

CLARKE COUNTY PLANNING COMMISSION
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April 4, 2023 Work Session and April 7, 2023 Business Meeting Packet

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Clarke County Planning Commission

AGENDA – Work Session

Tuesday, April 4, 2023 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Review of April 7 Business Meeting Agenda Items**
 - A. Conflicts of Interest
 - B. Agenda Review
 - C. Status of Deferred Applications
 - SUP-22-01/SP-22-02, Horus Virginia I, LLC/Bellringer Farm, LLC
 - SUP-23-01/SP-23-01, Blake & Tamara Bullard
 - MS-23-05, Nathan Markee
3. **Old Business**
~ None scheduled
4. **New Business**
 - A. Discussion, Campground Regulations Text Amendment (TA-23-01)

Adjourn

ZONING ORDINANCE TEXT AMENDMENT (TA-23-01)

Campground Regulations

April 4, 2023 Planning Commission Work Session – Initial Discussion

STAFF REPORT – Department of Planning

The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed ordinance amendment. It may be useful to members of the general public interested in this proposed amendment.

Description:

Proposed text amendment to add a new temporary use, “camping,” to Zoning Ordinance Section 5.4 (Uses, Definitions, and Use Regulations – Temporary Uses) and to delete “campground” and “summer camp” from Section 5.2D (Recreation/Education/Assembly Uses). The purpose is to prohibit new permanent campgrounds operated as a business or as summer camps, and to establish new regulations for the duration of camping activities, the long-term lease of a lot for camping, and temporary event camping.

Requested Action:

Discuss proposed text amendment and determine whether to initiate formal consideration of its adoption.

Summary:

The proposed text amendment would re-define camping as a temporary activity and would prohibit the development of new permanent campgrounds both as businesses and as year-round facilities for groups and organizations. This would be accomplished by removing the current zoning uses “campground” and “summer camp” from the Zoning Ordinance. The new temporary use, “camping,” would limit all camping activities to a total of 30 days in any 60-day period and a maximum of 14 consecutive days. This time limitation would allow 180 days of camping in a calendar year and establish a reasonable limit on the duration of a continuous camping activity.

In addition to these changes, new regulations would be included to allow property owners to lease their lots on a long-term basis (minimum 30-day written lease) to tenants specifically for camping. These rules are proposed to recognize the long-standing practice of seasonal “river lot” rentals along the river and to ensure that these locations are not operated as commercial campgrounds. Lots leased for camping would also be limited to two campsites per lot of record including a maximum of one recreational vehicle per campsite.

Other rules proposed include a prohibition on temporary or permanent onsite connections for recreational vehicles to utilities, no advertising of properties as being open to the public for camping, and a zoning permit review process for camping in conjunction with a temporary public event.

The text amendment was developed by the Commission’s Policy & Transportation Committee over a series of five meetings with Planning Staff.

Background:

Camping comes in several different forms. The bullets below describe how each form is currently regulated in the Zoning Ordinance.

- **Campgrounds in general.** The Zoning Ordinance identifies a “campground” as a camping activity involving three or more campsites for periods of overnight or longer regardless of whether compensation is offered, required, or accepted. Campgrounds are a special use in the AOC and FOC Districts and require approval of a special use permit and site development plan. Since camping activities can be considered campgrounds regardless of whether money is exchanging hands, all overnight camping activities with three or more campsites are considered to be campgrounds.
- **Commercial campgrounds.** A campground operated as a business, such as Watermelon Park, requires approval of a special use permit and site development plan so long as at least three campsites are offered for use. By definition, a commercial campground which only offers two campsites for rental would not require zoning approval. Use regulations are also silent regarding what types of accessory uses can be included in a commercial campground such as clubhouses, swimming pools, and camp stores.
- **Summer camps.** A summer camp is an establishment that provides entertainment, education, recreation, religious instruction or activities, physical education, or health for twelve or more persons 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. A summer camp is allowed with approval of a special use permit and site development plan in the AOC and FOC Districts as they can have similar impacts and intensity to commercial campgrounds. In addition to allowing camping in tents, campers, and RVs, accommodations may also be provided in buildings. Summer camps may only operate from the Saturday immediately preceding Memorial Day through Labor Day, and the minimum lot size is 3 acres.
- **Leased lots for camping.** A property owner may lease the right to camp on a lot of record without zoning approval so long as the camping activity is limited to two campsites at a time. If three or more campsites are offered, it would be considered a campground and require approval of a special use permit and site development plan. A property owner can also lease the right to camp on a lot of record to multiple tenants without zoning approval so long as no more than two campsites are operated at a time.
- **Private camping.** A property owner is permitted to camp on their property without zoning approval and is not limited as to the number of campsites they may have for the property owner’s use. The definition of “campground” specifically excludes camping by a property owner on their land but does not extend this exclusion to the property owner’s guests. While Staff has not applied the campground regulations to private camping in the past, the regulations can be interpreted to require a special use permit and site development plan if the property owner has three or more campsites on their lot that are used by guests, family members, or other individuals who are not owners of the lot.

- **Temporary event camping.** Staff has not historically applied the campground regulations to overnight camping in conjunction with public or private events although some events can have three or more campsites established. Some past special events approved under County Code Chapter 57, such as multi-day music festivals, have included overnight camping for patrons and/or vendors who will be in attendance for the duration of the event. Chapter 57 does not include specific regulations for overnight camping. Other types of temporary events such as horse shows can have overnight camping for participants and have not been interpreted by Staff to constitute a “campground” for zoning purposes.

History

Current terms and definitions for “campground” and “summer camp” were established in 1997. Prior to this date, the Zoning Ordinance contained uses for “campground,” “day camp,” and “board camp.” The 1997 text amendment consolidated “day camp” and “board camp” into the current “summer camp” use. Definitions were created for “campground” and the related terms “camping unit” and “campsite” using similar definitions taken from the Code of Virginia with modifications. No recent changes have been made to these terms and definitions.

Current Zoning Ordinance use and use regulations

The “campground” use is defined as follows:

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.

The use regulations contain definitions for “camping unit” and “campsite”:

- “Camping unit” -- *a tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, and any other vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.*
- “Campsite” -- *any delineated area within a campground used or intended for occupation by the camping unit.*

These definitions appear to have been adapted from the Virginia Department of Health’s (VDH) campground regulations. They are similar to but not precisely the same as the current wording of the VDH definitions.

One additional use regulation limits the duration of camping at a campground to a maximum of 15 days in any 30-day period. Campgrounds are allowed with special use permit and site development plan approvals.

Policy questions discussed by the Committee

In developing this text amendment, the Policy & Transportation Committee deliberated the following policy questions pertaining to the current campground and summer camp regulations:

- **What is the scope of “camping?”** Per the definition, a campground includes any camping activity with three or more campsites regardless of whether a fee is being charged or if there is a lease arrangement. This includes commercial campgrounds (such as Watermelon Park) and lots leased for camping and containing three or more campsites. The definition is less clear when it comes to private camping, noting that a campground does not include “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.” While this language is cumbersome, it does appear clear that a property owner can camp on their own property without being considered a campground. It is open to interpretation as to whether this extends to camping by the property owner’s friends and family.
- **What is a “campsite?”** The definition of “campsite” references a “delineated area” within a campground for a “camping unit” (tent, RV, etc.). This definition most likely contemplates lots within a commercial campground used as campsites by individual patrons. It is less clear when applied to private camping in which an entire property or portion of a property is used for camping but without delineated lots. If a property owner leases a river lot to a single tenant who has 5 tents and/or RVs situated around a single campfire, it is open to interpretation as to whether this constitutes one campsite or five campsites.
- **What structures, vehicles, and equipment can be used for camping?** Campgrounds are only permitted to allow tents, RVs, and similar recreational equipment for overnight camping. Permanent structures like cabins are not allowed although the overnight rental of a conforming single-family dwelling, tenant house, or minor dwelling could be considered a short-term residential rental use. Yurts are also open to interpretation as some can be constructed to meet building code requirements for use as a dwelling.
- **Are commercial campgrounds a compatible special use in the AOC and FOC Districts or should this particular use be prohibited or limited in scope?** Commercial campgrounds can be impactful on surrounding properties both in their development and ongoing operations. Since campground sites are often chosen for the pristine surrounding environment or access to unique natural areas or features, commercial campgrounds could be located in remote and undeveloped areas with access via secondary roads where significant vehicular traffic (including large RVs) is currently not occurring. Given that there have been no special use permit applications reviewed in recent memory for new commercial campgrounds, it may be prudent to evaluate whether a compatible commercial campground could be developed in the AOC or FOC Districts today and

whether the use should be limited in scope with new regulations or prohibited entirely.

- **If commercial campgrounds are a compatible use, what accessory uses should be allowed?** Use regulations are silent regarding amenities that may be developed at a campground such as swimming pools, clubhouses, bath houses, stages, dump stations, pedestals for utility hookups, and camp stores.
- **Should private camping be regulated as a campground use, as a different use subject to different regulations, or not regulated at all?** Private camping with three or more campsites meets the definition of a campground requiring a special use permit and site development plan because the regulations do not factor in whether money is exchanging hands for the camping activity. On the one hand, this requirement helps with enforcement as Staff does not have to determine that the camping activity is commercial in nature which can be difficult to prove at times. On the other hand, enforcing the requirements against private camping activities may be viewed as infringing on private property rights and akin to applying zoning regulations for public assembly activities against private parties and events.
- **How should temporary camping in conjunction with events be regulated?** As noted above, overnight camping by participants, vendors, and organizers has been allowed in conjunction with temporary events. In some cases such as multi-day music festivals, overnight camping is encouraged for the safety of the patrons to avoid having them leave the event site at late hours. Temporary event camping can consist of numerous campsites constituting a “campground” by definition, however it is clear that the zoning regulations did not contemplate this form of camping. It should be noted that the Virginia Department of Health has a permitting process for “temporary camping” that most commonly applies to temporary events. It should also be noted that draft revisions to County Code Chapter 57 (Special Events) would currently direct regulation of event camping to the Zoning Ordinance.

Proposed Text Amendment:

The Committee and Staff developed this text amendment based on four policy positions:

- Campgrounds operated as a business, permanent campgrounds for non-profit or similar organizations, and summer camps should be eliminated as a permissible use. Due to their size and potential adverse impacts on surrounding properties, members agreed that the uses should be eliminated because it is unlikely that there are any compatible locations in the county for new campgrounds and summer camps to be developed.
- The long standing practice of “river lot” camping should be preserved but regulations should be established to ensure that intensity and potential impacts to surrounding properties are minimized.
- Camping on private property in the AOC and FOC Districts by the property owner and/or their invited guests should not be specifically regulated.

- Camping is a temporary and periodic recreational activity and regulations should be developed to emphasize that it is not a permanent use.

The most significant proposed change is the deletion of two permanent camping uses from Section 5.2D (Recreation/Education/Assembly Uses) – “campground” and “summer camp” – and the creation of the new temporary use “camping” in Section 5.4 (Temporary Uses). The new “camping” use would be defined as follows:

A recreational activity conducted on a lot of record involving overnight accommodations on a temporary or periodic basis. Camping operated as a business or in exchange for a fee or other compensation, except as described in use regulation 5 below, is prohibited.

This change would prohibit any new campgrounds operated as a business except for the long-term lease of a campsite on a lot of record (described later in this report). New summer camps would also be prohibited. Any existing commercial campgrounds or summer camps that were previously approved by the county would be allowed to continue as nonconforming uses (e.g., Watermelon Park Campground, Northern Virginia Lions Youth Camp).

To emphasize the temporary and periodic nature of camping, use regulation 1 would establish the following time limits on all forms of camping:

- 1. The duration of a camping activity shall not exceed a total of 30 days in any 60-day period and shall not be conducted for more than 14 consecutive days.***

These time limits would allow property owners and/or their invited guests to camp for a generous 180 days in a calendar year and a maximum of 14 days in a row. The proposed time limits would also help distinguish between a legitimate camping activity and individuals residing on a property in a recreational vehicle, tent, or other camping structure. The time limits would also enable property owners to allow invited groups (e.g., church congregations, scouts) to camp on their property without enabling the property to be established as the permanent location for an organization’s camping activities.

Use regulation 2 emphasizes that camping activities are not allowed to have site improvements that would make a location more of a permanent campground:

- 2. Camping shall be limited to recreational vehicles and temporary structures such as tents or yurts or similar forms of temporary shelter not permitted for permanent residential use. Temporary or permanent onsite connections for recreational vehicles to water, sewage disposal, electric power, or other utilities are prohibited.***

Camping would be allowed only in recreational vehicles (e.g., motor homes, travel trailers, fifth wheels, truck campers) or in temporary structures including tents and yurts that can be easily removed from the property. Proposed “camping” in a legally permitted dwelling (single-family dwelling, tenant house, or minor dwelling) for compensation would be treated as a short-term residential rental.

This use regulation also prohibits the use of temporary or permanent onsite connections to utilities on a subject property for recreational vehicles in conjunction with a camping activity. This would include water, sewer, propane, and electrical hookups and would also include any connection to satellite dishes, cable television, or internet located on the property. The use regulation would not apply to the use of water, sewer, propane, electrical, satellite, or internet located on board or brought to the campsite with the recreational vehicle.

Use regulation 3 would prohibit properties from being advertised as open to the public or the permanent campground for a non-profit or similar organization:

- 3. No camping activity shall be publicized as being open to the public or as being the permanent campground for a non-profit or similar organization.***

This use regulation is added to deter the establishment of permanent campground facilities and mitigate potential violations of the time limitation requirements. Evidence of such publication either through advertisements or permanent signage would be a clear violation of this proposed use regulation.

Use regulation 4 requires camping operators to comply with the Virginia Department of Health’s (VDH) temporary campground permit process and to maintain their approval in good standing throughout the duration of the camping activity:

- 4. 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.***

VDH requires temporary campground permits for camping activities containing three or more campsites and a time limitation of 14 days in a 60-day period. Camping which exceeds this time frame would require a VDH permanent campground permit to be obtained, however it is unlikely that camping permitted by this text amendment would require such a permit. Temporary campground permits would most commonly be issued for camping in conjunction with temporary events such as those held at the Ruritan Fairgrounds or approved by special event permit. VDH staff indicated that some private camping events not associated with a temporary event could require a temporary campground permit depending on their size, scale, and duration.

To compare VDH’s requirements for campground permits, we have included a modified checklist prepared by VDH staff that describes the temporary campground permit requirements with corresponding permanent campground permit requirements in red font.

Use regulation 5 establishes regulations for the long-term lease of a lot or portion of a lot for camping activities, more commonly referred to in the county as “river lot” camping but applicable on any AOC or FOC zoned lot:

5. ***The long-term lease of a lot by the property owner to a lessee and their guests for a charge is permissible subject to the following requirements:***
 - A. ***The minimum duration of a long-term lease shall be 30 days and shall be evidenced by a written agreement between the property owner and each lessee.***
 - B. ***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. A campsite is an area designated in a lease for camping by the specified lessee.***

As previously noted, the Committee wanted to allow the practice of “river lot” camping to continue subject to reasonable regulations to limit their scale and impacts. In order to differentiate the leasing of a lot or portion of a lot for camping from a commercial campground, the leasing arrangement must be for a minimum of 30 days and documented in a written lease. Any leasing situation for less than 30 days or without a written agreement in place would be considered a prohibited commercial campground.

The use regulation also limits leased lot camping to a maximum of two “campsites” per lot of record defined as “an area designated in a lease for camping by the specified lessee.” Each campsite would be allowed to have a maximum of one recreational vehicle so no more than two such vehicles could be located on the lot of record at one time.

The long-term leasing of a lot for camping traditionally is seasonal in nature as leases are issued for the warm months (May to September). The time limitation on camping would apply to long-term leasing as well but would not unreasonably impede a lessee’s ability to maximize camping during the season. Under the limitation of 30 days in any 60-day period with maximum of 14 consecutive camping days, a lessee with a 4 month lease could:

- Camp for consecutive three-day weekends throughout the lease period.
- Camp for 14 days in a row and still have 16 camping days available for use over the remaining 46 days in the 60-day period.
- Use the campsite during the day for recreational purposes without staying overnight without having the day count towards the total number of camping days used.

Use regulation 6 deals specifically with camping at temporary events:

6. ***Camping may be permitted 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. Such camping shall be subject to the following requirements:***

- A. *Temporary event camping shall require approval of a zoning permit unless approved in conjunction with an agritourism activity zoning permit.*
- B. *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.*
- C. *Camping 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.*
- D. *A camping plan shall be provided with the zoning permit application which delineates the area reserved for campsites, all facilities required in conjunction with the VDH temporary campground permit, and any other pertinent information required by the zoning administrator.*

This is the only form of camping that would require approval of a zoning permit or zoning approval through other process (e.g., agritourism activity zoning permit). The zoning administrator would be the approval authority and applicants would be required to submit a camping plan that shows where the campsites would be located and any other pertinent information required by the zoning administrator. The zoning permit review would be coordinated with VDH’s temporary campground process – VDH approval would be a prerequisite to approval of the zoning permit and the applicant would be required to show all facilities required by VDH on the camping plan.

Staff Recommendation:

Staff recommends that the Commission discuss the proposed text amendment with the goal of deciding whether to initiate consideration and schedule public hearing on it. Since this is a complex topic for discussion, Staff supports delaying formal action until commissioners are comfortable with it and have had all questions and concerns addressed.

For your reference, a draft of a future Guidance Manual section on camping regulations is included and provides a description of the proposed regulations in a narrative format.

History:

March 22, 2022. Policy & Transportation Committee voted 4-0-1 (Dunning absent) to forward the proposed text amendment to the full Commission for consideration.

April 4, 2023. Placed on the Commission’s Work Session agenda for initial discussion.

Ordinance Amendment Text (changes shown in bold italics with strikethroughs where necessary):

<i>CAMPING</i>	
Permitted Use	<i>AOC, FOC, ITL (fairgrounds only)</i>
Accessory Use	<i>None</i>
Special Use	<i>None</i>

Definition:

A recreational activity conducted on a lot of record involving overnight accommodations on a temporary or periodic basis. Camping operated as a business or in exchange for a fee or other compensation, except as described in use regulation 5 below, is prohibited.

Use Regulations:

- 1. The duration of a camping activity shall not exceed a total of 30 days in any 60-day period and shall not be conducted for more than 14 consecutive days.***
- 2. Camping shall be limited to recreational vehicles and temporary structures such as tents or yurts or similar forms of temporary shelter not permitted for permanent residential use. Temporary or permanent onsite connections for recreational vehicles to water, sewage disposal, electric power, or other utilities are prohibited.***
- 3. No camping activity shall be publicized as being open to the public or as being the permanent campground for a non-profit or similar organization.***
- 4. 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.***
- 5. The long-term lease of a lot by the property owner to a lessee and their guests for a charge is permissible subject to the following requirements:***
 - A. The minimum duration of a long-term lease shall be 30 days and shall be evidenced by a written agreement between the property owner and each lessee.***
 - B. 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. A campsite is an area designated in a lease for camping by the specified lessee.***
- 6. Camping may be permitted 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. Such camping shall be subject to the following requirements:

- A. Temporary event camping shall require approval of a zoning permit unless approved in conjunction with an agritourism activity zoning permit.*
- B. 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.*
- C. Camping 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.*
- D. A camping plan shall be provided with the zoning permit application which delineates the area reserved for campsites, all facilities required in conjunction with the VDH temporary campground permit, and any other pertinent information required by the zoning administrator.*

Required Review Processes:

A Zoning Permit per Section 6.2.1 is required for camping in conjunction with a temporary event as described above.

CAMPGROUND	
Permitted Use	None
Accessory Use	None
Special Use	AOC, FOC

Definition:

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.

Use Regulations:

1. ~~Additional terms.~~ For the purposes of this section, the term "camping unit" shall mean a tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, and any other vehicular type structure for use as temporary living quarters or shelter during periods of

recreation, vacation, leisure time, or travel. The term “campsite” shall mean any delineated area within a campground used or intended for occupation by the camping unit.

2. ~~Duration of accommodations.~~ A campground shall be for the temporary accommodation of a camping unit for not more than 15 days in any 30-day period.

Required Review Processes:

1. ~~Special Use Permit Review is required per [Section 6.3.1](#).~~
2. ~~Site Development Plan Review is required per [Section 6.2.2](#).~~

SUMMER CAMP	
Permitted Use	None
Accessory Use	None
Special Use	AOC, FOC

Definition:

~~Any building, tent, or vehicle, or group of buildings, tents or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, which is operated or used in the Commonwealth from the Saturday immediately preceding Memorial Day through Labor Day for the entertainment, education, recreation, religion instruction or activities, physical education, or health of persons under eighteen years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if twelve or more such person at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.~~

Use Regulations:

1. ~~The minimum lot size for a summer camp is three acres.~~
2. ~~Applicants for such uses shall demonstrate that all applicable regulations of the Department of Health and Commonwealth of Virginia (specifically including [Title 35.1, Code of Virginia](#)), have been met.~~

Required Review Processes:

1. ~~Special Use Permit Review is required per [Section 6.3.1](#).~~
2. ~~Site Development Plan Review is required per [Section 6.2.2](#).~~

I WHAT ARE THE RULES FOR CAMPING AS A PRIVATE ACTIVITY AND AS A BUSINESS?

This section outlines how recreational camping activities are regulated in Clarke County.

Contacts:

Zoning permits and regulations

Jeremy Camp, Senior Planner/Zoning Administrator (Department of Planning)
(540) 955-5131, jcamp@clarkecounty.gov

Temporary campground permits – Virginia Department of Health (VDH)

100 North Buckmarsh Street, Berryville, VA
(540) 955-1033

What are the rules and restrictions for camping on private property?

Camping on private property for recreational purposes is permitted subject to the following rules:

1. Camping is limited to properties in the Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC) Districts unless otherwise described below.
2. The duration of any continuous camping activity is limited to a total of 30 days in any 60-day period and shall not be conducted for more than 14 consecutive days. This allows for camping activities to be conducted for a maximum of 180 days in a calendar year.

Please note that the Virginia Department of Health (VDH) may require issuance of a temporary campground permit for any camping that occurs for 14 days in a 60-day period and includes three or more campsites.

3. Camping is limited to recreational vehicles and temporary structures such as tents or yurts.
4. Unauthorized structures and improvements are prohibited.
5. Temporary or permanent onsite connections for recreational vehicles to water, sewage disposal, electric power, or other utilities are prohibited.
6. Since only private camping is permitted, no camping activity may be publicized as being open to the public or as a permanent campground for a non-profit or similar organization.
7. If required, a temporary campground permit issued by VDH shall be obtained and maintained in good standing for the duration of the camping activity.

Can I allow people to camp on my property for a fee or as a business?

Camping operated as a business or in exchange for a fee or other compensation is prohibited with one exception – the long-term lease of a lot for camping purposes to a lessee and their guests. This seasonal practice is commonplace in the county in the form of “river lots” that allow for camping along the Shenandoah River, and the county’s camping rules were developed to recognize this practice. Long-term leasing of a lot for camping is permissible subject to the following rules:

1. The long-term lease must be in the form of a written agreement between the property owner and the lessee for a minimum of 30 days or longer. Any lease for less than 30 days or without a written agreement would be considered prohibited commercial camping.
2. No more than two campsites are allowed per lot of record. For the purposes of these rules, a “lot of record” means a lot that is described on a plat or in a deed that is recorded in the county’s land records. A “campsite” is an area designated by the property owner in the lease as the area in which a lessee may camp and may include a portion of or an entire lot of record. The commonly-used term “river lot” can be used interchangeably with the term “campsite.”
3. Each campsite is limited to a maximum of one recreational vehicle which includes travel trailers, fifth-wheel campers, motor homes, pickup campers, and the like. Since lots of record are limited to a maximum of two campsites, no lot of record in which long-term leasing for camping is taking place may have more than two recreational vehicles at a time on the property.

It should be noted that Clarke County does have a small number of existing commercial campgrounds and summer camps currently in operation. These campgrounds were approved under prior zoning regulations and are considered to be “grandfathered.”

Is overnight camping allowed in conjunction with temporary public events?

Overnight camping for participants of temporary events such as festivals, concerts, and other public events is permissible subject to the following rules:

1. The temporary event must be one that has been approved with a special event permit issued in accordance with Code of Clarke County Chapter 57, an agritourism activity zoning permit, or other zoning action or is an event held at the Clarke County Fairgrounds.
2. Overnight camping must be ancillary to the temporary public event – in other words, the primary purpose for the event cannot be overnight camping and the scope of the camping activity cannot exceed the scope of the temporary event.
3. A temporary campground permit issued by VDH shall be obtained, if required, and maintained in good standing throughout the duration of the event.

4. A zoning permit is required for overnight camping in conjunction with a temporary event. If the event requires an agritourism activity zoning permit, overnight camping may be approved in conjunction with that permit. A plan for camping shall be provided which delineates the area reserved for campsites, all facilities required in conjunction with the VDH temporary campground permit, and any other information required by the zoning administrator.
5. Camping activities shall be limited to the approved duration of the temporary event. For example, if a three-day concert was approved by special event permit with a start time of Friday at noon and an end time of Sunday at 6PM, overnight camping may only occur on Friday and Saturday nights.

Campground permitting process

1. The applicant must submit a plan review application and packet to the local health department for review prior to construction.
2. The following information must be included in the packet:
 - a. Proposed method and location of the sewage disposal system
 - b. Proposed sources and location of the water supply
 - c. Number, location, and dimensions of all campsites
 - d. Number, description, and location of all proposed sanitary facilities and dump stations, sewer lines, etc.
 - e. Name and address of the person applying to be the permit holder, and a designation of whether that person is the owner or the intended operator of the campground.
 - f. Location, boundaries, and dimensions of the proposed project.
 - g. Such other pertinent information as the Health Commissioner may deem necessary.
3. The Health Department will work with the applicant to ensure all requirements are met. Once the Health Department is satisfied with the proposed plans, written approval will be issued.
4. Once construction is complete, the operator will apply for a permit 30 days prior to the predicted day of opening.
5. The Health Department will do an inspection of the campground and, if everything is in compliance, will issue a permit that expires 12 months after the date of issuance.

Temporary Campground Permit Preopening Information

A “campground” is defined as any area/place/parcel/tract of land where 3 or more campsites are intended for overnight stay. Temporary Campground Permits are granted for a specific period of time to allow temporary camping of 14 days duration or less. Temporary permits may be valid for periods of 60 days or less, but the total days of operations may not exceed 14 days during any 60-day period. Temporary campgrounds are allowed certain exemptions to the *Rules and Regulations Governing Campgrounds*, as the infrastructure required for a permanent campground is not feasible for a temporary set up. Please contact your local Health Department for specific questions regarding the *Rules and Regulations Governing Campgrounds* (12VAC5-450).

Checklist:

- Emergency Response Plan developed and maintained
 - Identification of a point of contact during emergency incidents
 - Written plan for communicating emergency response information to campers
 - Provisions for camper safety, identification and evacuation in the event of natural disasters, fires, or other emergencies
- Local police, fire, and EMS phone numbers posted in central location
- Grey water disposal barrels with fly tight lid provided (Not required if there is no piped water, showers/sinks are provided, and cooking/fires are prohibited)
 - permanent campgrounds shall provide slop sinks within 500’ of all campsites for the disposal of grey water unless a dump station is accessible for this purpose.
- At least 1 portable toilet / 75 persons (and at least 1 that is ADA compliant) provided
 - Portable sinks or hand sanitizer must be provided
 - Portable units must be serviced at least once daily
 - A permanent service building is required for permanent campgrounds. Toilets are required- lavatories and showers are optional.
- Approved water source provided
 - Food grade hose
 - Backflow preventers
 - If piped water is not available:
 - It must be advertised to campers prior to the time of the event
 - Bottled water or water hauled from an approved source must be provided.
 - The approved water source must be piped / permanent for a permanent campground. Portable water tanks or watering station are not allowed.
- Ice (if provided) is from an approved source
- If allowing RV camping:
 - sewage pumping must be available
 - electrical permit from building department needed if generators are provided
 - There must be a dump station if RVs are allowed at permanent campgrounds
- Special Event Permit obtained from the county (not required if event is at the Fairgrounds, but the following county permits still apply)

Temporary Campground Permit Preopening Information

- The building department must approve plans for:
 - Tents larger than 900 square feet in size
 - Temporary or portable electrical distribution systems
 - Gas appliances
 - Temporary lighting systems
- If food vendors will be at the event, submit a temporary food event coordinator application to the health department 30 days prior to the event.

Infrastructure Requirements:

- Maximum number of campsites and campers established
- Campground located in a spot with good surface drainage and free of natural or man-made hazards such as mine pits, shafts, and quarries. Campgrounds shall not be located on ground that is in swamps, marshes, landfills, or abandoned landfills, or breeding places for insects or rodents.
- Size, location, and orientation of campsites do not prohibit the safe and timely evacuation of campsites in the event of an emergency and that vehicular traffic routes and parking are located where they do not pose a safety risk to campers.
 - For permanent campgrounds, the density of campsites shall not exceed an average of 20 campsites per acre.
 - Each campsite shall provide a minimum of 1600 square ft of space and shall not be less than 25 ft at its narrowest point.
 - Each campsite shall be identified by number and section.
- Campsites shall be no closer than 50' to a portable toilet and no farther than 500' to a portable toilet/sanitary facility
- Growth of weeds, grass, poison ivy, or other noxious plants shall be controlled
- Adequate number of garbage containers that are durable, water tight, rodent proof, fly proof, with tight fitting covers and are maintained in a state of good repair and kept clean
- A register shall be kept for recording the names of all campers, the date of campsite occupancy by each camper, and the number and location of occupied campsites.

Campgrounds may choose to be “primitive” and are subject to the following exemptions:

- Campsite identification requirements
- Potable water requirements
- Slop sink requirements (if water is not provided)
- Garbage and refuse disposal requirements.
- Weed, grass, and noxious plant control measures.



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, April 7, 2023 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
 - A. February 28, 2023 Work Session
 - B. March 3, 2023 Business Meeting

CONTINUED PUBLIC HEARING

3. **SUP-22-02/SP-22-03, Carter Hall Estate, LLC.** Request approval of a special use permit and site development plan to operate a country inn per Section 5.2C (Business Uses – Country Inn) of the Zoning Ordinance. The proposed country inn is described in the application to include assembly activities (events), retail, food, and beverage services that are accessory to the operation of the country inn. A new building, stormwater facility, and certain other site improvements are proposed to accommodate the country inn, and are detailed on the site development plan. The subject property is approximately 86.4 acres, zoned Agricultural-Open Space-Conservation (AOC), identified as Tax Map #30-A-15, and is located on Carter Hall Lane (private road) in the Millwood Election District. **NOTE: The Applicant has requested deferral of their application to the Commission’s May 5, 2023 meeting.**

BOARD AND COMMITTEE REPORTS

4. **Board and Committee Reports**
 - Board of Supervisors (Terri Catlett)
 - Board of Septic & Well Appeals (George Ohrstrom, II)
 - Board of Zoning Appeals (Jeremy Camp)
 - Historic Preservation Commission (Bob Glover)
 - Conservation Easement Authority (George Ohrstrom, II)
 - Broadband Implementation Committee (Brandon Stidham)

OTHER BUSINESS

5. **Historic Preservation Commission (HPC) Annual Report, Betsy Arnett**
6. **Projected Upcoming Agenda Items, April – September 2023**

ADJOURN

UPCOMING MEETINGS:	
Comprehensive Plan Committee	Meeting to be scheduled in May (tentative)
Ordinances Committee	Meeting to be scheduled mid-April
Plans Review Committee	Meeting to be scheduled April 2023 (tentative depending on status of SUP-22-01/SP-22-02)
Policy & Transportation Committee	Meeting to be scheduled in late April
Commission Work Session	Tuesday, May 2 (3:00PM) -- Main Meeting Room
Commission Business Meeting	Friday, May 5 (9:00AM) -- Main Meeting Room



Clarke County Planning Commission

DRAFT MINUTES – Work Session

Tuesday, February 28, 2023 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓ ^E
Terri Catlett (Board of Supervisors)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer), Chris Boies (County Administrator)

OTHERS PRESENT: David Frank (Pennoni), Langdon Greenhalgh (Carter Hall Estate, LLC)

CALL TO ORDER: By Mr. Stidham at 3:00PM.

1. Approval of Agenda

The Commission had no additions to the agenda as presented by Staff.

2. Review of March 3 Business Meeting Agenda Items

A. Conflicts of Interest

Mr. Stidham noted Commissioners Buckley and Dunning have conflicts of interest with the Carter Hall Estate special use permit (SUP) application and will not participate in the discussion.

B. Agenda Review

Mr. Stidham reviewed two corrections to the February 3, 2023 Business Meeting minutes and noted the changes have been corrected on the copies provided. The first change was a run-on sentence that was clarified and the second correction was editorial changes to Mr. Greenhalgh’s comments on page 11.

Mr. Camp updated the Commission on the status of the Carter Hall Estate, LLC special use permit and site plan development application. He said at the February Business Meeting, the Commission voted to continue the public hearing to March in order to allow the applicant sufficient time to address the citizen issues and concerns, to allow citizens additional time to comment, and to allow Staff review time for new information submitted by the applicant on February 16, 2023. He said as of February 28, 2023, the applicants plan to make substantial changes to the application including removing events altogether including the tents, stormwater pond, conservatory building, and that they request a thirty-day deferral to make such changes to their site plan and application. He added that up until this point, Staff’s denial recommendation was based on the higher intensity use originally proposed by Carter Hall which created a number of negative impacts on surrounding rural properties. He said the new changes proposed by the applicant would help to mitigate those impacts but may not address all concerns entirely. He continued

that it is the Commissioner's decision whether to defer for thirty days to review the new proposal which would contain only the fifteen-room country inn.

Langdon Greenhalgh spoke on behalf of the Carter Hall ownership and noted they wish to pause their SUP application process as of today and to defer their application for consideration until the April 7, 2023 public hearing. He continued that as part of their deferment, they will revise their application to remove events related to the country inn accessory use.

Chair Ohrstrom asked if the Commission would need to set public hearing for the new application. Mr. Stidham replied that they would only be submitting an amended application to remove the accessory use and that the public hearing can be continued. Commissioner Staelin asked if citizens could still speak at the public hearing on Friday to which Mr. Stidham said they could hold it after the presentation but encourage comments in light of the proposed changes or defer their comments until the April public hearing.

Chair Ohrstrom asked if the applicants were certain they could get all agency approvals by the thirty-day deadline and suggested deferring sixty days instead. Mr. Greenhalgh said they have already started some of the discussions and processes and they are hopeful they will be able to do everything within thirty days. He continued that at the conclusion of the application process, Carter Hall Estate will assess the final terms set by Clarke County and determine whether or not it will be a viable business or not.

David Frank (Pennoni) said based on the staff report they plan to revise the current site plan to include the removal of the pool, trails, conservatory, stormwater facilities, and gatehouse. He added they plan to continue to make improvements on Bishop Meade Road such as the old stone wall which hinders sight distance. He continued that the physical improvements to the property will be limited to the entrance in addition to any Health Department drainfield requests. He said agency meetings are being scheduled and that he fully anticipates a quick turnaround of the revised site plan approvals.

Commissioner Glover asked if Carter Hall Estate as a country inn would have to obtain a special use permit for events and conferences later on. Mr. Stidham replied that they would have to complete a new application with the same accessory use to the country inn.

Commissioner Staelin asked if there are currently two uses on the property – the grandfathered use as the non-profit and the event center use for conferences. Mr. Frank said the application will now convert the existing main building within the country inn framework and bring that under the country inn and remaining facilities on the property will remain grandfathered. Mr. Frank added it will be made clear once the site plan is updated and the building uses are updated. Commissioner Glover asked about the permitted grandfathered use of Project Hope's convention center. Mr. Stidham replied that they are permitted to use the administration building for the nonprofit organization. He said Project Hope operated as one entity, therefore Carter Hall is only permitted to have one entity make use of that grandfathered status. He added they could have their own meetings but not host minor commercial public assembly activities nor allow outside non-profit organizations to host meetings as these activities would require a special use permit.

Mr. Camp reviewed two minor subdivision applications. Commissioner had no questions or comments on MS-23-02, 624 Old Waterloo Road, LLC. When Mr. Camp reviewed MS-23-04, Donald and Dianna DeWitt, Commissioner Lee asked how many DURs the residual lot of the subdivided property had to

which Mr. Camp responded none. Mr. Camp replied that the applicant is aware that they are only permitted to build a 600 square foot minor dwelling even though there are two drainfields when asked by Commissioner Lee. After a discussion regarding the entrance of the property, Mr. Camp said the direct access for the residue lot would be on Wadesville Road when asked by Commission Staelin.

C. Status of Deferred Applications

Mr. Stidham said the Commission will eventually review two deferred applications including Horus Virginia LLC solar farm special use permit and site plan and then also new application for a campground along the Opequon that was filed complete but still has some deficiencies they are working on.

3. Old Business

None scheduled.

4. New Business

None scheduled.

ADJOURN

The February 28th Planning Commission Work Session adjourned by consensus at 3:30PM.

George L. Ohrstrom, II (Chair)

Kristina Maddox (Clerk)



Clarke County Planning Commission

DRAFT MINUTES – Business Meeting

Friday, March 3, 2023 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓ ^E
Terri Catlett (Board of Supervisors)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	✓ ¹

1 – Commissioner Lawrence was present but did not participate as the alternate.

E – Denotes electronic participation.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Chris Boies (County Administrator), Kristina Maddox (Office Manager / Zoning Officer)

OTHERS PRESENT: Langdon Greenhalgh (Carter Hall Estate), David Frank (Pennoni)

CALL TO ORDER: By Chair Ohrstrom at 9:00AM.

1. Approval of Agenda

The Commission unanimously voted to approve the agenda as presented by Staff.

Motion to approve the March 3, 2023 Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (seconded)	Kreider	AYE
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (moved)
Glover	AYE	Staelin	AYE
Hunt	AYE		

2. Approval of Minutes

A. January 31, 2023 Work Session

The Commission unanimously voted to approve the January 31, 2023 Work Session meeting minutes as presented by Staff.

Motion to approve the January 31, 2023 Work Session meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (seconded)	Kreider	AYE
Catlett	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		AYE

B. February 3, 2023 Business Meeting

The Commission unanimously voted to approve the February 3, 2023 Business Meeting minutes as previously revised.

Motion to approve the February 3, 2023 Business Meeting minutes as previously revised:			
Ohrstrom (Chair)	AYE	King	AYE (moved)
Buckley (Vice-Chair)	AYE	Kreider	AYE
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	AYE
Hunt	AYE		

CONTINUED PUBLIC HEARING

3. SUP-22-02/SP-22-03, Carter Hall Estate, LLC.

Chair Ohrstrom noted Vice Chair Buckley and Commissioner Dunning previously read their conflict of interest statements disqualifying themselves from participating in the deliberation of this matter.

Mr. Camp provided an overview of the Staff report for this special use permit and provided an update from the applicants to request voluntary deferral of the application until April 7, 2023. He said the intent of the deferral is to allow time to significantly change the application to remove the event aspect. He said the applicant plans to resubmit the application by March 17, 2023. He said the draft resubmittal would be brought forward for the Commission’s review in April as long as there were no major issues. He said today marks the fifty-sixth day of the one-hundred day timeline for the Commission to take action on the application and noted should the Commission approve the deferral request, that the timeline would be paused until April 7, 2023. The Commission had no questions or comments.

Langdon Greenhalgh (965 Red Gate Road) said the Carter Hall owners wish to pause the SUP application process and defer their revised application to April 7, 2023. He said they will revise the application for country inn use only and plan to remove event uses, the conservatory, and pool. He continued that he hopes for clarification from the county if conditions will be placed on the country inn SUP regarding the continued grandfathered use of Carter Hall by a non-profit entity for meetings, conferences, and educational trainings. He said that as of September 21, 2022 such uses were granted by the Zoning Administrator as an established right and that any new conditions be made clear. He said many government agencies have already planned meetings and trainings at Carter Hall this year under their continuing use through Carter Hall Center for Conservation.

David Frank (Pennoni) stated they wish to revise the site plan and remove the events component of the country inn use. In detail, he said they plan to remove the conservatory, the conservatory walkways, the proposed garden areas, the pool, and the stormwater facility. He said the plan is essentially entrance improvements on Bishop Meade and drainfield improvements and will identify which buildings will be used for the country inn. He said they have already started discussions with the various agencies and fully expect to obtain approvals on the revisions.

Chair Ohrstrom opened the public hearing at 9:17AM.

Wingate “Winkie” McKay-Smith (1038 Carters Line Rd) said that in the forty years she has lived in the county, she has served sequentially on various committees and has seen well-ordered expansion around the existing infrastructure of our incorporated towns. She said in the last public hearing, she could not fail to notice how needed a plan is for the unincorporated village of Millwood as it faces pressure to expand. She said it will need to include a commercial district expansion area, a village housing expansion area, and a plan to slow the through traffic and provide parking areas. She said she believes the Carter Hall application is in alignment with the future village development. She said the previously permitted 22,236 square foot administration building and part of the grounds would be available to the community and the open land and the spring would be permanently protected by a conservation easement. She said it is her understanding that if the terms of the special use permit for the proposed events were violated, that permit could be revoked. She noted that not if but when development pressure makes it necessary to implement denser rural residential zoning, that the most logical place to rezone is the open space next to the already developed area of the village. She continued that she is in support of the original application as amended and is in support of the proposed conservation easement to protect the remaining open land and spring.

Peggy Duvall (54 Cunningham Ln) said she finds the pushback and negativity from the county government and citizens to Carter Hall’s proposed event use disappointing and is concerned that Carter Hall will now be faced with the need to develop the property. She said she agreed with a fellow citizen in that Millwood is in need of a Comprehensive Plan and suggested that the research presented by Carter Hall ownership as an opportunity in which to build a comprehensive plan. She added one of Carter Hall’s closest neighbors has a licensed shooting preserve that is fifteen feet from her own front windows. She noted that Carter Hall’s current ownership has addressed the issues of sound, light, utilities, and open land and that she has yet to hear a legitimate argument that they have not addressed. She said it is now the duty of the Commission to recognize the gift horse they have been presented for the future of Millwood and Carter Hall.

Chair Ohrstrom stated for the record there is an implementing component plan for all rural residential villages including Millwood that is scheduled to start later this year.

Juliet Mackay-Smith (199 Sugar Hill Rd) said she became an integral part of Millwood and the local community as the owner of Lockes Store for almost two decades. She said she does not believe the elements of conservation put forth by the owners have been highlighted enough in the Carter Hall public debate nor the potential fate of the property should they be denied the opportunity to make their plans financially viable. She noted the three remaining dwelling unit rights (DURs) that are available on the property and the quality of life to the neighboring properties should the land not be in conservation. She added the Staff report did not contain the potential long-term benefits of the proposed plan and that securing a conservation easement on Carter Hall is one of the most compelling assurances that the surrounding area will remain rural in character. While she is aware of the traffic and parking concerns, she said she hopes the proposed project at Carter Hall is a catalyst to engage other stakeholders as a partner to resolve these issues.

Dan Flynn (2014 Millwood Rd) said he is a retired federal employee who worked for the National Bureau of Standards and Technology, which specializes in accurate measurements of many quantities including acoustics. He said this was his specialty for twenty years when he worked in the “sound building.” He said he thought the original plan of the glass conservatory to be problematic as most buildings constructed to accommodate music are typically concrete or brick. Aside from the noise concern, he said there have been eight non-local vehicles who have missed the stop sign at the end of Bishop Meade and crashed into

their home resulting in serious and extensive damage. He said there is a sign at the top of the hill to indicate a stop sign ahead but he thinks it will be difficult to see at night especially if drivers have been drinking.

Charles Snead (1500 Millwood Rd) said Carter Hall ownership said they would not have the funds to operate the country inn and maintain the property without the event income and that if they did not receive their proposal, they would sell the property. He said he wanted to point out that no one in the group has any demonstrated history in running a country inn or any hospitality to good effect. He added that the country inn business is a difficult industry. Additionally, he said the Clarke County citizens need a sufficient amount of time to review the proposal and that Carter Hall Estates can ask for special use permits at any time after they are granted their proposal.

Alex Lee (24 Tannery Ln) said he and others thought the applicants were using the country inn SUP as a platform for hosting events, which created negativity amongst members of the community. He said he did not think Carter Hall addressed all issues satisfactorily and that he welcomes the applicant's decision to remove the event portion from their proposal. He said he looks forward to seeing what the new proposal holds for the country inn but hopes it is not a back door approach for events.

John Lane (1108 Bishop Meade Rd) voiced his traffic, trash, and animal carcass concerns along Bishop Meade as he bikes along the road often, which, he said, is getting to be more difficult. He said he understands the applicants have withdrawn the events from their application but believes the language to be a little vague regarding potential conventions and is also concerned that it is a backdoor approach.

Martin "Marty" Mayfield (905 Bishop Meade Rd) said he is in support of the Carter Hall owners recent proposal to open a fifteen room country inn and finds the proposal to be reasonable and a positive use for the space. He said he appreciates the owners' consideration to place a portion of the property into conservation easement, their intention to educate and engage with the community to study and preserve Millwood history, to encourage community use of the property, and to renovate, protect, and beautify the grounds. Additionally he hopes the proposal will result in employment opportunities and noted that he appreciates the owner's commitment to listen and respond to concerns through which they have demonstrated by modifying their plans. He said the village of Millwood is not only a beautiful place, but that it is a lively and diverse community of people who listen to one another.

Henry Julius (860 Bishop Meade Rd) said he sees this as the tip of the iceberg and believes there is more to the picture than what we are seeing. He said he does not currently support the changes but that he wishes to further study the new proposal and asked who would be responsible to oversee the project.

Janie Mason (675 Bishop Mead Rd) said she is a lifetime member of Millwood and is opposed to the Carter Hall plan. She said they are already inundated with heavy traffic and that additional visitors would further disrupt the community. She said it used to be safe to walk along the roads, quiet and peaceful. She said whatever their plans, that she hoped they would keep the Millwood citizens informed and suggested an advisory group.

Tim and Bridget Overcash (388 Mt Airy Farm Ln) thanked everyone for taking their concerns and the protection of their animals seriously. She said people congregating, the additional cars, trash truck noise, outside radios, and people talking on their cell phones outside are a few of her noise concerns as their property is so close to Carter Hall. She said her additional questions are regarding restaurant and guest possibilities and regulations. She added that she also has traffic concerns and hopes the traffic study can

be done before the Commission has to make their decision. Additionally she noted that gentrification displaced the very people you want to help.

Jim Rieger (479 Red Gate Rd) said he has lived in the area for about thirty years and is in support of the Carter Hall and used to attend meetings there when he worked at a non-profit out of the area. He said it is a lovely meeting space and worked well for that purpose. He also said that traffic is an issue and noted he does not think limiting Carter Hall to the country inn is going to help the issue.

With no further comments from the public, Chair Ohrstrom asked the Commission for their thoughts and comments.

Commissioner Staelin said that while there have been plenty of citizen comments over various Carter Hall concerns including noise, he never heard anyone speak negatively toward Mr. Greenhalgh and that generally people seem to respect and trust him.

Commissioner Glover noted that detailed information is needed up front and that it was only due to the Commission’s inquiries that they started to unravel some of the problematic details. He continued that Mr. Greenhalgh had said he wanted conditions for the SUP made clear to him now, which, to Mr. Glover means today but that in reality it means when the application is presented by the deadline.

Chair Ohrstrom entertained a motion to continue the public hearing and accept the applicant’s request to defer action on the application to the next Planning Commission Business Meeting on Friday, April 7, 2023 at 9:00AM.

The Commission voted 9-0-2 to continue the public hearing of **SUP-22-04/SP-22-03, Carter Hall Estate, LLC** to the next Planning Commission Business Meeting on April 7, 2023.

Motion to continue the public hearing of <u>SUP-22-02/SP-22-03, Carter Hall Estate, LLC</u> and defer action on this application at the next Commission Business Meeting on April 7, 2023 at 9:00AM.			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	ABSTAINED	Kreider	AYE
Catlett	AYE	Lee	AYE
Dunning	ABSTAINED	Malone	AYE (moved)
Glover	AYE	Staelin	AYE (seconded)
Hunt	AYE		

The Planning Commission Business Meeting recessed at 9:53am and reconvened at 10:03am.

Chair Ohrstrom urged the Commission to share their thoughts and comments with Staff by next week regarding the nonprofit use for Carter Hall for organization purposes. Commissioner Staelin offered various country inn examples such as if an entire family could rent the entire facility, if they could throw an outside party, etc. Mr. Camp said they are applying for a special use permit as a country inn when asked by Commissioner Glover for clarification and he said that as per county’s regulations, events are allowed as an accessory use to country inns. Commissioner Staelin asked if the nonprofit use is limited or grandfathered to 149 people. Mr. Camp responded that in a situation where they are renting out a space as an event venue it would require a special use permit and is not covered under the zoning approval. He said they would be permitted to hold an event function as part of the nonprofit. Chair Ohrstrom said it would

be difficult to define but he recommends the Commission think about separating events into their own special use permit rather than making them an accessory use. Commissioner Glover asked if there is documentation that clearly defines the grandfathered use of Project Hope to which Chair Ohrstrom replied there is a zoning determination letter. Mr. Camp said they were issued a permit or continuation of a non-conforming use as a benevolent nonprofit organization in addition to the zoning determination letter which defines what they cannot do but noted it does not get into specific details. Mr. Stidham said the special use permit can supersede what they are grandfathered for if the uses intermingle and that if they did nothing the grandfathered use would still allow them to have their conferences and trainings throughout the property. He said that information can be found within the zoning determination letter. He reiterated that if they ask for special use, we can supersede those activities and require certain conditions.

Commissioner Glover asked if a special use permit could have an expiration date. Mr. Stidham responded that we would need to have a very specific reason for placing a time limit and stated the only other time we have done that is for the solar farm facility. He said the other limiting factor of grandfathered cases is that the conferences and trainings have to be associated with the nonprofit entity and that they could be asked to provide a schedule and location.

Mr. Stidham replied that one nonprofit could be operating on the property at a time when asked by Commissioner Catlett who also noted that it seems there are two nonprofits in operation.

Commissioner Lee asked if the total number of conferences on the property could be limited to which Mr. Stidham replied it could not be as it is grandfathered.

There was a discussion between Vice Chair Buckley and Commissioners Glover and Lee regarding how the surrounding counties also contribute to the traffic issues within Clarke County.

MINOR SUBDIVISION APPLICATIONS

4. MS-23-02, 624 Old Waterloo Road LLC.

Mr. Camp presented the Staff report on the 624 Old Waterloo Road, LLC minor subdivision application. He said Staff recommends approval with no conditions. The Commission had no questions or comments.

The Commission voted unanimously to approve **MS-23-02, 624 Old Waterloo Road, LLC** as presented by Staff.

Motion to approve <u>MS-23-02, 624 Old Waterloo Road, LLC</u> as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	AYE
Hunt	AYE		

5. MS-23-04, Donald & Dianna DeWitt.

Mr. Camp presented the Staff report on Donald and Dianna DeWitt’s minor subdivision application. He said Staff recommends conditional approval pending Virginia Department of Transportation (VDOT) approval in addition to the Planning Commission’s conditional approval policy with the expectation that it is reasonable to expect it to be resolved within twenty-one days. Chair Ohrstrom asked what would happen should VDOT not approve it to which Mr. Camp replied that it would be pending but that he does not expect it to be disapproved. Mr. Stidham said it would be brought back to the Commission for reconsideration. The Commission had no further questions or comments.

The Commission voted unanimously for the conditional approval of **MS-23-04, Donald & Dianna DeWitt** with such condition for approval being verification from VDOT that the new plat conforms with their requirements.

Motion for conditional approval of <u>MS-23-04, Donald & Dianna DeWitt</u> as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE (moved)	Kreider	AYE
Bass	AYE	Lee	AYE
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

Board and Committee Reports

6. Board and Committee Reports

Board of Supervisors (Terri Catlett)

Commissioner Catlett said the board continues to work on the budget and mentioned they had a presentation by All Points Broadband at their last meeting.

Board of Septic & Well Appeals (George L. Ohrstrom, II)

Chair Ohrstrom said nothing currently pending.

Board of Zoning Appeals - BZA (Jeremy Camp)

Mr. Camp said the BZA had an organizational meeting and reappointed Mr. Means as Chair and voted Mr. Brumback as Vice Chair. He also mentioned they may have a variance application coming up soon.

Historic Preservation Commission – HPC (Bob Glover)

Commissioner Glover said they plan to meet this month but there have been no changes since the last Planning Commission other than Ms. Kalbian’s book is to be released. He also noted the Historical Preservation Awards are being discussed.

Chair Ohrstrom asked about the White Post case to which Mr. Stidham said Mr. Mitchell filed a motion the week prior to show cause. He said the judge will then set a court date which will order the property owners to come forward to explain why they have yet to comply with the court order. He added that once a court date is set, the property owner will be served.

Conservation Easement Authority - CEA (George L. Ohrstrom, II)

Chair Ohrstrom said the CEA will have a meeting next Friday and noted they lost their staff support and noted the position is still vacant.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham said the electric service providers plan to spend the next year constructing the middle mile. He said a lot of the electrical providers were establishing their own fiber networks for their systems as he thinks they mainly use radio and small satellite dishes to convey the information about the network. He said it is not nearly as reliable as a hardwired connection.

OTHER BUSINESS

7. Projected Upcoming Agenda Items, March – August 2023

Mr. Stidham said he will be in touch with the Policy and Transportation Committee to schedule another meeting in the next few weeks. He said the April Planning Commission meeting will include the continued Carter Hall public hearing and possibly two special use permits that have been on deferral. He said he listed an inoperable vehicle fines text amendment to the work session agenda after he had a conversation with Anne Williams who was concerned with the current Ordinance verbiage. He said spoke with Mr. Mitchell regarding those concerns but it is not yet clear as to whether or not the committee will need to do a text amendment.

Mr. Stidham said the review of the Rural Lands Plan development will start in the summer when asked by Chair Ohrstrom. He said they will determine whether or not to incorporate the Village plans into the Comprehensive Plan or to go to the original idea of having the Village Plan separate. And, he said, if the committee decides to do them separate which one they prefer to do first – the Village Plan or the Rural Lands Plan.

ADJOURN:

The Commission unanimously voted to adjourn the March 3, 2023 Planning Commission Business Meeting at 10:34AM.

George L. Ohrstrom, II (Chair)

Kristina Maddox (Clerk)

SPECIAL USE PERMIT & SITE DEVELOPMENT PLAN (SUP-22-02 / SP-22-03)

April 7, 2023 Planning Commission Business Meeting – *continued Public Hearing*

UPDATED STAFF REPORT– Department of Planning

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this land use request. It may be useful to members of the general public interested in this request.

Case Summary

Applicant:

Pennoni Associates Inc

Property Owner:

Carter Hall Estate, LLC

Location:

The site is located on Tax Map #30-A-15 and consists of 86.4 acres zoned Agricultural-Open Space-Conservation (AOC) District. The property includes several existing buildings addressed off of Carter Hall Lane. Carter Hall Lane is located off of Bishop Meade Rd. (Route 255), approximately 983 feet northeast of the intersection of Bishop Meade Rd. and Millwood Rd. (Route 723). The property is zoned AOC District, and is within the Millwood Election District.

Request:

Two land use applications were submitted by the Applicant for Carter Hall Estate, LLC. This includes a Special Use Permit and Site Development Plan for a country inn pursuant to Section 5.2C (Business Uses – Country Inn) of the Zoning Ordinance. The original application includes a site development plan showing facilities proposed to accommodate events at the country inn. Additional details and analysis were provided in previous Staff Reports.

During the March 3, 2023 Planning Commission meeting, the application was deferred by the Planning Commission until April 7th at the request of the Applicant. This deferral included continuation of the public hearing. The applicant stated that the purpose of the deferral was to make changes to the application, including the removal of events and new facilities from the special use permit and site development plan applications. The Applicant stated in their request that they anticipated to submit a revised application by March 17, 2023, and would be working with review agencies to obtain their approval of the changes.

Update for April 7, 2023 Public Hearing:

As of the date this Staff Report was written, a revised site development plan has not been received from the Applicant. Staff has communicated with the Applicant on several occasions since the previous meeting and it is evident that they are diligently working to complete the changes and review process with outside review agencies. On March 27, 2023, the Applicant requested deferral until the May Planning Commission Business Meeting because additional time is needed, particularly in regards to review by the Virginia Department of Environmental Quality (DEQ). The Applicant's deferral request letters from last month and this month are attached as information. Also attached are new citizen comments received at, or since, the April meeting.

Staff Recommendation:

A public hearing is scheduled for the April 7th Planning Commission Business Meeting. Staff recommends that the Planning Commission accept the Applicant's request and defer the subject applications until the May Planning Commission Business Meeting. Continuation of the public hearing is also recommended.

History:

June 2, 2022	Pre-application meeting.
July 1, 2022	Original application submission – incomplete.
July 19, 2022	Review comments from the County’s historic consultant.
August 3, 2022	Application fees paid – complete application.
August 8, 2022	Review Comment Letter #1. – including Zoning Determination Letter, dated 10/29/2021 Hurt & Proffitt review comments (1). VDH review comment letter.
August 15, 2022	Plans Review Committee.
August 26, 2022	Resistivity test approval.
September 15, 2022	Applicant’s response letter to Review Comment Letter #1.
September 16, 2022	2 nd Submittal.
October 25, 2022	Review Comment Letter #2.
October 31, 2022	Hurt & Proffitt review comments (2).
November 4, 2022	Applicant’s response letter to Review Comment Letter #2. Applicant’s response letter to Hurt & Proffitt’s October 31, 2022 comments. Applicant’s response letter to VDOT.
November 8, 2022	3 rd Submittal.
November 16, 2022	Hurt & Proffitt review comments (3).
November 21, 2022	Plans Review Committee.
December 8, 2022	VDOT approval letter.
December 14, 2022	DEQ review comment letter (September 15 – December 14, 2022).
December 27, 2022	4 th Submittal. Applicant’s response letter to Hurt & Proffitt’s November 16, 2022 comments.
January 3, 2023	Scheduled Planning Commission Work Session.
January 6, 2023	Scheduled Planning Commission Business Meeting (set public hearing).
January 11, 2023	Planning Commission site visit #1
January 13, 2023	Planning Commission site visits #2-#4
January 19, 2023	Planning Commission site visit #5
January 24, 2023	Correspondence received by the Applicant to the Planning Commission – Responses to Planning Commission Comments from January business meeting.
January 25, 2023	Correspondence received by the Applicant to the Planning Commission – Carter Hall Noise Survey.
January 26, 2023	Building Official response received to Planning Commission questions.
January 31, 2023	Planning Commission Work Session
February 3, 2023	Planning Commission Business Meeting (public hearing)
February 6, 2023	Applicant met with Staff to discuss comments received at public hearing.
February 16, 2023	Applicant submitted new information described above and attached.
February 22, 2023	New comments from the public received after the public hearing compiled.
February 28, 2023	Scheduled Planning Commission Work Session.
March 3, 2023	Scheduled Planning Commission Business Meeting (continued public hearing).
March 6, 2023	Meeting with Applicant regarding the proposed changes and review related questions that need to be addressed in the future resubmittal.
March 16, 2023	Scoping meeting with Hurt & Proffitt regarding proposed changes to the site development plan.
March 23, 2023	VDOT approval of the draft changes to the site development plan.
March 27, 2023	Deferral request received from Applicant.

Zimbra

jcamp@clarkecounty.gov

April PC deferral

From : David Frank <DFrank@Pennoni.com> Mon, Mar 27, 2023 01:38 PM
Subject : April PC deferral 📎 1 attachment
To : Jeremy Camp <jcamp@clarkecounty.gov>
Cc : Langdon Greenhalgh
 <langdon.greenhalgh@globalemergencygroup.com>

Jeremy –

Per our call and series of recent conversations, please accept this message as confirmation that we are still waiting on a few agency reviews of the revised Site plan. I will forward VDOT’s confirmation that the previous plan approval also applies to the revised Site Plan. I will forward responses from DEQ and the Erosion Control review as soon as I receive them. Please extend our deferral to the May Planning commission meeting. We are expecting to have comments in hand by the remaining agencies by the cutoff date in April. Please do not hesitate to call me if you have any questions.

David

David Frank, PLA
 Office Director

Pennoni
 117 East Piccadilly Street | Winchester, VA 22601
Direct: +1 (540) 771-2087
www.pennoni.com | DFrank@Pennoni.com



[Don't just work. Make an impact](#)

March 1, 2023

Mr. Jeremy Camp,
Clarke County Zoning Administrator
Department of Planning
101 Chalmers Court, Suite B033 Locust Street
Berryville, Virginia 22611

**RE: Carter Hall Country Inn
Special Use and Site Development Plan Application**

Dear Mr. Camp:

Per our conversation with staff yesterday, and the discussion at the Planning Commission Work Session in the afternoon, please accept this letter as a formal request for temporarily deferring action on the Carter Hall Estate applications. We are currently scheduled for a Planning Commission Public Hearing on this Friday, March 3, 2023 and have elected to make a significant change to the application. We will resubmit the revised plan change and agency comments back to your office when completed. We anticipate this submission to be made on March 17, 2023 and in time for the next Planning Commission meeting in April. We request that at that time we be placed on the Planning Commission agenda (Friday April 7, 2023). Please feel free to contact me if you have any questions or need any additional information.

Sincerely,
PENNONI ASSOCIATES INC.



David L. Frank, PLA
Office Director

Cc: Carter Hall Estate, LLC

Zimbra

bstidham@clarkecounty.gov

Carter Hall Estates

From : Charles Snead <charles.sneadco@gmail.com>

Mon, Mar 06, 2023 12:14 PM

Subject : Carter Hall Estates

 1 attachment

To : bstidham@clarkecounty.gov, John Staelin
<jstaelin@earthlink.net>, Terri Catlett
<ttrimbledvm@yahoo.com>

Please distribute to the Planning Commission.

Thanks

Charles Snead

540 539-5890

 **Clarke County Planning Commission March 5 2023.docx**

20 KB

Clarke County Planning Committee

Some Observations about Carter Hall Estates Proposals

- A) Not one of the principles has any demonstrated experience, expertise or history in the hospitality business, a notoriously hard business to operate and far harder to get right. (Attached are excerpts from meeting minutes with CCSA and the Locke Store operated by two of the principles) Most of these hospitality operations that do succeed are owner/operators with a passion to do a good thing. That sort of passion, eye for detail, the drive is very difficult to hire.
- B) We have been told and rather forcibly, Carter Hall Estates does not have the money to operate a Country Inn without the cash from events, and by the look of the previous submittal square foot to person totals, large events. Bringing Carter Hall up to code for a Country Inn and all that is required is going to be in the multiple millions even for "B" grade. So, what changed on this point of not being able to afford the Country Inn without events?
- C) We were also told that Carter Hall Estates will sell the property unless they are not interfered with by restrictions from the "government". The "government" bit I found odd given in this case, it is their neighbors that interfered with the planned event center. So, are we to expect a sale?
- D) The part of providing employment to the area is somewhat laughable. If there is a person in Clarke County that does not already have a job, they either do not want a job or they are not employable. Anybody that runs a small business or farm and has looked for help, knows this. Finding help to do anything is next to impossible.
- E) Much has been made of the former Hope Center traffic in and out of Carter Hall and the proposed traffic and a comparison of the two. The former people that came to the Hope Center were on a sober mission. They were here looking to secure hospital services for their underserved areas from all over the world or here for other activities related to that service. They were not on holiday.
- F) The people of Clarke County, the Planning Commission and the Board of Supervisors deserve the consideration of having a full proposal in a timely manner and an adequate amount of time to assess the proposal. The decisions made here will have long term effects on the neighborhood if any of this is granted and there is no benefit to any of the fore mentioned to push this through quickly as seems to be the wishes of Carter Hall Estates.
- G) The three DURs are not free floating. If a Country Inn is approved they will go to that. If this is to go back to a residential dwelling they will of course go to the main house and perhaps to the then tenant houses.

- H) Carter Hall can of course go back to a residential dwelling. Certainly, a good many of my neighbors and my personal preference. There is no requirement this must be a business model of any type.
- I) I personally, in a weeks' time, with an excavator, track loader, a few loads of shale and topsoil, could push the entire Hope Center Office Building into the ground and have it covered and seeded. Run horses over the resulting field. That building has served its purpose.
- J) A great many people have put their property into Conservation Easement only because they wanted to do so and they did it quietly, it was not part of any sort of concession, and they were not looking to gain anything by it. They just thought it was the right thing to do.
- K) I have been told by Planning, at any time, the owners of Carter Hall can ask for special events. This current proposal cannot exclude that future request. That would be tying the hands of future Boards. There have been promises about not having special events. It is conceivable this group may wait out the current objections and try implementing events in the future. I would say this is a grey area that needs a good bit of sunlight. The petitioner has thoughtfully removed, at this point, the event part of their proposal with exceptions for local functions. That is a positive step for this sensitive site.
- L) This will not be the last fight to keep event style business models out of this county. There is enormous pressure for Clarke County to conform to the standards of our neighboring counties. What we have here is beyond special and well worth defending.

Given all the above, it is my personal assessment that this property could be sold and may already have a buyer waiting to see what the county is going to give Carter Hall Estates to finalize their deal. This may be where the money is. I of course could be wrong, but this possibility cannot be dismissed. I would hope any considerations given to Carter Hall Estates be tempered with the knowledge that in time, if not sooner, we may well be dealing with a different set of owners. Not a bad thing if they would like to make their home there. Maybe not so good if extracting money at their neighbors' expense is the focus.

Others and I would embrace the Country Inn part of this. My wife and I have visited a good many in Virginia. Some excellent and some not so good. The Carter Hall property has lot to offer for this use. More than most. However, I am a long way from believing this group has the expertise to pull this off on this sensitive site. The following is partly governing my reasoning. The involvement of Pennoni is another. They have knack for calling something one thing when it is obviously something else.

These are excerpts from CCSA meeting minutes involving their attempts to keep grease out of their sewer system. Something so basic to restaurant operations as to ask the question "why". The Emma's are the only ones that have any experience with the hospitality business of the Carter Hall Estates principals, and they cannot even get this right. The following may also speak to the other members of Carter Hall Estates' vetting prowess as well. The following does not look good on any level.

From Aug 25 CCSA meeting minutes

"The Rules and Regulations of the Clarke County Sanitary Authority permit us to discontinue service for; Willful and indifferent actions that introduce foreign material into the sewer system. Failure to protect

and maintain the service piping, fixtures, or drainage system on the prop of the customer in condition that satisfactory to the Authority. While shutting off service to any business or household should be our last resort, we have to protect the integrity of the entire system. Efforts to correct this issue have been slow and have not yield the results we require. We cannot continue to place risk on entire system. Mr. Bauhan spoke next; reiterate what Mr. DeArment commented on, this is an unmitigated environmental disaster that is not just affecting Locke Store, but Millwood, and our entire system. This started back in late 2020; we worked diligently with Locke Store with extreme patience to seek mitigation and resolution to this. Mr. Bauhan questioned how you could produce by-products like this continuously for over a year that enter our system and threaten the community. It is unfathomable to him that an organization has full knowledge of this and does not attend to meetings, respond in a meaningful way to correspondence, or work to resolve the issue.”

From Oct 25, 2022 CCSA meeting minutes

“A motion was made that fines be viewed as a monthly basis for the interim, subject to change at the board’s discretion. The current two fines represent the months of September and October. The fines are \$8,000 for September 2022 and \$16,000 for October 2022. This totals \$24,000 in outstanding penalties. In addition to the fine structure, effective October 18, 2022 the Clarke County Sanitary Authority issues a cease and desist on water and sewer service at the property of 2049 Millwood Road, Millwood, VA 22646”

From Nov 15 2022 CCSA meeting minutes

“Ms. Meredith recapped and noted that Hurt & Proffitt reviewed the plans with some minor changes. Planning signed off on the permit Thursday afternoon. Friday afternoon, we received the grease sample from November 3, 2022. It reported 292 mg/L for grease results. The service was terminated on Saturday and the fine will be applied to this current billing cycle.”

From Dec. 20 2022 CCSA meetings minutes

“V. OLD BUSINESS A. Locke Store Ms. Meredith reviewed the grease results which are below the limit of 100 mg/L. This information was relayed to Mr. Emma and he noted they are still cleaning the wet well to remove any residual grease left over. The payment plan is still ongoing. The Treasurer’s office notified me that there were two issues for returned checks. Ms. Meredith did not know if the board wished to place a lien on the property given the issues as well as the outstanding balance. Ms. Meredith noted we have done this on a case by case bases with other customers with issues not related to disconnect. Mr. Armbrust asked what the balance was currently and Ms. Meredith replied around \$40,000. She noted that as of today, December’s payment plan amount had not been paid. Mr. Emma replied that it was sent in. Mr. DeArment inquired if the two returned checks mentioned are the two the board was already aware of and not new. Ms. Meredith noted they were. Mr. Emma elaborated that a check was written the same day as a deposit that was made. Mr. Armbrust inquired about the current plan arrangement. Ms. Meredith noted that prior to the \$32,000 fine; it was a repayment of \$8,000 per month for three months of the \$24,000 fine. Ms. Meredith noted it was the board’s discretion to change the amount of the payment plan from what it currently is. Mr. Bauhan asked how simple it was to apply or remove the lien. Ms. Meredith noted it was a simple process. The board discussed further, a motion was made to place a lien on the property until the fines, and penalties were paid, at which time the lien would be removed.”

Carter Hall

Public hearing statement, Clarke County Planning Commission 3/3/2023 Carter Hall

My name is Marty Mayfield.

My wife Mimi and I live across the street from Carter Hall, at 905 Bishop Meade Road, where I have lived for 52 years. We have raised our family here, and I hope that our son will one day live here with his family.

I am in support of the Carter Hall Owners' recent proposal to open a Country Inn business with 15 rooms.

I find this proposal to be reasonable, modest, and a responsible and positive use of this property.

I believe that this proposal for Carter Hall will likely maintain the beauty and serenity of the grounds.

We appreciate the owners' intention to place a portion of the property into a conservation easement that will protect the spring.

We also appreciate the owners' intention to engage with the community, to study and preserve Millwood history, to encourage community use of the property, and to renovate, protect and beautify the grounds and trees.

I also hope that this proposal will result in needed employment opportunities for local people.

We know and respect the new Carter Hall owners and appreciate their Clarke County roots and their commitment to listen and respond to our concerns. They have demonstrated this in the modifications they have made to the original plans.

The village of Millwood is not just a beautiful place. It is also a lively, diverse community of people who live and work here.

I believe we will listen to each other and find ways to accommodate our diverse needs.

And I believe that the Carter Hall leadership group can make it happen.

Zimbra

jcamp@clarkecounty.gov

Fwd: Public hearing statement, Clarke County Planning Commission 3/3/2023 Carter Hall

From : Brandon Stidham <bstidham@clarkecounty.gov> Fri, Mar 03, 2023 11:38 AM
Subject : Fwd: Public hearing statement, Clarke County Planning Commission 3/3/2023 Carter Hall
To : Jeremy Camp <jcamp@clarkecounty.gov>

----- Forwarded Message -----

From: "M Mayfield" <woodbine905@gmail.com>
To: "Brandon Stidham" <bstidham@clarkecounty.gov>
Sent: Thursday, March 2, 2023 9:22:20 PM
Subject: Public hearing statement, Clarke County Planning Commission 3/3/2023 Carter Hall

Dear Mr. Stidham.

Public hearing statement, Clarke County Planning Commission 3/3/2023 Carter Hall

My name is Marty Mayfield.

My wife Mimi and I live across the street from Carter Hall, at 905 Bishop Meade Road, where I have lived for 52 years. We have raised our family here, and I hope that our son will one day live here with his family.

I am in support of the Carter Hall Owners' recent proposal to open a Country Inn business with 15 rooms (which will now not include events related to the Country Inn accessory use).

I find this Carter Hall proposal to be reasonable, modest, and a responsible and positive use of this property.

I believe that this proposal for Carter Hall will likely maintain the beauty and serenity of the grounds. The owners are already providing our community with new opportunities for recreational use.

I also hope that this proposal will result in needed employment opportunities for local people.

We know and respect the Carter Hall team, and have spoken at length with Langdon and Natalie Greenhalgh.

We appreciate their Clarke County roots and commitment to this county, their integrity and work ethic, their attention to detail, sense of style, and

appreciation of history.

It is my expectation that this property will be developed in a manner that is consistent with the planning commission's long held goals of keeping Clarke County a beautiful and peacefully rural place to be.

We appreciate the owners' intention to place the property into a conservation easement that will protect the spring on this property.

We appreciate the owners' intention to engage with the community, to study and preserve Millwood history, to encourage community use of the property, and to renovate and beautify the grounds and trees.

The village of Millwood, unique and delightful, has been a wonderful place to raise a family and enjoy the serenity of Clarke County's natural beauty, and I anticipate that the addition of this project will not in any significant way interfere with our enjoyment of our village lifestyle.

I believe that it is likely to have less of an impact on traffic and noise than Project Hope had in the past, and less impact than many other types of development I can think of.

I feel that acceptance of this proposal reduces the likelihood of this beautiful property being developed into something that actually does have a negative impact on the community.

Thank you for the opportunity to speak on this matter.

Martin R. Mayfield
Mimi F. Mayfield

905 Bishop Meade Rd, Millwood
Woodbine905@gmail.com

--

Brandon Stidham
Director of Planning
Clarke County
101 Chalmers Court, Suite B
Berryville, VA 22611
(540) 955-5130

Zimbra

jcamp@clarkecounty.gov

Fwd: Questions to be considered before the Carter Hall meeting...

From : Brandon Stidham <bstidham@clarkecounty.gov> Fri, Mar 03, 2023 11:40 AM
Subject : Fwd: Questions to be considered before the Carter Hall meeting...
To : Jeremy Camp <jcamp@clarkecounty.gov>

From: "Tammi Collins" <mrstammcollins98@gmail.com>
To: "Brandon Stidham" <bstidham@clarkecounty.gov>
Sent: Thursday, March 2, 2023 5:03:32 PM
Subject: Questions to be considered before the Carter Hall meeting...

Hello!

I have provided some concerns, along with some information that you and your board may or not be aware of.

I feel strongly that these matters should be taken into consideration before granting permits of any kind.

- 1) Does the land perk for as many bathrooms as they have?
- 2) Are they installing the necessary fire sprinklers, fire plans and extinguishers? No public facility is allowed to not have necessary fire precautions especially over night accommodations.
- 3) Given the age and historical precedents of CH. Why are not historically important guidelines a part of this zoning?
- 4) Do the developers have any experience with historical properties?
- 5) Noise, light and traffic will not be limited with this rezoning. Carter Hall was already in breach of the agricultural zoning.
- 6) If the developers are allowed a rezoning to commercial use medical and emergency access and procedures will also be required.
- 7) The contract to purchase CH was not subject to rezoning. The purchasers stated that CH would go back on the market if they failed to get the property rezoned. Apparently, they are quite confident of the Byrd family influence. Clarke County zoning has always made mistakes when it is partial to Clarke County power brokers.
- 8) The history of CH needs to be honored not just for Clarke County but also for the State and Country. There is a US Navy ship named the Cater Hall. The first Governor of Virginia, Governor Randolph was killed there. George Washington's troops camped there. Jackson had his headquarters there. The architect for the front was the same for the Capital Building. The highest and best use for CH is not as a inn or as a corrupt charity that it was with Project Hope!
- 8) All the pipes are corroded with large deposits of lime. They all need replacement.
- 9) Carter Hall has the largest flying staircase on the east coast. Also, the spring has the largest volume of gallons per minute of fresh water. This is a valuable asset that should not be diminished by an inn.

Thank you for your time and consideration in the historical matter.

Respectfully,
Mrs. Tammi Collins

[540.431.7237 Call or Text

[mrstammicollins98@gmail.com

--

Brandon Stidham
Director of Planning
Clarke County
101 Chalmers Court, Suite B
Berryville, VA 22611
(540) 955-5130

**PROJECTED UPCOMING AGENDA ITEMS, APRIL -- SEPTEMBER 2023
(4/7/2023 Business Meeting)**

APRIL

COMMITTEE MEETINGS

Ordinances Committee (TBD mid-April):

- Maximum lot size exception regulations text amendment (initial discussion)
- Farm winery/farm brewery/farm distillery regulations text amendment (initial discussion)

Policy and Transportation Committee (TBD late-April):

- Transportation Plan Update (continued discussion)

Plans Review Committee (TBD)

- SUP-22-01/SP-22-02, Horus Virginia I, LLC/Bellringer Farm, LLC (TBD)

MAY

MAY 2 WORK SESSION

- TA-23-01, Campground regulations (continued discussion)

MAY 5 BUSINESS MEETING

Continued Public Hearing:

- SUP-22-02/SP-22-03, Carter Hall Estate, LLC

Schedule Public Hearing:

- TA-23-01, Campground regulations
- SUP-22-01/SP-22-02, Horus Virginia I, LLC/Bellringer Farm, LLC (TBD)
- SUP-23-01/SP-23-01, Blake & Tamara Bullard (TBD)

Minor Subdivision Application:

- MS-23-05, Nathan Markee

COMMITTEE MEETINGS

Policy and Transportation Committee

- Transportation Plan Update (continued discussion)

Comprehensive Plan Committee

- Historic Resources Plan five-year review resolution

- Water Resources Plan five-year review resolution
- Waterloo Area Plan Update (initial discussion)
- Rural Lands Plan Update

Ordinances Committee:

- Finish maximum lot size exception regulations text amendment
- Finish farm winery/farm brewery/farm distillery regulations text amendment

JUNE

MAY 30 WORK SESSION

- Maximum lot size exception regulations text amendment (initial discussion)
- Farm winery/farm brewery/farm distillery regulations text amendment (initial discussion)
- Historic Resources Plan five-year review resolution
- Water Resources Plan five-year review resolution

JUNE 2 BUSINESS MEETING

Public Hearings:

- TA-23-01, Campground regulations
- SUP-22-01/SP-22-02, Horus Virginia I, LLC/Bellringer Farm, LLC (TBD)
- SUP-23-01/SP-23-01, Blake & Tamara Bullard (TBD)

Schedule Public Hearings:

- Maximum lot size exception regulations text amendment
- Farm winery/farm brewery/farm distillery regulations text amendment

Other Action Items:

- Historic Resources Plan five-year review resolution
- Water Resources Plan five-year review resolution

COMMITTEE MEETINGS

Policy and Transportation Committee

- Finish Transportation Plan Update

Comprehensive Plan Committee:

- Waterloo Area Plan Update (continued discussion)
- Rural Lands Plan development (initial discussion)

JULY

JULY 5 (WEDNESDAY) WORK SESSION

- Transportation Plan Update (initial discussion)

JULY 7 BUSINESS MEETING

Public Hearings:

- Maximum lot size exception regulations text amendment
- Farm winery/farm brewery/farm distillery regulations text amendment

COMMITTEE MEETINGS

Comprehensive Plan Committee:

- Waterloo Area Plan Update (continued discussion)
- Rural Lands Plan development (continued discussion)

AUGUST

NOTE -- No Commission Work Session or Business Meeting in August

COMMITTEE MEETINGS

- **Comprehensive Plan Committee:**
 - Waterloo Area Plan Update (continued discussion)
 - Rural Lands Plan development (continued discussion)

SEPTEMBER

AUGUST 29 WORK SESSION

- Finish Transportation Plan Update

SEPTEMBER 1 BUSINESS MEETING

Schedule Public Hearing:

- Transportation Plan Update