolph asked if it was anticipated if VDOT would provide input on whether tapering was appropriate for the turn lanes.

Mr. Reitelbach said that VDOT would examine tapering as an option when reviewing the final unit count and expected trip generation. He said that VDOT would comment on what types of entrance improvements would be required in order for VDOT to grant an entrance permit.

Mr. Randolph asked if staff had considered that the area of green space was not adequate for the number of units proposed on the acreage.

Mr. Reitelbach said that the applicant proposed to include the required minimum 25% green space by the PRD. He explained that there would need to be 2 tot-lots, and a basketball half-court based on the proposed number of units. He said the applicant had demonstrated that the requirements can be met in the proposed square footage. He explained that if the applicant wanted to change the design from what was required in the ordinance, the applicant would have to submit a substitution request to be reviewed by County staff to ensure an equal or greater number of recreational facilities were provided.

Mr. Randolph asked if staff had discussed if it would be appropriate for the applicant to provide a public transit facility along Avon Street Extended. He mentioned that a transit facility did not currently exist that far south on Avon Street. He said the issue of transit access had been an issue for years.

Mr. Reitelbach said that staff had recommended a transit hub or an area for transit stops be provided in the proposal or be accommodated for if transit were extended down the Avon Street corridor.

Mr. Randolph said that the Board of Supervisors was interested in seeing transit stops provided by developers. He mentioned that those transit stops cost, at a minimum, \$15,000. He said that the money for transit infrastructure could instead be used for new furniture in school spaces. He said that the applicant had no proposal for proffers and only provided 15% of the units for affordable housing. He said without a transit facility, it was difficult for people to utilize the bus. He said he wanted to see staff strongly suggest to the applicant to include transit stops—he mentioned staff could not require transit stops. He said he expected more dialogue around the issue.

Mr. Bivins said that if there were no more questions, then the applicant could present.

Mr. Justin Shimp said he was the engineer for the proposal. He said he represented James Moss, one of the property owners, and Victorian Properties. He said Mr. Moss lived on the property and was rezoning the house in which he currently resided. He mentioned that Mr. Moss had lived in his house with his family for about 30 years. He said that the comprehensive plan designated the parcels as urban-density residential. He said that the plan included the combination of townhome-type units with small units on the ground and two- to three-bedroom units above, as well as traditional apartment buildings. He said that the school and the sports fields were reachable within a 5-minute travel range, and there would be sidewalks included in the development.

Mr. Shimp said that Wickham Pound and Riverside Village had similar stacked-townhome units. He said it was a unit more commonly used in middle-density developments. He said that traditional, multi-family units were under construction. He said that the PRD ordinance was crafted

for 30 to 50-acre, traditional, single-family residential development. He continued that while a development of 100 acres would have 25 acres of open space, only maybe 5 acres would be developed. He said there was never truly 25% of usable greenspace. He said that in the smaller developments, 25% of land for recreational use was not practical or necessary. He noted that there was space for a playground, a picnic shelter, and a garden area in the proposal. He said that on Avon Street, there was an additional 8 feet of right-of-way dedicated to a future shared-use path. He said a sidewalk would be constructed in the meantime until the shared-use path was completed.

Mr. Corey Clayborne asked for more details about how the trash was collected for the neighborhood.

Mr. Shimp said there would likely be a dumpster on site. He said there could be a trash collection service, but it depended on the developer's wishes. He said trash collection services were more expensive but saved space. He said there were also County requirements that affected the decision.

Mr. Bivins noted that on the maps there was an empty square marked on the property next to the designated spot for the tot-lot. He asked Mr. Shimp what the lot was.

Mr. Shimp said that Mr. Bivins was referring to the site of Mr. Moss's house. He said that the building would likely be repurposed as a duplex or a triplex once Mr. Moss moved from the property.

Ms. Firehock asked if there were trees proposed to be planted along the street and interior travel way areas.

Mr. Shimp explained that there was a zoning ordinance requirement for street trees on Avon Street, a parking lot ordinance requirement for a certain number of trees for a certain number of spaces, and if the road was treated as an access road, there was also another street tree requirement. He said the travel ways would be built like a street—while not every technical detail was the same, the landscaping was.

Mr. Bivins asked Mr. Shimp to identify where Access A and Access B to the property were located on the map.

Mr. Shimp said Access A was the main travel way. He said Access B was reserved for a future connection to the Southside Church of God property.

Mr. Bivins asked if there were people signed up for public comment.

Ms. Shaffer said that there were 2 people waiting to comment.

Mr. Bivins opened the hearing to public comment.

Ms. Shaffer said that speakers should state their name, address, and if they were affiliated with a group or organization. She explained that speakers would be given 3 minutes to complete their comments, and their time started as soon as they started speaking.

Ms. Diane Grieder said she lived at 141 Blackthorn Lane, in the Lake Reynovia neighborhood. She said she was a member of the Fifth Street and Avon Street Advisory Committee for the Board of Supervisors. She explained that the VDOT traffic study for the proposal occurred during the height of the COVID-19 pandemic when there was significantly less traffic on Avon Street. She said that the Fifth Street and Avon Street Advisory Committee requested a new traffic study be conducted. She noted that it was difficult for her to make a left hand turn out of the entrance of the Lake Reynovia neighborhood, and the proposed site, which would become 85 units, would add additional traffic. She asked that a new traffic study be conducted to determine the traffic impact of the development.

Mr. Paul McArtor said he was a resident of the Avinity subdivision at 2012 Avinity Loop. He said the neighborhood did not have an HOA, but it did have a community advisory committee. He said he did not object to the concept of the property, but he had 2 concerns. He said his first concern was to ensure there would be no interconnectivity between the proposed development and the Avinity subdivision. He explained that the streets were not designed for the increased traffic. He said that he wanted to ensure that the bollards were kept and that steps would be put into place to inform the future residents that the Avinity amenities and property were private.

Mr. McCarter said that the expansion planned for the Mountain View Elementary School would only solve the current capacity issues. He said that the Planning Commission had approved Springhill Village, Avon Park II, and the Southwood Community, all of which would add to the increased enrollment at Mountain View Elementary. He continued that the projected enrollment estimates were typically under-estimates. He said it was irresponsible to approve any development in the Mountain View school district until the capacity issues were addressed.

Mr. Bivins said that the public comment portion was closed. He asked if the applicant wished to respond.

Mr. Shimp said that the traffic study provided for the development was focused on the entrance. He continued that while the traffic was lower when the study was conducted and did not reflect the current numbers, VDOT did not grant approval for traffic pattern changes based on a rezoning. He explained that VDOT required a new traffic count once the site plan was submitted to determine the appropriate traffic pattern changes. He said that a rezoning approval did not entitle a developer to traffic pattern changes. He said the changes occurred when the development began. He noted that next year, there would be a new traffic count for the traffic changes. He continued that VDOT did not require a new study at this point in the process because, while it was a weird time for the study, it would not affect the end requirements.

Mr. Shimp said that the schools were a tough situation. He said that the developer had never received a statement from the schools that the schools could not educate the additional children. He said that the schools found a way to overcome any capacity related issues. He noted that the developments enabled people to move to the area for an affordable living situation with quality education. He continued that the more children educated in a quality environment, the better off for society.

Mr. Daniel Bailey said that his main concern was the increased pressure on Mountain View Elementary School and surrounding schools. He said that he supported the development and found many positives with the proposal, but he struggled with the impact on the schools.

Mr. Tim Keller said that the proposal and similar projects pointed to considerations that the County and planners would have to consider when developing for middle density. He asked them to think about the water flow on the slopes and the water that will be shooting down the hill on Avon Street. He said that housing costs were going to be a third higher post-COVID compared to pre-COVID. He asked how that affected “affordable” housing. He said it was sad—he said that the westside of Avon Street was planned better because of larger parcels, linear roads, and less site degradation compared to the eastside. He said the proposal was a case in point. He said that while the proposal was likely approved, as similar projects were considered, the County had to decide whether this type of construction and development was appropriate for Albemarle.

Ms. Firehock said that the parcels were the right location for infill development. She mentioned that kids could walk to school from the development. She wished to see more interesting architecture. She noted that the buildings looked like big boxes, and she wanted it to look more like a neighborhood. She did not have any significant objections to the proposal, however, she noted she was not excited about it.

Mr. Randolph said that he was disappointed with the proposed number of affordable housing units. He said affordable housing accounted for 7.1% of all the proposed units. He stated that this was an embarrassing number given the location and proximity to the City. He continued that he was disappointed that the proposal did not offer any proffers to alleviate the pressure on the schools in the corridor. He agreed with Ms. Firehock that the location was appropriate for middle density, but he was concerned with the level of density created by the projects in the midst of single-family residential housing. He said he wished to see proffers for a transit stop as well.

Mr. Clayborne said he was in favor of the proposal. He said he did not understand what Mr. Randolph was referring to when he said affordable housing was only 7.1% of the units. He said the proposal met the minimum requirement of 15%. He continued that the proposal was an appropriate development for the parcel.

Mr. Bivins said that he supported the project. He wished that the proposal had displayed a new way to create community in a small space and noted that the Commission had seen interesting projects in small spaces. He said he was moderately concerned about traffic flow and how it would be managed. He was also concerned about the mix of housing and traffic patterns, and he stressed that he wanted to avoid any accidents with children.

Mr. Bivins said that there was a lot of pressure on the Commission to be the solution to the school's capacity issues. He explained that was not the role of the Commission in this problem—it was to continue to say that developments were a burden and an issue for schools. He suggested that people lobby the Board of Supervisors and the School Board. He said that the Commission heard the grievances, but it was not the decision maker.

MOTION: Mr. Randolph moved that the Planning Commission recommend approval of “ZMA202100005 1805 Avon St. PRD” for the reasons stated in the staff report. Mr. Clayborne seconded the motion. The motion carried unanimously (6-0 Commissioner More absent).

SP20210013 Living Earth School

Mr. Scott Clark said that the public hearing was for a request for a special use permit for a day and overnight environmental education camp located on Pounding Creek Road. He said that the property was over 400 acres and was located 1 mile east of Batesville. He explained that the applicant's proposed use was for a camp that was 6 weeks per year of summer campers, up to

160 campers per day. He said that 75% of day campers would arrive and depart by shuttle bus, and up to 25% of the transport was arranged by individual vehicles. He continued that there would be up to 60 overnight campers who would arrive Sunday and depart Friday by individual vehicles. He explained that outside of the six-week camp period, there would be smaller day and overnight programs of up to 150 attendees. He continued that for programs with more than 40 attendees, shuttles would be used for arrival and departure.

Mr. Clark said that the proposal included 2 fundraising events per year for the applicant organization of up to 200 attendees. He noted that improvements to the site would include the camp hall, gravel driveways and parking, storage, staff cabins, platform tents for the campers, bath and restroom facilities, pavilions, and a nature library. He said the property was broken up into 3 segments, and the camp facilities would be located in parcel "E" (as shown on Attachment "D" of the staff report).

Mr. Clark said that there would be no substantial detriment to the adjacent properties from the effects of the use. He mentioned that there would be no amplified sound, the nearest development was 2200 feet from the camp area, and there were no directly adjacent dwellings. He said that there were potential detrimental impacts on residents who would share the road.

Mr. Clark said that the proposal was in harmony with various ordinances and County principles. He said that the main purposes of the RA zoning district were preservation of agricultural and forestal lands; water supply protection; limited-service delivery to the rural areas; and conservation of natural, scenic, and historic resources. He said that the proposed use had a low impact because it was an environmental learning camp that relied on a large rural parcel, and its infrastructure would be easy to remove. He said that the limited impact allowed for the site to be potentially returned to commercial agriculture and forestry use, and that the proposal would not conflict with the agricultural or sylvicultural use of the surrounding properties. He said that service demands would be limited and were not comparable to by-right residential development.

Mr. Clark said that the majority of concerns focused on the traffic impacts. He said that during the summer, the camp would generate 40 trips, plus shuttle trips, Monday through Thursday, 86 trips plus shuttles on Fridays, and no trips on Saturdays. He said there were more trips on Friday because the overnight campers and the day campers were both departing. He continued that for the remainder of the year, there could be as many as 150 people on the site, but the applicants expected that most of the activity would include 40 to 50 participants. He said that if activities had over 40 participants, shuttles would be used, otherwise, participants would access the site by individual vehicles.

Mr. Clark said that the access to the site was along Pounding Creek Road. He said the entrance was 1.3 miles from the intersection of Pound Creek Road and Dick Woods Road. He said that the road had multiple narrow pinch points where the entire road varied in width from 10 feet to 12.5 feet with limited ditches or shoulders, and he noted that the lowest VDOT standard was 18 feet plus a shoulder. He said that site lines were also limited by horizontal and vertical curves. He said that the pinch points opened up the possibility for collisions between opposite travelling traffic or long backups.

Mr. Clark said that staff recommended the use of shuttle access to alleviate some of the traffic issues. He said that shuttles would limit two-way traffic because the shuttles would travel in the same direction at the same time. He said that the applicants proposed that 75% of the daily attendees would arrive by shuttle, and 25% would arrive by individual cars. He said the applicants

felt it was important that the overnight campers arrive with their parents in individual vehicles as well. He continued that for the rest of the year, the applicants proposed to use shuttles for activities with over 40 attendees. He said that compliance with the percentage requirements in a remote location was difficult or impossible for the County to monitor, verify, or enforce, and there would still be vehicles encountering two-way traffic with the applicant's proposal.

Mr. Clark said that at the intersection of Pounding Creek Road and Dick Woods Road, arriving vehicles turning left onto Pounding Creek Road and exiting vehicles coming out of Pounding Creek Road had limited site distance for traffic coming from the west on Dick Woods Road. He said that Dick Woods Road was a paved, two-lane road where traffic speeds were about 55 mile per hour—from his observations. He said the site lines did not give people enough time to make the turn onto or off of Pounding Creek Road. He continued that the intersection was also difficult to identify from Dick Woods Road.

Mr. Clark said that the proposed use supported several comprehensive plan goals such as protecting the natural resources and using the site to inform citizens about natural resources and biodiversity. He said a community meeting was held in August, and 89 landowners were notified, including people who owned land in a half-mile radius around the subject property and several landowners outside the radius who had some connection to Pounding Creek Road. He said several concerns expressed at the meeting included road capacity and traffic safety, water supply sourcing, and impacts on internet service capacity from the additional demand of the camp.

Mr. Clark said that the favorable factors for the proposal included the minimal impacts on the adjacent properties and that the proposal support the goals of the comprehensive plan. He said that the unfavorable factors included the dangerous road conditions on Pounding Creek Road and the difficulty of monitoring and enforcing the shuttle requirements. He said that staff recommended denial of the proposal, SP202100013 Living Earth School. He said that he had a list of conditions for the applicant if the Commission otherwise voted to recommend approval.

Ms. Firehock said that there was no mention in the reports from the applicant or County that there was a bridge over the creek from Pounding Creek Road to the site. She said that the bridge was not in good shape and was likely not appropriate for emergency vehicles. She said that there was also an access road to the site, but it was not built to adequate standards. She asked if the County reviewed the actual access to the site, including emergency vehicle access, and if the applicant had to address those issues.

Mr. Clark said that the County did consider the access points. He agreed with Ms. Firehock that the access road and bridge were not ideal. He said that if the use were approved, the access points would be addressed during the site plan review because there were VDOT standards for entrances and County standards for vehicle access.

Mr. Randolph said experiential environmental education was important because people still challenged global warming. He asked Mr. Clark if the staff explored the option of turning the section of Pounding Creek Road between Dick Woods Road and the site entrance into a one-way road. He said the one-way road would ensure only exiting traffic at Pounding Creek and Dick Woods. He mentioned that there were only two lots with houses on that section of Pounding Creek.

Mr. Randolph said that in order to reduce dust, the speed limit could be reduced. He explained that the Board had considered implementing speed monitoring devices. He said that it would be

easy to put a speed monitoring device on Pounding Creek Road. He continued the County needed VDOT support to lower the speed limit of Dick Woods Road at the intersection of Pounding Creek Road. He said that together, these solutions would address the traffic safety issues. He asked if these solutions had been considered by the staff.

Mr. Clark said that several options to alleviate traffic impacts had been considered. He said that the proposed condition #6 required that all departing traffic go westward on Pounding Creek to Miller School Road, which was paved. He said the staff of the camp would direct the traffic. He said departing traffic could be controlled, but it was more difficult to control the arriving traffic. He said that people choose their routes, and it was hard to influence that. He continued that the issue of speeding had not been considered. He said he would not be worried, and actually impressed, if someone was able to drive consistently over 25 mile per hour on Pounding Creek Road. He said speeding was not so much an issue as was the lack of visibility and lack of capacity to have two-way traffic.

Mr. Randolph said that if Pounding Creek Road was one-way to the north of the site, then there was no longer a major concern about traffic safety because the road was dedicated to going one direction.

Mr. Keller said that there had been several projects where the entry road was a major concern, such as Panorama Farm Burial Grounds and Water Perry Farm. He asked how a decision was made based on the roads.

Mr. Clark said that decisions were made on a case-by-case basis because the roads varied greatly. He said that Water Perry Farm, which was withdrawn, and the applicant's proposal had the narrowest roads he had seen in a proposal. He said other proposals also had rural and dirt roads, but those were not as limiting. He said it was challenging because the VDOT review focused on the entrance, so the County had to decide what to do with the remainder of the road.

Mr. Kevin McDermott, Planning Manager, said the applicant's proposal was reviewed at the same time as the Panorama Farm cemetery and the another Living Earth proposal. He said all were located on dirt roads. He said that at the other two locations, the roads were in a better condition than Pounding Creek. He continued that the other two proposals proposed much lower attendance and much less traffic. He said the lesser traffic volume and better road conditions influenced staff's decision in those other cases because the road conditions could be managed.

Mr. McDermott said that he did not know if it was possible to make Pounding Creek Road officially one-way, but a condition could be put on the permit that the applicant be required to direct traffic one-way from the site. He said that this was difficult to monitor. He said that he was unsure if the speed limit of Dick Woods Road would be able to be lowered. He explained that VDOT had a process to evaluate speed limit changes and lowering speed limits did not lower the actual speed of traffic, so other ways were typically utilized to lower traffic speeds.

Mr. Keller said that the state maintained the roads and that there was a fine line between state standards and county standards. He asked if VDOT would have the same process and standards as Albemarle County Transportation Planning for maintaining the roads

Mr. McDermott said that VDOT maintained the County roads and reviewed and regulated all uses on the roads for the County. He said that all of the County's road requirements matched VDOT's requirements. He said that VDOT would have to approve speed limit changes through an

engineering study. He said VDOT would maintain Pounding Creek Road as well. He said the maintenance dollars did not exist to continually maintain the roads, especially the dirt roads. He said that the level of use from the proposal would have an impact on the condition of the road, and he did not think VDOT had the funding to regulate and address that impact.

Ms. Firehock said that it was suggested that the owner create bypass areas where a car could pull over to allow another car to pass, and she noted that the owner was willing to construct those. She asked if the developer needed VDOT approval in order to make changes to the road, such as bypass areas.

Mr. McDermott said improvements could be made to the road, but the road was not on a state or county right-of-way. He explained that Pounding Creek Road was on an easement that covered the width of the existing road. He said that any improvements adjacent to the road would have to receive approval from the adjacent landowner in order to make the improvements. He said permitting from VDOT and permission from the landowners was required, and VDOT would review any work to ensure it met the state standards.

Mr. Adam "Hub" Knott said that he was one of the founders of the Living Earth School. He said Mr. Scott Cunningham would also be speaking. He said that the reason the property was chosen for the proposal was because of the access it had. He said it was centrally located, and it was difficult to find parcels where the use would not impact neighboring residents. He said that the Living Earth School had been leading nature education programs for 19 years, and the demand increased year after year. He said that the parcel would help the school address the growing demand. He said that land care was a major value of the school, which was evidenced in the former campers who expressed the influence of the camp programs on their careers.

Mr. Knott said that he had not considered the one-way road solution. He explained that the bridge and access road were put in to aid in logging operations, and that the costs of a proper bridge with proper water management had been discussed. He said the school was looking for a property with more longevity because its current sites did not have enough capacity.

Mr. Scott Cunningham said he was the Director of Operations of the Living Earth School. He said that the Living Earth School was a 501(c)3 non-profit. He said that the school did not have an issue with the use. He stated that VDOT had determined Pounding Creek Road was safe for commercial use. He wanted to clarify that there were 9 weeks of day camp and 6 weeks of overnight camp, which accounted for a total of 6 Sundays of camp arrivals, and 6 Fridays of camp departures over the year. He said that the school had proposed to manage the traffic by shuttling 75% of attendees. He said it was unrealistic to commit to only shuttle-based transport because of uncertainty in camper's plans, where parents were likely to have reasons to drive directly to the camp.

Mr. Cunningham mentioned the traffic management plan where traffic would be directed towards Miller School Road as a way to address traffic safety. He said he also liked Mr. Randolph's idea of a one-way road towards Dick Woods Road. He said the proposal was one opportunity to make the land a "use-value" use, for the community, and change it from an "exchange value" use, to maximize the dollar return. He said the school was not a money maker, and if the proposal was not approved the land would otherwise be used for commercial development.

Mr. Bivins asked if there were any questions for the applicants right now.

Mr. Clayborne said he wanted to make sure he had the numbers right. He said he understood there would be ten cabins, and sixty children could sleep over.

Mr. Cunningham said there would be ten cabins, and ten to fourteen platforms where there would be a three-sided tent that allowed a number of children to sleep in there.

Mr. Clayborne asked if any sprinkler systems would be needed with kids sleeping over.

Mr. Cunningham said no, and that it was all under the stars, and there was a center firepit that the County Fire Department had already looked at. He said there was no electricity or cell phones.

Mr. Knott said that was true except in case of emergencies. He said the cabins were standard tent platforms that lots of girl scout and boy scout type camps used and were more "primitive" cabins. He said there would be access to 911 for those to even be approved, and the tents were temporary and could be taken down overnight if need be.

Mr. Bailey said he was looking at the conceptual plan and was wondering if there was some type of alarm system for unpredictable weather events. He said he would like to know if there would be some more permanent and safe shelters on site. He said he had spent his fair share in rudimentary conditions when he was in the army, but he would like to see an emergency shelter in the conceptual plan since there would be children spending a week there.

Mr. Knott said that they had a great record keeping parents' children safe over the past 20 years. He said the plan was for a main camp to be built into the hillside, where there would be a large group gathering place that was protected throughout the seasons with a commercial kitchen. He said where the tents were now proposed was about 300 feet from that building. He stated he was at a girl scout camp when the derecho came through, and when they saw it coming without any forewarning, they were able to stay safe in that main camp hall. He said there was a lot of damage to the camp facility, but they were able to get the kids out. He said they now had internet and watched the weather all day long and made the call if a storm was coming as to whether they needed to go inside or not. He said there was an emergency policy that staff had for those "what-if" scenarios.

Mr. Bailey said he said while he did not see it mentioned, he assumed they could easily fit their maximum number of campers at their maximum capacity.

Mr. Knott said they were discussing having it redesigned for the maximum amount.

Mr. Cunningham said they talked about having the camp hall being able to support the 150-person events that would be fundraisers. He said the 150-person event would cover staff and campers at any one time.

Mr. Keller said this was an overall great idea and, in many ways, in a great location, except for the transportation issues. He said one point in terms of development, another way to protect this land would be to put it under a protective easement and still have areas for development. He said there were mechanisms they could see other than straight-up development. He asked if they could discuss the relationship between their group and the owners, because he said to his understanding, special use permits ran with the land, so if there was no longer a school, they would, in future planning, like to think about what other alternatives there may be. He asked if this was a long-term lease of this portion of the overall 400-acre property.

Mr. Cunningham said that the acreage they were talking about was the 135 acres on the third parcel on the far east side. He said the other parcels were still under the owner's purview, but they would have a long lease on those 135 acres.

Mr. Keller asked if they would, at the times the facilities were not being used, wish to use them, or if there was a strong separation between the two operations.

Mr. Cunningham said they run year-round, so there was no time that they would not be there. He said it would be their base headquarters for staff to have meetings and conduct trainings and other business. He said their lease would be for their usage. He said it was a good question, because the farm next to it was something that the camp's kids may have access to and see the permaculture and the farm. He said there was a good relationship, and he thought it was pretty miraculous that they had the opportunity they had, and they would be utilizing it year-round.

Mr. Knott said in the contract, they discussed the ability to buy the 125 acres, but at this point they had offered a long-term lease.

Mr. Cunningham said there was a right of first refusal to buy.

Mr. Bivins asked if anyone from the public wished to make a comment this evening.

Ms. Shaffer explained the protocol for public comment.

Ms. Sally Tucker said she was present with her husband, William Cocke, and they lived at the closest property to this proposal. She said that she appreciated the entire evaluation by the County, and they came to the right conclusion that it should be denied, but she wanted to make clear that there were people who lived on this road. She said the part of the road that they showed was a part where no one currently was living, and just slightly down the road from that was where the rest of the Piney Creek residents lived. She said it gave the impression that the Living Earth School would be the only thing out there, and that was the farthest from the truth. She said she lived very close to that property and lived very close to that road. She said part of the proposal was something that Commissioner Randolph came up with, which was that the road would be one way from that driveway out. She said whether temporary or permanent, she felt it was unfair and extreme. She said she did not understand why that one property had so much power over the rest of the road.

Ms. Tucker said that one of the Commissioners came out and looked at the property, and probably saw the road at least in one direction, but she wished that quite a few of the other Planning Commission people had viewed that entire road, because it would give them a great idea of how absurd it was to have one hundred trips down the road by just the Living Earth School, not to mention all the other people who live down that road. She said they made it sound like when they leave, they can just turn left and all go in the same direction, but that did not account for everyone else that lived on the road that may be coming from the opposite direction, and that was where those pinch points became major problems no matter what the Living Earth School did. She said she was out there when they did their dry run this past spring or summer, and she happened to be walking that day, and it was pandemonium and not pleasant. She said many of them in the basal area of the neighborhood, walk on that road with their dogs or ride their bicycles. She said it was going to become ridiculous as far as the allowed traffic.

Ms. Sara Brumfield stated that she is a resident of Miller Lake Road. She said she and her family often go mountain biking down this road. She said this road was very narrow and often washed out when it rained. She said she did share concerns, as there was a neighborhood at the north school side of this, and there were already people living on this road, and to make it one way and ignore the rest of the community's needs seemed odd. She said the other thing she wanted to discuss was the figure of 75% busing and asked where people would be busing from. She said they did not have specific details on this, like how a bus would fit down these roads, what if a bus encountered a car or cyclist. She said she still had concerns that this special use permit going with the property and not necessarily with the school, there was always an opportunity that someone could pay more and end up with a special use permit and not the Living Earth School, despite their best intentions.

Mrs. Brumfield said she thought they had a road with low visibility at both Miller School and Cabell Creek. She said even if they had galas and fundraising events, then there would be 200 people driving in, and it could easily get out of control, and there would be opportunities for people to get hurt.

Mr. Bivins said the public hearing would now close and the matter would be brought back before the applicant.

Mr. Cunningham said he had a final comment about the road. He said the challenge with the road was real, but if the road was unsafe for them, as part of the general public, then it was really unsafe and needed to be addressed sometime in the future, and he thought it would be, because as they had just heard, it was an unsafe road, even if they were not there. He said he understood that situation but wanted to put out there that at some point in time that road should be addressed.

Mr. Knott said he would like to say the neighbors' concerns and the change and the one way. He said he did not have all the answers for that, but he did know that the by-right of that property, as well as some others in the area, that potentially could be developed. He said the by-right on this was 22 houses on the property, which could happen regardless of taking the road into consideration. He said that was 200+ cars a day, every day a year, when their peak times were about 12 or 14 days a year that would bring that large traffic in, and the rest, like their homeschool programs during the school year, had 25 kids in them, and half of those kids usually carpooled from what they had seen. He said there was not a lot of traffic for the rest of the year, but if it did get developed, regardless of what the neighbors wanted, it would bring a lot of impact to the neighborhood. He said he thought they would be the lesser of what would be brought to the area.

Mr. Randolph said he would like to address the first person who commented. He said his recommendation that the road be one way north from the exit/entrance into the camp school program was not just based on the camp being there, but given the nature of the pinch points on the road, the road, especially now that it had been pointed out by Mr. McDermott, that there were easements on this road that greatly restricted VDOT and the County to widen the road to ensure their safety. He said that regardless of this application, that road should be looked at for that entrance and exit as a one-way road to the north. He said he thought when looked at in that frame of reference, it was very easy to put signage up and indicate the one way, and if they did not, that was their problem, and if they hit someone head on, they were legally responsible through their insurance company.

Mr. Randolph said back up on the main road, there could be signage that indicated slow traffic entering on the right or left. He said if they could not get the speed limit down, and he understood

the fact that people continued to drive fast regardless of the signage, but they had been so advised by VDOT to slow down, and if they did not slow down and determine by the skid marks that they were speeding, they would be ticketed accordingly and were responsible. He said that was the best they could do on this basis, but he did think there was room for a creative solution here to allow this program to go forward, and the road needed to be looked at as a one-way road from the camp entrance all the way up to Dick Woods Road, and then allow traffic going south. He said that would be a solution with all the conditions that stayed up as provided, that they would continue to use buses to continue to reduce the number of vehicles on the road. He said that was where he was standing on it.

Ms. Firehock said she had thought a lot about this site, and she did visit the site as the member of the public noted earlier. She said she was a huge fan of environmental education, having taught environmental education camps herself in her career. She said she had good faith that they would be good stewards to the land and would improve it from what they were finding there, such as invasive species from past truck traffic. She stated she was glad to hear about the improvements to the bridge, and that the road would be properly graded through the site, so those concerns were addressed. She continued that unfortunately, with the facts given in this meeting, she could not find a good solution to the state of that road. She said she was thinking of this not only in the context of this particular site, but also thinking about other applications they would have in the future. She said the counsel for the Planning Commission always reminded them that nothing was a precedent for anything else, and that each site was unique, yet there were other sites with difficult roads that would come before them as they continued to try and find creative uses for the rural area.

Ms. Firehock said she simply did not believe that the current solutions that had been imposed were enforceable and could not be monitored with respect to traffic management, whether it was voluntarily going one-way on certain days or something else. She said she was concerned about the 150-person events. She said she would have felt slightly more disposed towards this site if they could have proposed that this site would be leasing school buses to move those kids in and out, because they knew that their Albemarle County buses went on all sorts of roads, and she timed her drive to work to intentionally avoid the school bus, because she knew what time it went by, so it was not that hard for her to avoid it as a rural resident. She said she realized buses were expensive, but they were talking about raising funds to build a commercial kitchen and grading and building tent platforms, so she did not think that without the use of around three buses that could come in once a day and go out once a day, the traffic management plan as it was proposed was just not something that their County could enforce.

Ms. Firehock said the last thing she would say was that they were proving this use of the land had already been stated, and she had a lot of faith that the folks with the Living Earth School would do a great job and do what they said, but unfortunately, they had to think about scenarios where should they cease to exist, or find a site with a better lease, a future owner may not be as good of a steward for the site, and yet would have the ability to run a camp there. She said it was, as she had learned over eight years on the planning commission, not so much about the applicants themselves, but about the actual use and what was possible regardless of who might be there running that site. She said it was with a heavy heart that she could not support this in this location at this time.

Mr. Keller said that Ms. Firehock had stated it very well, and that was where he was too. He said he was on the edge and could be convinced also, so other people needed to weigh in.

Mr. Clayborne said he was supportive of both Mr. Keller's and Ms. Firehock's comments but did not have anything else to add.

Mr. Bailey said he loved the concept of the school, but looking at the site and traffic concerns, he was agreeing with Commissioner Firehock. He said he appreciated the creative solutions that had been presented by Commissioner Randolph, but they were not there now, and there were a lot of people that potentially could be impacted, so without more community input about the redesign and the way and change of those traffic patterns, it was hard to understand what the impact would be without more information and study of those alternative changes to the traffic flow that he could not wrap his head around fully in that meeting, assuming that would be a foregone conclusion to get behind it.

Mr. Bivins said he had been in that area a lot but had not been to that particular site. He said he had been around the back of the Miller School to look for effective ways to get from Dick Woods over to Batesville, and he had been on this road, and he would say it was a comfortable road to be on at around 10 to 15 miles per hour, for the reason that the visibility was low. He said he could not get over the access to the site before he even got to see whether it was the appropriate site. He said he assumed this would take the place of what they said yes to a number of months ago with the Haupt property. He said that trying to figure out how to get first responders in and out of there if something were to go wrong, or if a parent were in a hurry to get their child from there, he did not think there was an easy way to set up expedient movement in and out of the property right now, so he was concerned about that, and would hope as this moved to its next evaluation, that there was some definite consideration about what that meant and how to put in several solutions that help to mitigate some of what he thought were significant risks in moving people in and off that property, particularly during the week. He said that given what he saw right now with the egress of the property, he would not be supportive of what he saw before him but would encourage people to see how they can solve this, and if it was doing what Triple C Camp did, that parked their buses, and really bused people down Route 20. He said that was a solution, and it seemed the primary way to send the kids to the camp, so if there was a way to do that, he would encourage the applicant in their sincerest consideration of putting that in place. He said he was not in a position right now where he would vote yes.

Mr. Cunningham asked if he could comment.

Mr. Bivins said this was not an opportunity for the applicant to comment, but they would have that chance before the Supervisors and with staff, so Mr. Cunningham should be aware of that.

Ms. Firehock moved that the Planning Commission recommend denial of SP202100013 Living Earth School for the three specific factors noted in the staff report.

Mr. Clayborne seconded the motion.

Mr. Bivins asked if there was further discussion. Hearing none, he asked for the roll to be called.

The motion passed 5-1, with Mr. Randolph dissenting. (Ms. More was absent)

Mr. Bivins said he would offer to the applicant that they sit with staff and be able to respond to the types of conversations they would have with the Board of Supervisors.

Presentation

Rivanna River Corridor Plan

Mr. Benish introduced Sandy Shackelford, the Director of Planning and Transportation with the TJPDC, and Shirese Franklin, a planner who had also spearheaded this project as a joint City-County project.

Ms. Shackelford introduced herself to the Board as Sandy Shackleford, and said for a large majority of her career, she had worked in local government. She said that as Mr. Benish said, this project was a joint effort between Albemarle County and the City of Charlottesville. She said that originally, when this initiative was conceived, it was imagined as a three-phase process. She said the first phase was completed in 2018, which was an assessment of the existing conditions, and resulted largely in a series of maps that showed the existing conditions, flood plains, property ownership, land use, and other things for the joint area of the corridor.

Ms. Shackelford stated they were currently in phase two, which was the “visioning phase.” She said the goal of this phase was to identify what the priorities were as far as the future use and development of the river corridor. She said they would discuss phase three, but the original idea was that when going from phase two into phase three, they would begin development of a master plan for the urban corridor. She said there was some question at this point about whether they would move forward with phase three, and that had impacted some ways that they had approached this visioning phase for phase two.

Ms. Shackelford stated that the phase two study area was a 4.3-mile length of the corridor. She said it started at Penn Park as the northern termini and went down to the southern ending point near I-64. She said it involved properties on both sides of the river of Albemarle and Charlottesville. She said for reference, the existing conditions assessment involved looking at a thirteen-mile span of the corridor, so this was a much more concentrated and focused phase, and the small area boundary was developed by a technical committee composed of TJPDC, Albemarle County, and City of Charlottesville staff.

Ms. Shackelford said she would briefly review their public engagement process with this plan. She said they had a steering committee, which a few of the Planning Commission members were a part of, as well as two Board members and a member of the public from Albemarle and from Charlottesville. She said it was begun in July 2019, with an initial phase of public engagement in the fall of 2019. She said they went to the River Flow Festival and did some high-level engagement with people attending the event to get a gauge of the priorities for the urban corridor. She said they then came back and worked with the technical committee to develop an overall outreach process and develop their initial draft of the vision statement and guiding principles. She stated that in early 2020, when the global pandemic began, the process was paused while they focused on governmental strategies during the uncertain beginning of the pandemic, and they had to strategize what public engagement would look like with so much concern about interpersonal interactions.

Ms. Shackelford said there was a lot of discussion amongst the technical committee at that time about all of the activity that was occurring on the river, because that was a place people were attracted to during the pandemic. She said they worked hard to build their website and ensure that information was up to date, that surveys were available, and posted signs along the corridor itself to make sure people would be aware they were doing a visioning process for this study. She said the posters had QR codes that could be scanned and let to the website where there was

information and surveys about the public engagement opportunities available. She said through a combination of outreach efforts, they received about 70 responses through the website, so it ended up being a reasonably helpful way to make sure the public was aware and had opportunities to engage.

Ms. Shackelford said they also held two public webinars on October 24th and October 29th. She stated that in addition to posting the information along the river corridor, they also did a physical mailing to property owners within a 500-foot buffer of the project area to give everyone who was impacted in this area or interested the chance to make sure they had been contacted and notified. She said they also developed a stakeholder list with the technical committee and identified different organizations that may have contacts that would be interested in engaging in the process, including members of the Chamber of Commerce, the natural history committee, as she believed it was called, and other stakeholder groups that they knew would have at least some level of interest in this study, to make sure that there was at least an opportunity to engage and they were made aware of this project.

Ms. Shackelford said while they were doing this project, the NPO was also conducting a feasibility study on a bike and pedestrian crossing between Woolen Mills and Pantops. She said this really was a separate project that was outside of what they were doing for this corridor plan, but because it was related, and because so many of the same people cared about these happening at the same time, they made sure they were collaborating on scheduling the public information sessions and making sure they were cross-notifying people that had expressed interest in one or the other so that they had opportunities to engage on both of those.

Ms. Shackelford said from there, they refined their vision statement and guiding principles, and then separated the guiding principles into six different categories of types of uses, and for each of those categories of principles, they scheduled a stakeholder meeting with different folks that had some sort of technical or professional expertise in these subject areas, including people that had worked with Historic Cultural Resources, public safety personnel, Economic Development staff, Transportation Planning staff, and others. She said for each of those guiding principles, there was a separate meeting in which they got to vet the draft of recommendations before they completed the draft of the plan.

Ms. Shackelford said on August 10th, they met with the Planning Commission to conduct an informational meeting similar to the one they were doing here. She said the plan that was updated on the website right now that they all received as part of their packet incorporated comments from that Planning Commission meeting. She said she also presented this information to the Rivanna River Basin Commission in September, so some of those comments were also incorporated at this point.

Ms. Shackelford said that in addition to public engagement, they went through a benchmarking process to look at some successful planning efforts that were identified in other areas and pull out ideas and suggestions from those that could be incorporated into their own planning efforts. She said this benchmarking effort was envisioned to be looking at one other corridor in depth and understanding the plan, but as the technical committee was having discussions about what a good peer corridor was to consider, they realized there was no single one that was doing what they wanted to do with the Rivanna River. She said there was a lot of focus on economic development or flood mitigation or recreation, and what they really wanted for the Rivanna River was something that would balance a lot of different types of uses. She said they ended up deciding

to look more broadly at several different plans and look for common themes and other things that stood out to them and made sense to be incorporated into the Rivanna Plan.

Ms. Shackelford said that among those, they started out with Richmond and Greenville, because those were highly regarded as being successful river planning efforts, and then looked at Lynchburg and Fredericksburg. She stated there were some common things that were identified, such as a strong emphasis on how they developed their trail networks and access to the trail systems, incorporated local history, and fostering connections to the water. She said there were some other considerations that may not have shown up as universally, but were still important facts to consider, such as the accessibility of different amenities along the river corridor, the importance of wayfinding and navigation so people feel comfortable using the corridor, and different levels of environmental considerations, and while it was not addressed here, there was some discussion about how the zoning ordinances and regulations could support the development or the desired use of the river corridor.

Ms. Shackelford said they developed a draft vision statement and then vetted it through the public webinar and through the steering committee, so what was before the Planning Commission was the final version of the vision statement that was developed as part of this planning process. She read the vision statement.

Ms. Shackelford said she then developed their six guiding principles. She said when they began the planning effort and started putting together a draft of the guiding principles, there was this desire to say that the plan they were looking at was not a recreation plan, it was not a conservation plan, and it was not an economic development plan. She said it was intended to look at all the different ways they wanted the river to be used, and to balance those accordingly. She continued that however, when they developed the guiding principles with the public and with the steering committee, they found that environmental protection and stewardship was seen as a priority for improving the river and making it an attraction to the community, and that as long as it was being protected environmentally, the rest of the guiding principles would be of equal importance.

Ms. Shackelford said that it could be seen in the language that it was stated that environmental protection and stewardship would be paramount to all activities and land uses in the river corridor. She said that could be seen in some of the other guiding principles, such as recreational activities, where they made sure to emphasize that this could only be done with environmental sensitivity. She said that was also one of the concerns of the public, especially around how the recreational activities and development guiding principles could have some negative impacts on the environment.

Ms. Shackelford said briefly she would go through the high-level recommendations a general overview for each of the guiding principles. She said in the report, there was a table that showed that a lot of these recommendations were actually subtasks. She said the environmental protection recommendation was focused around first having the right information to know where sensitive biological areas were, and then could work to restrict access and have signage or appropriate barriers, to avoid impacts to wildlife movement. She said what they would find in the document was that it covered a very broad range of topics, and what they needed for a lot of these areas was a much more detailed analysis to be able to inform where some of these things should be occurring. She said something they would see out there was that there was a need for future planning to achieve some of these goals.

Ms. Shackelford said they also wanted to emphasize opportunities to work with other groups, such as the Rivanna Conservation Alliance, who were supporting some of the efforts. She said they did stream bank stabilization and worked with invasive species, and things like that. She said they were trying to build momentum where there had already been successes moving forward. She said they also got several comments that she found interesting and potentially helpful in reducing some of the labor, such as creating natural grasslands that did not require mowing, and other good ideas from the public regarding natural protection.

Ms. Shackelford said that related to recreational activities, they thought of this as a regional asset, as was stated in the vision statement. She said they wanted to improve trail connectivity, which may require looking at how they could enhance connections to nearby neighborhoods and potentially enhance that based on creating an access for neighborhoods that might be underserved and pay attention to issues of equity. She stated that more broadly than that, it meant looking at how people could access the river corridor, and how they could create as many different options for access as possible. She continued that that included looking at things like transit service to access the trails, so that was something else they tried to focus on, especially considering there were some concerns around restricted parking. She said that parking should definitely be considered, but that they needed to be much broader in how they could enhance actual access to the corridor area.

Ms. Shackelford said there were other items that came up, such as the accumulation of loose trash. She said there were several strategies that could be utilized for that, and there were different types of recreational activities through the corridor that may not be widely thought about, such as wildlife watching. She said the multi-purpose trails and bridges was also interesting. She said it partly related to the recreational access to the trail, but also to how the trail throughout the corridor fit into the larger transportation network. She said to make sure that whenever they thought about expanding access to the trail and thinking about other ways that these facilities could be useful or beneficial to people traveling through the area.

Ms. Shackelford said an example would be promoting trails and bridges for commuter traffic, and not only for recreational use, and thinking about how they could solve multiple goals with careful planning. She said she had mentioned before that they were pursuing a bicycle/pedestrian connection over the Rivanna River between Woolen Mills and Pantops, and the other sites that had potential for additional crossings were between Penn Park and Darden Towe Park and at Free Bridge. She said they were hoping to pursue at least one of those crossings. Ms. Shackelford said the last thing related to multipurpose and bridges was the importance of wayfinding systems to help direct users through the trail system, which could really make it a more attractive and hospitable way for people to travel to the area and feel comfort in being able to explore an unknown area with information about navigation.

Ms. Shackelford said the public safety, health, and welfare section was interesting because when they began the discussion, initially there was a push to make sure the corridor users felt comfortable and safe within the corridor, but as conversations progressed with the Public Safety Director, it turned less into providing a sense of comfort and safety, and more about providing a sense of empowerment. She said the people felt like they had the information they needed to respond to emergencies or circumstances that may arise. She said that an example was as they were thinking through the implications of the homeless encampments that were near the corridor, it became less about people camping there, and more about how they could provide greater service to meet the needs of the people who were part of that community, and how could they make people on the trail feel competent and know what to do if they come across this, and how

they could provide support or get more information if they need to solve a problem. She said she thought it was helpful for this section to spend time with the public safety personnel and think through these scenarios. She added that a lot of it was about providing information, such as access to the right phone numbers and knowing what to do in the case of common emergencies and have the information they needed to be able to communicate their location to emergency response personnel if needed.

Ms. Shackelford said that development and redevelopment was the other topic that had a lot of concern from the public, which was focused around not wanting to take away the natural feel of the corridor, and did not want it to be overdeveloped, and wanted to make sure this was done with a really high sensitivity to the environmental concerns. She emphasized that for this section, they were not proposing any land use that was different than what was adopted in the comprehensive plans and would not be revisiting that. She said they were trying to inform in this section is that where development should occur, and development that could already occur, what were some ways that they could already do this that were more cohesive to the environment. She said they looked at things like promoting the development of service-oriented businesses that provide or enhance enjoyment of the river, such as a patio that overlooked the river, or a recreational service like bike rentals. She said this was about how to create a connection between the types of economic development that went in the river and make it an opportunity to enhance enjoyment of the river itself. She said they were also looking at opportunities about visually developing the corridor could integrate with the characteristics of the very natural corridor area and working with existing businesses on how they could enhance visual impacts on people traveling through the corridor. She said there were some places that were more industrial that may not be as visually appealing, so they could work with those property owners to do voluntary landscaping programs or encourage industrial art, or something that added some visual interest to the property and make it more appealing to people traveling through the corridor.

Ms. Shackelford said that the next principle was historic places and cultural features. She said this was something that could benefit from some up-front planning, to make sure they had a really robust inventory of where all of these historic and cultural resources exist. She said there were some sensitive areas that would require restricted public access to ensure they were preserved, and there were other places that could be better promoted and further enhance the public's appreciation and awareness of some of those resources that existed through the corridor. She said a lot of these recommendations were also focused around collaborating with other groups or cultural centers to do programming and develop a greater sense of awareness of the rich history of the corridor.

Ms. Shackelford said that the high-level recommendations in the plan were shown in colored rows and the white rows were the subtasks associated with those higher-level recommendations. She said some had subtasks and some did not. She said they were not certain that they would move toward a master planning process, so they wanted to ensure there were clear implementable recommendations as a part of this plan, so they picked out a few recommendations that were either already high priority or had some momentum behind them that would be helpful to pursue, or else they were pretty low cost and could develop big benefits without needing many additional resources. She said they identified those as short-term solutions in the time frame, and they were also the ones identified as being able to implement some of the opportunities outlined in the plan and were the ones to focus on.

Ms. Shackelford said that because they were not sure where they were as far as the master plan, there were some intermediary steps they identified that could be helpful either to inform a master

planning process if that was moved forward, or also identified as additional things that could be done now that would be beneficial regardless of a master plan. She said that the planning priorities were very broad in scope, and there were some places where some additional focus could be really beneficial to meet some of those goals. She said those included comprehensive inventories of biological and ecological areas. She said some of this was part of the biodiversity action plan that Albemarle developed, but what was really needed to inform planning processes was actually more of a fine-tuned ecological survey of some of these areas, so that would be something that could be pursued on its own that would provide a lot of benefit regardless of whether there was a master plan to follow it.

Ms. Shackelford said that similarly, creating a comprehensive inventory of historic and cultural resources was a step in this planning. She said Mr. Keller had been advocating for a viewshed analysis, and that could not be part of the scope at this time, but they thought that could be helpful in informing the development and redevelopment decisions that needed to be made about how developments could impact the corridor, and to ensure they were identifying and protecting those important viewsheds that enhanced users' enjoyment of the corridor. She said conducting an architectural analysis or design charette to identify preferred design standards for development within the corridor would be a really good step to help determine what those guidelines should be.

Ms. Shackelford said as far as implementation, there were a few grant opportunities that made sense to support the initiatives that were identified in this plan, so they were already looking at transportation system improvements, things like VDOT's system for SmartScale and revenue sharing. She said environmental conservation and mitigation was already happening and provided additional support to continue to work with organizations like the Rivanna Conservation Alliance, who looked for opportunities in the corridor to conduct their studies. She said there was also a pretty new funding source that focused on flood prevention and flood mitigation that could provide research funding for projects within the corridor. She continued that there were also some for historic preservation, so once they identified those historic and cultural resources, there could be good opportunity to restore and enhance those historic features. She said finally, they identified a couple of priority projects that were pretty low-cost, high impact projects that they thought would provide momentum towards implementation of this plan. She said some of those included flood-proofing any sorts of facilities or equipment within the corridor as flooding became more likely, and focusing on how to upkeep things like stairs, railings, etcetera.

Ms. Shackelford said that looking at zoning ordinances related to events and what was allowed for events was a good opportunity to see if they were creating barriers with some of the recommendations or not. She said that a lot of this was also information sharing, so they wondered how to empower users and inform users when they went to trails or the corridor they knew where they were going and were able to navigate the area. She said those were the types of things they identified as the project priorities for immediate next steps.

Ms. Shackelford said that if there was a master planning process, it would look at on the ground improvements for things like preservation, capital investment, opportunities for private investment or partnerships to initiate some of these recommendations, and river restoration. She said this would involve a funding commitment from Charlottesville and Albemarle and developing a scope of work and hiring a consultant with a goal to have very specific priorities and implementation schedules for some of these projects. She said there was a question as to whether this was a priority at this time, but hopefully any work that was done to fulfill this plan would start working

towards the overall goals to implement the vision for the corridor and could feed into the development of a master plan if there was interest in moving that forward.

Mr. Benish said this was a presentation of this document. He said the anticipated approach to this was that they would get their comments and feedback, and they would debrief on their comments. He said they would then complete the document with any suggestions they might have and forward that to the Board of Supervisors who would review and hopefully endorse the plan, and then forward it to the comprehensive plan update process for it to be incorporated and adopted into their comprehensive plan through that larger process.

Ms. Shackelford said there was contact information available for her and Ms. Franklin, but otherwise they would just like to hear feedback and questions.

Mr. Bivins asked if Ms. Franklin would like to add anything.

Ms. Franklin said that Ms. Shackelford said it all.

Ms. Firehock said she knew how difficult it was to do public engagement during the pandemic. She commented that there a lot of the recommendations talked about encouraging native species and increased trail access, but they were not very specific. She said when she looked at objectives, she liked to see if they were measurable, such as where the native species would be encouraged. She said a good objective was one that they could tell if they did it or not. She said that was a small comment on how she would like some of it to be more specific. She said what was hurting the Rivanna River was the tremendous amount of untreated stormwater management that was pouring through the stormwater pipes. She said she was very proud of Albemarle and Charlottesville for having a water protection ordinance, and she took a role in authoring some of the City's ordinance when she was a Planning Commissioner in the City some years ago. She said Charlottesville especially was mostly developed before clean water act standards for stormwater treatment, so most of the runoff from impervious surfaces in the City was going untreated into the Rivanna.

Ms. Firehock said their stormwater pipes went right under their beautiful, wooded buffers, and discharged all the metals, grease, grit, animal waste, chemicals from tailpipe exhaust, and other waste from the streets into the river. She said as Albemarle had continued to develop, they saw more and more stormwater problems, even though they required volume control on development sites. She said ultimately, to get the river cleaner, there would have to be a lot of work done in the watershed, so as they were writing this plan, it should be emphasized that what someone does in their backyard in Charlottesville up in Ivy Creek away from the river's banks still affects the river. She said there needed to be a much larger focus on adding permeable surfaces into their developments and actually redesigning the urban landscape to add stormwater management that was not there previously. She said it took a long time, but they had to start, and without the attention to the incredible volume of untreated runoff going into the river, they would not have a beautiful river that citizens could confidently explore.

Ms. Shackelford said they adjusted the stormwater management, but it perhaps was not as strong as what Ms. Firehock was talking about, so they could certainly go back and look at that.

Mr. Keller said he had seen that process as a representative, and before that had been on that committee and watched the first phase, which was the larger area to the north. He said it had come a long way, and there was a realization that there were people not talked about in history

that were important along the river, such as people who had been enslaved who lived in that area. He said there was a wealth of knowledge beginning to surface that could tell a much richer and diverse story than only the natural systems part, and he thought that would be another phase because of the interest that the history community had shown in this. He said also, from an urban design standpoint, the views in and the views out were important. He said it was not to create buffers, because there were river tours such as the famous ones in Chicago, that were focused on what was seen in a developed environment.

Mr. Keller said the interesting thing about the Rivanna River and the focus on the more urban portion was that it complemented the other two parts. He said there were three sets of uses and focus that could happen all the way up the number of tributaries that came into the Rivanna, and the potential blueways and greenways of that portion, through this portion, and pieces that the Pantops master plan also encouraged, which would continue this down to the County line with Fluvanna, where a tremendous amount of work had been done along the river. He said it was certainly an important part and there was a lot to be borrowed from for the comprehensive plan, if there was a subset on the Rivanna River, and he thought there should be in the upcoming comprehensive plan. He said there was enough continuity through the planning district commission to give this a good product for this point in time.

Mr. Bivins said to be intentional about how they used the word “urbanized waterway.” He said that when he read that, it pushed some buttons for him, because they did not have an urbanized river and they were not set up to have one unless someone with an unimaginable amount of money bought riverfront properties and began it there. He said to be intentional about that phrase, because he thought it would evoke a number of images for people who may either struggle with it or want to accept it. He said he thought they were seeing people who were appreciative of what they were presenting, but he would suggest when they presented this to the Supervisors, that they give more visuals. He said they ingested a lot of text, and they should be able to give them something to visually engage with as they were speaking.

Mr. Randolph said he wanted to remind Mr. Bivins he was not one of the Supervisors.

Mr. Bivins said he was on the Board in the past.

Mr. Randolph said that was correct. He said his one suggestion to Ms. Shackelford would be to pick two major things for each of the areas to share with the Supervisors, because they will have read the whole extensive, comprehensive, and outstanding, but two highlights would probably be enough. He said for her to be aware that when she did that, they would say she did not cover the other parts, and she would say that in the interest of time, she wanted to be sensitive and have it presented within 15 minutes with questions, which they would then appreciate.

Mr. Benish said he would debrief on their comments, as they did with the City's comments, and would take those into consideration and move them forward to the City Council and Board of Supervisors.

Committee Reports

Mr. Bivins asked if there were any committee reports. There were none.

Old Business/New Business

Mr. Keller moved that the Planning Commission cancel their next scheduled meeting, which was seconded by Commissioner Randolph.

Mr. Bivins asked if there was any further discussion. Hearing none, he asked for the roll to be called.

The motion passed 6-0. (Ms. More was absent)

Mr. Herrick asked Mr. Rapp to confirm when their next scheduled meeting would be.

Mr. Rapp said their next meeting would be on January 11, 2022, and he would be starting them off with election of officers, adoption of 2022 meeting dates, and he would say that unless elections went a different way than expected, it would be their last meeting with their Chair, Mr. Bivins, and Vice Chair Ms. Firehock. He said it had been an incredible two-year journey, from meeting once in person to going through a virtual transition with covid. He said he did not think many people realized how many meetings he and Mr. Bivins had to figure out how to do Zoom meetings. He said Mr. Bivins had put in a lot of effort to make these meetings comfortable.

Mr. Bivins thanked Mr. Rapp. He wanted to give a moment for their two Commissioners a chance to speak before they received comments themselves.

Mr. Keller said he would read something he prepared. He said he promised it had been tested and stayed within Ms. Shaffer's three-minute limit. He read: "Chair Bivins and fellow Commissioners, as I reflect on the eight years, I have served the residents of Albemarle as the at-large Planning Commissioner, including four years as Chair, he first wished to thank the Board of Supervisors for their trust and support. To past and present Commissioners, thank you for your thoughtful and collegial approach in land use and planning decision making. It has been my honor to serve with you, the Planning Commission, and Planning Department staff, past and present. You're a special group who worked tirelessly to face the challenges of planning in these times. Keep up the good work. If I may, I would like to share three thoughts as the County entered the comprehensive planning process. First, we must remember that social justice and environmental quality go hand in hand. They are not mutually exclusive. Second, we must also not lose sight that it is the combination of the development areas and the rural areas, each with its own qualities and contributions, that makes Albemarle County unique. I hope the Commission and the Board can keep these issues in mind when our County attempts to address systemic racism, wealth inequality and climate change as they relate to future land use and future planning policies. And third, Albemarle will benefit from both a historic preservation ordinance and a strengthened site plan policy that lessens the impact of the manipulation of our existing landforms, topography, and hydrology. It is our duty to protect our environment on ecological grounds, as well as to recognize our County's previously excluded, ignored, and misrepresented populations. And we should be especially concerned about land use policy and decisions regarding areas associated with the legacies of Albemarle's indigenous, enslaved, and free Black communities. So, I look forward to our paths crossing in other ways in the future. I value all of you as colleagues, and I wish you well as you progress to the comprehensive planning and various planning initiatives. Thank you."

Mr. Bivins asked if they would get a copy of that speech.

Mr. Keller said that it would be included in the minutes.

Mr. Randolph said the only thing he could think of was what Roy Rogers used to sing at the end of his show, which was "Happy trails to you until we meet again." He said he was looking forward to meeting them all again in his post-Planning Commission and post-Albemarle County roles. He said he felt very good about leaving at this point, because the future of the Planning Commission was in very good hands with Mr. Clayborne and Mr. Bailey as young members, and he saw real leadership capabilities there, and he looked forward to following their work on the Commission. He said it was exciting as a new era began for himself, but he knew the two of them would continue to be valuable voices on planning for this County.

Mr. Randolph said the staff, of course, was outstanding, and there was no question about that. He said he learned so much in the course of ten years of being involved with planning staff in a variety of different veins and issues, and he would miss that association as he would miss the association with all of them in the Planning Commission. He stated that he was always eager to be in touch with everyone as they moved forward. He said these were exciting days for Albemarle County as they came through covid and looked at large sums of money that were coming in the County's direction. He said he hoped some of that money went into planning on the infrastructure that was so desperately needed in the County, such as schools, which had been talked about repeatedly as being at capacity. He said that was but one aspect of what their needs were, but they could not be slighted nor ignored.

Mr. Randolph continued that he was pleased that the governor and the president had prioritized funds for internet connectivity in rural areas, so there would be more broadband in the County coming to the rural areas where there currently was only dial-up or satellites, which was hardly the way to go in pre-Musk and pre-Bezos contributions to more satellites in space, the real spade of the satellite industry right now for internet was poor. He said there were opportunities for optimism going forward, but one of the issues that needed to be addressed by the County was what was appropriate to ask for in applications where the County would give additional density to an applicant for a special use permit or zoning map amendment, and they had an opportunity to ask for something in turn to cover the impacts. He said he knew impacts were not legal in Virginia currently, and it was all proffers, but he was using it in a broader, non-legal definition. He said to make the request that those impacts be addressed and insist that they be addressed was the role of the Board, but as a Board, they needed to support the Planning Commission, so that conversation occurred at this level, which was really where the rubber meets the road about planning.

Mr. Randolph said he was looking forward to new blood on the Planning Commission, and he hoped they treated their new members with the humor and indulgence and patience that they will deserve as they had so much to learn. He said that coming onto the Planning Commission, one did not believe they would learn all the terms there were, but they did. He said new members would be good, there was a bright future ahead, and he wished them all the best, and he would be their number one fan on the outside as he went forward.

Ms. Firehock thanked both Mr. Keller and Mr. Randolph for their service and would call out a couple of things she would miss. She said she learned to feel that she could count on everyone on this screen tonight. She said she always knew they were thinking of the environment and community health. She said she would miss Mr. Randolph's very thoughtful and reasoned arguments. She continued that he often comes up with something she had not thought of, or an angle that he had to dig really deep to get to. She said that if Mr. Randolph was ever observing them and thought they missed something to please let them know, because she did enjoy that.

Ms. Firehock said to Mr. Keller that it had been really fun. She said she also served as his Vice Chair at one point. She said that calling for good design and continually pushing their development community to go farther had been greatly appreciated, and also him bringing the knowledge of other places he had worked and experienced in trying to push Albemarle County into the 21st century. She said she would also Mr. Randolph's various French comments. She said it was the only committee she served on where people randomly broke out into French, so that had been fun for her. She said she would miss them both and could tell Mr. Randolph that his predecessor communicated with her to let her know what she should be paying attention to, so they should send them all their thoughts and she would respond in kind. She said she was grateful for their service and knew all too well the toll this took on their personal lives and even their professional lives sometimes, so she wanted to again thank for all the time they had put in, even when no one appreciated what they did.

Mr. Bailey said that he would be remised if he did not give a big thank to both of them. He said he sincerely appreciated all the phone calls Mr. Keller had filled in for him and helped him understand all of these things in the Planning Commission as he got started. He said to Mr. Randolph that he sincerely appreciated the inspiration as he learned just from observing and hearing the history. He said they had not spoken as much, but as one of the youngest members and coming from a data scientist perspective, they differed in ways. He said he also did not have the advantage of going to training that VCU had due to covid, and the Commissioners had made it immensely easier for him to absorb that firehose and make sense of it through their interactions. He said they would be sorely missed from his perspective, and the unique comments and insights provided that had made Albemarle County a better place.

Mr. Clayborne thanked both Mr. Keller and Mr. Randolph. He said they helped him look at each proposal more holistically and absorbing their wisdom and expertise through osmosis. He said he only regretted that they met in person only a handful of times, because it was so different than Zoom in terms of building relationships. He said that as things passed over, he hoped they would not forget each other and would have time to break bread over a meal together and continue their relationship that began a few years ago.

Mr. Bivins said they often talked about what the style or ethos that they wanted to create as a community, and what was a next place where things blend together with the rural environment, developing development, and how they could sustain that in a way that made sense in a way that embraced who they were and also lets people in. He said in the time he had been on the Commission, that Mr. Keller had always pushed for a way to look at how they were better by including the diversity of their community, and how that was a critical piece of who he was as a person, and how diversity was a way to hold all of them together in very soft and important ways.

Mr. Bivins said to Mr. Randolph, his brother who spoke French and traveled up and down the roads of France and pointed out that the way that communities were crafted in the 1500s was the same principles that they needed today, and that market towns, green spaces, and places where people congregated in squares, were the same and important philosophies that they were struggling with in their community as they were growing into these various lifestyles. He said those touch points that both Mr. Keller and Mr. Randolph had with himself about how what they did in the Charlottesville-Albemarle community at large had at their core a universality on how they treated each other and how they lived with each other and how they recognized that one they did here today was building the foundation for what this place would be tomorrow, and that was

important work that they had been fortunate to have them join with them on and lead them through, and he was thankful for that.

Mr. Bivins said here they were, it was 2021, and 21:21. He said it was the perfect time to say to the two of them and to everyone to enjoy the rest of this year and not be annoyed that the longest night of the year, they would not be together, which was the next Tuesday, and would see each other on January 11, in 2022, and in the interim time to please have a time of peace and joy while realizing that the work they were about to do and the voices they were going to lift up would be tremendous work over the next few years. He thanked Mr. Keller and Mr. Randolph for what they each brought what they did to the Planning Commission to make it a really tremendous process. He said hopefully, when they got through the various iterations of the virus, they could sit down and be with each other, even if it was over a lunch or non-adult beverage for those who did not do those kinds of things.

Adjournment

The Planning Commission adjourned its meeting at 9:21 p.m.



Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
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