



**COUNTY OF ALBEMARLE PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP202300004 Briery Creek Farm (Reventon Farm)- Water Related Uses SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp	<b>Staff:</b> William D. Fritz, AICP
<b>Planning Commission Public Hearing:</b> September 12, 2023	<b>Board of Supervisors Hearing:</b>
<b>Owner:</b> Murcielago LLC	<b>Applicant:</b> Sun Reventon Farm LLC
<b>Acreage:</b> 445	<b>Special Use Permit/Zoning Map Amendment for:</b> Boarding camp and recreational activities within the floodplain.
<b>TMPs:</b> 12400-00-00-01200, 12400-00-00-0040, 12400-00-00-004A0 and 124-00-00-004B0  <b>Location:</b> These properties are located on the west side of Rolling Road at the Albemarle/Fluvanna County line.	<b>Zoning/by-right use:</b> The properties are zoned RA, Rural Areas which permits agricultural and forestal activity and limited residential development.
<b>Magisterial District:</b> Scottsville	<b>Conditions:</b> Yes <b>EC:</b> No
<b>School Districts:</b> Scottsville Elementary, Walton Middle and Monticello High.	
<b>Proposal:</b> Boarding camp and recreational activities within the floodplain. The proposal includes up to 250 cabins. No RV or tent sites are proposed.	<b>Requested # of Dwelling Units:</b> The proposed 200 cabins do qualify as dwelling units. No subdivision is proposed.
<b>DA:</b> <b>RA: X</b>	<b>Comp. Plan Designation:</b> Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
<b>Character of Property:</b> The property has several lakes which are roughly in the middle of the property. The western portion is wooded. The eastern portion is mostly open farmland. There are several structures and one dwelling on the property.	<b>Use of Surrounding Properties:</b> The surrounding properties are mostly wooded with scattered residential development.
<b>Factors Favorable:</b> Consistent with the review criteria for special use permits contained in the Zoning Ordinance.	<b>Factors Unfavorable:</b> The proposed development is more intense than the level of use permitted by-right in the rural areas.
<b>RECOMMENDATIONS:</b> Staff recommends approval of SP202300004 Briery Creek Farm (Reventon Farm)- Water Related Uses and SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp	

**STAFF CONTACT:** William D. Fritz, AICP  
**PLANNING COMMISSION:** September 12, 2023  
**BOARD OF SUPERVISORS:** TBD

**PETITION**

PROJECT: SP202300004 Briery Creek Farm (Reventon Farm)- Water Related Uses  
SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 12400-00-00-01200, 12400-00-00-0040, 12400-00-00-004A0 and 124-00-00-004B0

LOCATION: These properties are located on the west side of Rolling Road at the Albemarle/Fluvanna County line.

PROPOSAL: SP202300004 Briery Creek Farm (Reventon Farm) – Water Related Uses is a special use permit request to allow boat docks, boat liveries and water related activities within the floodplain. (The floodplain is solely in Albemarle County.) and SP202300005 Briery Creek Farm (Reventon Farm) – Camp is a special use permit request to allow up to 250 cabins in total (approximately 200 are located in Albemarle) with outdoor amenities including but not limited to educational spaces for arts and crafts and cooking, fitness and wellness facilities, playgrounds, horseback riding, ropes course, hiking, cycling and water based recreational facilities. Facilities for dining and provisions are proposed. (This project straddles the Albemarle/Fluvanna County line with improvements in both localities. The applicant is pursuing approvals in Fluvanna County concurrently.)

PETITION: Day camp, boarding camp under Section 10.2.2.20 of the zoning ordinance on a 445 -acre parcel. Recreational uses including, but not limited to, parks, swimming areas, golf courses and driving ranges, picnic areas, wildlife and nature preserves, game farms, fish hatcheries, hunting, fishing and hiking areas, athletic fields, and horse show grounds; provided that no primary or accessory structures are permitted under this classification, Structures accessory to a permitted recreational use; provided that no accessory structures for human habitation are permitted, Water related uses such as boat docks and boat liveries under Section 30.3.11 of the zoning ordinance.

OVERLAY DISTRICT: Flood Hazard 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 SURROUNDING AREA**

The surrounding properties are mostly wooded with scattered residential development. There are no historic districts, conservation easements or agricultural/forestal districts in close proximity to the project. The property has limited critical slopes which are not being disturbed. There is floodplain associated with a lake and stream on the property. Several streams on the property are subject to the Water Protection Ordinance.

**PLANNING AND ZONING HISTORY**

None of the properties have any subdivision history. The ponds on the property appear to have been created in the late 60s and early 70s based on the review of aerial photographs. A house was built on the one of the parcels (TMP 124-4) in the late 60s and early 70s based on the

review of aerial photographs. Two structures were built adjacent to the large lake. One, on TMP 124-4, appears to have been constructed sometime in 2009/2010 based on aerial photographs. A dock was built adjacent to this structure. There is no building permit information for these structures. A structure on TMP 124-4A was issued a building permit for a “farm building” in 2018. A dock is adjacent to this building also. The dock was not issued a building permit. Beaches have been established adjacent to the buildings/docks. No, WPO permits for disturbance of the stream buffer or special use permits for docks within the floodplain were submitted or approved. These structures will be removed, and mitigation measures will be required.

### **DETAILS OF THE PROPOSAL**

The applicant is proposing to construct a boarding camp that will consist solely of cabins. No RV or tent sites are proposed. Recreational amenities and support facilities and infrastructure are proposed.

This project is located partially in Albemarle County and partially in Fluvanna County. The total project is approximately 719 acres with 445 acres in Albemarle and 274 acres in Fluvanna. 250 cabins are proposed with 200 in Albemarle and 50 in Fluvanna. A central water system is proposed. 3 wells are expected to serve the central water system. These wells are in Albemarle County but will serve areas in both jurisdictions. A central sewer system is proposed. These systems will operate independently of each other and include treatment facilities and subsurface disposal. The system(s) will be in both jurisdictions. The proposed development includes amenities. Staff has listed the distribution of the facilities below.

#### Amenities in Albemarle

- Arts and Crafts House
- Dining Facility
- Camp Store
- Pool
- Fitness Center
- Health and Wellness Center
- Walking Paths
- Lakes with beach and water sports
- Open Meadow

#### Amenities in Fluvanna

- Access
- Guest check in
- Guest Meeting Space
- Walking Paths
- Lakes
- Pastures
- Horse Barn
- Maintenance Facility

### **COMMUNITY MEETING**

The applicant held an informal meeting prior to submitting any applications. This meeting was held on the property and was attended by approximately 120 people. The primary concern raised at the meeting was that the proposal was for an RV park. Other comments included, transportation impacts, water and sewer availability, fire protection, noise, lighting, potential of use of amenities by day users, quality of the construction and maintenance and the construction schedule.

After making application for special use permits a community meeting was held on June 29 on the property. This meeting was attended by approximately 50 people. Most comments included

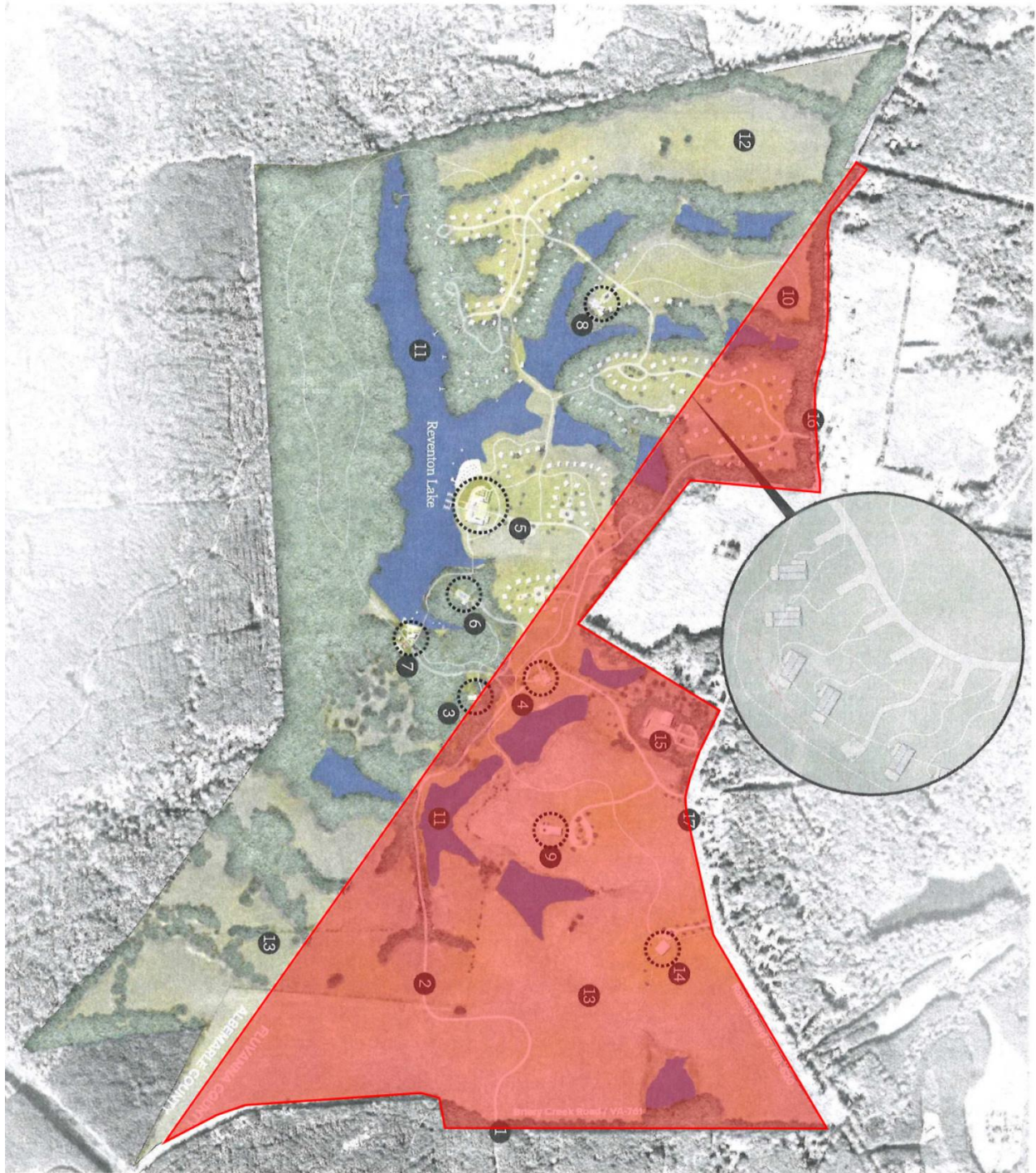
concerns about the transportation impacts, particularly to roads and intersections in Fluvanna County. Additional comments included potential change in the character of the area, the potential of trespass on adjoining property, noise from events, fire protection and the availability and suitability of water and sewer.

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined.

The comments below are based on the staff's analysis of the application, including information submitted by the applicant for both the Boarding Camp use and the Floodplain use. The information submitted by the applicant contains detailed information. The applicant's submittal information for the Water Related Uses is included as attachment 2. The applicant's submittal information for the Boarding Camp is included as attachment 3. Staff will not restate all the submitted information in this staff report and refers the reader to attachments for detailed information.

As stated previously, this project lies in both Albemarle County and Fluvanna County. The sketch plan below has the area of the project located in Fluvanna shaded in red. The analysis below is for the anticipated impacts caused by activity proposed in Albemarle County.



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

The location of cabins and major recreational activities are located away from adjacent property. The closest cabin to adjoining parcels is about 400 feet and the closest cabins to a dwelling on adjoining property is about 1000 feet. Some passive recreation and pastureland are proposed near adjacent parcels. A condition requiring posting of the property to prevent trespass has been included. Staff has also included a condition requiring that a contact number for onsite management be provided to nearby property owners to facilitate reporting and addressing any issues that may arise.

Water and sewer impacts have been analyzed for the potential impacts to adjacent parcels and the general area. A “Draft Groundwater Management Plan” has been submitted. Attachment 4. The study’s conclusion is that adequate groundwater is available. The applicant has submitted a request for approval of a central water and sewer system. This request will be reviewed by the Board of Supervisors and is not subject to Planning Commission review. If the central system request is approved the systems will require additional review and approval by the Virginia Department of Health.

The activities within the floodplain have no impact on adjacent parcels.

The separation of the major activity areas from adjacent property and the limited nature of activity near adjacent parcels is not expected to result in substantial detriment to adjacent parcels.

**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 portion of the project located in Albemarle County is not visible from Rolling Road. The separation of the developed portion of the site, and the floodplain activities, from adjoining properties limits the change in the character of the area. The primary change that will be noticed, in Albemarle County, will be an increase in traffic. The permitted by right residential development of the property, in Albemarle, is 38 lots. VDOT has no objection to the proposed development. At the time of site plan approval Albemarle County approval, and VDOT approval of the entrances will be required even though the entrances are located within Fluvanna County.

Staff opinion is that the proposed uses will not change the character of adjacent parcels or the nearby area.

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

Staff has reviewed the purpose and intent of the ordinance contained in Section 1 and Section 10. Attachment 5.

One intent of the Rural Areas is “Preservation of agricultural and forestal lands and activities”. The development of the property will remove farmland from production. The portion of the property west of the lakes will remain wooded. A review of the soils maps for the property indicates that the soils, except those immediately adjacent to the ponds are suitable for agriculture and are listed as farmland of state importance or prime farmland. Development of this property for a boarding camp will not limit the use of adjacent land for agricultural or forestal activities for the portion of land west of the lakes. Other areas east of the lake are shown to be open space and may be used for agricultural activities, including horse pasture.

One intent of the Zoning Ordinance is “Encourage economic development activities that provide desirable employment and enlarge the tax base”. This project will contribute to the tourism economy of the County. Goal 7 of Project Enable is “Partner to expand efforts to build the County’s tourism sector” and includes an objective “Support existing and new tourism products in Albemarle County”.

Staff opinion is that these special uses will be in harmony with the purpose and intent of the Zoning Ordinance.

**...with the uses permitted by right in the district**

Approval of the proposed uses will not prevent any by right uses on adjacent or nearby property.

**...with the regulations provided in section 5 as applicable.**

Boarding camps are subject to the following regulations in section 5:

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.

These requirements are addressed at the site plan stage.

**...and with the public health, safety and general welfare (including equity).**

No concerns have been identified that must be addressed during the special use permit review process. Issues such as water and sewer approval, access (including emergency access) and fire protection are addressed during the site plan and building permit approval process.

Staff opinion is that the proposed use is consistent with this provision.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

This property is designated as Rural Area, which calls for the preservation and protection of agricultural, forestal, open space and nature, historic and scenic resources.

The Boarding Camp use is reliant on the Rural Area and is permitted only in the Rural Areas zoning district. The use relies on the natural environment for recreational activities. The natural, historic and scenic resources of the County contribute to the desirability of the tourism activities in the County.

The Comprehensive Plan is organized into chapters. The Comprehensive Plan states:

The ordering of the chapters is intentional. The County's growth management goal sets the stage for all of the other goals. Natural resource protection, scenic, historic, and cultural resources represent the highest set of priorities. The Chapter on Economic Development follows resource protection because a thriving economy is both affected by and affects all of the other aspects of planning. After the Economic Development Chapter come the remaining areas. The Rural Area Chapter is first because the Rural Areas contain most of the natural, historic, scenic, and cultural resources of the County.

The Natural Resources chapter encourages the preservation of identified large forest blocks. The design of the project preserves the large forest block shown in the Comprehensive Plan for this area. The project will be required to meet all requirements of the Water Protection Ordinance and no critical slopes are proposed for disturbance. This is consistent with the objective and strategies of the Natural Resources chapter. The Natural Resources chapter generally discourages activities in the floodplain that would allow for new construction or would remove vegetation. The disturbance of the floodplain proposed by the applicant does not allow for new construction and the areas proposed for recreation activity have been previously disturbed.

The property is not in an identified historic place and no historic resources have been identified on or adjacent to the property. The Historic, Cultural and Scenic Resources chapter

includes an objective “Promote regional cooperation in preservation and conservation efforts, including the promotion of heritage tourism”. Approval of this request may be considered consistent with this objective.

Economic development objective 1 is “Promote economic development activities that help build on the County’s assets while recognizing distinctions between expectations for the Development Areas and the Rural Area”. Strategy 1c for this objective is:

Tourism brings visitors to enjoy the County’s scenic rural landscapes and also to spend money in the County. Rural Area businesses that showcase the County’s rich and diverse rural, agrarian, and historical resources provide sustainable economic development opportunities. In so doing, these businesses also help preserve, protect, and in some cases restore the Rural Area characteristics that make Albemarle County a desirable destination. Tourism and agribusiness opportunities are discussed in more detail in the Rural Area Chapter of this Plan. Recent State legislation has made large gatherings for commercial events possible at farm breweries and other bona fide agricultural operations. Events can help promote tourism and provide for enjoyment of scenic and natural resources; however, the County needs to ensure that the health, safety, and welfare of the residents of the Rural Area are protected when large events occur.

The Rural Area Chapter states:

Objective 4: Promote rural and historic landscapes that enhance visitors’ experience and give historic sites as authentic a setting as possible. Tourism is a vital part of Albemarle County’s economy. Within the confines of the existing goals for the Rural Area, tourism provides for economic vitality and is a benefit to the County. Agriculture, historic and scenic preservation, and the maintenance of rural character help to create authentic rural places. It is important that care be taken with tourist activities so that they do not overwhelm or negatively affect the very resources that make rural Albemarle attractive to residents and tourists.

The Rural Area Chapter further states:

Lodging Another significant aspect of tourism is transient lodging in the Rural Area. In 2012, County staff estimated 230 rooms available for lodging in the Rural Area. This includes Keswick Hall (48 rooms), the Clifton Inn (17 rooms), Farmington (40 rooms), and approximately 125 rooms in homes as rental cottages, bed and breakfasts (B&Bs), and guestrooms. Generally, new hotels, motels, inns, and retreat centers are not considered to be appropriate in the Rural Area due to their water requirements, wastewater needs, and traffic impacts. However, more study is needed of smaller scale rural lodging activities that may provide needed tourist accommodations in the County. Rental homes and guest rooms are also present in the Development Areas.

The Comprehensive Plan recommends that the County study ways to better support the local horse industry. While the horseback riding facility associated with this request will be in Fluvanna County, the presence of a boarding camp would serve to increase the potential for supporting the horse industry in Albemarle County.

An analysis of the Comprehensive Plan indicates general support for tourism activities, including the potential for lodging provided that the negative impacts on the character of the rural area, and natural resources are protected. The Comprehensive Plan also indicates that where lodging is proposed the impact on water, waste water and traffic impacts must be considered. In



the opinion of staff, the impacts of this request on the character of the area are minimal and that natural resources will be protected both by the conditions of the special use permit and the requirements included in the review and approval of a site plan and building permits. As stated previously adequate water resources appear to be available and wastewater requirements will be addressed during the site plan process and by the Virginia Department of Health. Traffic impacts appear to be minimal, and no specific concerns associated with this request have been identified by VDOT.

Staff opinion is that this request is consistent with the Comprehensive Plan.

### **SUMMARY**

Staff opinion is that this request is in compliance with the review criteria for special use permits and recommends approval.

#### **Staff finds the following factors favorable to this request:**

1. Consistent with the review criteria for special use permits contained in the Zoning Ordinance.

#### **Staff finds the following factors unfavorable to this request:**

1. The proposed development is more intense than the level of use permitted by-right in the rural areas.

### **RECOMMENDED ACTION**

Based on the findings contained in this staff report, and with the conditions proposed below staff recommends approval of SP202300004 Briery Creek Farm (Reventon Farm)- Water Related Uses and SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp to the Board of Supervisors.

### **Motions:**

#### **Special Use Permit**

- A. Should the Planning Commission choose to recommend approval of SP202300004 Briery Creek Farm (Reventon Farm)- Water Related Uses:

**I move to recommend approval of SP202300004 Briery Creek Farm (Reventon Farm)- Water Related Uses with the conditions contained in Attachment 6.**

- B. Should the Planning Commission choose to recommend denial of SP202300004 Briery Creek Farm (Reventon Farm)- Water Related Uses:

**I move to recommend denial of SP202300004 Briery Creek Farm (Reventon Farm)- Water Related Uses. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.**

#### **Special Use Permit**

- A. Should the Planning Commission choose to recommend approval of SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp:

**I move to recommend approval of SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp with the conditions contained in Attachment 7.**

- B. Should the Planning Commission **choose to recommend denial** of SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp:

**I move to recommend denial of SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp.** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

### **ATTACHMENTS**

- Attachment 1- Map
- Attachment 2- Applicant's Submittal for SP202300004 Briery Creek Farm (Reventon Farm) – Water Related Uses
- Attachment 3- Applicant's Submittal for SP202300005 Briery Creek Farm (Reventon Farm) - Boarding Camp
- Attachment 4- Draft Groundwater Management Plan
- Attachment 5- Purpose and Intent of the Zoning Ordinance and Rural Areas
- Attachment 6- Conditions for SP202300004 Briery Creek Farm (Reventon Farm) – Water Related Uses
- Attachment 7- Conditions for SP202300005 Briery Creek Farm (Reventon Farm) – Boarding Camp