



Clarke County Planning Commission

MINUTES – Work Session

Tuesday, April 4, 2023 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

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

^L – Denotes late arrival

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

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

CALL TO ORDER: By Mr. Stidham at 3:04PM.

1. Approval of Agenda

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

2. Review of April 7 Business Meeting Agenda Items

Mr. Stidham noted one correction to the February 28 Work Session minutes. On page 23 of 48, last line, the word “remaining” should be added between “had” and “to” in order for the sentence to make sense.

Mr. Camp provided an update on SUP-22-02/SP-22-03, Carter Hall Estate, LLC. He said that this application was deferred by the Commission at the March meeting and the public hearing was continued to the April Business Meeting. He stated that the applicant has requested a one month deferral to the May meeting as they experienced delays in receiving comments from the review agencies on their proposed changes. He said that they are primarily waiting on the Virginia Department of Environmental Quality (DEQ) to provide comments on the stormwater management plan. He added that Staff has not received an updated site plan as the applicants are waiting to re-submit once they have received all agency comments on their proposed changes. He noted that Staff will need time to review and provide comments on the revisions once they are provided. He also said that Staff recommends that the Commission accept the applicant’s request for a one month deferral to the May 5 Business Meeting. He also noted that if any members of the public are present on Friday for the continued public hearing, they should be allowed to speak and that Staff recommends the public hearing be continued again to the May meeting. Members had no questions regarding this agenda item.

Mr. Stidham reviewed the remainder of the Business Meeting agenda items. Chair Ohrstrom entered the meeting at 3:08PM.

3. Old Business

None scheduled.

4. New Business

A. Discussion, Campground Regulations Text Amendment (TA-23-01)

Mr. Stidham reviewed the staff report for this proposed text amendment, noting that the Commission last fall identified a need to evaluate the campground regulations and later assigned this work to the Policy & Transportation Committee.

Regarding a private camping situation in which the property owner allows a group to camp on their property, Commissioner Staelin asked if the property owner is required to be present on the property during the camping activity. Mr. Stidham replied that such a requirement was not included in the draft text amendment. He added that group camping would be limited by the duration requirements and by the prohibition on the construction of permanent amenities.

Commissioner Glover entered the meeting at 3:26PM.

Chair Ohrstrom asked whether Virginia Department of Health (VDH) temporary campground permits are required for leased lot camping. Mr. Stidham replied that VDH staff said that there are some camping activities along the river that have three or more campsites and should have temporary campground permits. He added that VDH staff primarily issues permits for camping at temporary events such as camping at the Ruritan Fairground events and multi-day music festivals such as Pasture Pooza.

Regarding leased lot camping, Commissioner Staelin said that he thinks there would be more complaints about camping activities during the day instead of the evening. He asked if lessees can use a lot for daytime activities only and not count against the limit of camping days, then how would Staff handle enforcement of the camping limitation rules. Mr. Stidham replied that Staff primarily receives complaints about noise at night and complaints about illegal river accesses being constructed. He said that daytime use of a leased lot for recreational purposes does not fall under the camping regulations but if they have tents and RVs set up on the lot, overnight camping is likely taking place.

Mr. Stidham concluded his presentation by stating that this item is not on the agenda to schedule public hearing this month. He said since this is a complex issue, commissioners should take the month to study the text amendment and generate questions for discussion in May. Chair Ohrstrom said that he attended the committee meetings on this text amendment and agreed that it is a very complicated issue. Mr. Camp said that Staff initially tried to define all of the different potential types of campgrounds but it was too confusing, and Chair Ohrstrom added that this is the third iteration of the text amendment.

Vice-Chair Buckley asked whether members of the public attended the committee meetings. Mr. Stidham replied that the applicants with the pending campground special use permit application attended the first meeting. He added that they did not speak during the meeting but did talk with some committee members afterwards. Vice-Chair Buckley asked if they provided any feedback on the text

amendment. Mr. Stidham said no and added that they filed their application so they would fall under the current rules.

Chair Ohrstrom asked for other thoughts and comments on the draft. Commissioner Kreider said that the draft is close to where we want it to be. Commissioner Catlett said that tents and RVs are mentioned in some places but not others. Mr. Stidham said that use regulation 2 lists the types of structures and vehicles that can be used for camping. He also said that he could add this to the definition of camping but he did not think that it would condense the use regulations. Mr. Camp noted that this might be redundant.

Chair Ohrstrom asked if the text amendment would prevent property owners from allowing guests to plug their RVs into house utilities. Vice-Chair Buckley said that theoretically it would stop them. Chair Ohrstrom asked if this is something we want get involved with regulating. Vice-Chair Buckley replied that this gives the regulations teeth when you have someone that has been staying in a parked RV for six months. Chair Ohrstrom noted that we developed these regulations with the intent of prohibiting new commercial campgrounds. Mr. Stidham added that VDH regulations would prevent RVs from being temporarily connected to a dwelling's septic system cleanout and building code requirements would likely prohibit connecting an RV to a dwelling's electric system with an extension cord. Commissioner Lee asked if this would be enforced on a complaint basis and Mr. Stidham replied yes. Vice-Chair Buckley said in practice there would likely not be complaints for an RV parked at a dwelling for a week but there would be complaints if it was there for three months. Mr. Camp also noted that zoning violations require a 30 day notice to property owners either to cure the violation or to file an appeal. Mr. Stidham said that currently these situations require a three-pronged enforcement approach with involvement by VDH and Building Department staff. Under the proposed regulations, Planning Department staff would be able to initiate an enforcement action without relying on participation by the other departments.

Mr. Stidham asked the Commission if anyone has concerns with prohibiting new commercial campgrounds and no commissioners had concerns. Chair Ohrstrom asked if Mountain Lake Campground would be affected by the new regulations. Mr. Stidham said that if they are still operating and maintain a business license in good standing, they would likely be considered nonconforming. Chair Ohrstrom asked if any of the existing campgrounds would be impacted by the text amendment. Mr. Stidham said that there would be limitations on expansion per the rules for nonconforming uses.

Commissioner Lee asked about outdoor camping at Bear's Den. Mr. Stidham said he thought that this is Federal property. Commissioner Glover asked about the property where the hostel is located and Mr. Stidham replied that he was not sure about the ownership. Commissioner Staelin said that if you wanted to create an exemption for camping in this area in addition to Federal properties, you could also include Appalachian Trail properties. Mr. Stidham said that for non-Federal properties, it would almost be considered private camping because the property owners are not collecting a fee. Commissioner Staelin said he is not sure that this is the case. Mr. Camp noted that there are websites similar to AirBNB such as Hipcamp that allow people to pay a fee to camp on properties. Mr. Stidham said that there are only two listings on the Hipcamp site and one is the applicant for the campground special use permit.

Commissioner Glover noted that river lot camping peaked during the pandemic as evidenced by increased parking along roads, and he added that this has gone down quite a bit recently. Mr. Stidham reiterated that most of the complaints are noise related or complaints about illegal river accesses.

Mr. Stidham said he will add this as a continued discussion item for the May Work Session with the goal of scheduling public hearing at the Business Meeting.

Chair Ohrstrom apologized for arriving late and asked if the Carter Hall representatives had any comments. Mr. Camp said that he provided an overview of the staff report and there were no comments from the applicant. Chair Ohrstrom asked about resolution on the LLC situation and Mr. Camp said that he is addressing those questions with the applicant.

ADJOURN

The Work Session adjourned by consensus at 3:48PM.



George L. Ohrstrom, II (Chair)



Brandon Stidham (Clerk)