



# Clarke County Planning Commission

**MINUTES – Policy & Transportation Committee Meeting**

**Friday, February 2, 2024 – 9:30AM or immediately following**

**Planning Commission Business Meeting**

**Berryville/Clarke County Government Center – A/B Meeting Room**

ATTENDANCE:			
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Bob Glover (Millwood)	✓	Ryan Reed (Buckmarsh)	✓
George L. Ohrstrom, II (Ex Officio)	✓		

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

**CALL TO ORDER:** By Mr. Stidham at 9:55AM.

**1. Approval of Agenda**

Members approved the agenda by consensus as presented by Staff.

**2. Approval of Minutes – August 9, 2023 Meeting**

Mr. Stidham noted that he previously emailed a copy of the draft minutes to the members shortly after the meeting and did not receive any comments. Members voted 3-0-1 to approve the August 9, 2023 meeting minutes as presented by Staff.

Motion to approve the August 9, 2023 meeting minutes as presented by Staff:			
Dunning	AYE	Malone	AYE (moved)
Glover	AYE (seconded)	Reed	ABSTAINED

**3. Old Business – None scheduled**

**4. New Business**

A. TA-23-01, Campground Regulations – modifications requested by Board of Supervisors

Mr. Stidham provided an overview of the agenda item and the parameters provided by the Board on the requested changes. He said that the Committee spent a lot of time over many meetings determining whether permanent campgrounds are a compatible use. He added that if the Committee wants to stand on that position, it can be forwarded as a secondary recommendation but the Committee still needs to develop the text amendment modifications requested by the Board. He suggested having a brainstorming/visioning session today and Staff will use the members’ comments to develop draft changes for review at the next meeting.

Mr. Stidham said that the Board would like a minimum lot size requirement that is more stringent than the regulations in the five counties that Staff offered as examples. He noted that Fauquier County has a 20 acre minimum lot size and Loudoun County’s requirement is based on the number of campsites on a sliding scale starting at 40 acres. Chair Ohrstrom asked for confirmation that the



Board wants a minimum lot size that is more stringent than those two counties and Mr. Stidham replied yes.

Mr. Stidham offered for discussion purposes three location scenarios for permanent campgrounds – one with visibility issues from adjoining properties, one located in remote and forested FOC-zoned land, and one along the Shenandoah River. Chair Ohrstrom asked for clarification that we are discussing a use that is different from river lot camping and Mr. Stidham replied yes. Mr. Stidham added that he envisions keeping the proposed “camping” temporary use and creating a new special use for permanent, primitive campgrounds.

Regarding the issue of minimum lot size, Chair Ohrstrom said that he thought 20 acres was fine. Commissioner Dunning asked if minimum lot size should be dependent upon the number of campsites allowed and Mr. Stidham replied yes and noted that this is the next discussion question for the Committee. Mr. Stidham said that 20 campsites may sound like a reasonable number and each campsite does not have to be very large. He added that while each campsite could be designed to accommodate the average family, the campground could potentially be rented out to a much larger group that would have a greater impact. He said it is possible to fit a couple hundred people from the same organization in a relatively small camping area. Commissioner Glover asked if we want to allow a couple hundred people at a campground and members said no. Commissioner Glover said that 20 campsites with a family of four at each campsite is 80 campers total. Chair Ohrstrom noted that with RVs prohibited the only vehicles on the property would be the camping patrons. Commissioner Glover said that minimum lot size is dependent on site conditions and an open 40 acres is very different from a heavily forested 40 acres. Chair Ohrstrom said that you have to be consistent across the regulations and did not think you could create a different minimum lot size for AOC and FOC.

Commissioner Dunning asked how you would enforce a restriction on the number of patrons. Mr. Stidham replied that you would need observations or photos showing that there were more than the maximum number of patrons at the campground. He said this is the same approach we would take enforcing the 149 person limit at minor commercial public assembly uses. Commissioner Dunning said he is worried about allowing 80-100 people at a campground which would allow the owners to advertise that capacity and potentially have that level of attendance all season long. Chair Ohrstrom said this would be a problem for neighboring property owners even if the lot is 100 acres. He added that you might have to require fencing or other measures to ensure that the patrons stay on the campground property and do not trespass on neighboring properties. Mr. Stidham said this goes to the issue of allowing recreational amenities. He said that campgrounds would likely be developed to take advantage of the County’s natural areas so do you allow walking trails and river accesses that would create potential visual, noise, and litter impacts.

Chair Ohrstrom said that river accesses can create a safety issue as the banks are usually pretty steep. Mr. Stidham noted that informal access points to the river can also cause bank erosion. Commissioner Dunning asked if property owners along the river own to the center of the river and Chair Ohrstrom replied that he thinks they own to the high water mark. Commissioner Glover said he thinks it is the low water mark. Commissioner Reed said that it sounds like we are adding to the list of criteria for a campground application such as requiring an emergency action plan. Chair Ohrstrom noted that there was a special event permit application a few years ago for a festival on the



river and flooding was a safety concern with only one means in ingress/egress for that property. He said emergency access would be a major issue to question in a special use permit application.

Commissioner Glover asked if we are going to require the campground to be placed in the middle of a 20 acre property. Mr. Stidham noted that a bigger question is whether 20 acres is large enough. Chair Ohrstrom asked if you can cap the maximum number of people and Mr. Stidham replied yes and you can create whatever regulations are necessary to ensure a compatible use. Chair Ohrstrom said that 100 people seems like a lot of camping patrons. Mr. Camp said that 100 camping patrons does not seem to be a primitive campground. Chair Ohrstrom added that a large organization bringing in 100 of their members for a weekend of camping is not primitive camping. Commissioner Dunning said that requiring emergency accesses also does not sound like a primitive campground that is typically served by trails.

Mr. Stidham said that Berryville Berries is proposing 6 campsites and another landowner recently proposed a possible campground of the same size on a 20-40 acre lot. He also noted that Berryville Berries' proposed layout has campsites both near the property owner's house and along the Opequon Creek away from the house. He said one of the main complaints from the neighbors is that the property owner has not been around when incidents of concern have happened. He also noted that if the property owner proposed to move all of the campsites away from the creek and around his house, he would still want to allow patrons to access the creek for recreation. Commissioner Dunning asked if there is a way to limit which access road they can use and Mr. Stidham said that Staff has not addressed that yet. Mr. Stidham noted that the problems raised by the neighbors occurred when patrons were using the area along the creek for recreation and not when they were camping in that area. Chair Ohrstrom added that if you have problematic campers you would call the Sheriff's Office.

Chair Ohrstrom said that if you want to allow primitive campgrounds, you don't want to allow 100 camping patrons. Commissioner Dunning agreed that he would have a hard time calling it "primitive" if there are 100 people camping at once. Commissioner Glover added that it is not primitive because it has too many people with too many amenities and improvements. Chair Ohrstrom asked about the septic and well requirements for campgrounds and Commissioner Reed added that if you have 20 campsites you will be required to have some kind of bathhouse. Mr. Stidham and Mr. Camp said that Berryville Berries had to provide a privy system for their six campsites per Virginia Department of Health (VDH) requirements.

Mr. Stidham said if you went down to 10 campsites and presumed a family of five per campsite, it takes you down to a maximum of 50 patrons. Chair Ohrstrom said that 50 patrons sounds way more reasonable than 100. Commissioner Reed suggested looking at establishing a maximum number of campsites not to exceed a maximum number of visitors at any one time. He added that it is up to the applicant and owner to determine whether they can accommodate families or groups under these restrictions. He also said that consideration should be given to the maximum number of patrons congregating at the campground in conjunction with events or private parties versus typical camping activities. Chair Ohrstrom asked about allowing campers to bring pets such as dogs. Mr. Stidham replied that this was apparently an issue with Berryville Berries as a patron's dog apparently bit a neighboring resident during a dispute. He added that it is arguable whether that is a zoning issue or not.



Regarding campground layout, Mr. Stidham said the base requirement could be to provide a campsite layout that is compact and in close proximity to the owner's or manager's residence. Chair Ohrstrom said that you could have a small scale campground where the campsites are more dispersed. Mr. Stidham said that you can give the Commission the ability to approve a more dispersed layout contingent upon elements such as existing mature screening and location of adjacent residences. Chair Ohrstrom asked if we want to get into micro-managing the layouts. Mr. Stidham replied yes because the Committee originally thought permanent campgrounds are not a conforming use. Mr. Stidham said that most business owners want to know all of their answers up front when starting a business and a strict, detailed ordinance gives them the answers they need. Commissioner Dunning said that it is not that expensive to start a primitive campground.

Mr. Stidham asked if the Committee agrees to start with 10 campsites and a maximum of 50 camping patrons and the members said yes. Commissioner Glover asked about the minimum lot size requirement and members agreed to use 40 acres. Commissioner Glover also asked about how campgrounds would provide a water supply for campers. Mr. Stidham replied that he thought that it is required by VDH as part of their campground permit requirements. Chair Ohrstrom said that a well for drinking water would have to be regulated as a public water source and Commissioner Glover added that the Lions Club campground is required to get their well water tested annually. Commissioner Dunning said that if campsites need to be close to a water source and restroom facilities it diminishes the need for dispersed campsites. Commissioner Glover said there may not be many 40+ acre lots on the mountain that could accommodate a primitive campground.

Mr. Stidham asked about minimum setbacks from property lines for campsites and amenities if the minimum lot size is 40 acres. Chair Ohrstrom said that the building setback for his 70-acre lot is 100 feet. Commissioner Dunning replied that the setback for primitive campgrounds should be more than 100 feet as that would be too close to a residence on an adjoining property. Chair Ohrstrom said that 40 acres is big enough to accommodate a 200 foot setback and Commissioner Reed said he would start at a minimum of 200 feet. Commissioner Glover compared the potential noise impacts on adjoining properties from the recent Carter Hall proposal, noting that you want the campsites to be located in the center of the lot and as far away from property lines as possible. He added that this could make the setback more like 400-500 feet. Commissioner Dunning said that he thinks it is not fair for an adjoining property owner to build a house thinking they are protected only to have a campground developed next to them. Mr. Stidham noted that in the farm winery/brewery regulations there is a 300 foot setback for any building where amplified sound is used. Commissioner Glover said that is a setback for an insulated building versus open air noise from a campground. Commissioner Reed suggested going with a 500 foot setback and members agreed. He also suggested allowing unexcavated walking trails within the setback area. Mr. Stidham wondered whether a 500 foot setback requirement on a 40 acre lot would allow for a viable building envelope. He added that language could be included to allow a reduced setback with a showing of mature tree coverage. Mr. Camp said that you could have a minimum distance from any residence on an adjoining lot. Commissioner Dunning said you could have adjacent property owners that each want to do a campground and they situate the campsites close to their shared boundary. Mr. Stidham noted that you may not want to limit the setback to residences only as you could have farmers that do not want campsites close to their livestock.

Mr. Stidham said that he would add a requirement of unimproved walking trails no closer than 100 feet from the property line. Mr. Camp asked about dirt bike trails and Mr. Stidham replied that the



Committee would likely want to prohibit gasoline-powered vehicles like dirt bikes and ATVs. Commissioner Glover suggested motorized vehicles in general to include electric dirt bikes. Mr. Stidham asked if the Committee wants to require a forested buffer area. Commissioner Glover replied that he did not think we could because of open areas in the County. Chair Ohrstrom replied that our current buffer requirements allow you to remove dead and diseased vegetation. Mr. Stidham said that you could review each application on a case-by-case basis to determine buffer effectiveness. Commissioner Dunning asked if there are regulations on clearing along waterways and Mr. Stidham replied that we have vegetative stream buffer requirements.

Mr. Stidham said that if you used a case-by-case approach, you could require a larger setback requirement for a campground on open AOC land and a smaller setback with preserved buffer requirement for a campground on forested FOC land. Commissioner Dunning asked if there can be a campsite setback from the water as well. Mr. Stidham replied that this is a different question of whether we want campgrounds with water access to allow recreation along the waterways. Commissioner Dunning noted that he would be concerned with the impacts of boat accesses and Mr. Stidham replied that we require permitting and best management practices when constructing stream and river accesses. Mr. Stidham noted that a campground could allow their patrons to have parties and other noise-generating activities along the waterway instead of at their campsites inside the property. Mr. Camp noted that Berryville Berries has a significant amount of frontage on Opequon Creek and it is one of the attractions for that proposed campground. Mr. Stidham added that if you do not allow recreational access to the primary attraction on the property then you are defeating the purpose of having a campground there.

Commissioner Reed said that Loudoun County has landscaped buffer regulations that require you to install a vegetative buffer of certain dimensions unless you can demonstrate that there is sufficient existing vegetation of non-invasive plants and mature trees with full canopies to constitute a buffer. He added that we can require all campgrounds to have a landscaped buffer. Chair Ohrstrom noted that open properties would be required to plant a buffer and Commissioner Reed added that it could take some time for that buffer to grow in. Mr. Camp also noted that the regulations would need to require the landscaped buffers where the screening is needed.

Mr. Stidham noted that our landscaping requirements are pretty black and white but we recently added the alternative landscaping plan that allows an applicant to propose a different but more effective layout. He noted that this is how the landscaping for the solar power plants can be approved for maximum screening as opposed to appearance. He said we could have a baseline requirement of a 500 foot setback from property lines with a landscaped buffer consisting of at least a double-staggered row of evergreens along the property line. He added that an applicant would have to propose something different in order to have lesser setbacks and planting requirements, for example moving the proposed campsites out of an open area and into a forested area that may be closer than 500 feet from the property line. Commissioner Reed noted that this flexibility would be great.

Mr. Stidham asked for confirmation that the members want to require the campsites to be located close to the property owner's or resident manager's house and consider alternatives on a case-by-case basis. Members agreed with this approach.



Regarding amenities and aside from required bathroom facilities, does the Committee want to allow other amenities such as camp stores, club houses, and onsite food sales. Members said no and Chair Ohrstrom replied that this is supposed to be primitive camping. Commissioner Reed said that it would be a good idea to allow sales of firewood so that campers do not attempt to collect wood and cut down trees in the buffer areas. Mr. Stidham asked about unimproved walking trails and members were fine with allowing them. Commissioner Glover asked about a farm store. Mr. Stidham replied that if there is a farm onsite, the property owner can operate a farm store but cannot sell anything besides items made in whole or in part from agricultural products grown or produced onsite. Regarding the issue of firewood, members noted that transporting firewood from other areas can contribute to the spread of invasive pests. Chair Ohrstrom noted that there should be a requirement that the owner or manager be onsite at all times when camping is taking place.

Mr. Stidham asked again about allowing access to water resources. Commissioners Glover and Reed agreed that access should be allowed and Commissioner Glover said there should be restrictions such as you cannot do laundry, wash items, or dispose of gray water in the stream or river. Mr. Stidham asked about allowing campsites along the stream or river. Commissioner Reed said he would not be opposed to a reduced setback for these campsites so long as they were set back far enough to discourage washing items in the stream or river. He added that he thinks the campground owner should be allowed to have picnic tables for campers to use. Mr. Stidham asked about campsites by the stream or river and members said they should not be allowed. He asked about the minimum setback from the water body. Commissioner Dunning said that depending on the bank it is nice to not have to see campsites along the river. He suggested a 50 foot setback but preferred more. Mr. Stidham asked about 100 or 200 feet and Commissioner Reed preferred 100 feet as a deterrent for people to wash items in the stream or river.

Mr. Stidham asked if we want to require direct access to a public road as opposed to a shared private access easement. Commissioner Glover said yes and Commissioner Reed concurred. Members had a brief conversation of property owner liability and insurance implications of allowing public use of a shared private access easement. Commissioner Reed noted that if you have a shared driveway with 11 other owners that use it, then maybe a campground is not an appropriate use on your property.

Mr. Stidham asked about the maximum duration that a patron may continuously camp at a campground and suggested 14 consecutive days. Chair Ohrstrom said he would prefer 7 consecutive days and Mr. Camp suggested strongly worded language to make it clear the duration applies to the campground as a whole and not a campsite. Members agreed that 7 consecutive days would be appropriate.

Chair Ohrstrom asked about construction standards for interior access roads as noted in the Staff memo. Mr. Stidham said that he included that because he saw it used in other ordinances but noted it is more applicable with a larger number of campsites. Commissioner Dunning asked about parking. Mr. Stidham said they should be required to lay out an adequate parking area but not require it to be hard surfaced to create more impervious surface. Commissioner Dunning noted that he was concerned about parking in the required buffer area. Mr. Stidham said that parking can be required inside the building envelope. Commissioner Dunning asked if we would allow patrons to drive to and park at their campsite and Mr. Stidham replied that it could be laid out that way.

Mr. Stidham asked if the Committee wanted requirements for outdoor fires and trash disposal. Chair Ohrstrom said that they should at least be required to follow the County's outdoor burning requirements. Mr. Stidham noted that some of the example ordinances limit the fire size and require a fire ring which prevents bonfires. Commissioner Reed said we want to avoid bonfires. Chair Ohrstrom suggested a 3 foot wide fire ring. Commissioner Glover said they should follow all outdoor burning regulations and there should also be a prohibition on fireworks. Mr. Stidham said that there should be regulations for proper disposal of trash. Mr. Camp asked about amplified sound and Commissioner Glover said that you should not have amplified sound with primitive camping. Commissioner Dunning asked about age requirements for reserving campsites to ensure that groups under the age of 18 are not camping without supervision. Mr. Stidham noted that the campground owner would want to ensure that they are leasing to an adult to avoid liability issues.

Commissioner Dunning suggested regulations on tents and Commissioner Glover suggested no platform tents like yurts. Commissioner Glover also suggested no owner-provider tents to avoid AirBNB-type situations and members agreed.

## 5. Other Business

### A. Schedule Next Meeting

Members agreed to schedule the next meeting for Friday, March 1 immediately following the Commission Business Meeting. Chair Ohrstrom said he might miss that meeting or need to call in.

**ADJOURN:** Meeting was adjourned by consensus at 10:53AM.



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Brandon Stidham, Clerk