

**CLARKE COUNTY PLANNING COMMISSION  
TABLE OF CONTENTS  
July 5, 2023 Work Session Packet**

<b><u>Item #</u></b>	<b><u>Description</u></b>	<b><u>Pages</u></b>
<b>1</b>	<b>Meeting Agenda – July 5, 2023 Work Session</b>	<b>1</b>
<b>3</b>	<b><u>TA-23-01, Campground Regulations</u></b>	<b>2-11</b>
	-- Staff report	2-7
	-- Comments from Lowell Smith	8-9
	-- Properties along Appalachian Trail (2 maps)	10-11
<b>4</b>	<b>Mid-Year Review, Project Priority List</b>	<b>12-15</b>



# Clarke County Planning Commission

AGENDA – Work Session

Wednesday, July 5, 2023 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Review of July 7 Business Meeting Agenda Items**
  - A. Agenda Review
  - B. Status of Deferred Applications
3. **Old Business**
  - A. TA-23-01, Campground Regulations
4. **New Business**
  - A. Mid-Year Review, Project Priority List

**Adjourn**

**ZONING ORDINANCE TEXT AMENDMENT (TA-23-01)**

**Campground Regulations**

**July 5, 2023 Planning Commission Work Session**

**STAFF REPORT – Department of Planning**

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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.  
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**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 the current uses “campground” and “summer camp” from Section 5.2D (Recreation/Education/Assembly Uses). The purpose is to prohibit new permanent campgrounds including those 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. The regulations would also prohibit temporary or permanent onsite connections for recreation vehicles.

**Requested Action:**

Discuss the issue raised by last month’s public hearing speaker and provide direction to Staff.

**Update:**

The Planning Commission held a public hearing on this proposed text amendment at the June 2, 2023 Business Meeting. In response to speaker Lowell Smith’s comments, the Commission voted to defer discussion of the text amendment to the Commission’s July 5 Work Session and to continue the public hearing to the September 1 Business Meeting. The public hearing was continued to a later meeting in the event that the Commission decides to make changes to the text amendment requiring changes to the public hearing notice.

In his public hearing comments and written handout provided to the Commission, Mr. Smith said that the proposed text amendment should take into account the possible future need for public camping facilities along the Appalachian Trail (AT). He proposes that new camping facilities be allowed, either by-right or by special use permit, on lots that meet the following requirements:

- Such lot must be adjacent to the AT corridor land owned by the National Park Service and be owned by, or if under lease be operated by, an entity/entities that are IRS-qualified charitable 501(C)(3) organizations (possibly in conservation easement)
- The principle mission of such entity/entities shall be the maintenance and protection of the Appalachian National Scenic Trail
- The entity/entities have an established record of serving the public interest in providing access to and maintenance of the AT including its campground operations

Mr. Smith notes that while dispersed camping is allowed on Federal lands, increased usage of the AT and impacts to it in the future could result in prohibition of dispersed camping. Currently,

the only other camping facilities for hikers are a trail shelter on National Park Service property and the Bears Den Trail Center facility which includes the lodge and its existing primitive campground containing two campsites.

A copy of Mr. Smith's written comments is enclosed for your reference.

**Staff Analysis:**

The issue of allowing public camping along the AT was previously discussed during the development of this text amendment. It was noted that in addition to dispersed camping allowed on National Park Service lands, camping and campgrounds in any form would be permitted on any Federal and State-owned lands as they are exempt from local zoning regulation. This theoretically provides substantial land area in which camping may occur without being subject to the County's campground regulations. Staff has included a map from the County's GIS depicting all lots that directly border the AT and whether they are in Federal, State, or private ownership. The vast majority of lands adjoining the AT corridor are in Federal or State ownership. Area totals for these lots are as follows:

- Federal – 2375.36 acres
- State – 1798.86 acres
- Private – 3730.16 acres

The primary goal of the text amendment is to prohibit the development of new permanent campgrounds in the County regardless of how the campgrounds are operated. It is a policy decision for the Commission to create separate rules for new permanent campgrounds along the AT. Staff cautioned previously against creating exemptions in ordinance language for specific groups or organizations as a use should be evaluated based on its scope and potential impacts and not necessarily on the entity that would operate the use. Mr. Smith proposes a permanent campground exemption for certain qualified charitable organizations with the principle mission of maintaining and protecting the AT. This describes the Potomac Appalachian Trail Club which currently operates the Bears Den Trail Center but it is unclear whether it describes any other organizations in the County.

Additionally, Mr. Smith states that his proposal is intended to plan for the future need for camping alternatives along the AT. Since there is currently not a documented need for new camping and there is significant land area where camping can take place outside of the County's zoning regulations, Staff recommends evaluating a text amendment in the future if such a need for camping arises. Any future need for camping would likely be accompanied by a specific proposal for a camping facility that could be used to define the scope of a potential text amendment. Given that no such facility is currently proposed, creating an exemption for AT camping would be speculative.

Should the Commission want to consider allowing AT camping as described, Staff recommends considering the following additional measures to limit its scope:

- Limit to primitive camping with simple shelters and privy facilities, similar to current shelters along the AT.

- Allow access only via the AT corridor with no vehicle parking or access from public roads – this would help limit use of the campgrounds by AT hikers as opposed to outside individuals or groups.
- Require all campground facilities to be located within a limited distance from the AT.

In the event that the text amendment is modified, Staff notes that the public hearing notice will likely need to be amended and re-advertised for the September 1 Business Meeting. Staff recommends providing clear direction on any potential text amendment so that we may develop a draft for your review at the July 7 Business Meeting.

The current proposed text amendment, unchanged from the June 2 Business Meeting, is included at the end of this report for your reference.

**Staff Recommendation:**

Staff recommends that the Planning Commission provide direction on whether to amend the proposed text amendment. Staff has no outstanding concerns with the adoption of this text amendment in its current form.

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**History:**

- |                        |  |
|------------------------|--|
| <b>March 22, 2022.</b> | <b>Policy &amp; Transportation Committee voted 4-0-1 (Dunning absent) to forward the proposed text amendment to the full Commission for consideration.</b>   |
| <b>April 4, 2023.</b>  | <b>Placed on the Commission’s Work Session agenda for initial discussion.</b>  |
| <b>May 2, 2023.</b>    | <b>Placed on the Commission’s Work Session agenda for continued discussion.</b>  |
| <b>May 5, 2023.</b>    | <b>Commission voted 10-0-1 (Lee absent) to initiate consideration of the text amendment and to schedule public hearing for the June 2, 2023 Business Meeting</b>   |
| <b>June 2, 2023.</b>   | <b>Commission voted 8-0-3 (Glover, Ohrstrom, Staelin absent) to defer discussion of the text amendment to the Commission’s July 5 Work Session and to continue the public hearing to the September 1 Business Meeting.</b> |
| <b>July 5, 2023.</b>   | <b>Placed on the Commission’s Work Session agenda for continued discussion.</b>  |

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

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

**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 all camping activities conducted on a lot of record 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.*

<b>CAMPGROUND</b>	
<b>Permitted Use</b>	None
<b>Accessory Use</b>	None
<b>Special Use</b>	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	
<b>Permitted Use</b>	None
<b>Accessory Use</b>	None
<b>Special Use</b>	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](#).~~



**PROPOSAL:**  
**CAMPGROUND AMENDMENT TO ZONING ORDINANCE**  
**SHOULD TAKE INTO ACCOUNT THE SPECIAL NEEDS OF THE**  
**APPALACHIAN NATIONAL SCENIC TRAIL**

**I. Appalachian National Scenic Trail (AT) uniqueness**

1. The AT was first envisioned more than a hundred years ago as a string of communities stretching along the crest of the Appalachian mountains established for the purpose of fostering rural based economies and providing places of rejuvenation for harassed city folk, and such communities were proposed to be connected by a continuous foot path
2. The AT was planned and built by volunteer activists over the following 15 year period, and has been continuously improved, rerouted as necessary, and maintained since then
3. It was the first National Scenic Trail included within the National Trails System Act of 1968
4. The AT is recognized in the Clarke County Comprehensive Plan as a valuable resource, with the implication that our Zoning Ordinance should give special consideration to its protection

**II. AT management structure**

1. AT in Clarke County (CC) is situated on land owned by the National Park Service (NPS)
2. NPS owns parcels of land bordering the AT, creating a corridor through which the AT passes
3. Management and maintenance of AT in CC is coordinated through a complex public/private partnership involving the NPS, Appalachian Trail Conservancy (ATC), Potomac Appalachian Trail Club (PATC), and the County; this is the "Cooperative Management System" (CMS)
4. The CMS recognizes the need to blend national goals with the local situation, along with coordinating the volunteer resources that are required to maintain and protect the AT
5. AT infrastructure support facilities in CC are located on both Federal and private land (e.g., the Bears Den Trail Center is on land owned by the ATC and managed under lease to the PATC)

**III. The AT is special with special needs**

1. The AT serves multiple functions as a popular venue for day hikers; a challenging, nearly 2200 mile long, foot path for "through hikers"; a wildlife migration corridor; a unique ribbon of nearly undeveloped open space along the Appalachian chain of mountains; a local magnet that provides personal peace and relaxation, etc.
2. Through hikers require a place to camp at night
3. Necessary attributes for campground infrastructure include: suitable terrain, availability of shelter sites, potable water supply, food preparation and storage facilities, and toilet facilities
4. This camping need can be met by staying at an AT shelter on corridor land, tent camping near a shelter or a more remote spot on corridor land, or at a private facility nearby the AT

5. Currently in CC this need is supplied by a trail shelter on NPS corridor land and by the Bears Den Trail Center facility operated by the PATC which provides the option of either staying in the BD lodge or in the BD campground

#### **IV. Planning for the future**

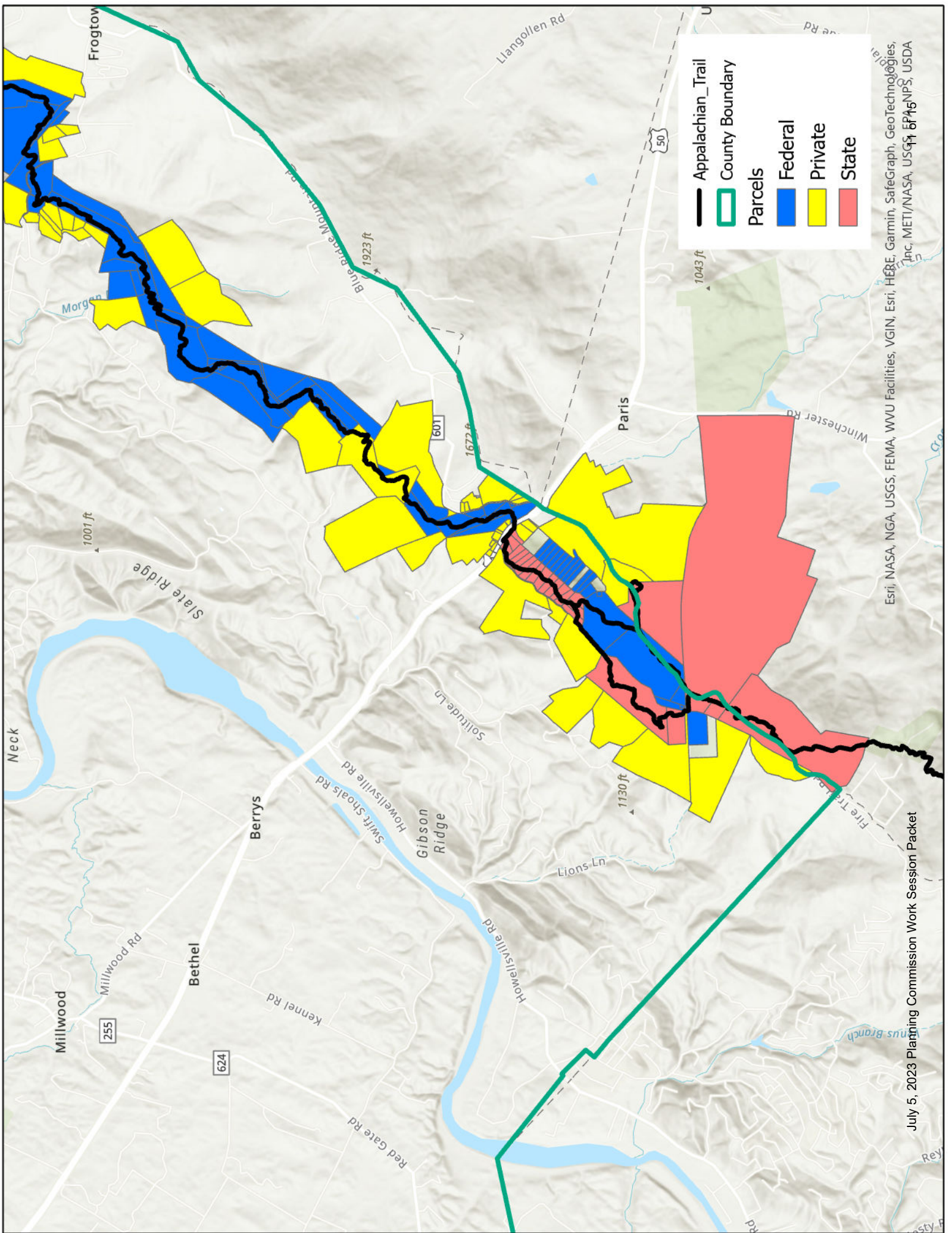
1. Public use by hikers of the AT, including an increasing diversity of socioeconomic and ethnic backgrounds, has increased rapidly over the past decade, and continues to do so today; and there is no feasible way in CC to limit this increasing demand for hiking activity
2. Such increasing use creates challenges for the CMS partners to manage the consequent human impacts to the trail corridor and to the surrounding natural environmental features
3. Increased human use of the AT can result in increased public support to protect this valuable resource from proposed incompatible land uses nearby, while at the same time potentially degrading its condition as a naturally functioning ecological system
4. Difficult decisions are sometimes required regarding the merit of dispersing camping activities versus concentrating these in centrally managed locations
5. **In the event that a future need emerges to expand AT related camping facilities to protect the AT and corridor lands from ecological damage, provision should be made now in CC's zoning ordinance to allow for this eventuality**
6. **The draft ZO under consideration today would foreclose on this option, thereby potentially putting at greater risk the ecological integrity of the AT corridor at some time in the future**

#### **V. Recommendation**

1. **It is recommended that the draft Camping ZO amendment under consideration today be modified so as to allow new camping facilities on certain parcels that conform to the following specific requirements:**
  - a. **such parcel (under a conservation easement?) must be adjacent to the AT corridor land owned by the NPS, and be owned by, and if under lease operated by, an entity/entities that are IRS-qualified charitable 501 (c) (3) organization(s); AND**
  - b. **the principle mission of such entity/entities shall be the maintenance and protection of the Appalachian National Scenic Trail; AND**
  - c. **the entity/entities have an established record of serving the public interest in providing access to and maintenance of the Appalachian National Scenic Trail, including its campground operations**
  - d. **the Commission should consider whether this should be a use by right or by SUP**
2. **Accepting this recommendation for modifying the draft ZO amendment under consideration today would allow for the management flexibility of the AT that is required to maintain its ecological integrity as future demands for its use and a changing climate will challenge our ability to retain the natural condition of this valued resource**







- Appalachian\_Trail
- County Boundary
- Parcels**
- Federal
- Private
- State

Esri, NASA, NGA, USGS, FEMA, WVU Facilities, VGIN, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, USDA

# DRAFT – MID-YEAR REVIEW

## 2023 PROJECT PRIORITIES – PLANNING COMMISSION

The list is intended to aid the Commission and Staff to ensure that work on critical projects is prioritized and completed in a timely fashion. Project start dates and priorities may be affected by the Commission’s zoning case load (e.g., special use permit applications, rezoning, site plans, subdivisions), text amendments, or other special projects requested by the Board of Supervisors.

### Comprehensive Plan/Component Plans

Review of the Comprehensive Plan and implementing component plans typically are assigned to the Comprehensive Plan Committee for initial development before presentation to the full Planning Commission.

### Updates:

#### 1. Five-Year Review and Update of Transportation Plan

STATUS – **UNDERWAY**. Work completed or in progress:

- Resolution was adopted by the Commission on January 4, 2019 to initiate review of the Plan.
- *Policy & Transportation Committee provided direction to Staff on revised plan structure, objectives and strategies, and projects.*
- *Staff to develop initial draft of revised plan for Committee review on August 9.*

GOALS FOR 2023 (~~Workload dependent~~):

- **COMPLETED** -- Assign to Policy & Transportation Committee in March 2023. Project is the top priority as the current plan was adopted on March 18, 2014.
- *Complete initial draft of revised plan by end of August and forward to VDOT for statutory review.*
- *Meet to incorporate VDOT comments and finalize draft in September/early October. Forward draft to Commission for full review in November.*

#### 2. Five-Year Review of the Waterloo Area Plan

STATUS – NOT STARTED. Work completed or in progress:

- Five-year review resolution was adopted by the Commission on November 5, 2021.
- Awaiting completion of capacity study by Clarke County Sanitary Authority.

GOALS FOR 2023:

- Assign to Comprehensive Plan Committee upon completion and acceptance of capacity study. *Based on capacity study results, evaluate whether to conduct review/update of plan or recommend to the Commission that the plan be continued in its current form for an additional five years.*

## DRAFT – MID-YEAR REVIEW

### 3. Rural Lands Plan – Agricultural Land Plan, Mountain Land Plan, Village Plan

STATUS – NOT STARTED. Work completed or in progress:

- Five-year review resolution for Agricultural Land Plan was adopted by the Commission on February 21, 2022.

GOALS FOR 2023:

- Staff to develop working outlines and initial list of key discussion issues.
- Assign to Comprehensive Plan Committee for initial work beginning in **August** 2023.

#### Five-Year Review Resolutions Due:

1. **Historic Resources Plan -- COMPLETED**  
~~Due by June 19, 2023 (To Comprehensive Plan Committee May 2023)~~
2. **Water Resources Plan -- COMPLETED**  
~~Due by September 25, 2023 (To Comprehensive Plan Committee July/August 2023)~~

#### Zoning and Subdivision Ordinance – Potential Text Amendments

Issues that may be developed into Zoning and Subdivision Ordinance text amendments are assigned either to the Policy & Transportation Committee (for substantive policy issues) or to the Ordinances Committee (for technical issues). These Committees are charged with discussing the issues and developing them into draft text amendments for the full Commission's review.

#### 1. Campground zoning regulations

STATUS – UNDERWAY. ~~Draft is currently being developed by the Policy & Transportation Committee.~~ **Finalize text amendment, complete public hearing, and forward to Board of Supervisors in September.**

~~GOALS FOR 2023—Committee and Staff to complete the draft text amendment and forward to the Commission for review in early 2023.~~

#### 2. Maximum lot size exception regulations – clarify language

STATUS – **UNDERWAY.** **Conduct public hearing at July 2 Business Meeting and forward to Board of Supervisors.**

~~GOALS FOR 2023—Assign to the Ordinances Committee for review in Spring 2023.~~

#### 3. Farm winery, farm brewery, and farm distillery regulations

STATUS – **UNDERWAY.** **Conduct public hearing at July 2 Business Meeting and forward to Board of Supervisors.**

## DRAFT – MID-YEAR REVIEW

~~GOALS FOR 2023 – Assign to the Ordinances Committee for review in Spring 2023.~~

### Other Projects

- **Five-Year Review and Update of the Berryville Area Plan.** Work to be conducted by the Berryville Area Development Authority (BADA) supported by County and Town Planning Staffs. BADA initiated review of the Area Plan on May 26, 2021. Current Area Plan was adopted in May 2016. *First discussion scheduled for August 2, 2023.*
- *Text amendment – Remove assembly activities accessory use from the “country inn” use*



# Updated June 2, 2023

## COMPREHENSIVE PLAN/COMPONENT PLAN REVIEW SCHEDULE

Plan	Last Adoption Date	Next 5-Year Review Deadline	Estimated Revision Start and Completion
<b>Transportation Plan</b>	March 18, 2014	5-year review initiated January 4, 2019	<u>Start</u> – Underway <u>Complete</u> – Fall 2023
<b>Waterloo Area Plan</b>	December 20, 2016	5-year review initiated November 5, 2021	<u>Start</u> – Summer 2023 <u>Complete</u> – Winter 2023
<b>Berryville Area Plan</b>	May 10/17, 2016	5-year review initiated May 26, 2021	<u>Start</u> – TBD 2023 <u>Complete</u> – TBD 2024
<b>Agricultural Land Plan*</b>	February 21, 2017	5-year review initiated February 21, 2022	<u>Start</u> – Summer 2023 <u>Complete</u> – Summer 2024
<b>Mountain Land Plan*</b>	June 21, 2005	Overdue	<u>Start</u> – Summer 2023 <u>Complete</u> – Summer 2024
<b>Village Plan*</b>	Not started	Not applicable	<u>Start</u> – Summer 2023 <u>Complete</u> – Summer 2024
<b>Recreation Component Plan</b>	December 15, 2020	December 15, 2025	<u>Start</u> – Spring 2026 <u>Complete</u> – Winter 2026
<b>Comprehensive Plan</b>	September 20, 2022	September 2027	<u>Start</u> – Fall 2027 <u>Complete</u> – Summer 2028
<b>Double Tollgate Area Plan</b>	January 17, 2023	January 17, 2028	<u>Start</u> – After adoption of revised Comprehensive Plan
<b>Historic Resources Plan</b>	June 19, 2018	June 10, 2028	<u>Start</u> – After adoption of revised Comprehensive Plan
<b>Water Resources Plan</b>	September 25, 2018	June 10, 2028	<u>Start</u> – After adoption of revised Comprehensive Plan

Yellow – Scheduled for review (initiated by 5-year review resolution); Gray – 5-year review is overdue;

Green – 5-year review is due in future/Plan is currently in good standing; Orange – New Plan to be developed

\* Possible joint development of “Rural Lands Plan” for unincorporated areas of the County