



# Clarke County Planning Commission

**AGENDA – Work Session**

**Tuesday, June 4, 2024 – 3:00PM**

**Berryville/Clarke County Government Center – Main Meeting Room**

For more information on this public meeting, please contact the Clarke County Department of Planning at (540) 955-5132 or visit the Clarke County website at [www.clarkecounty.gov](http://www.clarkecounty.gov).

<b>1</b>	<b>Approval of Agenda</b>	<b>p.1</b>
<b>2</b>	<b>Review of June 7 Business Meeting Agenda Items</b>	--
A	Conflict of Interest Statements	--
B	Agenda Review	--
C	Status of Deferred Applications	--
<b>3</b>	<b>Old Business – None Scheduled</b>	--
A	<u>TA-23-01</u> , Regulations for Permanent Campgrounds and Temporary Camping	<b>pp. 2-23</b>
<b>4</b>	<b>New Business</b>	--
A	Discussion, Storage of Major Recreational Equipment and Equipment Generally	<b>pp. 24-28</b>
<b>5</b>	<b>Adjourn</b>	--

**ZONING ORDINANCE TEXT AMENDMENT (TA-23-01)**  
**Regulations for Permanent Campgrounds and Temporary Camping**  
**June 7, 2024 Planning Commission Business Meeting – SCHEDULE PUBLIC HEARING**  
**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 permanent use, “primitive campground,” to Zoning Ordinance Section 5.2D (Recreation/Education/Assembly Uses), to add a new temporary use, “temporary camping,” to Section 5.4 (Uses, Definitions, and Use Regulations – Temporary Uses), and to delete “campground” and “summer camp” uses from Section 5.2D. The purpose is to limit permanent campgrounds operated as a business or by a non-profit or not-for-profit organization to primitive camping only -- overnight stays by patrons using their own tents and subject to use regulations – in order to mitigate impact on surrounding properties and the environment. The text amendment also establishes regulations for the maximum duration for camping activities, the long-term lease of a lot for camping, and temporary event camping. Primitive campgrounds would be allowed with a special use permit in the Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC) Districts. Temporary camping would be allowed by-right in the AOC, FOC, and Institutional (ITL) Districts subject to use regulations.

**Requested Action:**

Schedule public hearing on the modified text amendment for the July 12 Business Meeting.

**Update:**

This text amendment originally proposed to prohibit all new permanent campgrounds including those operated as a business or as summer camps by deleting the current uses, “campground” and “summer camp.” The text amendment established new regulations for temporary camping by landowners and their guests, the long-term lease of a lot for camping (typically “river lot” camping), and camping in conjunction with temporary events. The Planning Commission held a public hearing on June 2, 2023 and following a July work session discussion of the comments received at the public hearing, the Commission voted unanimously on September 1, 2023 to recommend adoption to the Board of Supervisors.

The Board held a public hearing on the text amendment on October 17, 2023 and discussed comments received at the public hearing on November 7, 2023. At their December 11, 2023 work session, the Board agreed by consensus to return the text amendment to the Commission with direction to develop regulations to allow permanent campgrounds on a limited scale by special use permit in the Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC) Districts subject to stringent use regulations. Other parameters provided by the Board included:

- Tent camping only – recreational vehicles (RVs) would not be allowed.
- Establish a maximum number of campsites (20 was mentioned).
- Require forested buffer areas of a certain width.
- Stringent minimum lot size (examples include Fauquier – 20 acres, Loudoun – 40 acres for up to 50 campsites)
- Requirement that the property owner or resident manager live onsite and be present during camping activities with campsites located in close proximity to the owner’s or manager’s residence.
- Compliance with all Virginia Department of Health (VDH) requirements.

The Commission assigned work on the text amendment modification to the Policy & Transportation Committee at their January 2, 2024 work session. Over the course of two meetings, the Committee developed the modification and sent it to the Commission for review in April which was then forwarded with the Commission’s endorsement to the Board for informal review. At their May 13 work session, the Board agreed by consensus to direct the Commission to incorporate the primitive campground modification into the text amendment and to hold a public hearing.

**Summary of Text Amendment Modification:**

The text amendment as modified would regulate the following forms of camping:

- Instead of prohibiting all permanent campgrounds, those operated as a business or as the permanent location for camping by non-profit or not-for-profit organizations would be allowed to operate as a “primitive campground” use consisting of overnight camping by patrons using their own tents. Primitive campgrounds are intended to be low-impact and use regulations are included to minimize adverse impacts to adjacent properties and natural resources. They would be allowed by special use permit in the AOC and FOC Districts.
- Separate regulations would be established for temporary or periodic camping activities under a new “temporary camping” temporary use. Temporary camping on a lot would be limited to a total of 30 days in any 60-day period and for not more than 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.

Other rules proposed include a prohibition on temporary or permanent onsite connections for recreational vehicles to utilities, and no advertising of properties as being open to the public for camping. Public camping would only be allowed in conjunction with an approval for a primitive campground.

- New regulations are 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. Under the current rules,

“river lot” rentals are limited to a maximum of two campsites – three or more campsites require approval of a special use permit (SUP) for a campground.

- Regulations are proposed for temporary camping in conjunction with a temporary event approved by special event permit (County Code Chapter 57), by agritourism activity zoning permit or other zoning approval, or ancillary to an event held at the Fairgrounds.

As with the original text amendment, the current “campground” and “summer camp” uses would be removed from the Zoning Ordinance. These forms of permanent camping would only be permissible if operated in accordance with the regulations for primitive campgrounds.

**“Primitive Campground” use:**

The “primitive campground” use would be classified as a new permanent use under Zoning Ordinance Section 5.2D (Recreation/Education/Assembly uses). The previously proposed “camping” temporary use would be renamed “temporary camping” to better distinguish it from the permanent primitive campground use. Primitive campgrounds would be allowed only by special use permit in the Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC) Districts. In lieu of a site development plan, a simplified “campground plan” would be required as described in use regulation 13 (see below).

The definition for primitive campground is proposed as follows:

*The use of land as the permanent location for primitive camping by a business, by a non-profit organization, or by a not-for-profit organization. Primitive camping is a recreational activity consisting of overnight stays by patrons using their own tents.*

Primitive campgrounds would be the only form of permanent campground allowed and would be subject to numerous use regulations. They could be operated as a business or by organizations with a non-profit or not-for-profit designation.

**Use regulations**

1. *Primitive camping limited to tents brought by customers and guests. Accommodations at a primitive campground are limited to tents owned by and brought to the site by customers and guests. Recreational vehicles such as travel trailers, fifth-wheel campers, motor homes, tent trailers, pop-up campers, and pickup campers are prohibited. Accommodations in any temporary or permanent structure provided by the owner of the primitive campground are also prohibited.*

Use regulation 1 ensures that only customer-provided tents are allowed at primitive campgrounds and that the owner/operator does not rent out or have tents or other structures available for use. The purpose is to be consistent with the concept that minimal amenities are to be provided at primitive campgrounds. Recreational vehicles of all types are prohibited.

2. *Onsite manager required. The owner or a designated manager shall reside onsite and be present at all times that customers, guests, and visitors are on the property.*

This use regulation is intended to ensure that guest and visitor activity is able to be monitored by the owner or operator during all times that the campground is in use.

3. *Occupancy limitations. A primitive campground shall be limited to a maximum of ten (10) campsites and fifty (50) customers, guests, and visitors on the property at any one time. Only one primitive campground is allowed per lot.*

A maximum occupancy limit of 10 campsites and 50 customers, guests, and visitors on the property at one time is proposed which averages out to 5 people per campsite. There is no occupancy limit per campsite so the owner or operator could host larger groups (up to 50 people) at the expense of renting out to other campers during that occupancy period. Only one primitive campground is allowed per lot. This rule is intended to prevent owners of large properties from applying for multiple special use permits as a means of increasing the number of campsites on the lot.

4. *Minimum lot size. The minimum lot size for a primitive campground is 40 acres.*

A minimum lot size of 40 acres is proposed which is comparable to but more stringent than Loudoun County's minimum lot size of 40 acres for up to 50 campsites.

5. *Minimum setback requirements.*
  - *For structures, campsites, and parking areas:*
    - *From property lines -- 300 feet*
    - *From dwellings on adjacent lots in existence at the time of approval – 500 feet*
    - *From perennial streams and the Shenandoah River – 100 feet*
  - *Walking trails from property lines -- 100 feet*

*Setbacks may be reduced with an alternate siting plan approved in conjunction with the special use permit*

A minimum setback of 300 feet from all property lines is proposed in addition to a 500 foot setback from dwellings on adjacent lots in existence at the time of zoning approval and a 100 foot setback for walking trails from property lines. These setbacks are designed to minimize impacts on neighbors. A setback of 100 feet from the Shenandoah River and perennial streams was added for safety in the event of flash floods and to discourage campers from washing items in the river or streams.

It should be noted that the minimum setback requirements are a baseline for primitive campgrounds and can be reduced or varied in conjunction with an “alternate siting plan.” This is described in detail under use regulation 14.

6. *Buffer requirements. A minimum 50 foot buffer containing mature trees shall exist and be maintained along all property lines. All buffer areas shall remain undisturbed and there shall be no removal of vegetation except for dead or diseased trees and plants and invasive species. In the absence of a compliant buffer, a planted buffer and/or greater*

*setback distance may be substituted with an alternate siting plan approved in conjunction with the special use permit.*

As a baseline, a minimum 50 foot buffer area containing mature trees to be in existence along all property lines is proposed. Recognizing that not all properties have mature trees along the property lines, use regulation 6 also allows use of an alternate siting plan per use regulation 14 that proposes a planted buffer and/or greater setback distance. This would ideally allow campsites to be located in areas where the mature trees are located on a lot as opposed to a mandated location where a buffer may need to be planted and take time to grow into a proper buffer. Language is also included to ensure that buffer areas are to be left undisturbed except for removal of dead/diseased vegetation and invasive species.

7. *Campsites, parking areas, and walking trails.*

- A. *Campsites, parking areas, and walking trails shall be unimproved except for use of gravel, mulch, or similar material for soil stabilization purposes.*
- B. *All campsites shall be clearly delineated in a fixed location, identified by a number or other designation, and shown in the sketch plan required by use regulation 13.*
- C. *Campsites may be served with a water source and electricity. Accessories such as picnic tables and chairs may be provided.*

Use regulation 7A is included to ensure that the design of campsites, parking areas, and walking trails balances the need to keep the facility primitive with ensuring that soil erosion does not occur. Use regulation 7B requires campsites to be delineated in a fixed location which is essential to ensure that they are located with maximum screening and minimal impact to surrounding properties. If the owner or operator wants to change the approved campsite layout, a special use permit amendment would be required. Use regulation 7B also requires campsites to be identified with a number, name, or other designation – this is primarily to ensure that first responders can find each campsite in the event of an emergency.

Use regulation 7C describes the limits of amenities that can be provided at a campsite – water source, electricity, and accessories such as picnic tables and chairs. Water sources would be regulated by the Virginia Department of Health (VDH) campground permit process. Electrical connections would require approval of an electrical permit from the Building Department. Permanent structures and other permanent amenities such as owner/operator-provided lighting and paved or hard-surfaced pads would not be allowed.

8. *Location of campsites, parking areas, and accessory structures and uses.* *All campsites, parking areas, and accessory structures and uses shall be located within 300 feet of the owner's or resident manager's dwelling unless an alternate siting plan is approved in conjunction with the special use permit.*

The Board requested that campsites be located within close proximity to the owner or operator's residence – a maximum distance of 300 feet is proposed. Language is included to allow this requirement to be varied with an alternate siting plan as 300 feet from the residence may not provide optimal screening of campsites from adjoining properties.

9. *Limitations on retail activities.* Camp stores and onsite food sales shall be prohibited in conjunction with a primitive campground except for the limited sale of firewood, first aid supplies, and bottled water to customers unless other zoning approvals are obtained. Renting of camping and recreational equipment is also prohibited.

This regulation prohibits all retail sales and equipment rentals except for three essential items – firewood, first aid supplies, and bottled water. This is consistent with the concept of a primitive campground. The ability to conduct broader retail sales can be granted with approval of a separate special use permit and full site development plan for a retail business use.

10. *Camping duration.* No customer or guest may camp in a primitive campground for more than 7 consecutive days or for more than 14 days in a 30 day period. All tents, vehicles, and other belongings shall be removed from the primitive campground by the customer or guest at the end of the occupancy period.

A maximum duration for a stay at a primitive campground is established to prevent customers from residing at these facilities.

11. *Direct access to public road required.* A primitive campground shall have direct access to a public road and shall use such direct access as the means of public ingress and egress. Use of a shared driveway or private access easement shall not constitute direct access to a public road and shall not be used for public ingress and egress.

This regulation ensures that public ingress/egress will not impact adjoining and nearby property owners who share a private access easement or driveway with the primitive campground owner. The campground owner can use a private access easement or shared driveway for their own ingress/egress but direct access to a public road must be provided for customers, guests, and visitors.

12. *Parking requirements.* Parking for a minimum of 2 spaces per 5 customers and/or guests shall be provided in conjunction with each campsite, in a separate delineated parking area, or a combination of both. Parking areas are not required to be hard-surfaced.

Parking requirements are also developed to be consistent with the primitive campground concept. Parking spaces can be provided at each campsite or a separate parking area. There is also no requirement for parking areas to be hard surfaced but in accordance with use regulation 7A, parking areas must be stabilized to prevent erosion.

13. Campground plan required. In lieu of a site development plan per Section 6.2.2, a campground plan prepared by a professional engineer or licensed surveyor shall be provided in conjunction with the special use permit application containing the following elements:

- A boundary survey of the subject property including access easements, waterways, and any flood plain areas and floodways.
- A sketch plan showing the location and dimensions of required setback and buffer areas, access easements, existing and proposed structures including the owner's or resident manager's dwelling, campsites, restroom facilities, water supplies, parking areas, walking trails, and utility easements.
- An emergency action plan which includes the following items:
  - Processes and procedures to monitor all campsites effectively during occupancy periods
  - Methods for the owner or operator and customers to contact law enforcement, fire, and emergency medical services
  - Fire prevention and onsite suppression methods
  - Flood response (if located adjacent to a stream or river) including evacuation plans for flash flooding events
  - Access for first responders including fire, emergency medical services, and law enforcement personnel
  - Any other information deemed relevant by the zoning administrator

This use regulation describes the requirements for a “campground plan” which is required in lieu of a site development plan. Development of a primitive campground should be low impact and therefore should not require submission of a site development plan and compliance with all site development plan regulations. It should be noted that if the owner or operator proposes to conduct land disturbance of 10,000 square feet or greater, an erosion and sediment control plan is required.

The campground plan contains three required components – (1) a boundary survey, (2) a sketch plan, and (3) an emergency action plan. A boundary survey is required to ensure accuracy of the proposed setback distances and to identify any flood plain areas and floodways that could pose a risk to campers. The sketch plan is intended to capture all of the required elements referenced in the use regulations. The emergency action plan demonstrates how the owner or operator will monitor all customers, guests, and visitors while they are on the property during camping activities as well as plans and precautions for addressing a variety of hazards. A copy of an approved campground plan will be provided to emergency services personnel and the public safety communications center for reference.

Campground plans are required to be prepared by a professional engineer or licensed surveyor.



14. *Alternate siting plan.* An alternate siting plan may be approved in conjunction with the special use permit which allows for reduced property line setback and buffer requirements based on existing site conditions. In addition to the applicable special use permit review factors, requests to reduce setback and/or buffer requirements shall be evaluated considering the following factors:

- *Whether existing mature trees and/or topography in the proposed area would provide more effective screening than in a compliant location.*
- *Whether the proposed area provides less of an impact on adjacent properties and residences than in a compliant location.*
- *For requests to reduce the maximum setback distance from the owner's or resident manager's dwelling, whether the proposed location otherwise fully complies with property line setback and buffer requirements.*

Unless the subject property is predominantly forested on all sides and the primitive campground is proposed in an area that is fully compliant with all setback requirements, alternate siting plans will likely be necessary in most cases. This would be especially true on open AOC-zoned lots and properties along the river.

The alternate siting plan requirements are intended to provide flexibility for both the County and the applicant to locate campsites and other amenities in the least impactful areas possible – even if it results in reduced setback requirements. Rather than have specific regulations for alternate siting, a performance-based approach is proposed in which plans would be reviewed against three review factors similar to the review factors for special use permits generally:

- Whether existing mature trees and/or topography in the proposed area would provide more effective screening than in a compliant location.
- Whether the proposed area provides less of an impact on adjacent properties and residences than in a compliant location.
- For requests to reduce the maximum setback distance from the owner's or resident manager's dwelling, whether the proposed location otherwise fully complies with property line setback and buffer requirements. The applicant shall also demonstrate how campsites will be monitored effectively during occupancy periods.

The goal is to empower the Commission and Board to decide whether the alternate sites provide the best visual screening, noise abatement, environmental protection, and general insulation of the campground use from uses on adjacent properties. The alternate siting plan is not intended to be a tool for an applicant to claim a siting hardship or to locate campsites and amenities in their preferred locations or where they can maximize their profits. Hypothetically speaking, an alternate siting plan could be used to accomplish some of the following:

- Locate campsites on open properties in areas where mature tree coverage exists versus allowing planted buffers that take time to grow in.

- Locate campsites in areas closer to off-site amenities such as the Appalachian Trail, or closer to access roads to allow for better response from emergency services.
- Require supplementary planting in forested areas where there are mature trees that do not necessarily provide optimal screening.
- Avoid areas where camping activities could cause environmental impacts, such as on steep slopes.
- Take advantage of locating closer to adjacent properties that are already thickly forested, contain topography that is unlikely to allow for future development, or where the adjoining property owner is supportive of the proposed primitive campground.

15. *Limitations on outdoor burning. In addition to compliance with all State and County regulations regarding outdoor burning, all open-air fires shall be confined to a fire ring constructed of stone, metal, masonry, or similar fire-resistant materials and not to exceed three (3) feet in width. Fire rings shall be covered with a metal screen or other compliant device in accordance with State law when the 4PM Burning Law is in effect. Unconfined bonfires shall be prohibited. A water source and/or other materials for fire extinguishment and suppression shall be provided within 100 feet of all open-air fires.*

These strict regulations are intended to guard against possible wildfires from unattended or uncontrolled campfires and bonfires. County Chief Wayne Whetsell has reviewed and provided input on this use regulation.

16. *Solid waste disposal. Each campsite shall be provided with an enclosed trash receptacle and all solid waste shall be stored in an enclosed dumpster or similar container until properly disposed of off-site.*

This use regulation ensures that all garbage is stored in proper receptacles and does not end up on neighboring properties due to winds or animal activity.

17. *Amplified sound. No amplified sound shall be audible at or beyond the property lines of the subject property.*

This provision has been used recently in other zoning contexts and is applicable to primitive campgrounds. While it is not unreasonable to expect campers to use radios or Bluetooth speakers at their campsites, amplified music or other amplified sound should not be so loud as to be discernible on adjacent properties.

18. *Motorized and electric vehicles and equipment. With the exception of customer and guest passenger vehicles, use of motorized or electric vehicles such as all-terrain vehicles (ATVs), dirt bikes, drones, and golf carts or motorized equipment such as chainsaws and generators by customers and guests is prohibited. Such vehicles and equipment may be used by the owner or operator of the primitive campground for facility maintenance.*

This use regulation is also consistent with the intent to provide primitive camping opportunities with minimal amenities and impacts to surrounding properties. Passive walking trails for campers are consistent with a primitive camping experience but not trails for recreational use of ATVs, dirt bikes, golf carts, or drones. The reason for the prohibition on motorized equipment such as chainsaws and generators is twofold. First is the intent to avoid noise producing equipment in a natural setting such as use of a portable generator. Second is to prevent campers from using equipment such as chainsaws to cut firewood which could damage mature trees in required buffer areas. There is no such prohibition to the owner or operator if they are using these vehicles and equipment for property maintenance.

19. *Boat ramps and accesses. Construction or modification of any new or existing ramps, docks, stairs, or similar accesses into perennial streams and the Shenandoah River shall comply with the site and construction regulations found in Zoning Ordinance Section 4.2.3D (Permitted Uses and Structures in a Stream Buffer).*

Use regulation 19 specifically applies to primitive campgrounds along the river or large perennial streams like Opequon Creek. The intent is to ensure that owners and operators are aware that if they want to add boat ramps or accesses, they must comply with site and construction requirements found in the stream buffer regulations.

20. *Compliance with Virginia Department of Health (VDH) requirements. A campground approval from the Virginia Department of Health shall be obtained, if required, and maintained in good standing throughout the life of the primitive campground.*

VDH requires a campground permit for all campgrounds with 3 or more campsites however the regulations are less stringent if the campground is designated as “primitive” under their definition – having an absence of toilets, showers and lavatories, and electrical connections, or any combination thereof. VDH regulations do not require such campgrounds to have toilets but they must have either privies or portable toilets. Potable water is also not required but the owner or operator must publicize that campers must bring in their own potable water. If the campground does offer potable water, bathrooms, and/or shower facilities, they must be installed in accordance with VDH requirements.

**“Temporary Camping” use:**

The new “temporary 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. If temporary camping is operated in exchange for a fee or other compensation, the use shall only be conducted in accordance with the long-term lease of a lot described in use regulation 5 below.*

This change would prohibit any temporary camping activity operated as a business except for the long-term lease of a campsite on a lot of record (described later in this report) or as a primitive campground permanent use.

## 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.*

These time limits would apply to all forms of temporary camping including camping on private property by the owner, their family members, and guests. The 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 recreational camping activity from 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. The use regulation calculates the duration of all camping activities conducted on a lot of record regardless of whether camping is taking place simultaneously on the lot in separate locations.

2. *Temporary 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.*

Temporary 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.

3. *Temporary camping shall not be publicized as being open to the public or as being the permanent campground for a non-profit or similar organization.*

This use regulation helps to prevent 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.

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.*

Use regulation 4 requires temporary camping activities 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. 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.

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.*

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. In order to differentiate the leasing of a lot or portion of a lot for camping from a permanent campground operated as a business, 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 unless approved by special use permit as a primitive 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." This reflects the current regulation that leased lot camping of more than two campsites per lot requires SUP approval for a campground use. 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.
6. *Temporary 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 temporary 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.

**Impact on Current Uses:**

If this text amendment is adopted, any existing campgrounds or summer camps with previous County approvals would be allowed to continue as nonconforming uses (e.g., Watermelon Park,

Northern Virginia Lions Youth Camp). Any campground which was not previously approved by the County through a zoning process would be required to comply with these regulations.

**Public Comments:**

The Planning Commission held a public hearing on this proposed text amendment at the June 2, 2023 Business Meeting. In his public hearing comments and written handout provided to the Commission, Lowell 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 proposed 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 noted 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.

In response to Mr. Smith's comments, the Commission deferred discussion of the text amendment to the July 5 Work Session and continued the public hearing to the September 1 Business Meeting. The Commission discussed Mr. Smith's concerns at the July 5 Work Session but chose to make no changes to the proposed text amendment at that time.

The Board of Supervisors held a public hearing on October 17, 2023 and received the following comments:

- Diane Harrison (Berryville) spoke in opposition to the text amendment noting that it does not make sense from an economic development and tourism perspective. She suggested establishing rules similar to those for state and national parks to control impacts on neighboring properties.
- Amy Keeler (Frederick County) spoke in favor of the text amendment and noted that it would prevent her neighbor in Clarke County from expanding his campground to more than two campsites.

**Planning Commission Recommendation:**

Following a duly advertised public hearing on June 2, 2023 and a continued public hearing on September 1, 2023, the Commission voted unanimously to recommend adoption of the text amendment as originally proposed. The Commission supports the addition of the primitive campground modification and agreed by consensus at their April 5, 2024 meeting to send it to the Board of Supervisors for consideration.

**Staff Recommendation:**

Staff has no outstanding concerns with the adoption of this text amendment and recommends the Commission schedule public hearing for the July 12, 2024 Business Meeting.

**History:**

- March 22, 2023.** 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.
  
- May 2, 2023.** Placed on the Commission’s Work Session agenda for continued discussion.
  
- May 5, 2023.** Placed on the Commission’s Business Meeting agenda to consider scheduling public hearing.
  
- June 2, 2023.** Commission voted 8-0-3 (Glover, Ohrstrom, Staelin absent) to defer consideration to the July 5, 2023 Work Session and to continue the public hearing to the September 1, 2023 Business Meeting.
  
- July 5, 2023.** Commission discussion of citizen concerns with the proposed text amendment.
  
- September 1, 2023.** Commission voted unanimously to recommend adoption of the proposed text amendment.
  
- September 19, 2023.** Board of Supervisors voted unanimously to schedule public hearing for the October 17, 2023 meeting.
  
- October 17, 2023.** Board voted unanimously to defer action on the text amendment to the December 17, 2023 meeting and to discuss the matter at the November 7, 2023 work session.
  
- November 7, 2023.** Board agreed by consensus to continue discussion on the text amendment at the December 11, 2023 work session.



- December 11, 2023. Board agreed by consensus to direct the Planning Commission to modify the text amendment to allow limited permanent campgrounds to include use regulations as stipulated by the Board.
- January 2, 2024. Commission assigned the text amendment modification request to the Policy & Transportation Committee.
- February 2, 2024. Policy & Transportation Committee met to discuss development of the Board’s requested text amendment modification.
- March 1, 2024. Policy & Transportation Committee agreed by consensus to send “primitive campground” text amendment modification to the Commission for consideration.
- April 2, 2024. Commission discussed the Policy & Transportation Committee’s primitive campground text amendment modification.
- April 5, 2024. Commission agreed by consensus to send the primitive campground text amendment modification to the Board for consideration.
- May 13, 2024. Board agreed by consensus to direct the Commission to schedule public hearing on the text amendment as modified to include
- June 7, 2024. Placed on the Commission’s Business Meeting agenda to schedule public hearing.

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

<b><i>PRIMITIVE CAMPGROUND</i></b>	
<b>Permitted Use</b>	None
<b>Accessory Use</b>	None
<b>Special Use</b>	AOC, FOC

**Definition:**  
*The use of land as the permanent location for primitive camping by a business, by a non-profit organization, or by a not-for-profit organization. Primitive camping is a recreational activity consisting of overnight stays by patrons using their own tents.*

## **Use Regulations:**

1. ***Primitive camping limited to tents brought by customers and guests.*** Accommodations at a primitive campground are limited to tents owned by and brought to the site by customers and guests. Recreational vehicles such as travel trailers, fifth-wheel campers, motor homes, tent trailers, pop-up campers, and pickup campers are prohibited. Accommodations in any temporary or permanent structure provided by the owner of the primitive campground are also prohibited.
2. ***Onsite manager required.*** The owner or a designated manager shall reside onsite and be present at all times that customers, guests, and visitors are on the property.
3. ***Occupancy limitations.*** A primitive campground shall be limited to a maximum of ten (10) campsites and fifty (50) customers, guests, and visitors on the property at any one time. Only one primitive campground is allowed per lot.
4. ***Minimum lot size.*** The minimum lot size for a primitive campground is 40 acres.
5. ***Minimum setback requirements.***
  - ***For structures, campsites, and parking areas:***
    - ***From property lines -- 300 feet***
    - ***From dwellings on adjacent lots in existence at the time of approval – 500 feet***
    - ***From perennial streams and the Shenandoah River – 100 feet***
  - ***Walking trails from property lines -- 100 feet***

***Setbacks may be reduced with an alternate siting plan approved in conjunction with the special use permit***
6. ***Buffer requirements.*** A minimum 50 foot buffer containing mature trees shall exist and be maintained along all property lines. All buffer areas shall remain undisturbed and there shall be no removal of vegetation except for dead or diseased trees and plants and invasive species. In the absence of a compliant buffer, a planted buffer and/or greater setback distance may be substituted with an alternate siting plan approved in conjunction with the special use permit.
7. ***Campsites, parking areas, and walking trails.***
  - A. ***Campsites, parking areas, and walking trails shall be unimproved except for use of gravel, mulch, or similar material for soil stabilization purposes.***
  - B. ***All campsites shall be clearly delineated in a fixed location, identified by a number or other designation, and shown in the sketch plan required by use regulation 13.***

- C. *Campsites may be served with a water source and electricity. Accessories such as picnic tables and chairs may be provided.*
8. *Location of campsites, parking areas, and accessory structures and uses. All campsites, parking areas, and accessory structures and uses shall be located within 300 feet of the owner's or resident manager's dwelling unless an alternate siting plan is approved in conjunction with the special use permit.*
9. *Limitations on retail activities. Camp stores and onsite food sales shall be prohibited in conjunction with a primitive campground except for the limited sale of firewood, first aid supplies, and bottled water to customers unless other zoning approvals are obtained. Renting of camping and recreational equipment is also prohibited.*
10. *Camping duration. No customer or guest may camp in a primitive campground for more than 7 consecutive days or for more than 14 days in a 30 day period. All tents, vehicles, and other belongings shall be removed from the primitive campground by the customer or guest at the end of the occupancy period.*
11. *Direct access to public road required. A primitive campground shall have direct access to a public road and shall use such direct access as the means of public ingress and egress. Use of a shared driveway or private access easement shall not constitute direct access to a public road and shall not be used for public ingress and egress.*
12. *Parking requirements. Parking for a minimum of 2 spaces per 5 customers and/or guests shall be provided in conjunction with each campsite, in a separate delineated parking area, or a combination of both. Parking areas are not required to be hard-surfaced.*
13. *Campground plan required. In lieu of a site development plan per Section 6.2.2, a campground plan prepared by a professional engineer or licensed surveyor shall be provided in conjunction with the special use permit application containing the following elements:*
- *A boundary survey of the subject property including access easements, waterways, and any flood plain areas and floodways.*
  - *A sketch plan showing the location and dimensions of required setback and buffer areas, access easements, existing and proposed structures including the owner's or resident manager's dwelling, campsites, restroom facilities, water supplies, parking areas, walking trails, and utility easements.*
  - *An emergency action plan which includes the following items:*
    - *Processes and procedures to monitor all campsites effectively during occupancy periods*
    - *Methods for the owner or operator and customers to contact law enforcement, fire, and emergency medical services*

- *Fire prevention and onsite suppression methods*
- *Flood response (if located adjacent to a stream or river) including evacuation plans for flash flooding events*
- *Access for first responders including fire, emergency medical services, and law enforcement personnel*
- *Any other information deemed relevant by the zoning administrator*

14. *Alternate siting plan.* *An alternate siting plan may be approved in conjunction with the special use permit which allows for reduced property line setback and buffer requirements based on existing site conditions. In addition to the applicable special use permit review factors, requests to reduce setback and/or buffer requirements shall be evaluated considering the following factors:*

- *Whether existing mature trees and/or topography in the proposed area would provide more effective screening than in a compliant location.*
- *Whether the proposed area provides less of an impact on adjacent properties and residences than in a compliant location.*
- *For requests to reduce the maximum setback distance from the owner's or resident manager's dwelling, whether the proposed location otherwise fully complies with property line setback and buffer requirements.*

15. *Limitations on outdoor burning.* *In addition to compliance with all State and County regulations regarding outdoor burning, all open-air fires shall be confined to a fire ring constructed of stone, metal, masonry, or similar fire-resistant materials and not to exceed three (3) feet in width. Fire rings shall be covered with a metal screen or other compliant device in accordance with State law when the 4PM Burning Law is in effect. Unconfined bonfires shall be prohibited. A water source and/or other materials for fire extinguishment and suppression shall be provided within 100 feet of all open-air fires.*

16. *Solid waste disposal.* *Each campsite shall be provided with an enclosed trash receptacle and all solid waste shall be stored in an enclosed dumpster or similar container until properly disposed of off-site.*

17. *Amplified sound.* *No amplified sound shall be audible at or beyond the property lines of the subject property.*

18. *Motorized and electric vehicles and equipment.* *With the exception of customer and guest passenger vehicles, use of motorized or electric vehicles such as all-terrain vehicles (ATVs), dirt bikes, drones, and golf carts or motorized equipment such as chainsaws and generators by customers and guests is prohibited. Such vehicles and equipment may be used by the owner or operator of the primitive campground for facility maintenance.*

19. *Boat ramps and accesses.* *Construction or modification of any new or existing ramps, docks, stairs, or similar accesses into perennial streams and the Shenandoah River*

*shall comply with the site and construction regulations found in Zoning Ordinance Section 4.2.3D (Permitted Uses and Structures in a Stream Buffer).*

- 20. Compliance with Virginia Department of Health (VDH) requirements. *A campground approval from the Virginia Department of Health shall be obtained, if required, and maintained in good standing throughout the life of the primitive campground.***

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

**Definition:**

*A recreational activity conducted on a lot of record involving overnight accommodations on a temporary or periodic basis. If temporary camping is operated in exchange for a fee or other compensation, the use shall only be conducted in accordance with the long-term lease of a lot described in use regulation 5 below.*

**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. *Temporary 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. *Temporary camping shall not 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 for temporary camping 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. *Temporary 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	
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](#).



**Clarke County Department of Planning**  
**Berryville-Clarke County Government Center**  
**101 Chalmers Court, Suite B**  
**Berryville, VA 22611**

**TO: Planning Commission**

**FROM: Brandon Stidham, Planning Director**

**RE: Storage of Major Recreational Equipment and Equipment Generally**

**DATE: May 30, 2024**

As a follow-up to our April 30 Work Session discussion of major recreational equipment, members requested a related discussion regarding whether to regulate the quantity of major recreational equipment that is parked or stored on a lot.

Staff noted at the Work Session that there are no specified limits on the quantity of major recreational equipment that can be stored on a lot. The “temporary use of major recreational equipment” limits the areas on a lot where major recreational equipment can be stored and requires such equipment to be in operating condition if stored outdoors. If a property owner has ten or more operable and properly-licensed recreational vehicles and the room to park or store them in the rear yard, then they can do so under current zoning regulations. Storage of large numbers of major recreational equipment could be an eyesore to some and could be indicative of an illegal business or use such as a campground, storage yard business, or contractor’s storage yard. Staff would have to find evidence of an illegal business or use in order to take corrective action, otherwise such private storage conforms to current zoning rules.

Another concern deals with unintended consequences of allowing major recreational equipment to be parked or stored in the rear yard. In most cases, the rear yard is the best location to limit visual impact on surrounding properties except when the property’s rear yard is the border of the Shenandoah River, Opequon Creek, or other perennial stream. In these cases and in particular along the river, equipment that is parked or stored there can be visible to as many nearby property owners as if it was parked in the front yard. Floodplain regulations (4.2.1D-2) limit the location and duration that recreational vehicles may be parked in the floodplain but not the parking and storage of recreational equipment trailers or trailers in general.

With this in mind, Staff identified two discussion questions:

1. Do we want to add other regulations to TA-24-04 (Temporary Storage of Major Recreational Equipment) to address these concerns?
  - Cap on quantity per lot. A new use regulation could be included to establish a cap on the outdoor storage of major recreational equipment. This would be easier to determine for residential lots based on their smaller size but much more difficult to justify on larger AOC/FOC lots.

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- Rear yard limitations. Outdoor parking and storage in the rear yards could be further limited by regulations when the rear yard borders the river or perennial stream. The floodplain regulations in 4.2.1D-2, which apply to “recreational vehicles,” limit storage to less than 180 consecutive days, require vehicles to be licensed and operable, and prevents them from being located within 100 feet of the river between January 1 and March 31. Truck campers and caps are not allowed to be removed from the transporting vehicle if located within 100 feet of the river. Additional or different rear yard setbacks or screening requirements could be considered if the floodplain regulations are deemed insufficient.

This section does not apply to recreational equipment such as boat trailers or other types of recreational trailers that are not campers or have camping equipment attached or loaded on them. A separate text amendment to Section 4.2.1D-2 could extend applicability to all forms of major recreational equipment and not just recreational vehicles.

2. Do we want to look into a separate text amendment for parking and storage of equipment generally?

Parking and storage of non-recreational trailers such as tractor trailers, utility and box trailers, car trailers, and similar equipment is not regulated by the Zoning Ordinance unless the trailers or equipment are being used in conjunction with a home occupation. The inoperable vehicle regulations in Section 7.12 apply to trailers and similar equipment but there are no other zoning regulations to govern where they may be parked or stored or the quantities that may be kept on a lot. A property owner can have ten or more utility trailers and so long as they are all kept licensed and operable, there would not be a zoning violation. They could also be stored in any required yard and we do not have any regulations to limit parking them in the floodplain.

Similar to the above discussion about major recreational equipment, the Commission could consider a text amendment to create limitations on parking and storage of such equipment generally. Staff does caution that such regulations could impact agricultural operations which may make use of large numbers of trailers and similar equipment.

Staff is looking for direction from the Commission on whether to make any modifications to TA-24-04 or to develop a separate text amendment or amendments. If language is to be added to TA-24-04, Staff recommends deferring action on scheduling public hearing until the new proposed language is reviewed and discussed.

Please let me know if you have questions or comments prior to the meeting.

**ZONING ORDINANCE TEXT AMENDMENT (TA-24-04)**

**Temporary Use of Major Recreational Equipment**

**June 7, 2024 Planning Commission Business Meeting – SCHEDULE PUBLIC HEARING**

**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 amend “temporary use of major recreational equipment” per Zoning Ordinance Section 5.4 (Uses, Definitions, and Use Regulations – Temporary Uses and Structures). The purpose is to clarify that use of major recreational equipment for camping or sleeping is prohibited in the RR, OSR, DR-1, DR-2, and DR-4 zoning districts, and is allowed in the AOC and FOC zoning districts only in accordance with the “temporary camping” temporary use or other zoning approval. The text amendment also clarifies that major recreational equipment may not be used for residential purposes in these zoning districts except in accordance with the “temporary dwelling” use.

**Requested Action:**

Schedule public hearing for the July 12, 2024 Business Meeting.

**Staff Analysis:**

“Major recreational equipment” is defined as:

*A boat, boat trailer, travel trailer, pick-up truck camper or cap, motor coach, motorized dwelling, tent trailer, or similar recreational vehicle or equipment, as well as any cases, boxes, or towing trailers used for transporting recreational equipment, whether or not occupied by such equipment.*

Use regulation 1 for the temporary use, “Temporary Use of Major Recreational Equipment,” states that “no major recreational equipment shall be used for living, sleeping, or other occupancy on lots zoned RR, OSR, DR-1, DR-2, and DR-4 except as a temporary dwelling use.” The intent of this language is to prevent people from camping or residing in major recreational equipment in these zoning districts. This section does not reference any limitations on usage of major recreational equipment in the AOC and FOC Districts with the intent being that they can be used for temporary camping by the property owner, family, and guests in these districts. The absence of language to address AOC and FOC District usage could be interpreted by some as allowing major recreational equipment to be used for residential purposes in these districts.

New language is added to use regulation 2 to clarify that camping or sleeping in major recreational equipment is prohibited in the aforementioned residential zoning districts, and is allowed in the AOC and FOC zoning districts only in accordance with the “temporary camping” temporary use (proposed in text amendment TA-23-01, Regulations for Permanent Campgrounds and Temporary Camping) or in conjunction with other County zoning approval.

Language is also added to use regulation 2 to clarify that use of major recreational equipment for residential purposes is only allowed with zoning permit approval as a “temporary dwelling” use during construction of a permanent residence or in hardship instances when the applicant’s residence on the same lot has been destroyed by natural causes.

For parking or storage of major recreational equipment that is six feet or more in height and not located within a garage, carport, or other building, use regulation 3 prohibits that equipment from being parked or stored in any required front or side yard in all zoning districts. New language is added to allow a minor exception to this prohibition – such equipment may be parked temporarily in a front or side yard for a period not to exceed 24 hours for loading and unloading only.

The proposed text amendment language is included at the end of this report. All proposed changes added since the Commission’s April 30 review of the text amendment are shown in blue bold italics.

**Staff Recommendation:**

Staff recommends that the Commission schedule public hearing on the text amendment for the July 12 Business Meeting.

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**History:**

- |                        |   |
|------------------------|---|
| <b>April 18, 2024.</b> | <b>Policy &amp; Transportation Committee agreed by consensus to forward the proposed text amendment to the full Commission for consideration.</b> |
| <b>April 30, 2024.</b> | <b>Placed on the Commission’s Work Session agenda for initial discussion.</b>   |
| <b>May 3, 2024.</b>    | <b>Commission voted 9-0-2 (Hunt, Staelin absent) to initiate consideration of the text amendment.</b>   |
| <b>June 7, 2024.</b>   | <b>Placed on the Commission’s Business Meeting agenda to schedule public hearing.</b>   |

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

<b>TEMPORARY USE OF MAJOR RECREATIONAL EQUIPMENT</b>	
<b>Permitted Use</b>	None
<b>Accessory Use</b>	AOC, FOC, RR, OSR, DR-1, DR-2, DR-4
<b>Special Use</b>	None

**Definition:**

The temporary parking, storage, or non-residential use of major recreational equipment on a lot.

**Use Regulations:**

The following regulations shall apply to the temporary use of major recreational equipment which includes parking and storage.

1. ***Usage in residential zoning districts.** Use of major recreational equipment for camping or sleeping is prohibited on lots zoned RR, OSR, DR-1, DR-2, and DR-4. Major recreational equipment shall only be used for residential purposes in accordance with the “temporary dwelling” use.*

2. ***Usage in the AOC and FOC Districts.** Use of major recreational equipment for camping or sleeping shall only be allowed in accordance with the “temporary camping” temporary use, or in conjunction with other zoning approval. Major recreational equipment shall only be used for residential purposes in accordance with the “temporary dwelling” use.*

~~No major recreational equipment shall be used for living, sleeping, or other occupancy on lots zoned RR, OSR, DR-1, DR-2, and DR-4 except as a temporary dwelling use.~~

3. Major recreational equipment six feet or more in average height, *that is* not parked or stored in a garage, carport, or other building, shall not be located in any required front or side yard, *provided however that such equipment may be temporarily parked in a required front or side yard for a period not to exceed 24 hours for loading and unloading.* Major recreational equipment six feet or more in average height *that is stored outside of a garage, carport, or other building* ~~and~~ shall be located at least three feet from all buildings.

4. Major recreational equipment that is not in operating condition shall not be parked outdoors and shall be stored in a garage, carport, or other building.

**Required Review Processes:**                      **None**