



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202400025 Living Earth School	Staff: Scott Clark, Conservation Program Manager
Planning Commission Hearing: February 25, 2025	Board of Supervisors Public Hearing: To be scheduled
Owner: Hardware LLC	Applicant: Living Earth School
Acreage: 287.13 acres	Special Use Permit: Request for a special use permit in accordance with Section 18-10.2.2 (20) and Section 18-5.1.05 for a Boarding Camp.
TMP: 10100-00-00-01900, 10100-00-00-02000, 10100-00-00-020C0 Location: South side of Red Hill Road, approximately 0.85 miles southeast of the intersection with Old Lynchburg Road.	By-right use: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Samuel Miller	Conditions: Yes EC: No
Proposal: Boarding camp with a maximum of 250 attendees (plus staff) at any given time for year-round activities and special events for up to six times per year with a max of up to 500 attendees. The proposed development includes camp facilities, staff residences, camping areas, and a pavilion.	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)
DA (Development Area): No	Requested # of Dwelling Units: Six
Character of Property: Largely wooded with some small open areas. Includes floodplain of the South Fork Hardware River, downstream of Walnut Creek Park.	Use of Surrounding Properties: Large forested parcels, large residential lots, Walnut Creek Park
Positive Aspects: 1. The proposed use limits development impacts on the majority of the 287-acre site when compared to the extent of vegetation disturbance and traffic generation possible under by-right residential development. 2. Environmental education is consistent with Comprehensive Plan goals promoting greater public familiarity with the Rural Area and with natural systems.	Concerns: 1. None
Recommendation: Staff recommends approval of SP202400022 Living Earth School with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Scott Clark, Conservation Program Manager
March 11, 2025
To be scheduled

PETITION:

PROJECT: SP202400022 Living Earth School

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCELS: 10100-00-00-020C0, 10100-00-00-02000, and 10100-00-00-01900

LOCATION: 3626 Red Hill Road

PROPOSAL: A request for a special use permit to allow a boarding camp on approximately 287.13 acres. The requests includes a max of 250 attendees (plus staff) at any given time for year-round activities and special events for up to six times per year with a max of up to 500 attendees. The proposed development includes camp facilities, staff residences, camping areas, and a pavilion.

PETITION: Request for a special use permit in accordance with Section 18-10.2.2 (20) and Section 18-5.1.05 for a Boarding Camp.

ENTRANCE CORRIDOR: No

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICT: Flood Hazard

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) in Rural Area 4 in the Comprehensive Plan.

CHARACTER OF THE AREA

The area is largely wooded with significant areas of open land, and includes a mix of large forest parcels, large residential parcels, and some smaller residential parcels along Red Hill Road. Walnut Creek Park abuts the proposal property to the southwest. The property is served by Red Hill Road, a two-lane 24' paved road with a center line its entirety.

PLANNING AND ZONING HISTORY

This property has no history of zoning approvals. A 2024 special use permit application for a camp on this same site, which was submitted by an unrelated applicant, was withdrawn.

DETAILS OF THE PROPOSAL

The applicant has provided a detailed narrative (Attachment 2 – Applicant Narrative) and concept plan (Attachment 3 – Concept Plan). Please note that the applicant's plans are rotated so that north is at the right, rather than at the top, so that the maps will fit more easily on the page.

The proposal is to establish a permanent location for a local environmental-education camp. Features of the proposed use include:

- Summer camp – Up to 250 campers for eight one-week sessions (some staying on-site in tents from Sunday or Monday through Friday, others not staying overnight). Up to 20 full-time staff and 40 part-time staff.
- Other camp uses: On weekdays outside of summer-camp season, field trips, home-school groups, and educational workshops for adults (typically 50 to 75 attendees, with a maximum of 100.) Most sessions would be daytime only, with occasional overnights.
- Camp structures: The main camp activity area would include a camp hall, cabins (up to 1,500 square feet), bath houses, and other camp facilities such as a small nature library, with a maximum aggregate footprint of 25,000 square feet. The exact number and location of

structures would be determined at the site-plan review stage, if the special use permit is approved. An open-sided pavilion would be located at the southern end of the property for educational activities near the South Fork Hardware River. North of White Oak Creek, a “welcome area” would include a pavilion for arriving campers, a maintenance building, and a garden/orchard area.

- Staff dwellings: Up to six dwellings (maximum footprint 2,500 square feet each). The conceptual plan currently shows one house near the Red Hill Road entrance, and four houses located just north of the main camp activity area. The indicated locations are conceptual, but all such dwellings would be located within the areas marked as “Staff Residence” on the conceptual plan. Parcel 101-20C, located at the proposed entrance, is only large enough to accommodate one dwelling.
- Events: Up to 12 programs for up to 200 attendees would be permitted. The use would also include up to six events per year for more than 200 attendees (with a maximum of 500 attendees), to allow fundraising and community-related events.
- Vegetation management: As shown on sheet 6 of the concept plan, the proposed use would establish vegetation-management areas that would limit forest clearing and other vegetation impacts. The main activity areas (approximately 10 acres) would be mainly open, for activities and structures. Another 37 acres would allow some clearing for activities and structures, including the staff residences, but would retain much of the existing vegetation. The primitive camping areas (approximately 36 acres) would retain forest canopy, but permit tents and other primitive-camping facilities. The remainder of the site (approximately 203 acres) would be in a “Woodland Protection Zone” that would remain forested.

The proposal also includes a request for a critical-slopes waiver to allow for sight-distance improvements at the entrance, and a request for approval of a central water and septic system (both discussed below).

COMMUNITY MEETING

The required community meeting for the proposal was held on October 1, 2024. Topics raised by community members at the meeting included details of the camp activities (summer camps vs other camp uses); traffic impacts from camps and from events; water and septic; noise; uses of the Hardware River floodplain area; entrance design; visual impacts on adjacent properties; and design of the entrance road and parking.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Special Use Permits are evaluated under reasonable standards, based on zoning principles which include the proposal’s compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions which must be reasonably related and roughly proportional to the impacts.

Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:

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

The access for the proposed use would traverse a narrow section of the property at the northern end. Due to the narrowness of this area, arriving and departing traffic would be visible and audible for some nearby residences. The applicants have proposed driveway screening and have revised the proposed routing of the existing access road to screen the access road and to move it farther from an existing dwelling on TMP 101-20D.

The main activity areas for the proposed use would be more isolated in the center of the property. Visibility and audibility of the use would be limited by the extensive forested landcover that would remain on the site, and through a condition of approval requiring the use of full-cutoff light fixtures.

Outdoor sound amplification has not been specifically proposed by the applicants. In the event that such amplification is needed, staff has proposed a condition of approval that would limit amplification to the main activity area. This is intended to limit potential sound impacts on adjacent 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 existing character of the area is defined by mix of large forested parcels, a largely-wooded public park, large residential lots, and the floodplain of the South Fork Hardware River. As the proposed camp use relies on large forested areas for its programs, and as the largest open area would be isolated in the center of the property, the overall character of the area would not be significantly changed.

3. *Harmony. Whether the proposed special use will be harmony with the purpose and intent of this chapter,*

Section 10 of the Zoning Ordinance outlines the purpose of Rural Areas zoning:

This district hereafter referred to as RA is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:

- *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. (Amended 11-8-89)*

Operation of a camp on a forested site would not add significant new impacts to nearby agricultural or silvicultural uses.

Service delivery increases would largely relate to occasional public-safety services, in the event of medical emergencies or fires. All built facilities would be located outside of 100-year floodplain and identified dam-breach inundation areas.

The site is not located in the watershed of a public water supply. Scenic impacts of the new camp facilities would be limited by their location in the interior of the property, away from the access point on Red Hill Road.

While some forest clearing would be required for construction and landscaping of the main activity areas, the majority of the 287-acre site would remain forested and could return to agricultural or silvicultural uses in the future. A recommended condition of approval requires retention of the majority of the forest cover on the site, to be carried out as shown on sheet 6 of the conceptual plan.

The existing crossing of White Oak Creek, located between the “Welcome Area” and the main camp activity area, has largely collapsed into the creek. In order to remove impediments to stream flow and to aquatic habitat, staff has recommended a condition of approval that would require removal of the existing crossing and replacement with a crossing that spans the entire creek bed (such as an open-bottom culvert or bridge) that would not obstruct the stream.

While the site does not contain historic resources listed by the Virginia Department of Historic Resources, there are several remnants of stone walls and structure foundations on the site. Staff has recommended a condition requiring that these historic remnants not be removed or dismantled during construction or operation of the use.

with the uses permitted by right in the district,

Operation of an environmental-education camp with limited structure density and the preservation of large forested areas does not conflict with agricultural or silvicultural uses in the surround RA zoning district. The proposed conditions of approval are intended to limit the impacts of visibility and sound on adjacent by-right agricultural and residential uses.

with the regulations provided in Section 5 as applicable,

Section 5 of the Zoning Ordinance contains the following supplemental regulations for camp uses:

Sec. 5.1.05 - Day camp, boarding camp.

- 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.*

The regulations establish standards to be met throughout the operation of the camp use if approved, rather than approvals to be obtained in advance. The Fire Rescue department has reviewed the plan and made recommendations regarding safe access for fire suppression and emergency ingress/egress, as discussed under “public health, safety, and general welfare” below.

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

The camp would be served by Red Hill Road, which is a paved road approximately 24 feet wide with a striped center line. The Virginia Department of Transportation has no objection to the use or the proposed entrance location. The applicants have applied for a critical-slope waiver (see analysis below) for anticipated changes to the road frontage of the property for the purpose of improving sight distance at the entrance. To limit traffic levels, staff has recommended a condition of approval requiring that events with more than 200 attendees provide access via shuttle vehicles (vans, buses, etc.) rather than via individual vehicles.

Fire/Rescue review of the proposal led to recommendations regarding internal-roadway widths (to allow traffic in both directions) and the need for an emergency-access plan. The roadway widths (20-foot minimum) are now shown on the conceptual plan. A recommended condition approval would require Fire/Rescue approval of an emergency-access plan before the use could begin operation.

All wells and septic systems on the site would be subject to regulation by the Virginia Department of Health. The applicants have applied for Board of Supervisors approval of a central water and septic system for the camp, as separate systems for each structure, as normally expected by County policy, would be impractical for the multiple small cabins and camp hall proposed for the main activity area. The initial proposal is currently under review by the Current Development Department.

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

Natural Resources Chapter

- Operation of an environmental-education camp is consistent with Strategy 4j, which calls for the County to Increase the community’s awareness of the importance of biodiversity to encourage protection of biological resources.”
- The extensive retention of forested land cover on the site and use of the South Fork Hardware River floodplain as an environment-education area is consistent with Objective 6, which recommends that the County “retain and improve land cover near rivers and streams and protect wetlands.”

Rural Area Chapter

- The retention of forested landcover as part of the proposed use is consistent with Objective 2, “[p]rotect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and continuous and unfragmented land for agriculture, forestry, biodiversity and natural resource protection.”
- Retention of the historic structure remnants on the site, as recommended by staff, is consistent with Objective 3, “protect the county’s historic, archeological, and cultural resources.”
- Operation of an educational camp use on a rural parcel with a limited area of disturbance and construction is consistent with Objective 7, “provide information to citizens so they are well-informed and understand the cultural, economic, and ecological aspects of the rural area.

One approach to analyzing the impacts of Rural Area special use permit requests is to compare them to those of residential development, which is permitted by-right and generally likely to occur on unprotected rural properties, but which is not consistent with the Comprehensive Plan.

Under by-right development, the property could have up to 23 dwellings.

Parcel	Acres	Small-lot Development Rights	Potential 21-acre Parcels	Potential Permitted Dwellings
101-19	183	5	8	13
101-20	100.68	5	4	9
101-20C	3.45	5 (only 1 usable due to parcel size)	0	1
Totals	287.13			23

With this form of residential development, overall structure sizes and impervious-area footprints would not be limited as they would be with the proposed camp use. No vegetation retention would be required, except within any portions of the Water Protection Ordinance stream buffers (within 100 feet of streams or in 100-year floodplains) where a qualifying land-disturbing activity was proposed. Also, this potential number of lots would require access roads and driveways for a larger portion of the site. (Exact comparison would require a specific subdivision layout.) In contrast, the proposed camp use's vegetation-management plans and limited extent of improvements would retain much more of the forested nature of the site. Physical impacts of residential development could significantly exceed those of the proposed camp use.

The applicants have provided the following comparison of the traffic impacts of their proposed use with those expected from residential development. Note that each arrival or departure counts as a "trip." The summer-camp trip-generation figures given below are the "worst case" for each scenario, assuming maximum permitted enrollment. The "weekend peak" estimate assumes that that 100% of campers are staying overnight (causing higher weekend peaks, and little weekday traffic). The "weekday peak" estimate assumes 100% of campers are day-only (higher weekday peaks, no weekend traffic). From the applicant's past experience, neither of these scenarios is likely, as week-long camps typically have a mix of overnight and day-only campers. Thus overall traffic levels would be spread more evenly between weekends and weekdays.

Traffic Generation			
Use	Daily Trips (Weekday) – ITE Estimate	Daily Trips (Sunday) – ITE Estimate	Daily Trips -- applicant estimates
23 Single-Family Dwellings	261	134	
Summer Camp weekend peak (250 overnight campers)	n/a		333
Summer Camp weekday peak (250 day-only campers)	n/a		384
Day Camps (at permitted max of 100 people)	n/a		144

This analysis indicates that, for the eight-week summer camp period, daily trips would exceed those generated by residential development. However, the applicant points out that "[t]rips for Summer overnight camps will primarily occur on a Sunday or Monday for drop-offs and a Friday afternoon or weekend for pickup. This does not generally overlap with the peak background traffic on Red Hill Road which occurs during the week during morning and evening commute times." This would suggest that peak traffic generation from the proposed camp use would not increase peak traffic levels to the same degree as by-right residential development.

For the remaining 44 weeks of each year, weekday camp traffic would be less than that generated on weekdays by residential development.

SUMMARY

Staff has identified the following positive aspects to this request:

1. The proposed use limits development impacts on the majority of the 287-acre site when compared to the extent of vegetation disturbance and traffic generation possible under by-right residential development.

2. Environmental education is consistent with Comprehensive Plan goals promoting greater public familiarity with the Rural Area and with natural systems.

Staff has identified no concerns unfavorable to this request.

RECOMMENDATION:

Based on the findings contained in this staff report, staff recommends approval of the special use permit application with the following conditions:

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 Shimp Engineering, PC, titled "Living Earth Sanctuary," revised 27 February 2025 (hereinafter "Concept Plan"). 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. General location of structures, camping areas, and activity areas as shown on Sheet 2 of the Concept Plan;
 - b. Access-road cross section as shown on Sheet 5 of the Concept Plan

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 all applicable laws.

2. Vegetated forest cover on the site must be managed in general accord with sheet 6 of the Concept Plan.
3. For up to eight weeks each year, an overnight Summer Camp is permitted on the site during June, July, and August ("Summer Camp Season").
 - a. Summer Camp attendance must not exceed 250 campers on the site at any one time.
 - b. All daily attendees must travel to and from the site only by shuttle buses or vans provided by the camp operators and must not travel to or from the site in individual vehicles, except in case of emergency.
 - c. Overnight attendees are permitted to arrive and depart in individual vehicles.
4. Outside of the Summer Camp season, camp attendance must not exceed 100 participants (excluding staff) on the site at any one time. Overnight camping is permitted only as part of a scheduled program run by the operators of the camp. The site must not be used as a commercial campground.
5. Programs or events on the site for up to 200 participants (excluding staff or contractors) must occur no more than 12 times per calendar year. Events on the site for more than 200 participants must occur no more than six times per calendar year, and the maximum number of attendees (excluding staff or contractors) for those events is 500 persons. For any event with more than 200 attendees, all attendees must arrive and depart the site in shuttle vans or buses rather than individual vehicles.
6. The existing crossing of White Oak Creek must be removed. The replacement crossing must span the stream bed.
7. Existing stone walls and foundations on the site must not be removed or dismantled during development of the site or operation of the camp use.
8. Health Department approval is required for all well and septic facilities prior to issuance of a Zoning Clearance.
9. Fire/Rescue approval of an emergency-access plan for the site is required prior to issuance of a Zoning Clearance.

10. Outdoor lighting is limited to full cut-off fixtures, shielded to reflect light away from all abutting properties.
11. Outdoor sound amplification is permitted only in the Main Camp Area shown on the Conceptual Plan.

POSSIBLE PLANNING COMMISSION MOTIONS:

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:

Move to recommend approval of SP202400022 Living Earth School with the conditions stated in the staff report.

- B. Should the Planning Commission **choose to recommend denial** of this special use permit:

Move to recommend denial of SP202400022 Living Earth School. *Should a commissioner motion to recommend denial, they should state the reason(s) for recommending denial.*

SPECIAL EXCEPTION APPLICATION

SE202400031 – Critical Slopes Waiver

PROPOSAL

The applicant is requesting a special exception to allow the disturbance of approximately 2,674 square feet of critical slopes (slopes greater than 25%) in order to improve sight distance from the entrance on Red Hill Road. The applicant's request and a map of the area to be disturbed are provided in Attachment 4.

ANALYSIS OF SPECIAL EXCEPTION REQUEST

The critical slopes proposed for disturbance are at the north end of the property, at the edge of Red Hill Road (Route 708) of the parcel. County Code § 18-4.2.5(a) allows for the disturbance of critical slopes only if the findings in § 18-4.2.5(a)(3) are made.

The procedure and criteria for evaluation of the special exception are contained in County Code § 18-4.2.5(a).

1. *Request. A developer or subdivider requesting a modification or waiver shall file a written request in accordance with section 32.3.5 of this chapter and identify and state how the request would satisfy one or more of the findings set forth in subsection 4.2.5(a)(3) . If the request pertains to a modification or waiver of the prohibition of disturbing slopes of 25 percent or greater (hereinafter, "critical slopes"), the request also shall state the reason for the modification or waiver, explaining how the modification or waiver, if granted, would address the rapid and/or large-scale movement of soil and rock, excessive stormwater run-off, ...*

Prior to any disturbance, the applicant is required to obtain both site plan and grading plan approvals. The approval of these plans would include provisions to minimize stormwater run-off and the movement of soil and rock. During the review of the site plan, including proposed grading, the ordinance requires measures to minimize the adverse impacts caused by grading.

siltation of natural and man-made bodies of water,

This project would require VSMP permitting and bonding. Inspections and bonding by the County will ensure siltation is controlled during construction. Post construction, the areas would be stabilized.

The area to be disturbed is very small and includes slopes created by a road cut. This project is not located within a reservoir watershed and no stream buffer is adjacent to the slopes to be disturbed. As stated above, the ordinance requires mitigation measures to address the impacts of the proposed activity.

loss of aesthetic resources,

Red Hill Road is not a state-recognized Scenic Byway or located in the Entrance Corridor overlay zoning district. While grading of the existing bank, which is approximately 22 feet wide, would require some loss of the existing vegetation along Red Hill Road, an existing wooded area at least 65 feet wide would remain behind that bank to limit views from Red Hill Road. The proposed disturbance of critical slopes would not significantly change the view or aesthetics of this parcel. The critical slopes are also not currently an aesthetic resource.

and, in the event of septic system failure, a greater travel distance of septic effluent (collectively referred to as the "public health, safety, and welfare factors") that might otherwise result from the disturbance of critical slopes.

The proposed disturbance to critical slopes would be at least 65 feet from any existing drainfield. There are no proposed changes to any septic systems.

2. *Consideration of recommendation; determination by county engineer. In reviewing a request for a modification or waiver, the Board of Supervisors shall consider the recommendation of the agent as to whether any of the findings set forth in subsection 4.2.5(a)(3) can be made by the commission. If the request pertains to a modification or waiver of the prohibition of disturbing critical slopes, the Board of Supervisors shall consider the determination by the county engineer as to whether the developer or subdivider will address each of the public health, safety and welfare factors so that the disturbance of the critical slopes will not pose a threat to the public drinking water supplies and flood plain areas, and that soil erosion, sedimentation, water pollution and septic disposal issues will be mitigated to the satisfaction of the county engineer. The county engineer shall evaluate the potential for soil erosion, sedimentation and water pollution that might result from the disturbance of slopes of 25 percent or greater in accordance with the current provisions of the Virginia Department of Transportation Drainage Manual, the Commonwealth of Virginia Erosion and Sediment Control Handbook and Virginia State Water Control Board best management practices, and where applicable, Chapter 17, Water Protection, of the Code.*

The property is not in a water supply watershed. The slopes to be disturbed are not in a floodplain or stream buffer. As previously stated, a site plan and grading plan would be required. These plans must comply with State and local regulations. The County Engineer has stated that the required plans must address the provisions of all State and local erosion and sediment control regulations. The slopes do not contain any unusual or unique characteristics that would prevent compliance with the regulations or that would result in excessive erosion, sedimentation, or water pollution.

3. *Findings. The Board of Supervisors may grant a modification or waiver under this subsection (a) if it finds that the modification or waiver would not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties; would not be contrary to sound engineering practices; and at least one of the following:*

The site plan review process would verify and require that the proposed grading minimizes soil erosion and stormwater runoff. With the approval of a site plan, sound engineering practices would be satisfied and the public health, safety, and welfare would be protected. The areas of slope to be disturbed would not impact any adjacent properties. The disturbance of the critical slopes would not pose a threat to public drinking water supplies or flood plain areas. Additionally, the proposed grading would minimize soil erosion on both the subject and adjacent properties. Therefore, the proposed special exception would not be detrimental to the public health, safety, and welfare or to the orderly development of the area.

- a. *Strict application of the requirements of section 4.2 would not forward the purposes of this chapter or otherwise serve the public health, safety or welfare;*

Staff has reviewed the purposes of "this chapter" (the Zoning Ordinance) contained in Albemarle County Code § 18-1.4. Application of the regulations limiting disturbance of critical slopes does not conflict with the purposes stated in the ordinance and would not cause harm to public health, safety, or welfare. Improving site distance at the property entrance for SP202400022 would improve public

safety if that use is approved. The application meets this criterion for granting a modification or waiver.

- b) Alternatives proposed by the developer or subdivider would satisfy the intent and purposes of section 4.2 to at least an equivalent degree;*

The project would meet all requirements of State and local regulations for the disturbance of soils. These provisions would satisfy the intent and purpose of the ordinance to at least an equivalent degree. The application meets this criterion for granting a modification or waiver.

- c) Due to the property's unusual size, topography, shape, location or other unusual conditions, excluding the proprietary interest of the developer or subdivider, prohibiting the disturbance of critical slopes would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the property or adjacent properties; or*

A strict application of the regulations would not prevent use of the property. The application does not meet this criterion for granting a modification or waiver.

- d) Granting the modification or waiver would serve a public purpose of greater import than would be served by strict application of the regulations sought to be modified or waived.*

The applicant has stated, "Living Earth Sanctuary will provide significant public health benefit to the surrounding area. A main goal of the organization is to help people of all ages nurture health relationships with nature, self, and community." The application does meet this criterion for granting a modification or waiver. However, the entrance improvements that impact critical slopes will improve safety.

RECOMMENDATION:

In staff's opinion, the request to allow disturbance of critical slopes meets several of the criteria for granting a modification or waiver, allowing the Board to grant a modification or waiver. Based on the analysis of the request, staff recommends approval of the request to disturb critical slopes, provided that the area of land disturbance on critical slopes not exceed the disturbed slopes shown on "Living Earth School Critical Slopes Exhibit", prepared by Shimp Engineering, P.C.

ATTACHMENTS:

- Attach 1 – [SP2024-22 Living Earth School - Site Map](#)
Attach 2 – [SP2024-22 Living Earth School - Applicant Narrative](#)
Attach 3 – [SP2024-22 Living Earth School - Conceptual Plan](#)
Attach 4 – [SE2024-31 Living Earth School - Critical Slopes Waiver](#)