



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202100013 Living Earth School	Staff: Scott Clark, Senior Planner II
Planning Commission (PC) Hearing: December 14, 2021	Board of Supervisors (BOS) Hearing: to be determined
Owner: Israel's Gap Community Fund, LLC	Applicant: Living Earth School
Acreage: 414.93 acres (approximately 62 acres designated for camp use)	Special Use Permit(s) for: Day camp, boarding camp under Section 10.2.2.20 of the zoning ordinance
Tax Map Parcel (TMP): 08600-00-00-017C0	Zoning/by-right use: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Samuel Miller	Location: Pounding Creek Rd., approximately 1.3 miles south of the intersection with Dick Woods Rd.
School Districts: Brownsville – Henley - Western Albemarle	Conditions: Yes
Development Area: n/a	Requested # of Dwelling Units/Lots: N/A
Proposal: Day and overnight environmental-education camp	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
Character of Property: Forested rural property with some recently cleared areas	Use of Surrounding Properties: Large forested parcels, with some residential uses
Factors Favorable: <ol style="list-style-type: none"> 1. Camp operation on the site would have minimal impacts on adjacent properties. 2. The proposed use would support the County's goals for educating citizens about the Rural Area and about nature and biodiversity. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. Road access to the site would expose arriving and departing drivers and passengers, as well as nearby residents, to unsafe conditions on Pounding Creek Road. 2. The applicants' proposed 75% shuttling requirement for summer-camp attendees is difficult to implement and impossible for the County to monitor. Also, even with this requirement, some vehicles would still encounter the unsafe conditions on Pounding Creek Road. 3. The applicants' proposed shuttling requirement for non-summer programs with more than 40 attendees helps to address the traffic impacts of those programs, but cannot be effectively monitored for compliance.
Recommendation: Staff recommends denial of SP202100013 Living Earth School.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Scott Clark, Senior Planner II
December 14, 2021
TBD

PETITION:

PROJECT: SP202100013 Living Earth School
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL(S): 08600-00-00-017C0
LOCATION: Pounding Creek Rd., approximately 1.3 miles south of the intersection with Dick Woods Rd.
PROPOSAL: Day and overnight environmental-education camp
PETITION: Day camp, boarding camp under Section 10.2.2.20 of the zoning ordinance on a 414.93-acre parcel. No dwelling units proposed.
ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
OVERLAY DISTRICT(S): Steep Slopes Overlay District
COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/acre in development lots)

CHARACTER OF THE AREA:

The surrounding area is largely made up of large forested properties, with some pasture uses and a limited number of dwellings. The historic community of Batesville is approximately 1.5 miles to the west.

PLANNING AND ZONING HISTORY:

In 2020, the owners submitted a rural-division plat that would divide the property into three parcels. That plat was approved by the County, but has not been recorded.

DETAILS OF THE PROPOSAL:

The proposed environmental-education camp would include:

Summer Camp: For six weeks per year, the site would be operated as a children’s summer camp, with up to 160 campers per day. Of the 160 total campers, up to 60 would be overnight campers, who would arrive on Sunday afternoon and stay on site until Friday afternoon. The remaining campers would be on site only during the day (Monday through Friday), arriving in the morning and departing in the afternoon.

The applicants have proposed to require that 75 percent of day-use summer campers arrive and depart by van or bus shuttle. The remaining 25 percent of day campers could arrive and depart in individual vehicles. All overnight campers would be permitted to arrive and depart in individual vehicles.

Other Camps: Outside of the summer camp period, the site would host day and overnight environmental-education programs for up to 150 attendees. Programs with more than 40 attendees would use shuttles.

Fundraising Events: In addition to the camp programs, the applicants have requested permission to host two fundraising events on the site per year for their organization, with up to 200 attendees.

Improvements on the site would include:

- A camp hall and administration building, with a gravel driveway (along an existing timber road) and gravel parking/drop-off area

- A barn for equipment storage
- An area for basic sleeping cabins for camp staffers (aggregate area up to 2,400 square-foot footprint)
- Platform tents for overnight campers
- A bath-house/restroom structure
- Pavilions and a nature library (total footprint approximately 2,200 square feet)

For the site design, see the “Conceptual Plan” (Attachment C). The boundaries of the use are shown on the plat in Attachment D (see “Parcel E”).

PUBLIC COMMENT

The applicants conducted the required community meeting on Monday, August 2, 2021. Four members of the public made comments on the use, expressing concerns about road capacity and traffic safety issues, water sources for the camp, and possible impacts on cable/DSL internet-service capacity. Written comments from the public are included in Attachment F.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.39(B) states that the Commission, in making its recommendation, shall consider the same factors found in Section 33.40(B):

1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.

No discernible detriment to adjacent parcels is expected from the operation of the camp on this site. Noise impacts would be minimal (as outdoor amplified sound would be prohibited), and the nearest dwelling is approximately 2,200 feet west of the tent area. No dwellings are located on the parcel adjacent to the area that would contain staff cabins and camper tents. However, some detriment to the residents of nearby parcels is possible, as the site is located on a narrow, infrequently-maintained gravel road. Traffic-safety problems generated by the increased level of use on this road (discussed below, under “public health, safety, and general welfare”) would also impact the residents who use this road for access to their properties.

2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.

The adjacent parcels and the nearby area are largely forested, with some open land, and have a low residential density. An environmental-education camp with limited constructed facilities, and that would maintain the majority of the forest cover on its site, would not significantly change the character of the area.

3. Harmony.

Whether the proposed special use will be in harmony with the purpose and intent of this chapter,

The purposes of the RA zoning district are:

- *Preservation of agricultural and forestal lands and activities;*
- *Water supply protection;*
- *Limited service delivery to the rural areas; and*
- *Conservation of natural, scenic, and historic resources.*

The low intensity of the proposed site development for this use, and the limited impacts of the camp facilities (small cabins, tent platforms, etc.) mean that the use would have limited impacts on these important identified resources, and the site could largely be returned to silvicultural use in the future. Service demands would be limited to occasional emergency services.

with the uses permitted by right in the district,

The proposed camp use, to be located within a large, wooded rural property, would not conflict with potential future agricultural or silvicultural use of the site or the surrounding properties. The majority of the camp improvements (sleeping cabins, tent platforms, etc.) would be relatively low-impact and would be easily removed to permit agricultural or silvicultural use.

with the regulations provided in Section 5 as applicable,

Section 5.1.05 requires the following:

- a. *Provisions for outdoor cooking, campfires, cooking pits, etc., shall be subject to Albemarle County fire official approval whether or not a site development plan is required;*
- b. *All such uses shall conform to the requirements of the Virginia Department of Health Bureau of Tourist Establishment Sanitation and other applicable requirements.*

These operational requirements would be applied during or after site-plan approval and during the operation of the proposed use.

and with the public health, safety, and general welfare.

The primary safety concern for this site relates to road access. The following table is based on trip-generation estimates provided by the applicants:

	Sunday	Weekdays	Saturday
Spring – Fall – Winter			
Staff	2-5	2-5	2-5
Participants	Up to 150	Up to 150	Up to 150
Trips	40 + Shuttle(s) as necessary	40 + Shuttle(s) as necessary	40 + Shuttle(s) as necessary
Summer (6 weeks/year)			
Staff	10	14	0
Participants	60	160 (60 overnight)	0
Trips	up to 92	40 + Shuttle(s) - Monday – Thursday 86 + Shuttle(s) - Friday	0

For comparison, daily trip generation from staff’s estimated maximum possible residential development of the site (6 dwellings on the approximately 125-acre site, at 10 daily trips per residence) would be 70 trips.

The most direct route to the site from the north, from Dick Woods Road southward along Pounding Creek Road (also shown as Pounding Branch Road on some maps), is on a narrow dirt road with multiple pinch points where road width would allow only one vehicle to pass through at a time (see

photos in Attachment E). Staff measured road widths ranging from 10 feet to 12.5 feet at these pinch points. For comparison, VDOT's lowest recommended standard for rural local roads (with less than 400 average daily trips) calls for at least 18 feet of road surface, plus four- to six-foot shoulders. Many of the pinch points on Pounding Creek Road have no road shoulder or ditch, as steep cut-slopes begin immediately at the road edge. Due to limited sight distance at these pinch points, vehicles approaching and departing the camp during drop-offs and pick-ups (typical of a children's summer camp, with parents and guardians dropping off and retrieving children at fixed times) would experience repeated safety issues along this stretch of Pounding Creek Road. At the least, vehicles would stack up on either side of the pinch points, with lines of vehicles waiting for an opportunity to pass through. Due to limited sight distance, it is possible that head-on collisions would occur as opposing vehicles attempted to pass through a pinch point, or that rear-end collisions could occur as vehicles encountered lines of waiting vehicles without sufficient stopping distance.

To avoid this issue during summer-camp season (when arriving and departing vehicles would be on this road at the same time twice a day), staff recommended that the applicants require all campers to arrive and depart by shuttles (van or buses). Using this approach, the total number of vehicles would be significantly reduced, and there would be no opposing traffic generated by the camp, as the shuttles would remain on-site. (This means that arriving and departing vehicles would no longer meet at the pinch points.)

In response, the applicants have offered to require 75 percent of day campers to arrive by shuttle. They would prefer for all overnight campers to arrive by individual/family vehicles, so that campers could visit the camp with their families before being left for the week.

Staff identified two problems with this applicant request. First, the County has no way of monitoring daily compliance with a percentage shuttling requirement, so compliance cannot be assured for the long term. Second, this proposal would still lead to multiple vehicles encountering the unsafe road conditions identified above.

(An alternative approach might have been to require arriving vehicles to travel via Miller School Road and to approach the site from the southern end of Pounding Creek Road, thus avoiding the pinch points. However, there is no practical way to ensure individual drivers' compliance with that routing requirement.)

The original proposal called for no more than 50 attendees at non-summer programs. Given that many of these programs would involve participants who would arrive and then remain on the site, the overall number of trips would be lower, and the problem of opposing vehicles at pinch points would not occur. However, the applicants recently revised their request to allow for up to 150 attendees at non-summer events. Staff recommended that the traffic impacts of this higher level of use should be offset by use of shuttles. The applicants have stated that all non-summer programs for over 40 attendees would use shuttles.

4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.

The Comp Plan designates the subject property as Rural Area. This designation is intended to protect agricultural and silvicultural resources and uses, natural resources, and cultural resources. The proposed use is dependent on a rural location for a rural and natural setting that provides opportunities for environmental education. The impacts of the use on the site itself are generally less intensive than that of residential development.

The Comprehensive Plan calls for the County to support “[w]ell-informed citizens who understand the cultural, economic, and ecological aspects of the Rural Area,” and to “[i]ncrease the community’s awareness of the importance of biodiversity to encourage protection of biological resources.” The proposed low-impact environmental-education camp would support both of those goals.

SUMMARY:

After review of this request, staff has identified the following factors of this proposal which are favorable and unfavorable:

Factors favorable to this request include:

1. Camp operation on the site would have minimal impacts on adjacent properties.
2. The proposed use would support the County’s goals for educating citizens about the Rural Area and about nature and biodiversity.

Factors unfavorable to this request include:

1. Road access to the site would expose arriving and departing drivers and passengers, as well as nearby residents, to unsafe conditions on Pounding Creek Road.
2. The applicants’ proposed 75% shuttling requirement for summer-camp attendees is difficult to implement and impossible for the County to monitor. Also, even with this requirement, some vehicles would still encounter the unsafe conditions on Pounding Creek Road.
3. The applicants’ proposed shuttling requirement for non-summer programs with more than 40 attendees helps to address the traffic impacts of those programs, but cannot be effectively monitored for compliance.

RECOMMENDED ACTIONS:

Based on the findings described in this report and the factors identified as unfavorable, staff recommends denial of SP202100013 Living Earth School. However, if the Planning Commission intends to recommend approval of the proposal to the Board of Supervisors, staff recommends that the Commission’s action include the following conditions:

Recommended Conditions of Approval:

Recommended Conditions of Approval:

1. Development and use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan prepared by Adam “Hub” Knott and Scott Cunningham, titled “Conceptual Plan,” dated 2021-08-16 (hereinafter “Concept Plan”) and included as Attachment C. The limits of the approved use are shown as Parcel E on the plat prepared by Roger W. Ray & Assoc., titled “Rural Subdivision Plat,” dated June 4, 2020, and included as Attachment D. To be in general accord with the Concept Plan, development and use must reflect the following major elements as shown on the Concept Plan:
 - a. Location of structures, tent sites, and activity areas; and
 - b. Location of the camp entrance;

Minor modifications, with the approval of the Zoning Administrator and the Director of Planning, to the Concept Plan that do not otherwise conflict with the elements listed above, may be made to ensure compliance with the Zoning Ordinance and other applicable laws.

2. The Summer Camp is permitted to operate from the first week of June to the last week in August each year ("Summer Camp season"), and is subject to the following conditions:
 - a. Summer Camp attendance must not exceed 160 campers on the site at any one time, of which no more than 60 may be overnight campers. Campers must be either (i) daily attendees or (ii) overnight attendees who remain on the site from Sunday afternoon through Friday. Overnight campers are permitted for up to six weeks of Summer Camp each year.
 - b. At least 75 percent of all daily attendees must be transported to and from the site by shuttle buses or vans provided by the camp operators. No more than 25 percent of daily attendees may be transported to or from the site in their own individual vehicles, except in the case of a medical emergency.
 - c. Overnight attendees may be transported in their own individual vehicles.
3. Outside of the Summer Camp season, camp attendance must not exceed 150 participants on the site at any one time. All attendees in programs with more than 40 attendees must be transported by bus or van shuttle.
4. Overnight camping is permitted only as part of a scheduled program run by the operators of the camp. The site may not be used as a commercial campground.
5. No more than two fund-raising events for the camp operation may occur on the site each calendar year. No such event may have more than 200 attendees.
6. For all camp operations involving access by individual vehicles or by shuttles not provided by the camp operators, traffic-management personnel must direct traffic exiting the site. All departing traffic must be directed westward on Pounding Creek Road.
7. Issuance of a Zoning Clearance is subject to the prior approvals by:
 - a. the Health Department of all well, septic, and/or outhouse facilities, and
 - b. the Department of Fire Rescue of all facilities for outdoor cooking and/or campfires.
8. All outdoor lighting must be only full cut-off fixtures and shielded to reflect light away from all abutting properties.
9. Outdoor sound amplification of any type is prohibited.

POSSIBLE PLANNING COMMISSION MOTIONS – SP202100013:

- A. Should the Planning Commission choose to recommend approval of this special use permit:
I move to recommend approval of SP202100013 Living Earth School with the conditions outlined in the staff report.
- B. Should the Planning Commission choose to recommend denial of this special use permit:
I move to recommend denial of SP202100013 Living Earth School for (state reasons for denial).

ATTACHMENTS:

- A – [Location Map](#)
- B – [Application Narrative](#)
- C – [Conceptual Plan](#)
- D – [Plat showing limits of use](#)
- E – [Photos of Pounding Creek Road](#)
- F – [Public Comments](#)