

**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](http://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

### **SP202100013 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 silvicultural 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 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.

### **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 21<sup>st</sup> century. She said she would also miss 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 they 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.



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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
Date: 01/11/2022
Initials: CSS