



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, July 12, 2024 – 9:00AM

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.

| <u>CALL TO ORDER/ADMINISTRATIVE MATTERS</u> | | |
|--|---|-----------------|
| 1 | Approval of Agenda | pp. 1-3 |
| 2 | Approval of Minutes | pp. 4-20 |
| | -- June 4, 2024 Work Session | pp. 4-10 |
| | -- June 7, 2024 Business Meeting | pp. 11-20 |
| 3 | Appoint Temporary Chair for Item #4, <u>SUP-23-03/SP-23-04</u>, Harry Z. Isaacs % Long Branch Farm | -- |

| <u>CONTINUED PUBLIC HEARING</u> | | |
|--|---|------------------|
| 4 | <u>SUP-23-03/SP-23-04</u>, Harry Z. Isaacs % Long Branch Farm. Request approval of a special use permit (SUP) and site development plan to operate a minor commercial public assembly use per Section 5.2D (Recreation/Education/Assembly Uses) of the Zoning Ordinance. The property is subject to a 2002 SUP approved for a house museum and equine veterinary clinic. The proposed special use would include using the historic house and adjoining yards for events that are not covered by the existing SUP including weddings. No new development is proposed except for improvements to existing facilities required by State and County agencies. The public hearing includes consideration to revoke the equine veterinary clinic approval on grounds that this use is discontinued. The subject property is approximately 390 acres, zoned Agricultural-Open Space-Conservation (AOC), identified as Tax Map #29-A-29, and is located in the White Post Election District at 830 Long Branch Lane (private road) with primary entrance on Nelson Road (Route 626). | pp. 21-34 |
| | -- Staff Report | pp. 21-28 |
| | -- Hillis-Carnes resistivity review letter (6/18/2024) | pp. 29-31 |
| | -- County resistivity approval letter (6/20/2024) | pp. 32 |
| | -- Virginia Department of Health (VDH) approval letter (7/2/2024) | pp. 33-34 |

PUBLIC HEARINGS

| | | |
|---|--|-----------|
| 5 | <p>TA-23-01, Regulations for Permanent Campgrounds and Temporary Camping. 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 of 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 AOC and FOC Districts subject to use regulations. Temporary camping would be allowed by-right in the AOC, FOC, and ITL Districts subject to use regulations.</p> | pp. 35-57 |
| 6 | <p>TA-24-04, Temporary Use of Major Recreational Equipment. 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.</p> | pp. 58-60 |

REPORTS/OTHER BUSINESS/ADJOURN

| | | |
|----|--|-----------|
| 7 | Board and Committee Reports | -- |
| | <ul style="list-style-type: none"> • Board of Supervisors (Terri Catlett) • Board of Septic & Well Appeals (George Ohrstrom, II) • Board of Zoning Appeals (John Staelin) • Historic Preservation Commission (Bob Glover) • Conservation Easement Authority (George Ohrstrom, II) | |
| 8 | Other Business | -- |
| 9 | Projected Upcoming Agenda Items, July – October | pp. 61-62 |
| 10 | Adjourn | -- |

| UPCOMING MEETINGS: | |
|--|--|
| Comprehensive Plan Committee | Tuesday, July 23 (2:00PM) – A/B Meeting Room Monday, August 19 (2:00PM) – A/B Meeting Room Tuesday, September 10 (2:00PM) – A/B Meeting Room |
| Policy & Transportation Committee | No upcoming meetings |
| Plans Review Committee | No upcoming meetings |
| Ordinances Committee | No upcoming meetings |
| Commission Work Session | Tuesday, September 3 (3:00PM) -- Main Meeting Room |
| Commission Business Meeting | Friday, September 6 (9:00AM) -- Main Meeting Room |



Clarke County Planning Commission

DRAFT MINUTES – Work Session

Tuesday, June 4, 2024 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

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

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Danielle Ritter (Office Manager/Zoning Officer)

OTHERS PRESENT: None.

CALL TO ORDER: By Chair Ohrstrom at 3:00PM.

1. Approval of Agenda

The Commission approved the agenda by consensus as presented by Staff.

2. Review of June 7 Business Meeting Agenda Items

A. Conflict of Interest Statements

Mr. Stidham noted Vice-Chair Buckley’s conflict of interest with the Long Branch Farm special use permit (SUP) and site development plan application as he is the applicant in that case. Vice-Chair Buckley read the conflict of interest statement into the record of the January 2, 2024 work session.

B. Agenda Review

Mr. Stidham noted the minutes from the May Work Session and Business Meeting in the packet and asked members to let him know if there are any changes that need to be made.

Vice-Chair Buckley left the dais prior to the discussion of SUP-23-03/SP-23-04 Harry Z. Isaacs % Long Branch Farm.

Mr. Camp reviewed the staff report for SUP-23-03/SP-23-04. He concluded his presentation by stating that the applicant has deferred the application and continued the public hearing to June 7 Business Meeting. He stated the applicant is currently working with the Virginia Department of Health (VDH) to resolve issues with the onsite sewage disposal system. That included submission of a resistivity application and report, submission of a revised site development plan,

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and submission of an application to the VDH. Chair Ohrstrom asked if the VDH application had been submitted. Mr. Buckley replied that the resistivity test has been submitted and they are awaiting for the approval by the County's engineers prior to applying for the other two applications, but he stated those are ready to go. Chair Ohrstrom asked why they would wait and Mr. Buckley replied they are waiting just in case it has to be changed. Commissioner Lee added that it has to pass the resistivity test prior to the application being accepted by the VDH. Chair Ohrstrom stated that his questions have been answered. Mr. Camp continued and stated that they were correct and that the resistivity is currently being reviewed and the estimated time of completion on that is roughly June 12. He stated following that the site plan submission and VDH application will need to be submitted and that process typically takes 15 days. Mr. Camp stated that based on where they are at it does not appear that the conditions for conditional approval are met because we do not expect a reasonable resolution of the matters within 21 days. Mr. Camp stated that Long Branch requested a deferral until the July 12 meeting and hopefully we will have everything resolved and reviewed at that time for a clear decision. Mr. Camp asked if anyone had any questions. After no questions, Chair Ohrstrom thanked Mr. Camp for the update.

Vice-Chair Buckley returned to the dais.

Mr. Stidham noted the public hearings that are scheduled for the June 7 Business Meeting. The first is TA-24-01, Cesspools and Other Unpermitted Onsite Sewage Disposal Systems. Mr. Stidham stated that this would establish a new requirement that if you have a cesspool and there are no records or evidence that it is approved or in good standing with the VDH, these systems would be required to be replaced or upgraded if required by the VDH prior to approving a minor subdivision. Mr. Stidham stated that currently those replacement systems are only required to be shown on the plat and there is nothing in the ordinance that actually requires someone to construct those systems so this text amendment would correct that issue. Chair Ohrstrom asked if there has been any calls regarding this text amendment and Mr. Stidham answered that the public hearing has just recently been advertised.

Mr. Stidham continued to TA-24-02, Minor Commercial Public Assembly Accessory Use – Country Inns. Mr. Stidham states that this would remove the minor commercial public assembly accessory use that is listed as something that can be approved with a country inn. If adopted and someone wants to do weddings and other commercial events, they would have to get a separate special use permit and have that reviewed separately from the country inn. Mr. Stidham added that removing reference to permitting for special event permits would paint the picture that a country inn is not an event center. Mr. Stidham also stated that we are also adding language that will clarify that meal service is only for the overnight guests. Chair Ohrstrom asked if there was any contact about this text amendment and Mr. Camp answered that the owners of L' Auberge Provencale asked how the text amendment would affect their business. Mr. Stidham added that their approval gives them more authority than they have under the current ordinance because it was done back when you could have a full service restaurant at the time.

Mr. Stidham continued to text amendment TA-24-03, Helicopter Landing Area Use and Prohibition of Private Airstrips and Airports. Mr. Stidham stated that this is to address preemption by state code of our ability to regulate noncommercial private helicopter use in the

county. Mr. Stidham that this will require the helicopter landing areas to be approved by a Special Use Permit (SUP) in the AOC and FOC districts. Mr. Stidham stated that the landing lights that are required have to be turned off when not in use and he stated we are also reinforcing the language that we are prohibiting airstrips and airports. Mr. Stidham asked if there was any questions and no one had any.

Mr. Camp presented MS-24-03, Charles & Shirley McIntosh. Mr. Camp stated the application is to merge two existing lots, Tax Map 26-A-2 with Tax Map 26-A-11A, and create a new lot with frontage on Retreat Road. This would result in a residue lot of approximately 85 acres and a new lot of 3 acres. The resultant residue lot would retain 1 DUR. Mr. Camp stated that the Virginia Department of Transportation (VDOT) had no concerns and the comments requesting changes by VDH have been changed by the applicant. Mr. Camp stated that resistivity was not required for this property. Mr. Camp stated it meets the requirements but did note that there was a condition of approval on a subdivision in 2017. The condition stated that Village Lane had to be upgraded if they ever got a building permit on the lot, and that it would be a significant cost to upgrade that road. Mr. Camp stated that we have added a similar note to this plat, since the owner is retaining a potential DUR on that property. He added that if he decides to use that access point on the consolidated area, they would have to do the same thing and upgrade the road. Mr. Camp concluded by saying that the staff recommends approval of this application for the minor subdivision which is scheduled for the June 7th Business Meeting. Mr. Camp asked if there was any questions and there was no questions at that time.

Mr. Stidham then noted the Board and Committee reports and the projected upcoming agenda items report on the Business Meeting agenda.

C. Status of Deferred Applications

Mr. Camp began with the Watermelon Park SUP and stated that they submitted a revised site development plan. Mr. Camp stated it was right at the deadline and after meeting and consulting with them we recommended for them to defer the application. Mr. Camp stated there are still a number of inconsistencies in the numbers of RV sites. Mr. Camp also added that we need additional review by VDH and VDOT. Mr. Camp then moved on to the Suromi, LLC minor subdivision application and stated that this one is where they were required to find a new drain field site. He stated that the applicant decided to move forward with that and get that addressed. Mr. Camp stated that they were in the process of getting that done now. Mr. Camp continued to the Berryville Berries SUP and stated that after talking to the applicant about the new campground regulations the applicant wants to continue the deferment until he can figure out what he wants to do. He stated he advised the applicant he needs to decide soon because he has been deferring for quite some time now. Mr. Camp moved on to the Regan Partnership LP minor subdivision application stating that it has been deferred because the various owners are working out issues. He added that it will be at least a couple more months before we have a clear response.

3. Old Business

A. TA-23-01, Regulations for Permanent Campgrounds and Temporary Camping

Mr Stidham stated that he presented the text amendment to the Board of Supervisors last month's meeting specifically to go over the primitive campground regulations that the Policy and Transportation Committee put together. He added that the Board seems to be very comfortable with what has been assembled and they encouraged you all to add this into the campground regulations text amendment and feel free to schedule a public hearing. Mr. Stidham said that this will require a new public hearing to be held because it was advertised differently than what it currently is, essentially prohibiting permanent campgrounds, and now the only way you can have a permanent campground would be through the permanent campground regulations. Mr. Stidham asked if everyone felt comfortable with putting this on the agenda for Friday to set public hearing for July. Everyone agreed and there were no questions.

4. New Business

A. Discussion, Storage of Major Recreational Equipment and Equipment Generally

Mr. Stidham began by noting that Commissioner Staelin had brought up issues about the quantities and the location of storage of recreational vehicles and trailers. Mr. Stidham stated that there are no specified limits or quantity that you can store at a lot. He stated that if you have a small lot you will obviously be restricted as to where you can store things. He stated that the vehicles stored do have to be operable, properly licensed, and in working order. He said as long as it is located in the correct location on the lot, you can store as much as you want. Mr. Stidham provided an example that a property owner can have 10 or more operable or properly licensed RVs. He continued and said the only way that we would be able to control the storage in any way is if we had evidence that it was being stored in conjunction with a business. He stated in the past they have had multiple identical RVs lined up along the river. Chair Ohrstrom added that there were little tents down by the river as well.

Mr. Stidham continued and stated that the other concern deals with the unintended consequences of limiting parking and storage to the rear yard, which would seem to be the most out of sight out of mind location, except when you are dealing with the river or some other large stream, and that is going to be highly visible not only to other property owners but to the people that are using the river for recreation. He continued and said that they noted that the floodplain regulations limit the location and duration that RVs can be parked in the floodplain, but not the parking and storage of recreational equipment trailers or even non-recreational equipment trailers. He stated that they have two discussion questions for the day. The first one deals with potential changes they may want to make. The next is to whether they want to add regulations to the text amendment before they set the public hearing. He continued with asking if there was a quantity they wanted to add of what can be stored per lot, which could include as a new use regulation. Chair Ohrstrom added that he does not know how we would justify it if someone wanted to store 12 when we allow 10 and they are all licensed. Chair Ohrstrom asked what everyone thinks. Commissioner Dunning stated that a lot of recreational vehicles do not have permits. Mr. Stidham said that with canoes you would not have to get a permit because there are no licenses for them. He continued and stated that a trailer that would pull the canoe would be licensed. Chair Ohrstrom added that boats are supposed to be licensed and even canoes he thinks. Commissioner Hunt added that it only is licensed if it has a motor.

Chair Ohrstrom asked if anyone else wanted to add anything on this discussion. Commissioner Lee asked if acreage could come into a factor on this. Mr. Stidham stated that you could do that for residential zoning but he is not sure where you would draw the line. He added that someone may have a camper, RV, pop up camper, a couple jet skis, and canoes and trailers and they can fit them all into a building and have some storage so it would be hard to come up with a number. Lee added he does not see how you can establish a limit. Commissioner Catlett asked if any of this applied to Watermelon Park. Mr. Stidham said no this is for personal storage not commercial.

Mr. Stidham continued to the second issue which is the floodplain regulations which limit storage to less than 180 consecutive days and require vehicles to be licensed and prevents them from being located within 100 feet of the river between January 1 and March 31. He said additional or different rear yard setbacks or screening requirements could be considered if they think that the floodplain regulations would not be doing enough to prevent those things from within those areas. He added that the section does not apply to recreational equipment so with a boat trailer, it would apply to the boat and not the trailer. He added that they could do a separate text amendment to the floodplain regulations to extend applicability to all forms of major recreational equipment and not just recreational vehicles. He then asked what everyone thought. Commissioner Glover asked what the historical reason for the January 1 and March 31 dates. Mr. Stidham answered and stated that is the time frame when flooding has historically occurred in the past. Commissioner Glover stated that he has been told that we have had bad floods every month of the year and he was not sure if it was a way to get everyone to clean up their sites once a year. Mr. Stidham answered and stated that could be it as well since you are less likely to be at your campsite during that time. He also added that the river is known to freeze over and flood worse during that time as well. Commissioner Staelin stated that he was trying to think of backyards that are not in a floodplain that this would be an issue to and he was not sure if that was the only reason that they were thinking of limiting it from backyards. Mr. Camp added that it is going to be regulated from the side of the front yard. Commissioner Glover added that it is kind of silly when you have Watermelon Park which is right by the river and they stay there year round and if the floods really come up are they going to be able to get all of the camper out quick enough or are they going to be floating down the river. Chair Ohrstrom added that more than likely down the river. Commissioner Glover added that we get time and warning about the floods being on the river and it is not a flashflood but you have to get everyone out within two days.

Commissioner Staelin asked if there were buffering requirements. Mr. Stidham added that they could add buffering requirements if that was an issue but the current rules require you to have all of your recreational vehicles and equipment in working order, operables and licenses so we are not talking about derelict equipment that's partially disassembled inside. Commissioner Glover added that he feels like that takes care of itself because it is operational and people will take pride in getting that out versus the derelict ones. Commissioner Dunning added that if people get there quick enough because a lot of them are not local. Chair Ohrstrom added that it was like the time in 1996 when there was a lot of rain and snow and they were not able to get the people out of Watermelon Park within two days. Commissioner Staelin added that this is for personal and not commercial so in ways it does not apply to Watermelon Park. Vice-Chair Buckley asked if this affected a lot of properties because he has a hard time picturing a lot of properties that have

houses that back up to the floodplain. Chair Ohrstrom added that he agrees and if they do would they park their RV in the floodplain. Vice-Chair Buckley added that he could see some along Route 638. Mr. Stidham added that it would be the same as the river lot camping and how people perceive it. Commissioner Glover added that having it is a good thing but he think people will compare it to Watermelon Park and question why they are being penalized when Watermelon Park is not. Commissioner Staelin added that he seen a bunch of what appeared to be recreational or storage vehicles that were sitting and he was not sure if it was legal or not. Mr. Camp answered that it was in the rear of the yard so it currently is allowed. He added that the floodplain regulations restrict long term storage of a recreational vehicle in that area but that does not apply to canoes or major recreational equipment which are separate. Chair Ohrstrom asked what the Commission's pleasure is on this. Commissioner Staelin added that he was just asking some questions to see if it was legal or not and he thinks it is more commercial than personal. Mr. Stidham asked if they want to look into doing a separate text amendment for parking and storage of equipment generally. He added that we are talking about the parking and storage of non-recreational trailers, such as tractor trailers, utility and box trailers, car trailers and similar equipment. He continued and stated that these things are not regulated by zoning regulations unless the trailers or the equipment are being used in conjunction with a business for a home occupation and the inoperable vehicle requirements in section 7.2 would apply so they have to be operable, they have to be licensed and tagged, if required. Mr. Stidham stated there are no zoning regulations to govern how much you can have on your property, or even where on the property you can locate them. He said a property owner can have 10 utility trailers, and so long as they are all kept licensed and operable, that would not be a zoning violation. He continued that the same applies to cars if they want to have 20 cars on their property, and they are all licensed and tagged, they can have those things, but he knows that the large amounts of storage of those things can also be an eyesore as well. Mr. Stidham adds that he only reason we have not created those regulations for the AOC and FOC is that this could be applied unintentionally to agricultural operations that tend to have a lot of those. Chair Ohrstrom added that he has a lot of this equipment himself. Mr. Stidham asked what the thoughts were on that. Vice-Chair Buckley added that he thinks that it would be a step too far and that he is more concerned about where people choose to park those things. He adds that he does not see it fair and he does not care if you have 10 trailers as long as they are not up against the neighbor's house. Chair Ohrstrom added that when you have large acreage you are supposed to have a major setback before you can do anything anyway. Vice-Chair Buckley added that he was at a property where houses were built along the driveway and you could see the back of the houses and their storage sheds and trailers and it was front and center for everyone to see. Mr. Stidham added that another concern could be on smaller lots if you make them store in the backyard it may be where their drain field is located. Chair Ohrstrom added that in small lots it is definitely more problematic. Mr. Stidham added that they typically do not get many complaints about that but when they do get complaints they find things like this. Commissioner Staelin asked if this would help with the Crider property with all the military vehicles. Mr. Stidham stated no because they were all tagged and where they are stored now is the rear yard. Mr. Stidham stated that it does not sound like anyone feels the need to do anything with this at this point. Commissioner Staelin stated not unless they were getting a lot of complaints. Mr. Stidham added that if they have anything come up with the floodplain regulations they may introduce something to address the recreational trailers. Chair Ohrstrom agreed and stated maybe they would add some kind of

buffering. Mr. Stidham added that they will have another discussion at another time and since they were not going to do anything with TA-24-04 they will move on.

Mr. Stidham reviewed the staff report for TA-24-04 with a few modifications. Mr. Stidham said that under usage in AOC and FOC, he added camping or sleeping and added the term “temporary” to reconcile with the campground for consistency. Chair Ohrstrom asks if a family lives in Pine Grove would not be allowed and their nephew and brings his family in an RV from Kansas, they would not be allowed to sleep in it for there for the weekend. Mr. Stidham clarifies that Pine Grove is zoned as FOC not RR and in RR we do not want people camping and it is clear with the current language. Chair Ohrstrom said he was just wondering what you could do. Mr. Stidham continued and stated he did also add in the temporary camping use to avoid any conflicts with the proposed campground regulations. He then also added where we talk about major recreational equipment 16 feet or more an average height shall not be located in any required or front side yard. He stated that he added an exception, 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. Mr. Stidham concluded that if everyone is comfortable they can add this to Friday’s agenda to schedule public hearing. After no comments or concerns Chair Ohrstrom concluded the meeting.

ADJOURN

The Commission agreed by consensus to adjourn the meeting at 3:40PM.

George L. Ohrstrom, II (Chair)

Danielle Ritter (Clerk)



Clarke County Planning Commission

DRAFT MINUTES - Business Meeting

Friday, June 7, 2024 - 9:00AM

Berryville/Clarke County Government Center - Main Meeting Room

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

L- Arrived Late.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Danielle Ritter (Office Manager/Zoning Officer).

OTHERS PRESENT:

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

1. Approval of Agenda

The Commission voted 9-0-2 to approve the agenda as presented by Staff.

| Motion to approve the agenda as presented by Staff: | | | |
|--|---------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE | Lee | AYE (seconded) |
| Catlett | AYE | Malone | AYE (moved) |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE |
| Hunt | ABSENT | | |

2. Approval of Minutes

A. April 2, 2024 Work Session

The Commission voted 9-0-2 to approve the April 2, 2024 minutes as presented by Staff.

| Motion to approve the April 30, 2024 meeting minutes as presented by Staff: | | | |
|--|---------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE | Lee | AYE |
| Catlett | AYE | Malone | AYE (seconded) |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE (moved) |
| Hunt | ABSENT | | |

B. April 5, 2024 Business Meeting

The Commission voted 9-0-2 to approve the April 5, 2024 minutes as presented by Staff.

| Motion to approve the May 3, 2024 meeting minutes as presented by Staff: | | | |
|---|---------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE | Lee | AYE (seconded) |
| Catlett | AYE | Malone | AYE (moved) |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE |
| Hunt | ABSENT | | |

Vice-Chair Buckley left the dais.

PUBLIC HEARING CONTINUED

3. SUP-23-03/SP-23-04, Harry Z. Isaacs % Long Branch Farm

Chair Ohrstrom stated that Vice-Chair Buckley has a conflict of interest with this application as he is the applicant. Vice-Chair Buckley read statements into the record of the January 2, 2024 work session disqualifying himself from participating in the deliberation of this matter.

Mr. Camp noted that the applicant had previously requested a 30-day deferral of this application to address Virginia Department of Health (VDH) comments and community concerns that had been raised. He said VDH staff indicated the applicant is at this point in time pursuing the establishment of a new drain field and that VDH has field reviewed the proposed location. He stated that the applicant is requesting another deferral until July 12, 2024. He stated conditional approval per the Planning Commission's conditional approval policy could be considered once we are reasonably assured that all of the issues are going to be addressed within 21 days. He said that potentially could happen once all the information is submitted by the applicant. He stated that the resistivity application was submitted on May 28 and currently is being reviewed, and we are waiting on submission of the revised site plan that shows the location and details of the site development plan. He added that VDH needs an application with the design details for that review. Mr. Camp concluded that Staff has no objections to the July 12 deferral and we recommend continuing the public hearing with that as well.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom then stated the following:

For this morning’s public hearing, please state your name and address for the record prior to addressing the Commission.

You will have a maximum of three minutes to address the Commission or ten minutes if you are identified as representing a recognized group or are speaking on behalf of a group of citizens present at the public hearing. The Planning Director will serve as the timekeeper for the public hearing.

All speakers shall be civil in tone and demeanor and shall not make personal, impertinent, slanderous, or profane remarks, or any threatening or intimidating gestures, to any commissioner, staff, the applicant, or the general public.

Speakers shall address the Commission and shall not address the audience, answer questions from the audience, or engage in debate with anyone in the audience.

Please note that the purpose of the public hearing is to provide your comments to the Commission and for the Commission to receive those comments. The public hearing is not the appropriate forum to engage in dialogue with the Commission or staff. You are welcome to raise questions during your speaking time which the Commission may address after the public hearing.

If you have brought documentation for the Commission, please provide it to staff prior to or at the conclusion of your comments.

I also want to say that we all live in a small community and there are strong feelings on both sides of any issue in a public hearing. I would urge that everyone exercise restraint, respect each other, and remain polite to all.

I will now open the public hearing.

There were no speakers. Chair Ohrstrom asked for a motion to accept the applicant’s deferral request and to continue the public hearing. The Commission voted 8-0-3 to accept the applicant’s deferral request and continue the public hearing to the July 12 Business Meeting.

| Motion to accept the applicant’s deferral request and continue the public hearing to the July 12, 2024 Business Meeting. | | | |
|---|------------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | ABSTAINED | Lee | AYE (moved) |
| Catlett | AYE | Malone | AYE (seconded) |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE |
| Hunt | ABSENT | | |

Vice-Chair Buckley returned to the dais.

PUBLIC HEARINGS

4. TA-24-01, Cesspools and Other Unpermitted Onsite Sewage Disposal Systems

Mr. Stidham stated the purpose of this text amendment to require any existing cesspool or unpermitted onsite sewage disposal system to be replaced or upgraded to a Virginia Department of Health approved system prior to final approval of the subdivision plat. He stated that for subdivision of lots that have an existing dwelling Section 4.5.6E requires the plat to show either the location of an existing approved standard septic system that is currently serving that existing dwelling as shown by VDH record, as well as a 100% reserve drain field area, or the location of a new primary system and a 100% reserve drain field area to serve the existing dwelling as approved by the VDH. He stated 4.5.6E only requires this information to be shown on the plat, and it does not require the applicant to construct any new systems or to modify or upgrade any existing systems. He stated sewage disposal systems for which no records exist may have been installed illegally and likely do not conform to current regulations, and both cesspools and unpermitted systems pose risks to groundwater contamination when they fail and should be modified or replaced before failures occur.

He stated this text amendment would require existing cesspools and unpermitted onsite sewage disposal systems to be replaced or upgraded to a VDH approved system before final approval of the subdivision plat. He said staff would recommend to applicants they have their modifications or upgrades approved by VDH and install them before filing for subdivision plat review, as this would prevent any delays to final plat approval for recordation. He stated the text amendment would also remove the word standard from subsection E, as this term is unnecessary and could be interpreted as allowing conventional onsite sewage disposal systems. He concluded that staff has no outstanding concerns with the adoption of the text amendment, and we are recommending to hold the public hearing today and take action on the text amendment.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom began the public hearing for TA-24-01. There were no speakers and Chair Ohrstrom closed the public hearing. The Commission voted 9-0-2 to recommend approval of the text amendment to the Board of Supervisors.

| Motion to recommend approval of the text amendment to the Board of Supervisors. | | | |
|--|---------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE | Lee | AYE (moved) |
| Catlett | AYE | Malone | AYE (seconded) |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE |
| Hunt | ABSENT | | |

5. TA-24-02, TA-24-02, Minor Commercial Public Assembly Accessory Use- Country Inns

Mr. Stidham stated the purpose of this text amendment is to eliminate minor commercial public assembly as an allowable accessory use to a country inn and clarify that the sale of meals or

prepared food is limited to overnight guests only. He stated that applicants would have to apply for a separate special use permit for a minor commercial public assembly use in addition to the country inn special use permit. This would allow the impacts of a minor commercial public assembly use to be evaluated separately from the impacts of the country inn. Use regulation number eight would be deleted which references required compliance with County Code Chapter 57 for Special Events. He stated that the intent is to limit the presumption that Country Inns are appropriate locations to hold special events, and this would not prohibit special events from being approved by the Board of Supervisors at a country inn. He concluded that he recommends the public hearing be conducted and to take action on the text amendment.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom began the public hearing for TA-24-02. At this time there were no speakers and Chair Ohrstrom closed the public hearing. The Commission voted 9-0-2 to recommend approval of the text amendment to the Board of Supervisors.

| Motion to recommend approval of the text amendment to the Board of Supervisors. | | | |
|--|-----------------------|---------|--------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE | Lee | AYE |
| Catlett | AYE | Malone | AYE |
| Dunning | AYE | Reed | AYE |
| Glover | AYE (seconded) | Staelin | AYE (moved) |
| Hunt | ABSENT | | |

6. TA-24-03, Helicopter Landing Area Use and Prohibition of Private Airstrips and Airport

Mr. Stidham stated the purpose of this text amendment is to add “helicopter landing area” as a new special use in the AOC and FOC districts per Section 5.2E of the Zoning Ordinance, the purpose is to require a special use permit and compliance with use regulations for departures and landings of non-commercial helicopters for personal use. He stated the text amendment also clarifies the helicopter landing areas for commercial use, and private or public airstrips or airports for aircraft other than helicopters are prohibited.

He said that state code allows repetitive landings and departures on the same lot to be regulated by special use permit but they cannot be prohibited by a locality. State code also allows reasonable use regulations to be established for the protection or benefit of neighboring landowners, including requiring compliance with Federal Aviation Administration Regulations. He said helicopter landing areas are currently not a defined use in the Zoning Ordinance and therefore would be considered a prohibited use. He added that since localities cannot prohibit repetitive noncommercial landings and departures of helicopters on the same lot, one can make the argument that the Zoning Ordinance does not regulate the use, and it is therefore allowed by right and not subject to any permitting requirements or zoning regulations.

Mr. Stidham stated that this text amendment would create the new use helicopter landing area defined as an area designated exclusively for the takeoff and landing of helicopters for the personal use by the property owner and their guests and it is allowable by special use permit in

the AOC and FOC districts. He said site development plan approval would not be required as the use is intended to be low impact. He stated that the proposed use regulations include a minimum lot size of 50 acres and setbacks are proposed 300 feet from all property lines and overhead utility lines, 100 feet from structures on the same lot, and 500 feet from residences on adjacent lots. He said the helicopter landing area cannot be used for commercial purposes and shall conform to all State and Federal regulations. He said landing areas can be hard surfaced and at a minimum shall be stabilized with grass or gravel. He noted that improvements are limited to markings, lighting and other equipment required by State or Federal law, and use of required lighting shall be limited to takeoffs and landings with all lights to be turned off when landing areas not in use. He concluded by stating that Staff has no outstanding concerns with the adoption of the text amendment and are recommending conducting the public hearing and take action on the text amendment.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom began the public hearing for TA-24-03. At this time there were no speakers and Chair Ohrstrom closed the public hearing. The Commission voted 9-0-2 to recommend approval of the text amendment to the Board of Supervisors.

| Motion to recommend approval of the text amendment to the Board of Supervisors. | | | |
|--|--------------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE (moved) | Lee | AYE (seconded) |
| Catlett | AYE | Malone | AYE |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE |
| Hunt | ABSENT | | |

SCHEDULE PUBLIC HEARING

7. TA-23-01, Regulations for Permanent Campgrounds and Temporary Camping

Mr. Stidham stated that this is a proposed text amendment to add a new permanent use, “primitive campground” to Zoning Ordinance Section 5.2D; to add a new temporary use, “temporary camping” to Section 5.4; and to delete “campground” and “summer camp” uses from Section 5.2D. He stated the purpose is to limit permanent campgrounds operated as a business or by a nonprofit or not for profit organization, to primitive camping only, which is overnight stays by patrons using their own tents and subject to use regulations in order to mitigate impact on surrounding properties in the chart. He stated that the text amendment also establishes regulation for the maximum duration of camping activities, the long term lease of a lot for camping and temporary event camp. He stated that permanent campgrounds will be allowed with a special use permit in the AOC and FOC districts, and temporary camping be allowed by right in AOC, FOC, and ITL districts subject to use regulations. He stated that the Commission had a public hearing on a similar text amendment last year and given the addition of the primitive campground use, we are required to go back to square one and re-advertise the public hearing. He stated that Staff has no outstanding concerns with scheduling that public hearing for your July 12 business meeting.

Chair Ohrstrom asked for a motion. The Commission voted 9-0-2 to initiate consideration of the text amendment and set Public Hearing for the July 12, 2024 Business Meeting.

| Motion to initiate consideration of the text amendment and set Public Hearing for the July 12, 2024 Business Meeting. | | | |
|--|--------------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE (moved) | Lee | AYE (seconded) |
| Catlett | AYE | Malone | AYE |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE |
| Hunt | ABSENT | | |

8. TA-24-04, Temporary Use of Major Recreational Equipment

Mr. Stidham stated this text amendment would amend “temporary use of major recreational equipment” per Zoning Ordinance Section 5.4. He said the purpose is to clarify that the 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. He stated that this 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. He continued that this text amendment was held back in order to coordinate it with what the Commission ultimately decided to do in TA-23-01. He concluded that this text amendment has been updated to correspond to that other text amendment, and Staff is recommending scheduling public hearing for the Business Meeting on July 12.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom asked for a motion. The Commission voted 9-0-2 to initiate the consideration of the text amendment and set Public Hearing for the July 12 Business Meeting.

| Motion to initiate consideration of the text amendment and set Public Hearing for the July 12th, 2024 Business Meeting. | | | |
|---|-----------------------|---------|---------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE (seconded) | Lee | AYE |
| Catlett | AYE | Malone | AYE |
| Dunning | AYE | Reed | AYE |
| Glover | AYE (moved) | Staelin | AYE |
| Hunt | ABSENT | | |

MINOR SUBDIVISION

9. MS-24-03, Charles & Shirley McIntosh

Mr. Camp presented the staff report on this minor subdivision. He said that the proposed subdivision application proposes a merger of Tax Map #26-A-2, with Tax Map #26-A-11A, and

creation of a new lot with frontage on Retreat Road. He stated that the result would be a residue lot of approximately 85 acres, and the new 3 acre lot, with total acreage on the sites roughly 88 acres. He stated that it is in the FOC district near Shenandoah Retreat and currently has 2 dwelling unit rights (DURs) and one existing dwelling on the acreage. He stated that the Virginia Department of Transportation (VDOT) reviewed the application and provided comments on May 29 and did not have any objections with the application. He stated that the VDH reviewed the application and provided comments on May 9 requested changes including showing additional information such as the agricultural well that is on the property and the reserve drain field for the main house. He stated that the reserve drain field for the main house was reviewed in 2016 and it was never officially approved because it was never surveyed. He stated that the applicant had the plat revised to show those things and submitted that May 23. He stated that there was no resistivity review required because it is not in karst soils. He stated that the proposed merger with the adjacent lot that is also owned by the applicant is where the DURs are coming from and that it meets the requirements for a merger including the maximum number of DURs allowed per acreage. He noted that there would be a three bedroom onsite sewage disposal system consisting of a conventional primary area and a shallow trench alternative system for the 100% reserve area for the new lot. He added that the existing dwelling has an old approved system from 1973 as well as the newly established 100% reserve area. He stated that the proposed subdivision meets the requirements of the Subdivision Ordinance and the FOC district regulations. He concluded that Staff recommends approval of the application as submitted by the applicants, Mr. and Mrs. McIntosh, which includes both the merger and the creation of a three acre line.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom asked for a motion to approve the minor subdivision. The Commission voted 9-0-2 to approve MS-24-03.

| Motion to Approve Minor Subdivision. | | | |
|---|--------------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE (moved) | Lee | AYE |
| Catlett | AYE | Malone | AYE |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE (seconded) |
| Hunt | ABSENT | | |

10. Board and Committee Reports

Board of Supervisors (Catlett)

Commissioner Catlett said there is the ongoing work with Frederick Water for providing water and sewer to the properties at Double Tollgate. She stated that she also stated that there is a new Board of Supervisor member, Mr. Shaffer, who will represent the Berryville District. She stated that Mr. Shaffer is a lifelong Berryville resident and has a lot of experience with the Planning Commission and Berryville Town Council. Chair Ohrstrom asked for clarification on who the new Board member was. Commissioner Catlett clarified his name as Doug Shaffer and stated that he works in the Building Department and May was his first meeting with the Board of Supervisors. Chair Ohrstrom asked if he will fulfill the term of Matt Bass until the next election.

Commissioner Catlett stated that he was correct and Mr. Shaffer intends to run for the position as well.

Board of Septic & Well Appeals (Ohrstrom)

Chair Ohrstrom said that the Board of Well and Septic Appeals have not seen an application recently.

Board of Zoning Appeals (Staelin)

Commissioner Staelin that nothing new has come up.

Historic Preservation Commission (Glover)

Commissioner Glover stated that the May meeting was held at Blandy Farm and there was a Board ceremony for the 25th anniversary of the awards. He stated that George L. Ohrstrom, II got the lifetime award. Mr. Camp stated that they approved the certificate of appropriateness for the renovation of the White Post building, and that is the building that's adjacent to the old gas station. He stated that they are looking at restoring that in a similar way but it is going to be modern and more usable. Commissioner Glover added that the building is basically falling down now but the community is restoring it themselves.

Conservation Easement Authority (Ohrstrom)

Chair Ohrstrom said that they have been working to close a few easements.

11. Other Business

12. Projected Upcoming Agenda Items, June - September

Mr. Stidham went over the highlights for the next few meetings. He stated there is no other meetings scheduled in June and the July meetings are ahead one week to avoid the July 4 holiday. He stated that the Work Session is scheduled on July 9 and they will go over the mid-year review of the annual project priorities. He stated that the Business Meeting is scheduled on July 12 where they will continue the public hearing for Long Branch. He stated that it is his understanding that Chair Ohrstrom will not be able to attend the July 12 Business Meeting so the Commission will need to appoint a temporary chair for the Long Branch item since Vice-Chair Buckley has a conflict of interest. Chair Ohrstrom stated that Mr. Stidham was correct. Mr. Stidham continued and stated that hopefully they will have two items to schedule for public hearing, Berryville Berries and Watermelon Park. He stated that the public hearing that were scheduled during this meeting will be advertised. He stated that there are two possible minor subdivisions that could come up next meeting as well. He concluded by stating the Comprehensive Plan Committee has scheduled two meetings, one for Tuesday, July 2 and Tuesday, July 23.

Chair Ohrstrom asked if there were any thoughts or comments.

After no comments or questions Chair Ohrstrom asked for a motion to adjourn the meeting.

ADJOURN

The Commission voted 9-0-2 to adjourn the meeting at 9:28AM.

| Motion to adjourn: | | | |
|---------------------------|---------------|---------|-----------------------|
| Ohrstrom (Chair) | AYE | King | ABSENT |
| Buckley (Vice-Chair) | AYE | Lee | AYE (moved) |
| Catlett | AYE | Malone | AYE (seconded) |
| Dunning | AYE | Reed | AYE |
| Glover | AYE | Staelin | AYE |
| Hunt | ABSENT | | |

George L. Ohrstrom, II (Chair)

Danielle L. Ritter (Clerk)

SPECIAL USE PERMIT & SITE DEVELOPMENT PLAN (SUP-23-03 / SP-23-04)

July 12, 2024 Planning Commission Business Meeting – **Continued Public Hearing**

STAFF REPORT– Department of Planning

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

Case Summary

Applicant:

Randy Buckley

Property Owner:

Harry Z Isaacs % Long Branch Farm

Location:

The subject property consists of approximately 390 acres in the Agricultural-Open Space-Conservation (AOC) Zoning District. The parcel is identified by tax map #29-A-29. It has frontage to Nelson Road, Red Gate Road, and Bordens Spring Road. The proposed use would be located within the mansion house (830 Long Branch Lane) and the grounds immediately adjacent to it. The mansion house is listed on the Virginia Landmark Register and National Register of Historic Places, and the property is within the Greenway Rural Historic District and White Post Election District.¹



Request:

The applicant requests approval of a special use permit and site development plan to operate a Minor Commercial Public Assembly use per Section 5.2D of the Clarke County Zoning Ordinance. During the June 7, 2024 Planning Commission Business Meeting the application was deferred at the request of the applicant until July 12, 2024, and the public hearing was continued. The deferral request was intended to allow the applicant time to move forward with the review and approval process for the new drainfield that is proposed to comply with VDH and County regulations. Revised SUP conditions were previously presented and are also included with this report.

¹ Planning Commission Representatives: Buckley & Dunning
Board of Supervisors Representative: McKay

Below is the table that was included in previous reports to breakdown the events on the Long Branch property.

| | House Museum <i>(SUP-01-07)</i> | Minor Commercial Public Assembly <i>(SUP-23-03)</i> | Special Events <i>(Chapter 57)</i> |
|--|--|--|---|
| <u>Quantity</u> | No limit | 57 events, as follows: --12 events of up to 149 persons with amplified sound --20 events of up to 149 persons without amplified sound --25 events of up to 50 persons without amplified sound | Up to 5 per year (days) |
| SEE THE RECOMMENDED SUP CONDITIONS FOR ADDITIONAL LIMITATIONS | | | |
| <u>Type</u> | Events and activities held for a purpose directly related to the functions of the House Museum | A venue for temporary public or private assemblies including meetings, conferences, weddings, parties, and similar events | As defined by Chapter 57 of the County Code. Generally described as outdoor events that involve any type of re-couping of funds |
| <u>Location</u> | Historic house | Within the historic house and in the yards immediately surrounding the historic house (approximately 1 acre) | Entire property subject to permit review |
| <u>Attendees</u> | 25 persons or fewer | 149 persons or fewer by code. | Over 149 persons |
| SEE THE RECOMMENDED SUP CONDITIONS FOR ADDITIONAL LIMITATIONS | | | |
| <u>Hours</u> | 12PM to 4PM, Saturday and Sunday 8:30AM -5PM for employees | 11PM for amplified sound 12PM max duration of events | 7AM-12AM (midnight) for activities unless otherwise specified by the Board |
| SEE THE RECOMMENDED SUP CONDITIONS FOR ADDITIONAL LIMITATIONS | | | |

Current Review Status:

In previous staff reports comments received from all review agencies were discussed. During the previous Planning Commission Business Meeting, held on June 7, 2024, the only unresolved issues were with VDH and the Planning Department in regards to the proposed new drainfield. This new drainfield was proposed by the applicant to address comments from VDH pertaining to the finding that the existing system was compromised due to damage to the dispersal pipe. It was documented in the previous staff report that three things needed to occur prior to approval. This included 1) resistivity approval for the new site, 2) update of the site development plan to show the location and details of the new drainfield, and 3) approval from VDH for the new drainfield. Below is an update of these items:

- Submission of a Resistivity Application and report for the new drainfield and reserve area.

[Current Status: Resistivity testing for the new drainfield site was approved on June 20, 2024 by Clarke County after the applicant completed resistivity scans that were reviewed by the County’s Karst Consultant. The approval letter for this is attached along with the report from the County’s Karst Consultant, Hillis-Carnes.]

- Submission of a revised site development plan to show the new on-site sewage disposal system and reserve area that is proposed for the proposed use.

[Current Status: As of the date this report was drafted, Greenway Engineering is working on updating the site development plan to show the location and details of the new drainfield that VDH recently approved. It is anticipated that this will be submitted within a few business days].

- Submission of an application to VDH with design specifications of the new on-site sewage disposal system.

[Current Status: VDH granted approval of the new drainfield on July 2, 2024. This is documented on the attached document titled Private Sector Repair Permit 32.1-163.5. The system capacity of the new system is designed for a “*non-residential house museum open daily with up to 1 large and 2 small special events per week, 400 gallons per day.*” It includes a 100% reserve area. The occupancy limit is for “*6 guests and 2 employees maximum during house museum operating hours, 145 guests and 4 employee maximum during large events, 50 guests and 4 employees maximum during small events.*”]

Recommended Special Use Permit Conditions:

Below is a draft of special use permit conditions for consideration by the Planning Commission. The language is the same as presented at the May 3, 2024 and June 7, 2024 Planning Commission Business Meetings, except that the specific language under condition #6 has been removed regarding the required approvals for the new drainfield. This is removed since these requirements have already been obtained.

SPECIAL USE PERMIT/SITE PLAN (SUP-23-03/SP-23-04)

Longbranch Farm

Special Use Permit (SUP) Conditions:

1. **Special Use Permit purpose; nontransferable.** This Special Use Permit is issued specifically for the property identified as tax map #29-A-29, commonly referred to as Longbranch Farm, for the operation of a Minor Commercial Public Assembly use solely by the applicant/property owner, Harry Z. Isaacs % Longbranch Farm. As requested by the applicant/property owner, this Special Use Permit shall not be transferable to any other person or entity. Upon transfer of the property to a different person or entity the SUP shall become void and automatically revoked.
2. **Applicant/Property Owner to sign list of adopted permit conditions.** The applicant/property owner shall sign the list of adopted conditions to indicate receipt of the conditions and the intention to comply fully with the conditions for the life of the Special Use Permit. A signed copy of the conditions shall be provided to Planning Department Staff (“Staff”) within thirty (30) days of receipt of the adopted conditions by the applicant/property owner.
3. **Access for inspections required.** Staff and other County officials shall have access to the property with 24 hour notice to applicant/owner in order to conduct periodic compliance inspections of the facility and the subject property throughout the life of the permit.
4. **Ongoing maintenance of site features.** The following site features shall be properly maintained throughout the life of the permit:
 - Property entrance shall be maintained consistent with VDOT regulations.
 - The existing driveways and parking area shall be maintained for safe travel and parking.
 - The well and septic system shall be maintained consistent with VDH regulations.
 - Access for emergency service and law enforcement shall be permitted in conjunction with all events.
5. **Entrance requirements.** Access to the property for all events shall be limited to the existing entrances located along Nelson Road (Route 626). Use of the existing southern entrance, located off of Bordens Springs Road (Route 622), shall be prohibited for all events, except for emergency access purposes.
6. **State and Federal permits.** The Applicant shall comply with all state and federal regulations. A copy of all state or federal permits shall be provided to the County for documentation purposes. ~~This includes, but is not limited to, final approval from the~~

~~Virginia Department of Health for the proposed new on-site sewage disposal system and 100% reserve area. Resistivity approval is required as a prerequisite to VDH approval.~~

7. **Business license.** The Applicant must maintain a valid Clarke County business license for the event venue for the life of the Special Use Permit
8. **Noise.** All amplified sound and live music shall conclude no later than 11:00 PM. All events shall conclude no later than 12:00 AM (midnight). With the exception of the more restrictive SUP conditions herein, all noise generated from event activities, or other activities on the property, shall adhere to the noise regulations specified under Clarke County Code, Chapter 120, or as it may be amended in the future.
9. **Lighting and temporary lighting for events.** Lighting shall adhere to the County's outdoor lighting regulations in order to limit impacts on adjacent and nearby properties.
10. **Minor Commercial Public Assembly Events - Limitations.** Exclusive from events associated with the House Museum (condition #11) or Special Events (condition #13), except where otherwise noted, the following limitations shall apply to the Minor Commercial Public Assembly use:
 - A. The maximum allowable persons (participants, spectators, staff, etc.) on-site shall be 149.
 - B. All event activity is limited to the historic house, approximately 1-acre of yard area around the historic house, and the designated parking area.
 - C. The maximum number of events per calendar year shall be 57 events, or fewer, in accordance with the following breakdown:
 1. Events with Amplified Sound:
 - a. Up to 12 events of 149 persons or less, with amplified sound.
 - (1) Such events shall be limited to no more than 1 per day, and shall not occur on the same day as a Special Event (condition #13).
 - (2) There shall be no more than two (2) events with amplified sound that are held after 6:00 PM per calendar month. For the purpose of this condition, amplified events held after 6:00 PM shall include both Minor Commercial Public Assembly events and Special Events.
 2. Events without Amplified Sound:
 - a. Up to 20 events of 149 persons or less, with no amplified sound except incidental amplified sound for short announcements that shall be limited to 15 minutes in total per event.
 - b. Up to 25 events of 50 persons or less, with no amplified sound except incidental amplified sound for short announcements that shall be limited to 15 minutes in total per event.
 - D. For the purpose of the above, each day that an event is held shall be counted as 1 event, regardless if the event extends over multiple days or not.
 - E. The applicant shall give notice to the public in advance of each event held that includes amplified sound, including those authorized under 10C-1a. above, and any Special Events (Condition #13) that may be authorized in the future. Notice may include posting the event information online on the applicant's website. Such notice shall be provided at least thirty (30) days in advance of the event.
 - F. The applicant shall supply a list of the past year's events to the Department of Planning by January 15 of each year.

- G. The applicant shall have an employee or representative on site at all times for each event with amplified sound and shall provide contact information for the employee or representative to adjoining property owners upon request.
- 11. House Museum (SUP-01-07) – Clarification.** SUP-01-07 shall be considered exclusive from the Minor Commercial Public Assembly use and shall remain in effect, except for the revocation of the veterinary clinic as described under condition #12. Events held for the house museum shall be subject to compliance with its original SUP conditions. For clarification purposes, this includes the following stipulations:
- The House Museum will continue to be able to hold public visitation hours between 12:00 p.m.(noon) and 4:00 p.m., Saturday and Sunday.
 - Staff working hours are between 8:30 a.m. and 5:00 p.m., Monday through Friday.
 - In regards to events, the House Museum may hold events of 25 or fewer persons that are primarily held within the historic house and occasionally held outdoors. Events larger than 25 persons are not permitted for the House Museum unless counted against the maximum number of events for the Minor Commercial Public Assembly Use (condition #10), or as may be permitted as a Special Event (condition #13).
 - The smaller events of 25 persons or less shall only include events held for a purpose directly related to the functions of the House Museum.
- 12. Veterinary Clinic (SUP-01-07) – Revocation.** The SUP previously issued for a Veterinary Clinic, specifically for R.E.A.C.H Equine Veterinary Clinic, documented by an approval letter dated January 4, 2002, is hereby revoked. Such revocation is based on condition #5 of its SUP conditions; and, that the use is no longer in existence.
- 13. Special Events.** Upon approval of a permit for a Special Event, pursuant to Clarke County Code Chapter 57, up to 5 Special Events may be held on the property during a calendar year. Such authorized Special Events shall be governed by the regulations of Clarke County Code Chapter 57 and shall be considered exclusive from the events associated with the Minor Commercial Public Assembly use and House Museum use. Furthermore, such Special Events shall not be counted toward the maximum number of events stipulated under condition #10, except for the limitations related to frequency of amplified events described under condition 10C-1a.
- 14. No lodging or food preparation on site.** There shall be no overnight accommodations or food preparation on site. Licensed caterers may provide food services provided that the number of catering employees shall be counted towards the maximum number of persons for the type of event being held.
- 15. Fireworks prohibited.** The use of fireworks for public assembly events on the subject property is prohibited.

Conclusions:

The only unresolved issue at this time is the submission of the revised site development plan to show the location and details of the new drainfield. Resistivity approval and approval by VDH as been completed. Submission and review of the revised site development plan can reasonably be expected within the next 21 days. It is possible that this may occur prior to the scheduled meeting on July 12, 2024.

The Planning Commission's conditional approval policy stipulates that conditional approval may be issued by the Planning Commission if all of the following criteria is met.

1. *The issue has been informally resolved and only requires final written submission by the applicant and confirmation by Planning Staff and/or the applicable review agency.*
2. *The issue is reasonably expected to be resolved fully within the next 21 days or finalizing of the Planning Commission's next meeting agenda, whichever is sooner.*
3. *The issue is not one that, in the Commission's opinion, warrants continuance of a public hearing (if applicable).*

Recommendation:

Staff recommends that the Planning Commission issue a recommendation to the Board of Supervisors for conditional approval of the Special Use Permit (SUP-23-03) and Site Development Plan (SP-23-04) with the recommended special use permit conditions noted in this report. The condition of approval is that the site development plan shall be updated to show the location and details of the proposed and approved on-site sewage disposal system (drainfield).

A continued public hearing is scheduled for the June 7, 2024 Planning Commission Business Meeting.

History:

| | |
|----------------------|---|
| November 27, 2023 | Applications & fees submitted |
| December 5, 2023 | Applications transmitted to review agencies |
| December 5, 2023 | Sheriff's Office comments received |
| December 6, 2023 | Economic Development Dept. comments received |
| December 7, 2023 | Comments received from Fire, EMS & Emergency Services |
| December 12, 2023 | Comments received from the Virginia Outdoor Foundation (VOF) |
| December 14, 2023 | 2 nd Review comments from Planning Department discussed with applicant following previous review comments sent on October 24 th |
| December 18, 2023 | Applicant submitted partial revision of site development plan |
| December 20, 2023 | VDH comment letter received |
| December 21, 2023 | Applicant submitted a revised site development plan |
| January 2, 2024 | Scheduled Planning Commission Work Session |
| January 5, 2024 | Scheduled Planning Commission Business Meeting - deferred |
| January 23, 2024 | VDOT comment letter received |
| January 30, 2024 | Scheduled Planning Commission Work Session |
| February 2, 2024 | Scheduled Planning Commission Business Meeting - deferred |
| February 9, 2024 | On-site meeting with VDH and Longbranch. |
| February 13&16, 2024 | Correspondence received from VDOT clarifying their original comments. |
| March 1, 2024 | Planning Commission Business Meeting (set public hearing) |
| March 6, 2024 | Updated comments received from VDOT |
| March 26, 2024 | Updated comments received from VDH |
| April 2, 2024 | Planning Commission Work Session |
| April 5, 2025 | Planning Commission Business Meeting (initial public hearing - deferred) |
| April 22, 2024 | Update to application received from applicant including recommended SUP conditions with further limitations |
| April 25, 2024 | Updated VDH comments |
| April 30, 2024 | Planning Commission Work Session |
| May 3, 2024 | Planning Commission Business Meeting (continued public hearing - deferred) |
| May 29, 2024 | Resistivity testing report completed by Forrest Environmental |
| June 4, 2024 | Planning Commission Work Session |
| June 7, 2024 | Planning Commission Business Meeting (continued public hearing - deferred) |
| June 20, 2024 | Resistivity approval of new drainfield |
| July 2, 2024 | VDH approval of new drainfield |
| July 9, 2024 | Scheduled Planning Commission Work Session |
| July 12, 2024 | Scheduled Planning Commission Business Meeting (continued public hearing) |

June 18, 2024

10228 Governor Lane Blvd.
Suite 3007
Williamsport, MD 21795
Phone (301) 582-4662
Fax (301) 582-4614
www.hcea.com

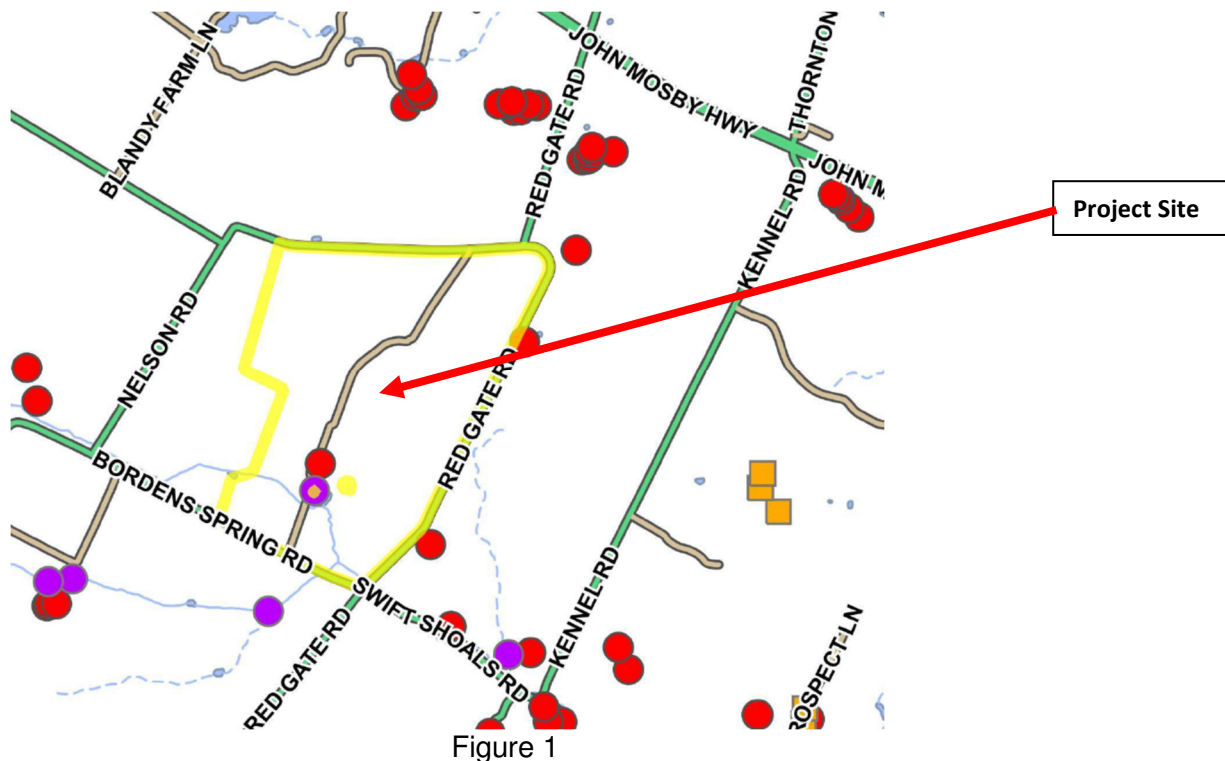
Mr. Brandon Stidham
Director of Planning Clarke County
101 Chalmers Court, Suite B
Berryville, VA 22611

Re: Geophysical Report Review
830 Long Branch Lane – Harry Isaacs (Long Branch Historic House and Farm
Tax Map No.: 29-A-29
Boyce, Virginia
HCEA Project Number: H23085

Mr. Stidham:

Hillis-Carnes Engineering Associates, Inc. (HCEA) is pleased to submit this technical review services for the above-referenced project. This review has been performed utilizing Clarke County's Septic Ordinance dated December 21, 2021, to assess if the provided report meets the general intent of the requirements. The document provided by your office for our review was prepared by Forrest Environmental Services, Inc. (FES) dated May 2024, FES Project Number: 24158.

The project site is located along the northwestern corner of Bordens Spring Road and Red Gate Road in which Long Branch Lane bisects the parcel in a northern direction towards Nelson Road in Boyce, Virginia. (Figure 1).



Source: Clarke County MapsOnline

Corporate Headquarters - Annapolis Junction, MD

Maryland ♦ Washington, DC ♦ Delaware ♦ Pennsylvania ♦ Virginia ♦ Caribbean

Within the provided report, two roughly northwest-southeast electrical resistivity (ER) lines were performed across the proposed septic field (Figure 2). Depths to bedrock appear to be near surface to 60 feet under the approved drainage field area. The geophysical report indicated a total of three (3) Karst features consisting of two limestone floats and a rock ledge. More specifically, a limestone float is illustrated on ER Line 1, which appears to extend into ER Line 2, within the western central portion of the drainage field. Whereas on ER Line 1, a limestone ledge was noted within the southeastern portion of the septic field area.

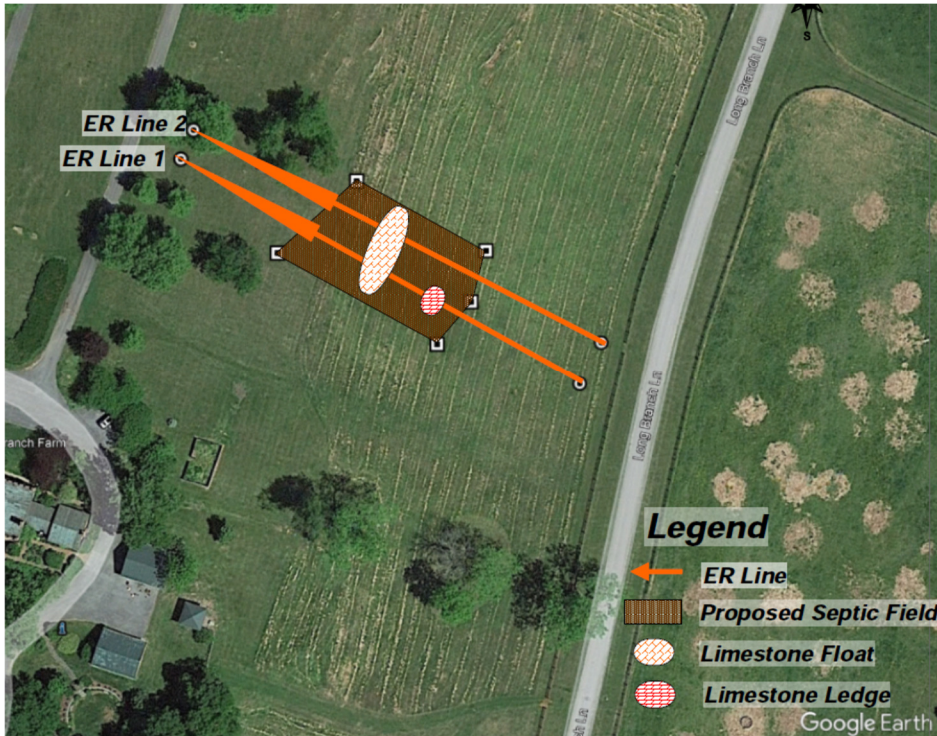


Figure 2 (Excerpt from FES Report – Fig. 3)

According to the report, the Karst features located within the proposed septic area and 50 feet buffer of the proposed septic fields are considered to be a minor to moderate feature as required by the County Ordinance.

The report was evaluated for the following parameters as required by the ordinance:

| Dipole-Dipole Electrical Survey Minimum Parameters | Review Compliance Findings |
|---|-----------------------------------|
| Two lines performed | Yes |
| Lines orientated perpendicular to regional geologic strike | Yes |
| 20-feet of survey results at the end of lines | Yes |
| 200 soundings per line | Yes |
| 40-foot depth in the area to be evaluated | Yes |
| Report Minimum Parameters | |
| Directional orientation, site map, color profiles, identifying hazards, consistent color scale, treatment area identified | Yes |
| Amount of overburden | Yes |
| Elevations | Yes |
| Geologic structure | Yes |
| Low, moderate, high-risk evaluation | Yes |
| Other | |

Based on our review of the report, it does meet the minimum parameters as defined within the County Ordinance for septic fields.

Our review has been prepared for the exclusive use of the project site. Our services were performed in accordance with contemporary geophysical engineering practices. No warranty, either expressed or implied, is made. Our review is based on design information furnished to us.

It is important to note that our review was done in an effort to assist planning and design personnel in the preparation of generalized drawings and specifications for the project. As a result of this, potential contractors should be encouraged to conduct their own individually tailored studies to assess surface conditions, soil types and conditions, rock levels and conditions, excavation slope gradients, and groundwater/perched water levels and conditions.

We appreciate the opportunity to provide our professional review of this project. Should you have any questions regarding our findings, please do not hesitate to contact our office.

Sincerely,
HILLIS-CARNES ENGINEERING ASSOCIATES, INC.



Cindy S. Shepeck
 Senior Geologist
cshepeck@hcea.com



Rajesh Goel, P.E
 Regional Manager
rgoel@hcea.com



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

June 20, 2024

Mr. Harry Isaccs
Long Branch Historic House and Farm
P.O. Box 241
Millwood, VA 22646

RE: Resistivity Test
Tax Map# 29-A-29; 830 Long Branch Ln.

A resistivity test was conducted on the property described above, and a report generated by Forrest Environmental Services, Inc. in June 2024 defined as Project Number 24158. The test results were sent to Hillis-Carnes Engineering Associates, Inc. for review.

Based on the engineer's report and the Hillis-Carnes Engineering Associate, Inc. review (Project H23085) dated June 18, 2024, this site passes the resistivity test, and if all other requirements are met, may be issued a permit by the Health Department.

If you have any questions or concerns regarding this information, please call the Planning Department at (540) 955-5132.

Sincerely,

A handwritten signature in blue ink that reads "Lorien Lemmon". The signature is written in a cursive style and is set against a light blue rectangular background.

Lorien Lemmon
Clarke County Conservation Planner | GIS Coordinator

c. Clarke County Health Department

(540) 955-5132
www.clarkecounty.gov

Private Sector Repair Permit 32.1-163.5

July 02, 2024

Onsite Sewage System Repair Permit - Va. Code §32.1-163.5

Harry Z. Isaacs c/o Long Branch Farm
P.O. Box 241
Millwood, VA 22620

RE: 830 Long Branch Ln, Boyce, VA 22620

Tax Map: 29-A-29

County: CLARKE/043

HDID #: 043-24-112

Permit ID: 043-ST5-37735 Reserve: 100% reserve area provided

System Capacity: Non-Residential house museum open daily with up to 1 large and 2 small special events per week, 400 gallons per day

Occupancy Limit: 6 guests and 2 employees maximum during house museum operating hours, 145 guests and 4 employees maximum during large events, 50 guests and 4 employees maximum during small events.

Dear Harry Z. Isaacs c/o Long Branch Farm:

This letter and the attached drawings, specifications, and calculations (41 pages) dated 05/22/2024, constitute your permit to repair your sewage disposal system. Your application for a permit was submitted pursuant to §32.1-163.5 of the Code of Virginia, which requires the Health Department to accept private soil evaluations and designs from an Onsite Soil Evaluator (OSE) or a Professional Engineer (PE). VDH is not required to perform a field check to verify the private evaluations of OSEs or PEs and such a field check may not have been conducted for the issuance of this permit.

The soil absorption area ("site"), sewage system design were certified by Robert Charnley Private OSE as substantially complying with the Board of Health's regulations. This permit is issued in reliance upon that certification. VDH hereby recognizes that the soil and site conditions acknowledged by this permit are suitable for the installation of an onsite sewage system. The attached plat shows the approved area for the sewage disposal system; there are additional records on file with the Clarke County Health Department pertaining to this permit, including the Site and Soil Evaluation Report. This repair permit is null and void if any substantial physical change in the soil or site conditions occurs where a sewage disposal system is to be located.

If modifications or revisions are necessary, please contact the OSE/PE who performed the evaluation and design on which this permit is based. Should revisions be necessary during construction, your contractor should consult with the OSE/PE that submitted the site evaluation or site evaluation and design. The OSE/PE is authorized to make minor adjustments in the location or design of the system at the time of construction provided adequate documentation is provided to the Clarke County Health Department. The OSE/PE that submitted the certified design for this permit is required to conduct a final inspection of this sewage system when it is installed and to submit an inspection report and completion statement. As the owner, you are responsible for giving reasonable notice to the OSE/PE of the need for a final inspection. No part of this installation shall be covered until it has been inspected by the OSE/PE as noted herein. The sewage system may not be placed into operation until you have obtained an Operation Permit from the Clarke County Health Department.

This Repair Permit is null and void if conditions are changed from those shown on your application or if conditions are changed from those shown on the Site and Soil Evaluation Report and the attached construction drawings, specifications, and calculations. VDH may revoke or modify any permit if, at a later date, it finds that the site and soil conditions and/or design do not substantially comply with the Sewage Handling and Disposal Regulations, 12 VAC 5-610-20 et seq., or if the system would

threaten public health or the environment.

This permit approval has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations. This construction permit is transferrable until expired or deemed null and void. A permit transfer form may be found on the VDH website at <http://www.vdh.virginia.gov/environmental-health/gmp-2015-01-forms/>. If you have any questions, please contact me.

This permit expires: January 2, 2026

Sincerely,



Carter Neiswander

CC: Robert Charnley Private OSE

Well and Sewage Contractors: Please notify Health Department and OSE or PE 48 hours prior to installation to arrange for inspection.

WHAT YOU WILL NEED TO GET YOUR SEPTIC SYSTEM OPERATION PERMIT

Your system must have a satisfactory inspection at the time of installation. This will be done by a private OSE or a PE, depending on the designer of your permitted system. Your OSE or PE must submit a copy of the inspection results, complete with an as-built diagram, to the Health Department.

Please ensure that your contractor turns in a Completion Statement to the local Health Department after installation.

If your permit is for an alternative system, you must sign, have notarized, and record the attached Notice of Recordation in your locality's land records. Please bring proof of this recordation to the local Health Department

If you have a conditional permit then you must sign, have notarized, and record the permit in your locality's land records. Please bring proof of this recordation to the Health Department.

ZONING ORDINANCE TEXT AMENDMENT (TA-23-01)
Regulations for Permanent Campgrounds and Temporary Camping
July 12, 2024 Planning Commission Business Meeting – PUBLIC HEARING
STAFF REPORT – Department of Planning

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

Description:

Proposed text amendment to add a new 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 of 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 AOC and FOC Districts subject to use regulations. Temporary camping would be allowed by-right in the AOC, FOC, and ITL Districts subject to use regulations.

Requested Action:

Conduct advertised public hearing and take action on the proposed text amendment.

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 (June 2, 2023 public hearing):

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.

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. | Commission voted 10-0-1 (Lee absent) to schedule public hearing for the June 2, 2023 Business Meeting. |
| 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.** Commission voted 9-0-2 (Hunt, King absent) to schedule public hearing for the July 12, 2024 Business Meeting.
- July 12, 2024.** Placed on the Commission's Business Meeting agenda and advertised for public hearing.

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

| <i>PRIMITIVE CAMPGROUND</i> | |
|------------------------------------|----------|
| Permitted Use | None |
| Accessory Use | None |
| Special Use | 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.*

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

Definition:

A recreational activity conducted on a lot of record involving overnight accommodations on a temporary or periodic basis. 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.

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

Definition:

Any area, place, or lot, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community. "Campground" does not mean a summer camp, migrant labor camp, or park for mobile homes as defined in Code of Virginia, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.

Use Regulations:

1. ~~Additional terms.~~ For the purposes of this section, the term "camping unit" shall mean a tent, tent trailer, travel trailer, camping trailer, pickup camper, motor home, and any other vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel. The term "campsite" shall mean any delineated area within a campground used or intended for occupation by the camping unit.
2. ~~Duration of accommodations.~~ A campground shall be for the temporary accommodation of a camping unit for not more than 15 days in any 30-day period.

Required Review Processes:

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

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

Definition:

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

~~any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.~~

Use Regulations:

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

Required Review Processes:

- ~~1. Special Use Permit Review is required per **Section 6.3.1.**~~
- ~~2. Site Development Plan Review is required per **Section 6.2.2.**~~

ZONING ORDINANCE TEXT AMENDMENT (TA-24-04)

Temporary Use of Major Recreational Equipment

July 12, 2024 Planning Commission Business Meeting – PUBLIC HEARING

STAFF REPORT – Department of Planning

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

Description:

Proposed text amendment to 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:

Conduct advertised public hearing and take action on the proposed text amendment.

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.

Staff Recommendation:

Staff has no outstanding concerns with the adoption of this text amendment.

History:

April 18, 2024.

Policy & Transportation Committee agreed by consensus to forward the proposed text amendment to the full Commission for consideration.

April 30, 2024.

Placed on the Commission’s Work Session agenda for initial discussion.

May 3, 2024.

Commission voted 9-0-2 (Hunt, Staelin absent) to initiate consideration of the text amendment.

June 7, 2024.

Commission voted 9-0-2 (Hunt, King absent) to schedule public hearing for the July 12, 2024 Business Meeting.

July 12, 2024.

Placed on the Commission’s Business Meeting agenda and advertised for public hearing.

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

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

**PROJECTED UPCOMING AGENDA ITEMS, JULY -- OCTOBER
(7/12/2024 Business Meeting)**

JULY

COMMITTEE MEETINGS

Comprehensive Plan Committee:

- Tuesday, July 23 at 2:00PM -- Rural Lands Plan, continued work on plan development

AUGUST

**** NO PLANNING COMMISSION MEETINGS IN AUGUST****

COMMITTEE MEETINGS

Comprehensive Plan Committee (to be scheduled, mid-late August):

- Rural Lands Plan – Continued work on plan development, prepare for issues discussion with Planning Commission

SEPTEMBER

SEPTEMBER 3 WORK SESSION

- Update and discussion of Rural Lands Plan issues
- Continued discussion – Development of new zoning district for Double Tollgate Plan Area

SEPTEMBER 6 BUSINESS MEETING

Schedule Public Hearings:

- SUP-23-01/SP-23-01, Blake & Tamara Bullard (Berryville Berries)
- SUP-23-02/SP-23-02, John U. Miller (Watermelon Park)

Minor Subdivisions:

- MS-23-08, Regan Partnership, LP
- MS-23-12/MLSE-23-05, Suromi, LLC

COMMITTEE MEETINGS

Comprehensive Plan Committee (to be scheduled, mid-September):

- Planning for outreach workshops, continued work on plan development

Policy & Transportation Committee OR Ordinances Committee (to be scheduled in September):

- Development of new zoning district for Double Tollgate Plan Area

OCTOBER

OCTOBER 1 WORK SESSION

- Update on Rural Lands Plan outreach workshops

OCTOBER 4 BUSINESS MEETING

Public Hearings:

- SUP-23-01/SP-23-01, Blake & Tamara Bullard (Berryville Berries)
- SUP-23-02/SP-23-02, John U. Miller (Watermelon Park)

COMMITTEE MEETINGS

Comprehensive Plan Committee (to be scheduled, mid-late September):

- Rural Lands Plan – Follow-up from Commission discussion, public outreach planning

OTHER MEETINGS

Rural Lands Plan outreach workshops (to be scheduled, October – November)