

Clarke County Planning Commission

AGENDA – Policy & Transportation Committee Meeting Tuesday, January 31, 2023 – 2:00PM Berryville/Clarke County Government Center – A/B Meeting Room

- 1. Approval of Agenda
- 2. Approval of Minutes January 6, 2023 Meeting
- 3. Continued Discussion, Campground Regulations
- 4. Transportation Update
 - A. Route 7/Route 601 projects
 - (1) Status of Smart Scale application
 - (2) Pedestrian bridge crossing
 - **B.** Transportation Plan Update
- 5. Other Business
- 6. Adjourn



Clarke County Planning Commission

DRAFT MINUTES - Policy & Transportation Committee Meeting Friday, January 6, 2023 - 9:30AM or immediately following Planning Commission Business Meeting Berryville/Clarke County Government Center - A/B Meeting Room

AT	TEND	ANCE:	
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Bob Glover (Millwood)	✓	George L. Ohrstrom, II (Ex Officio)	X
Scott Kreider (Buckmarsh)	✓		

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator)

CALL TO ORDER: By Mr. Stidham at 10:14AM.

1. Approval of Agenda

Committee members approved the meeting agenda by consensus.

2. Approval of Minutes – October 26, 2022 Meeting

Mr. Stidham noted a correction to be made. On page 5 of 13, second paragraph, third line, Commissioner Dunning made this comment. The Commissioner's last name was inadvertently omitted from the draft minutes. A motion to approve the October 26, 2022 meeting minutes as presented by Staff with the referenced correction was approved unanimously.

Motion to approve Oct	tober 26, 2022 meeting m	inutes as presented	by Staff:
Dunning	AYE	Kreider	AYE (seconded)
Glover	AYE	Malone	AYE (moved)

3. Continued Discussion, Campground Regulations

Mr. Stidham reviewed the Staff memo outlining the initial draft text amendment for campground regulations. He noted that Staff developed the text amendment using guidance provided by the members at the October 26 meeting.

Mr. Stidham stated that the proposed text amendment would prohibit commercial campgrounds and any legally approved campgrounds in the County would become nonconforming. Chair Ohrstrom asked if this means they could continue to function and Mr. Stidham replied yes but with limited ability to expand. Chair Ohrstrom asked if a change of ownership of a nonconforming campground would trigger anything. Mr. Stidham replied no and noted that the nonconforming status would be lost if the campground use were to be discontinued for two or more years.

Mr. Stidham outlined two new policy questions regarding how the members wanted to regulate public/non-profit campgrounds and summer camps. Commissioner Glover noted that the Northern Virginia Lions Youth Camp is a summer camp that is also rented out to church groups,

scouts, and other groups throughout the year. He also noted that they operate a waterworks there and Mr. Stidham added that they have a waterworks permit from the Virginia Department of Health (VDH).

Mr. Stidham asked for the members' thoughts on the draft text amendment and the two new policy questions. Chair Ohrstrom asked if the Lions Youth Camp is the only summer camp in the county and Mr. Stidham replied yes. Mr. Stidham added that if Staff was asked to make a zoning determination on the use of the Lions Youth Camp and they are operating year round, they could be considered a commercial campground and not a summer camp. Commissioner Dunning asked if a day camp would be considered a campground. Mr. Stidham replied that he is not certain whether it would fall under summer camp or be a use that is not listed in the ordinance. He also said it could be considered a recreational park if there is no overnight camping. He added that there is a connotation that a campground has overnight stays. Commissioner Dunning noted that all of the issues associated with a campground can occur in a 10-hour period with a children's day camp. Chair Ohrstrom said there are some residents that hold day camps on their property for a fee such as art camps and in some cases the county provides transportation for kids to attend the camps. He added that it is more of a daytime educational activity than a camping activity. Mr. Stidham said you can have a property owner that allows scouts to spend a weekend camping on their land which would fall more under a public/non-profit campground. Commissioner Glover noted that the Boy Scouts have gotten stricter with camping requirements including running water and toilet facilities.

Mr. Stidham suggested revisiting the question from the previous meeting regarding prohibiting commercial campgrounds. He asked the members if they still felt as though commercial campgrounds will have compatibility issues regardless of where they are located in the county. All members replied yes. Mr. Stidham then noted that public/non-profit campgrounds would have the same impacts as commercial campgrounds but the camping activity is usually for a good cause. Chair Ohrstrom and Commissioner Dunning asked if there is a time or usage limit for public/non-profit campgrounds. Mr. Stidham replied that if the members wanted to allow this type of campground, they could create use regulations for it. Commissioner Dunning replied that he did not think that would be a good look to allow public/non-profit campgrounds and prohibit commercial campgrounds. Chair Ohrstrom asked how they differ from summer camps. Mr. Stidham replied that you might be able to treat public/non-profit campgrounds like leased lot camping in which you do not allow amenities to be constructed. He added that he did not think that the leased lot camping regulations would fit with a large non-profit camping activity such as a church or scout camp. Commissioner Kreider noted that most scout camping takes place at established campgrounds. Mr. Stidham said that if you allow this activity, you will likely need more stringent use regulations than what is proposed for leased lot camping to address impacts on surrounding properties. Chair Ohrstrom agreed and said he did not know whether they should be totally prohibited.

Mr. Stidham said that the benefit to removing the use from the ordinance is that it saves potential applicants time and money if they are going to face heavy opposition from neighbors in nearly all cases. Commissioner Kreider said that if you get rid of private campgrounds, are you also prohibiting someone from allowing their friends to stay in a camper on their property or limiting the activity to weekends only. Mr. Stidham replied that there will be a fine line between

someone allowing an outside group such as a scout troop to camp on their property on a weekend versus someone allowing 50-100 scouts to camp on their property multiple times a year. Chair Ohrstrom said that this would have a big effect and you might want to cap the number of people allowed to camp. Commissioner Glover said private camping is similar to current river lot camping, adding that leased lot camping does not say that it is not open to the public and maybe should say "for the property owner and guests." He said technically all of the river lot lessees are guests of the property owner.

Mr. Stidham reviewed the draft definition of "public, for-profit, or non-profit campground" starting at the bottom of page 10 of 13. He noted the Fraternal Order of Police property off Wright's Mill Road as an example of a recreational property owned by a non-profit entity which may have had member camping in the past. He said that under the draft definition, this type of activity would be prohibited. Commissioner Glover said that there is a hunt club near his home that might be another example. Mr. Stidham said that if the camping is operated by a non-profit or similar organization, it would not be allowed under the draft definition. He added that if a property owner allowed scouts to camp on their property regardless of size or frequency, it could be considered private camping as the scouts would be their guests and the property owner is not a non-profit entity. Chair Ohrstrom agreed but said that if the activity takes place 52 weekends out of the year with 50 kids, then that would be pretty substantial. Mr. Stidham noted that there is a fine line between that type of camping and someone that has friends over as guests to camp at the same frequency and numbers. Mr. Camp said that you could specify in the definition that the camping has to be accessory to the primary use of the property such as a single-family dwelling. Mr. Stidham replied it would be subjective to determine when such camping activity becomes more intensive than the primary use and that an impacted neighbor may have a stricter viewpoint than staff. He added that he did not think we should regulate private camping because we do not regulate private parties.

Mr. Stidham asked the members what they wanted to do with this topic and noted that they can definitely take more time with it. Chair Ohrstrom said that he does not know what the right answer is. Commissioner Dunning said he does not think private camping is not an issue right now. Mr. Camp said that he receives a frequent complaint about private camping on a river lot where parties are taking place, adding that loud parties at night often trigger complaints. Commissioner Kreider said that this is more of a noise complaint and law enforcement issue than a camping issue. Commissioner Glover said that this happens with some river lots, adding that tenants who generate too many complaints do not get their leases renewed the next year. Mr. Stidham said that noise is the number one issue followed by traffic. He noted that there have been complaints about RV traffic on Chilly Hollow Road since Watermelon Park Campground eliminated tent camping in favor of RV camping.

Chair Ohrstrom said that it sounds like members support the current draft ordinance but still need to decide what to do with church camps. Mr. Stidham noted that they need to decide what to do with summer camps. Chair Ohrstrom asked if they are the same thing and Mr. Stidham replied that a summer camp is a separate delineated use in the ordinance. Commissioner Glover said that summer camps can be changed to reference the proposed campground amendments. He added that there are existing summer camps that have numerous impacts but that our regulations should mitigate most of them if a new summer camp were developed here. Mr. Stidham noted

that the current summer camp use allows camping in buildings such as cabins and that the proposed text amendment only allows camping in tents and RVs. He added that cabin camping would fall under the short-term residential rental regulations. Commissioner Kreider said that he did not have a problem with the proposed text amendment language.

Mr. Stidham asked the members if they wanted to incorporate the new proposed language that would prohibit public and non-profit campgrounds in addition to commercial campgrounds. Chair Ohrstrom said he is still confused as to the difference between a public/non-profit campground and a summer camp. He also asked if summer camps would be prohibited if they prohibited public/non-profit campgrounds. Mr. Stidham replied no because summer camps are a separately delineated use but that language can be added to clarify that a prohibition on public/non-profit campground does not extend to summer camps. He asked members if there is a consensus to keep summer camps as an allowable use. Chair Ohrstrom asked if they have historically been a problem. Mr. Stidham said that there is only one in the county and it has not been a problem. Chair Ohrstrom noted the Fraternal Order of Police example and Mr. Stidham noted that this would not be a summer camp as summer camps are only for children. Chair Ohrstrom asked if we would be prohibiting camps like the Fraternal Order of Police and Mr. Stidham replied yes.

Mr. Stidham suggested drafting up some information to discuss at the next meeting in order to help members work through this issue. He added that he can develop a chart similar to the one developed for work on the short-term residential rental issue and members agreed that this would be helpful.

Mr. Stidham suggested the next meeting date for after the Commission's February Business Meeting. Chair Ohrstrom noted that the February Business Meeting will likely be rather long and suggested at 2PM before the Work Session. Members agreed with Tuesday, January 31 at 2PM as the next meeting date.

4. Transportation Update

Mr. Stidham reported that the consultant working with the Virginia Department of Transportation (VDOT) on the Route 7 Appalachian Trail pedestrian bridge project has completed their study and the draft has been distributed to stakeholders for comment. He noted that they are recommending the least obtrusive design and some short-term safety improvements. Commissioner Malone asked how much the proposed bridge would cost to construct and Mr. Stidham replied between \$3.1 million and \$5.4 million. Chair Ohrstrom asked if the pedestrian bridge would be for bicycles and members noted that bikes are not allowed on the Appalachian Trail.

Mr. Stidham also noted that the Committee will be working on the Transportation Plan update this year.

5. Other Business

~ None.

ADJOURN:	Meeting was adjourned by consensus at 10:58AM	
Brandon Stidl	ham, Clerk	

TO: Policy & Transportation Committee

FROM: Brandon Stidham, Planning Director

RE: Continued Discussion, Campground Regulations

DATE: January 24, 2023

The main business item for the January 31 meeting is a continued discussion of the development of new campground regulations. At the Committee's January 6 meeting, there appeared to be consensus among the members regarding Staff's proposed text amendment which would prohibit campgrounds operated as a business ("commercial campgrounds") and would establish new definitions and regulations for private camping, leased-lot camping, and temporary event camping. However, members had questions and concerns about the two new policy issues raised by Staff – how to address public/non-profit campgrounds and the current zoning use for summer camps.

The purpose of this memo is to provide additional information and analysis to aid the Committee's deliberation of a potential text amendment.

Outline of current and proposed campground types and proposed regulations/restrictions

Attached to this memo is a table which depicts the current campground and summer camp uses, the proposed new campground types, and how each is addressed under the current ordinance and proposed text amendment. The "summer camp" and "public/non-profit campground" uses are highlighted to indicate that the Committee is still evaluating them. This table is intended to help members compare the current and proposed uses and regulations, determine how summer camps and private/non-profit campgrounds may fit into the proposed framework, and identify whether any additional uses need to be addressed. The table is a working document and can be modified as the Committee works through this topic.

Additional background on "summer camps"

In reviewing the January 6 meeting minutes, some members were confused about the nature of the "summer camp" use and how it relates to the other campground types being developed in the draft text amendment.

To clarify, a "summer camp" is a separate delineated use in the current Zoning Ordinance and is different from a "campground" use. Like the campground use, a summer camp is allowed with approval of a special use permit and site development plan in the AOC and FOC Districts. Characteristics of and use regulations for a summer camp are as follows:

- A summer camp is an establishment that provides entertainment, education, recreation, religious instruction or activities, physical education, or health for <u>twelve or more persons</u> under the age of 18 who are not related to the property owner. In other words, a summer camp is a youth camp which can be operated as a business or non-profit.
- Summer camps provide overnight accommodations during any portion of more than two consecutive days.
- In addition to allowing camping in tents, campers, and RVs, accommodations may also be provided in buildings. This differs from the current campground regulations.
- Summer camps may only operate from the Saturday immediately preceding Memorial Day through Labor Day.
- Minimum lot size for a summer camp is 3 acres.

The Committee and Staff discussed the Northern Virginia Lions Youth Camp as an example of a summer camp and it was noted that they may offer camping to outside groups and also operate outside of the allowable operation dates. This facility has been in operation since the 1950s and is likely to be considered a nonconforming use. While this facility is operated by a non-profit organization, there is no limitation on who may operate a summer camp. This would also allow private, for-profit summer camps to be developed.

One of the issues for the Committee's discussion was to determine whether to make changes to the summer camp use and regulations as part of the work on the campground regulations. Note that the current use does not contain sufficient regulations to address development and operational impacts. Examples of such regulations would include design and locational requirements for accommodation structures and amenities, maximum occupancy limitations, and other provisions to mitigate impacts on surrounding properties. While the age and operation date limitations would arguably make a typical summer camp potentially less impactful than a comparable commercial campground, the Committee should still discuss whether it is possible to develop a new summer camp in any compatible location in the county. If the answer is no, then the summer camp use should be removed from the ordinance.

Additional analysis of public/non-profit campgrounds

As previously discussed, public/non-profit campgrounds can include non-profit summer camps for youths, church camps, non-profit membership camps (e.g., Izaak Walton League campground), and campgrounds offered free of charge by private property owners for hikers along the Appalachian Trail. Members correctly noted that some of these campgrounds could generate impacts equal to those that would be generated by a commercial campground which the Committee is considering whether to prohibit.

The first option which Staff discussed at the last meeting would be to prohibit these campgrounds along with commercial campgrounds. This would be accomplished by

incorporating public and non-profit campgrounds into the proposed language for commercial campgrounds, which would read as follows:

<u>Public, for-profit, or non-profit campground</u> -- A campground at which camping is:

- 1. Operated as a business which offers camping to the public in exchange for a charge and not as a leased lot campground; or
- 2. Operated by a non-profit or similar organization which offers camping in exchange for a charge, membership, donation, or other compensation or gratuitously for the benefit of an organization's or club's membership, church congregation or similar organized body; or
- 3. *Operated by a property owner gratuitously to the general public.*

If members support this option, new proposed summer camps operated as a business or by a non-profit organization would be <u>prohibited</u> unless language was added to specifically exclude summer camps and retain the use in the ordinance.

A second option would be to allow certain types of public/non-profit campgrounds that do not have the adverse impacts of a commercial campground. Part of the Committee's discussion at the last meeting centered on private landowners allowing groups such as scouts or church groups to camp on their property. On the one hand, this could be considered private camping if the property owner is not being compensated for the camping activities. On the other hand, the volume and frequency of the camping activity could be as impactful as a commercial campground.

One approach could be to distinguish between whether the nature of the camping activities is temporary rather than permanent. A property owner allowing groups to use their land periodically for camping would be private camping, but a property owner allowing a group to establish a permanent, reoccurring campground would be treated similarly to a commercial campground. Examples:

- Property owner allows an organized group to camp on their property on a temporary, infrequent basis – this would be private camping
- Property owner allows an organized group to camp on their property on a regular or frequent basis, property is publicized or otherwise held out as that organization's designated campground – this would exceed the scope of private camping
- The property owner is a non-profit, religious organization, or similar group and plans to allow its members to camp there as a member benefit – this would exceed the scope of private camping

One metric that could be used to differentiate between temporary and permanent camping is the Virginia Department of Health's (VDH) time frame for temporary campground permits. Camping activities up to a maximum of 14 days in a 60-day time frame are eligible for a temporary campground permit. Those that exceed this threshold must be permitted by VDH as a permanent campground. The proposed regulations for a private campground include requirements to obtain a VDH temporary campground permit (if applicable) and not to advertise the property as being open to the public. While this approach does not directly address the number of persons coming to the property to camp, it does limit the frequency of camping activities.

If the Committee is interested in this second option, language in the "public, for-profit, or non-profit campground" can be amended to read:

2. Operated by a non-profit or similar organization which offers camping in excess of 14 days in any 60-day period in exchange for a charge, membership, donation, or other compensation or gratuitously for the benefit of an organization's or club's membership, church congregation or similar organized body; or

The remaining issue is whether to regulate permanent camping offered by a property owner gratuitously to the public. By its very nature of being open to the public, this would not be considered private camping. It is not currently an identified problem and Staff is not aware of any such operations in the County, however it is a form of camping that the Committee may want to address.

Meeting Goals

Staff recommends that the Committee focus on working through the policy questions regarding public/non-profit campgrounds and summer camps with the goal of providing direction to Staff on changes to make to the draft text amendment. Staff then can work on finalizing the text amendment language for the Committee's review and final recommendation at a future meeting. A copy of the current text amendment language as previously presented is included at the end of this memo.

Please let me know if you have questions or concerns in advance of the meeting.

PROPOSED CHANGES TO CAMPGROUND USE AND REGULATIONS (INITIAL DRAFT – COMMITTEE REVIEW 12/2/2022)

Definitions:

<u>Campground</u> -- A lot or lots under common ownership used, in whole or in part, to accommodate camping on a temporary, periodic, or regular basis using recreational vehicles, temporary structures such as tents or yurts, or similar forms of temporary shelter not permitted for permanent residential use. A campground includes a commercial campground, leased lot campground, private camping, and temporary event camping as described below.

Any area, place, or lot, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community. "Campground" does not mean a summer camp, migrant labor camp, or park for mobile homes as defined in Code of Virginia, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.

<u>Commercial campground</u> -- A business at which camping is offered to the public in exchange for a charge.

<u>Leased lot campground</u> -- A campground at which camping is offered through long-term lease by the property owner to a lessee and/or their guests for a charge. For the purposes of this definition, the duration of a long-term lease shall be for a minimum of 30 days or longer.

<u>Private campground</u> -- A campground, not open to the public, at which camping is conducted by the property owner(s) and/or their guests.

<u>Temporary event campground</u> -- Camping allowed in conjunction with a temporary event held in accordance with an approved agritourism activity zoning permit, a special event permit issued per County Code Chapter 57, an ancillary activity to a temporary event held at a fairgrounds, or as specifically approved by other zoning action.

Use Regulations:

- 1. Commercial campgrounds are a prohibited use in all zoning districts.
- 2. The following use regulations shall apply to leased lot campgrounds:
 - A. No more than two campsites shall be allowed per lot of record and each campsite shall be limited to no more than one recreational vehicle including but

- not limited to travel trailers, fifth-wheel campers, motor homes, and pickup campers.
- B. For the purposes of leased lot campgrounds, a campsite is an area designated for camping by a specified lessee.
- C. Leased lot campgrounds shall be used for primitive camping and shall contain no unauthorized structures or improvements.
- D. There is no required review process for a leased lot campground.
- 3. The following use regulations shall apply to private campgrounds:
 - A. A temporary campground approval from the Virginia Department of Health shall be obtained, if required, and maintained in good standing throughout the duration of the camping activity.
 - B. No private campground shall be advertised as being open to the public.
 - C. With the exception of subsection 3A, there is no required review process for a private campground.
- 4. The following use regulations shall apply to a temporary event campground:
 - A. A temporary event campground shall require approval of a zoning permit unless approved in conjunction with an agritourism activity zoning permit.
 - B. Temporary event campground activities shall be limited to the duration of the temporary event or as set forth in the approved agritourism activity zoning permit or special event permit.
 - C. A plan for a temporary event campground shall be included in a plan submitted with an agritourism activity zoning permit application or special event permit application if applicable.
 - D. A temporary campground approval from the Virginia Department of Health shall be obtained, if required, and maintained in good standing throughout the duration of the event.

CURRENT AND PROPOSED CAMPGROUND REGULATIONS (1/31/2023 Committee meeting)

Current Zoning Ordinance Uses

Camping Type	Current Use	Proposed Use	Current Regulations	Proposed Regulations
Campground	Campground (special use in AOC and FOC Districts)	To be divided into separate camping types (see below)	Limited to 3 or more campsites "Campsite" is a delineated area within a campground used or intended to be used for camping Camping is limited to a maximum of 15 days in any 30-day period May only camp in a tent or recreational vehicle, buildings cannot be used for camping	To be divided into separate camping types (commercial, private, leased-lot, and temporary event) with different use regulations (see below) All camping is limited to recreational vehicles or temporary structures not permitted for permanent residential use such as tents and yurts
Summer camp	Summer camp (special use in AOC and FOC Districts)	Commercial campground (prohibited use) if operated as a business; otherwise, public/non-profit campground	For 12 or more persons under the age of 18 not related to the operator of the summer camp For overnight camping during any portion of more than two consecutive days Can operate only from the Saturday preceding Memorial Day through Labor Day Minimum lot size of 3 acres Compliance with VDH and State regulations	To be determined

Proposed Changes - Draft Text Amendment

	Proposed Regulations
Camping as a business Commercial use Limited to 3 or more campsites None (prohibited use) business Permit and site development plan required) Prohibited use "Campsite" is a delineated area within a campground used or intended to be used for camping solution and intended to a maximum of 15 days in any 30-day period None (prohibited use) Camping is limited to a maximum of 15 days in any 30-day period May only camp in a tent or recreational vehicle, buildings cannot be used for camping	(se)

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Camping Type	Current Use	Proposed Use	Current Regulations	Proposed Regulations
Private camping	Not regulated by zoning Could be considered a campground (special use permit and site development plan required) with 3 or more delineated campsites occupied by someone other than the property owner	Private campground (new)	If considered to be a campground: Limited to 3 or more campsites "Campsite" is a delineated area within a campground used or intended to be used for camping Camping is limited to a maximum of 15 days in any 30-day period May only camp in a tent or recreational vehicle, buildings cannot be used for camping	No permit required Must obtain VDH temporary campground permit if required
Leased-lot camping	Not regulated by zoning Could be considered a campground (special use permit and site development plan required) with 3 or more delineated campsites occupied by someone other than the property owner	Leased-lot campground (new)	If considered to be a campground: Limited to 3 or more campsites "Campsite" is a delineated area within a campground used or intended to be used for camping Camping is limited to a maximum of 15 days in any 30-day period May only camp in a tent or recreational vehicle, buildings cannot be used for camping	Lease for 30 days or longer for a charge Maximum of 2 campsites per lot ("campsite" is an area designated for camping by a lessee) Maximum of 1 RV per campsite Primitive camping only, no unauthorized structures or improvements
Temporary event camping	Not regulated by zoning Could be considered a campground (special use permit and site development plan required) with 3 or more delineated campsites occupied by someone other than the property owner	Temporary event campground (new)	If considered to be a campground: - Limited to 3 or more campsites - "Campsite" is a delineated area within a campground used or intended to be used for camping - Camping is limited to a maximum of 15 days in any 30-day period - May only camp in a tent or recreational vehicle, buildings cannot be used for camping	Must have temporary event approval (e.g., special event permit, agritourism activity permit, fairgrounds event, or other zoning approval) Camping is limited to duration of the event Must provide a campground plan with the associated event permitting Must obtain VDH temporary campground permit if required
Camping for non-profit groups or free to the public	Campground (special use permit and site development plan required with 3 or more delineated campsites occupied by someone other than the property owner)	Public/Non-profit campground	Limited to 3 or more campsites "Campsite" is a delineated area within a campground used or intended to be used for camping Camping is limited to a maximum of 15 days in any 30-day period May only camp in a tent or recreational vehicle, buildings cannot be used for camping	To be determined