



2) *Adoption of Agenda*

- Add item 19A: Closed Session pursuant to §2.2-3711(A)(29) to discuss a contract involving the expenditure of public funds, specifically a contract with the County and the Northern Shenandoah Valley Regional Commission regarding All Points Broadband providing broadband to the county.

**Vice Chair Catlett moved to adopt the agenda as amended. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

3) *Citizen’s Comment Period*

No persons appeared to address the Board.

4) *VDOT Update*

Edinburg Residency Administrator Ed Carter provided the following update on VDOT activities for the month of August:

Maintenance Items

- Began fence-to-fence mowing operations on secondary routes and addressing sight distance issues on primaries; will continue this month.
- Performed spot litter pickup and pothole repairs on primaries; will continue this month.
- Performed a significant amount of storm clean up from Tropical Storm Debby.
- Re-graded stabilized roads and will continue this month.
- Completed shoulder repairs on Route 340 North.
- Working on ditching and shoulder repairs on Route 644 (Gun Barrel Road) and Route 7.
- Installing new pipes on Route 621 (Shepherds Mill Road) and Route 608 (Parshall Road).

### Board Concerns

#### Regarding Morgan Mill Road:

- With new legislation allowing Rural Rustic funds to be spent on correcting stabilized road deficiencies without hard surfacing, VDOT has gotten an estimate to improve/correct the drainage on Morgan Mill Road.
- The total estimate for addressing approximately 33 new and existing pipes is \$202,000. Clarke County has enough stabilized road funds in the current six-year plan to cover this estimate. However, VDOT has broken the road down into four sections, beginning at Route 601, and plan to address one or two sections per year rather than draining all county funds right away.
- Section one would be approximately seven-tenths of a mile, starting at Route 601. The estimate for that section is \$33,000. In addition to that, VDOT will place a double 48-inch culvert along that same section and the estimate for that is \$26,000. VDOT will try to address these two pieces first, which will carry into next summer.
- Estimates for the other sections are \$79,000, \$33,000, and \$28,000. VDOT expects some inflation over time until the end of the project is complete.
- VDOT will be replacing bad pipes, placing new pipes, re-doing the ditches and lining them to stop some of the fast flow. In places where extra width is available, VDOT will pursue that as well.

#### Chairman Weiss

- Asked how many residents will be affected in the first phase.
  - Mr. Carter answered that anyone who travels the roads will be affected, but that the planned first section goes by three or four driveways. VDOT is planning on doing two pipes per day and closing that portion of the road while doing so. Detour routes and notices to residents will be provided.
- Added that the Board appreciates VDOT's innovative use of those funds to make these needed improvements.

#### Supervisor McKay

- Questioned if installing two pipes per day would close the road during resident's evening commute.
  - Ed Carter answered that VDOT plans to install a pipe in the morning and a pipe in the afternoon and to have the road open at night so residents can get in and out.

#### Regarding the Millwood Speed Tables:

- VDOT met with the paving contractor and are awaiting his schedule to modify one table.
- VDOT will modify one table to start and then invite the Board to ride over it. If it is suitable, the other tables would be modified as well.

- If it is not suitable, the only other option is to take them out completely.

Supervisor McKay

- Inquired which table VDOT would do first.
  - Ed Carter advised that it will likely be the one on Route 723 coming from Powhatan, as it has the least amount of traffic.
- Further asked if the modified tables would be “something you can get across at 25mph”.
  - Mr. Carter replied: “yes, you can get across the ones you have now at 25mph, but you’re going to feel it”.

Vice Chair Catlett

- Offered, and Chairman Weiss concurred, thanks to VDOT for their willingness to revisit the speed tables and the efforts that has gone into this project.

Regarding the Intersection at Route 7 and Route 601:

- There have been some drainage issues, especially with heavy rains.
- VDOT will be replacing culverts underneath the Park & Ride on Route 601 and will be re-working the ditches on Route 7 to try and correct the drainage situation.
- Hopefully, weather will permit this work do be done before the end of the year.

Chairman Weiss

- Asked if this work would be done during off-peak commuting times.

Supervisor McKay

- Shared that there is an area on Route 255 coming out of Millwood where the pavement is starting to break up and there is washboarding in the southbound lane.
  - Mr. Carter advised that VDOT will try to patch it before wintertime.

Vice Chair Catlett

- Read aloud the following email from a constituent:

“I am sending this email as I am unable to attend the meeting on September 25 to voice my concern in person. I am Randy Gray and I reside on Lime Marl Lane in Berryville and I drive a school bus for Clarke County Public Schools, traveling Harry Byrd Highway, Good Shepherd Road, Pine Grove Road, Raven Rock Road, and Blue Ridge Mountain Road.

In the mornings, I start on Blue Ridge Mountain Road at the intersection of Route 50 and travel north to Harry Byrd Highway. In order to safely get on to Harry Byrd, I turn right and travel east into Loudoun County, cross over at Williams Gap Road and travel back west in order to get to Raven Rock Road. I then travel Harry Byrd Highway west, turning north onto Good Shepherd Road and then

”

west onto Pine Grove Road back to Harry Byrd Highway west. In the afternoons, I must cross the westbound lane of Harry Byrd Highway four times in order to return my students home.

The folks traveling on Harry Byrd Highway are flying. I would venture to say the majority of the vehicles are traveling in excess of 70mph. Something needs to be done to slow the traffic down today, not at some unknown future date.

In my opinion, the caution lights installed on Raven Rock and Blue Ridge Mountain Roads have done nothing to slow down traffic at these intersections.

I should also add that there are 6-8 more buses that travel and/or cross the full length of Harry Byrd Highway within Clarke. I beg of you, please do something to get this traffic speed under control.”

Chairman Weiss

- Observed that this is something the Board talks about every month, as it is a concern for everyone.
- Suggested holding an informational meeting, possibly at the Blue Ridge Fire Hall this fall, where the citizens could provide input and receive information from the various groups (the county, VDOT, the Virginia State Police, the Sheriff’s Office, etc.).
  - o Ed Carter replied that VDOT would be happy to participate.

Supervisor Lawrence

- Stated that the Board heard previously it is hard to run radar to catch speeders on the mountainside because there were no good places to pull them over and inquired if the recent shoulder widening on Route 7 would allow more speed enforcement.
  - o Mr. Carter opined that there are ample places on Route 7 to pull people over but the volume is such that, when one person is pulled over, then ten more will go by even faster. This issue is not just on Route 7, it is on every road. Speed limits and speed postings mean nothing to the traveling public.
- Further stated that people are likely to slow down after receiving a few tickets for speeds over 80mph. The Board approved a budget that added an Investigator position to the Sheriff’s Office so that one more deputy could be on the road issuing tickets.

Supervisor Shaffer

- Shared that the move over law complicates this issue as well, pulling speeders over could create additional issues because then traffic has to move into one lane.
  - o Ed Carter clarified that the move over laws requires drivers to change lanes if they can, but slow down if they cannot.

Supervisor McKay

- Asked if signage could be installed at Bishop Meade Road and Route 50 to help clarify the right-of-way.
  - Mr. Carter answered that VDOT will be putting in better pavement markings there and shifting the stop bar to improve sight distance.

5) *Fire & EMS Medication Stocking Update*

County Administrator Chris Boies advised that there are new federal regulations concerning controlled substances, with the goal of reducing the chances that those drugs are diverted to the streets. While these regulations were intended to solve a problem, it is an unfunded mandate and creates some concerns for local governments.

Wayne Whetsell, Chief of Fire, EMS, and Emergency Services, presented the following:




- New medication exchange procedures are federally mandated. The hospital is no longer able to provide medications to restock EMS drug kits.
- The county will need to maintain its own supply of medications for the EMS squads.





### New Medication Exchange Procedures

- Virginia is transitioning from hospital based drug box exchange program to EMS Agency owned Drug Kits due to Federal Regulatory Changes.
  - Hospital - Compliant with regulations under the Drug Supply Chain Security Act (DSCSA) (also known as “Track and Trace”)
  - EMS Agencies exempt – hospitals are not and will be held liable under the law
  - Compliance Effective November 27, 2023 – Extension
  - Partnership Ends - Enforced by FDA on November 27, 2024


### Tracking of Medications and Controlled Substances


Purchase 

Store 

Dispense to Drug Kit 

Administer to Patient 

Dispose/Waste 

Return Expired Medications 

- Virginia Board of Pharmacy Controlled Substance Registration Certificate (CSRC)
- DEA License – ability to purchase medications

### Scheduled II – V Medications

- Scheduled II Drugs – Fentanyl, Morphine
- Scheduled III Drugs – Ketamine
- Scheduled IV Drugs – Versed, Ativan
- Scheduled V Drugs – Cough meds w/ codeine and Antidiarrheal

### Pyxis MedBank Tower

- 5-Year (60 month) Lease Agreement
  - Basic/Standard 24-hour Support
  - Software Package & Implementation
- \$795 Monthly/\$9,540 Yearly
- 24/7/365 Security & Video Monitoring
  - ✓ Emergency Communications Center





- Working through this process has been very stressful on staff and the volunteer companies and there have been a lot of rapid changes.
- Staff and the volunteer companies are working closely with the Lord Fairfax EMS Council through this process.
- Originally, the EMS Council was going to purchase medications and disperse them to the jurisdictions. The Drug Enforcement Agency did not approve that plan, so the county will have to get a DEA license in order to purchase medications.
- The county has applied to the Virginia Board of Pharmacy for a Controlled Substances Registration Certificate, which they have accepted. The next step is for the Pharmacy Board to perform an on-site inspection and assign the county a registration number.

Supervisor McKay

- Observed that this process seems to leave EMS squads with limited supplies if they have to return to re-stock medications after every call.
  - Chief Whetsell advised that the squads will be stocking extra quantities of commonly used medications in order to address this problem. Staff has been tracking and analyzing the medications used to help determine how to best stock the new Pyxis machine.

Chief Whetsell continued:

- The county will lease a Pyxis machine instead of purchasing. Leasing includes maintenance and software support and makes more sense because the regulations could change again.



- Sheriff Sumption has graciously allowed the Pyxis machine to be housed at the Emergency Communications Center, as it is properly secured, monitored, and staffed 24/7.
- Staff and the Fire Rescue Advisory Group (FRAG) are exploring different funding possibilities for the cost of stocking medications.

Supervisor Shaffer

- Asked if the county has to pay for medications when re-stocking though the hospitals.
  - Chief Whetsell answered no.

Vice Chair Catlett

- Inquired if this was a national change.
  - Chief Whetsell affirmed, adding that it started around 2017. Other states have already implemented it but Virginia delayed and got an extension, which expires November 27, 2024.

Chairman Weiss

- Asked what avenues are being used to try to get the federal government to reassess the policy.
  - Chris Boies advised that staff has sent letters to federal legislators, who have been noncommittal on any kind of fix. These program complications are a classic case of the unintended consequences of well-meaning legislation.

Chris Boies added:

- Staff has not asked the Board for a budget amendment yet, because accurate cost information is not yet known. There are estimates so far, based on the amount of medications used in the past, but staff would rather establish a pattern and more reliable figures before asking for a budget amendment.

Chairman Weiss

- Questioned if there has been any effort to get the EMS Council and other localities to lobby collectively.
  - Chris Boies advised that VACO sent a letter on behalf of all 95 Virginia counties; however, because other states have already implemented the program, it seems unlikely to change at this point.

## 6) *Drought Monitoring Update*

Conservation Planner Lorien Lemmon advised the following:

- Although tropical storm Debby provided some relief from the drought conditions effecting Clarke County, the lack of subsequent precipitation within the following two weeks and the continued below normal groundwater indicators persuaded the Department of Environmental Quality to maintain

the Drought Advisory Warning for the drought region that contains Clarke County.

- However, local indicators within the county have shown some minor improvements including the US Drought Monitor map reducing the drought intensity from D2 Drought-Severe to D1 Drought-Moderate, and the county’s two stream gauges have maintained “normal” levels within the past 30 days.
- The groundwater well gauge at Chet Hobert Park in Berryville has shown at least a short-term recovery by maintaining “normal” and “above-normal” percentiles within the past 30 days.
- On the other hand, the well gauges off Raven Rocks Road and Blandy Experimental Farm remain at “warning” and “emergency” levels.
- Staff will continue to monitor local conditions and will present any significant changes once they occur.

7) *Approval of Minutes*

- Page 921: change “Tuesday” to “Wednesday”

**Supervisor Shaffer moved to approve the minutes of the August 20, 2024 regular meeting as amended. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

8) *Recreation Center Admission Fee Military Discount*

Chris Boies presented the following:

- The Parks & Recreation Advisory Board has recommended a small change to the recreation center admission fees.
- They propose to offer those with military experience the same discount offered to senior citizens 55 years and older.
- Admission to the recreation center is \$4.00 regularly and \$2.50 for senior citizens.
- There is a military discount for admission to the pool, so this change would follow that precedent.

Chairman Weiss

- Asked if the discount would apply to current and past military and if they have to provide proof of military service.
  - Parks Director Lisa Cooke answered yes to both.
- Thanked the Advisory Board for suggesting this change, as it is important to reward military service.

**Vice Chair Catlett moved to approve a discounted recreation center admission fee (\$2.50) for current and past members of the military. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

9) *Parks & Recreation Proposed Rule Revisions*

Parks Director Lisa Cooke presented the following:

- The Parks & Recreation Advisory Board is recommending these rule changes.
- The current general park rules are three pages of small print and are confusing and hard to follow.
- The proposed rules have been simplified and consolidated so they are clearer and easier to understand.
- The other rules changes are minor and just to update things that have changed over the years, such as the wading pool being removed and replaced with the zero-depth pool entrance.

Vice Chair Catlett

- Suggested adding language advising park users not to feed wildlife, as it creates problems and can have unintended consequences.
  - Lisa Cooke agreed and added that staff discourages people from feeding animals in the park.

**Supervisor Lawrence moved to approve the proposed rules revisions, as amended by adding “Do not feed wildlife” to the general park rules. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

10) *Board of Supervisors Personnel Committee Items from September 9, 2024*

A. Expiration of Term for Appointments Expiring through November 2024

2024-09-09 Summary: Following review, the Personnel Committee took no action.

2024-09-25 Action: Chris Boies reviewed the above summary.

- Appointments are mostly current so there are no recommendations this month.
- The Personnel Committee will discuss the Board of Social Services and hear an update on the Board of Equalization in October.

Supervisor Shaffer

- Shared that several Citizen’s Academy attendees expressed interest in being appointed to a board or commission and suggested keeping applications on file for anyone interested in serving.
  - Chris Boies advised that there is an application available on the county’s website but that board and commission vacancies are not well advertised, so maybe including such notices in ClarkeE-News is a good place to start.

11) *Board of Supervisors Work Session Items from September 9, 2024*

Board of Supervisors Work Session  
Berryville/Clarke County Government Center, 2<sup>nd</sup> Floor  
101 Chalmers Court, Berryville, Virginia 22611  
September 9, 2024, 10:00 am, Meeting Room AB

Board Members Present: Terri T. Catlett, Beverly B. McKay, Douglas Shaffer, Doug M. Lawrence

Board Members Absent: David S. Weiss

Officer/Staff Present: Chris Boies, Brandon Stidham, Catherine Marsten, Sheriff Travis Sumption

Others Present: None

Press Present: Mickey Powell, the Winchester Star

2024-09-09 Summary: At 10:02, Vice Chair Catlett called the meeting to order.

- A. Parks & Recreation Athletic Field Use Policy: Staff presented the new athletic field use policy recommended by the Parks & Recreation Advisory Board. The new policy creates a tiered priority status system, provides details on how fields are to be requested and maintained, and addresses various financial and insurance requirements. Following discussion, the Board agreed by consensus to consider the policy at the September 25 meeting.
  
- B. Ranking Criteria for Rural Rustic Paving Program: Staff presented research on ranking criteria used by other localities when determining which unpaved roads should be paved under the VDOT Rural Rustic Road program. These criteria include traffic counts, accident history, whether the road is a school bus route, number of houses, condition of the roadway, and amount of time on the approved list. Following discussion, there was consensus from the Board to look at this data when reviewing requests each spring but not to formally adopt ranking criteria to determine which roads are upgraded. A map showing the unpaved roadways in the County was also reviewed.

At 10:39 am, Vice Chair Catlett adjourned the meeting.

2024-09-25 Action: Chris Boies reviewed the above summary:

- The Parks & Recreation Athletic Field Use policy creates a framework for staff to follow in making decisions on the use of the athletic fields.
- Clarke County Parks & Recreation does not run youth sports; baseball, soccer, and basketball are all run by independent, non-profit leagues.
- Those organizations have contributed to various improvements at the fields and have voiced concerns about the possibility of new groups coming in and taking over the fields.
- The proposed policy was written after studying similar policies from across the country and was presented to the three organizations. With the help of staff, the Parks & Recreation Advisory Board negotiated some changes with those

organizations and the end result is something that all groups involved have agreed on.

Chairman Weiss

- Offered that this policy is an example of good leadership by working with all the groups involved and maintaining the integrity of the parks for everyone to enjoy.

**Supervisor Lawrence moved to approve the Parks & Recreation Athletic Field Use Policy as presented. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Chris Boies continued reviewing the 2024-09-09 Summary:

- Staff researched and presented criteria used by Shenandoah and Frederick counties in their VDOT Rural Rustic Roads program.
- As roads are presented for consideration in the future, staff will provide as much of the criteria data as is available but will not follow a formal ranking or scoring system.
- Clarke County does not receive as many requests to pave roads as other localities do; some citizens would prefer to keep their roads unpaved.

Chairman Weiss

- Opined that this approach makes sense. Having formal ranking criteria could almost force the Board into action that citizens or residents of a particular road are not in favor of, so this is a good middle ground.

Vice Chair Catlett

- Added that the updated map of unpaved roads is very helpful.

*12) Board of Supervisors Finance Committee Items from September 9, 2024*

- A. Contract Proposal from RHI for the Development of Construction Drawings: As requested by the Board following their August 20 meeting, Rhodeside Harwell Inc. (RHI) submitted a contract proposal for the development of construction drawings that can be used to bid the County Courthouse Green Project.

2024-09-09 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY25 Capital Projects Fund budget and appropriation be

increased by \$133,000 and that fund balance designation for the County Courthouse Green Project be decreased by the same amount, all for the purpose of contracting with RHI for the development of construction documents for bid.”

2024-09-25 Action: Chris Boies reviewed the above summary:

- RHI provided a scope of work and projected costs for the construction drawings for the courthouse green master plan.
- The proposed contract includes development of construction drawings that will be put out for bid, assisting the county with permitting and approvals necessary to move the project forward, and any bidding work that needs to be done.
- Construction phase services are also included, where the landscape architect would visit and review the project at various stages to make sure the work is being completed in accordance with the plan.
- The majority of the work included in the design and cost estimate (received from the independent cost estimator) is infrastructure work such as addressing ADA compliance issues and sidewalks that have not received improvements in decades.
- Some of the sidewalks are original to the Circuit Courthouse, which was built in the late 1970s, and include some steps that can be difficult to navigate.
- The primary focus right now is to address deficiencies in the site currently: drainage, sidewalks, ADA compliance, etc. The project also creates a space for a second feature and it is important everyone understands that the second feature is not included in the cost estimate.
- From the beginning, the Board has said it will seek donations for that second feature. The architects have laid out that process as part of the work they did in the previous phase.
- Brenda Bennett advised that there is currently \$200,000 in fund balance designation available for this project. The Board of Supervisors approved that designation in November 2023.

Supervisor Lawrence

- Expressed a preference for starting the project initiation and construction drawings tasks (A & C in the contract) now, and holding the permitting, bidding phase, and construction phase tasks (B,D,&E) pending further Board approval.

Chairman Weiss

- Agreed and clarified that the Board anticipated that kind of approach to the project so that they would not be locked in to further actions and next steps before considering all the information available.

Supervisor Shaffer

- Advised that he has spoken with a large number of citizens in the past two months regarding county business and the courthouse green seems to be a hot topic for many residents.
- Read aloud the following statement:

“Nearly all who discussed the project with me fully support, as well as I support, a second feature on the courthouse lawn. After these conversations, I personally feel preparation of the area for the second feature should begin as soon as practicable and this portion of the project moved forward, since much of this money will come from donations. However, the cost of the drawings and bid package, as well as the estimated \$1.8 million price tag for the courthouse green causes much concern amongst my constituents and myself. I know we all support ADA compliance to serve all citizens at the courthouse. Any changes needed for this reason, I would fully support. But when it comes to wishes versus needs, I believe there are things we can take a second look at to be fair to our tax-paying citizens. At this time, I do not support moving forward with any of this project.”

Vice Chair Catlett

- Commented that courthouse greens are a very important part of every locality, and have been for a long time. They are prominently located and are a cornerstone of our judicial system, which serves all of our citizens. Boards of Supervisors past, present, and future have the responsibility to maintain and honor this special space.

Supervisor McKay

- Shared that the people he has talked to have concerns about the \$1.8 million cost, but they did not understand that the majority of that cost was to fix deficiencies in ADA compliance and drainage. When people understand the need to maintain public infrastructure, they seem to be ok with it.

Supervisor Shaffer

- Opined that \$133,000 for drawings and a bid package is a big number for fixing up the lawn, re-directing drainage, and bringing things into ADA compliance.
- Queried if there are other things already in place at the courthouse that people with disabilities and mobility issues can use without fixing everything to be ADA compliant. The requirement is to provide access, not to make sure that every turn and set of steps has access.



- Advised that he can support fixing the things that are necessary, but not just fixing things up so that they are better looking without talking more to the people who are footing the bill.

Chairman Weiss

- Stated that he respects Supervisor Shaffer’s remarks, adding that cost is a concern for all involved and agreed that \$1.8 million is a lot of money.
- Clarified that, relative to the convenience center (approx. \$1 million), primary school building (\$3.5 million), and senior center (approx. \$1 million), the \$1.8 million figure was high but commensurate with those other projects, especially when considering inflation.
- Added that proceeding with the contract in the way that Supervisor Lawrence suggested allows the Board to consider further action carefully while gathering information to show why these improvements are necessary to have in place so that the second feature can be installed into an area befitting its significance.

Supervisor Shaffer

- Reiterated his support for a second feature and the preparation work necessary for it. If that means the second feature is done now, architects and engineers know how to do so without creating drainage issues for later.
- 

**Supervisor Lawrence moved, be it resolved, that FY25 Capital Projects Fund budget and appropriation be increased by \$133,000 and that fund balance designation for the County Courthouse Green Project be decreased by the same amount, all for the purpose of contracting with RHI for the development of construction documents for bid. The motion further stated that the project initiation and construction drawing tasks are approved to commence, while the permitting, bidding, and construction administration require further Board of Supervisors approval before they can commence. The motion carried by the following vote:**

Douglas Shaffer	-	Nay
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

**B. FY25 Supplemental Appropriation Request for Virginia Department of Forestry Grant**

2024-09-09 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY25 budgeted expenditure and appropriation to the

Planning Department be increased by \$4,263.61 and that fund balance designation be decreased in the same amount, all for the purpose of expending grant funds from the Virginia Department of Forestry grant to plant trees at the park.”

2024-09-25 Action: Brenda Bennett reviewed the above summary.

- Grant funds were initially awarded and received in FY2023 in the amount of \$4,814. \$551 were expended and the remaining funds became part of the general fund balance at the end of FY2023.
- These grant funds do not have a set time limit and may be spent in future years. There were no qualifying projects in place at that time.
- A project that meets the grant criteria is planned and includes replacing trees at Josephine Cemetery and planting new trees at the park to continue screening for the soccer fields.

Supervisor Lawrence

- Noted that the entire amount would have been expended when trees were planted at Josephine Cemetery, but Mr. Dorsey insisted on donating the trees.
  - Chris Boies added that many of those trees survived the drought because Supervisor Lawrence volunteered to water them.

**Supervisor Lawrence moved, be it resolved, that FY25 budgeted expenditure and appropriation to the Planning Department be increased by \$4,263.61 and that fund balance designation be decreased in the same amount, all for the purpose of expending grant funds from the Virginia Department of Forestry grant to plant trees at the park. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

C. Bills and Claims

2024-09-09 Summary: Following review, the Finance Committee recommends approving the August 2024 Invoice History report.

2024-09-25 Action: Brenda Bennett reviewed the above summary.

**Supervisor Shaffer moved to approve the August 2024 Invoice History Report as presented. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

D. Standing Reports

- a. Year to Date Budget Report
- b. Reconciliation of Appropriations
- c. Capital Projects Report

2024-09-25 Action: Information Only.

13) *Joint Administrative Services Board Update*

Brenda Bennett advised the following:

- The Joint Administrative Services Board met on September 23.
- They heard a request to move the HR Coordinator position from part-time to full-time and decided to consider that request as a part of the FY26 budget process.
- JAS staff is still working on the end of year processes and reports and is preparing for the FY2024 audit.

14) *Government Projects Update*

Chris Boies provided the following update:

- VACO has asked how many supervisors are attending the annual conference; please let staff know today if you plan to attend.
- We had a VACO regional call on Monday. Some local legislators spoke as well as officials from the Virginia Department of Housing and Community Development. It was helpful to hear other locality’s legislative priorities for the upcoming year. Many shared priorities we have previously adopted.

- The parking lot project at park has been completed. This adds parking near the tee ball fields and VFW shelter. Joey oversaw the project and it turned out really nice.
- Thanks to Julia, Indea, and Catherine for their work on our new employee newsletter. We surveyed employees to ask about how we could better communicate with them. This monthly publication reflects many of the survey results as well as industry best practices. Supervisors and employees will receive the publication via email around the first of each month.
- We kicked off a new Citizen’s Academy cohort last week. A special thanks to Supervisors Catlett and Shaffer for participating in the elected officials forum. We ended the day at the regional airport, which was a new addition to our program. We have 25 participants this year, which is our largest ever.
- I would like to recognize our employees who volunteered last week at the United Way Day of Caring. Employees from several county departments participated in clean-up projects in our community. Amy Knipe was kind enough to serve as our coordinator this year because Catherine and I had different commitments that day. Across the region, a large number of projects were completed.

15) *Miscellaneous Items*

None presented.

16) *Summary of Required Action*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process and post approved minutes	Catherine Marsten
2.	Plan for Route 7 informational meeting	Chris Boies
3.	Process approved parks policy, revised fee, & revised rules	Lisa Cooke
4.	Process approved finance actions	Brenda Bennett
5.	Process bills & claims	Brenda Bennett

## 17) Board Member Committee Status Reports

### Supervisor Doug Lawrence

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Has not met.

Board of Social Services

- Met September 18.
- Voted to recommend transition from administrative to advisory board.

School Board

- Discussed accreditation processes.

Regional Jail Authority

- Meets next month.

### Vice Chair Terri Catlett

Career and Technical Education

- Has not met.

Clarke County Humane Foundation

- Submitted a grant application to purchase some new cat cages.
- Pursuing a continuing education opportunity in dog behavior.

Village of Millwood

- Recent Art at the Mill event was a success.

Planning Commission

- Three public hearings to be held in evening session.

Community Policy & Management Team

- Discussed budget. Evaluating needs and meeting community and individual needs.
- Prior work session to look at rewriting some policies.

Virginia Association of Counties

- Delegate Oates attended the recent virtual meeting
- Local land use control was a common concern among localities, VACO suggests reaching out to legislators early and often.

### Supervisor Bev McKay

Town of Boyce

- Still looking for a code enforcement officer.
- Discussed hosting a citizen breakfast in December.

Northern Shenandoah Valley Regional Commission

- Updated the electronic participation policy for meetings.
- Discussing progress on VATI project.

Regional Airport Authority

- Nothing to report.

Economic Development Advisory Committee

- Heard a presentation from a company that tracks, collects, and sells location data to help guide tourism advertising efforts.

Conservation Easement Authority

- Considering several DUR purchases and a new easement.

Sanitary Authority

- Nothing to report.

Berryville-Clarke County Joint Building Committee

- Has not met.

Supervisor Douglas Shaffer

Library Advisory Council

- Soliciting input on a draft of new bylaws.

Litter Committee

- Last meeting canceled for lack of quorum.

Josephine School Community Museum Board

- Nothing to report.

Legislative Updates

- Nothing to report.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Scheduled to present at October 15 Board meeting.

Northwestern Regional Juvenile Detention Center Commission

- Nothing to report.

Sheriff's Office

- Michael Bell and Shannon Walsh named employees of the quarter.
- Using DMV Grant funds to purchase new LiDAR. New APX6000 radios and new uniforms will arrive in October.
- ECC is fully staffed; however, only five are certified.

Town of Berryville

- The Big Flea brought a very large crowd of both visitors and vendors.

Parks and Recreation Advisory Board

- Athletic Field Use policy, Recreation Center admission fee, and rules update already presented.

Chairman David Weiss

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Has not met.

Board of Septic and Well Appeals

- Has not met.

Historic Preservation Commission

- Missed last meeting.

Industrial Development Authority

- Next meeting October 24.

Berryville Area Development Authority

- Continuing to meet to review the Berryville Area Plan with town and county staff.
- Will be updating and consolidating the plan; discussing whether to maintain or shift current uses and possible allocations for extra floating DURs.

18, 19, & 19A) Closed Session pursuant to §2.2-3711(A)(1), §2.2-3711(A)(7), and §2.2-3711(A)(29)

**At 3:01 pm, Supervisor Shaffer moved to enter closed session pursuant to §2.2-3711-(A)(1) to discuss the performance of a county employee, specifically a county department head; pursuant to §2.2-3711(A)(7) to receive a briefing from staff regarding actual litigation concerning a zoning enforcement matter; and pursuant to §2.2-3711(A)(29) to discuss a contract involving the expenditure of public funds, specifically a contract with the County and the Northern Shenandoah Valley Regional Commission regarding All Points Broadband providing broadband to the county. The motion carried by the following vote:**

- Douglas Shaffer - Aye
- Terri T. Catlett - Aye
- Doug M. Lawrence - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

**At 4:11 pm, with the members of the Board of Supervisors being assembled within the designated meeting place with open doors and in the presence of members of the public and/or the media desiring to attend, Vice Chair Catlett moved to reconvene in open session. The motion carried as follows:**

- Douglas Shaffer - Aye
- Terri T. Catlett - Aye
- Doug M. Lawrence - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

**Vice Chair Catlett further moved to execute the following Certification of Closed Session:**

**CERTIFICATION OF CLOSED SESSION**

**WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia, that such closed meeting was conducted in conformity with Virginia law.**

**NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia. The motion was approved by the following roll-call vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

No action was taken following the Closed Session.

At 4:12 pm, Chairman Weiss recessed the meeting.

At 6:33 pm, Chairman Weiss reconvened the meeting.

*20) Citizen's Comment Period*

No persons appeared to address the Board.



21) Public Hearing: Long Branch Special Use Permit and Site Plan (PH2024-14: SUP-23-03/SP-23-04)

Senior Zoning Administrator Jeremy Camp presented the following:

**Clarke County, VA**

PLANNING COMMISSION

**Special Use Permit (SUP-23-03) & Site Development Plan (SP-23-04)**

*Minor Commercial Public Assembly*

OWNER  
Harry Z Isaacs

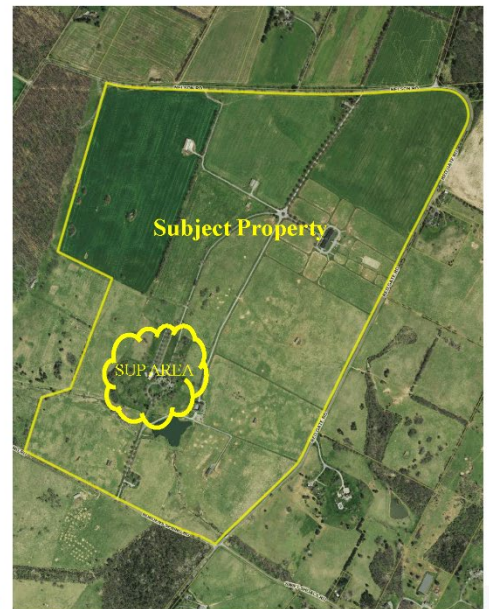
APPLICANT  
Long Branch Farm



September 25 2024 Board of Supervisors Meeting – Public Hearing

**REQUEST**

A request to approve a special use permit (SUP) and site development plan (SP) for a *Minor Commercial Public Assembly* use in the AOC District. The proposed use would utilize the existing house museum and surrounding grounds for events separate from events of the existing house museum.





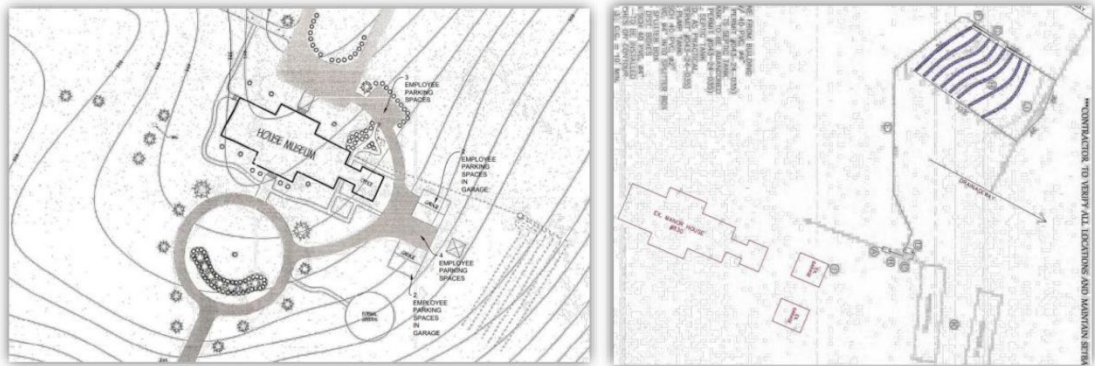
## GENERAL INFORMATION

- TM# 29-A-29
- 390.35 acres
- AOC Zoning District
- White Post Election District
- Virginia Outdoor Foundation Conservation Easement
- Borden Springs Road / Long Branch Lane / Nelson Road / Red Gate Road
- Existing SUP for a house museum and equine veterinary clinic approved in 2002.



## Site Development Plan

No new development is proposed, except for a new on-site sewage disposal system required by the Virginia Department of Health.



## REVIEW COMMENTS

- ❖ The following agencies were consulted with during the review of these applications:
  - Clarke County Planning Department
  - Clarke County Sheriff's Office
  - Clarke County Economic Development
  - Clarke County Emergency Services
  - Clarke County Building Department Review
  - Virginia Outdoors Foundation (VOF)
  - Virginia Department of Transportation (VDOT)
  - Virginia Department of Health (VDH)
  
- ❖ The Staff Report includes an analysis of how the special use permit application conforms to the review criteria for special use permits, as detailed under Section 6.3.1C-2 of the Clarke County Zoning Ordinance. This analysis, as well as input from the public, helped guide the Planning Commission in drafting SUP conditions and reaching their recommendation.

## PC RECOMMENDATION

The Planning Commission held several public hearings on these applications between April 5, 2024 and July 12, 2024. The deferrals were partly related to the review of the applicant's on-site sewage system with VDH; but a considerable amount of effort also went into working with the adjacent property owners to draft SUP conditions. On July 12, 2024, the Planning Commission issued a recommendation of approval of the site development plan and special use permit applications with 15 SUP conditions.

## SUP CONDITIONS

Below is a summary of the 15 SUP conditions recommended by the Planning Commission on July 12, 2024: *[detailed in the Staff Report]*

- **No more than 57 events per calendar year**
  - Up to 12 amplified events of up to 149 people
  - Up to 20 unamplified events of up to 149 people
  - Up to 25 unamplified events of up to 54 people
- **Notice by the applicant to the public is required for amplified events - at least 30 days before such event.**
- **Ceasing of amplified noise by 11PM, conclusion of such events by 12AM (midnight)**
- **An employee or representative of the applicant shall be on-site at all times for the events with amplified sound and shall provide contact information to adjoining property owners.**
- **Amplified events shall be limited to no more than 1 per day, and shall not occur on the same day as a Special Event.**
- **No more than 2 amplified events held after 6PM shall be held per calendar month.**

### Supervisor Shaffer

- Asked if the applicant could hold more unamplified events if they held less amplified events in a particular year.
  - Mr. Camp responded no, they would need to abide by the conditions as written.

### Chairman Weiss

- Advised that the Board of Supervisors can make changes to the conditions at this time, if they so desire.

- Compliance with noise ordinance
- The applicant shall provide a list of the past year's events to the County by January 15<sup>th</sup> of each year.
- No on-site lodging or on-site food preparation (catering allowed)
- No fireworks
- Revocation of 2002 Veterinary Clinic SUP – the use does not exist today
- Clarification that the 2002 House Museum SUP remains effective. Events held for functions of the house museum are subject to compliance with the existing SUP conditions for it.
- Access shall be limited to the entrances on Nelson Road.
- At the request of the Applicant, the SUP shall terminate if the property is sold or transferred to another entity or person.
- A business license must be maintained at all times for the Minor Commercial Public Assembly use.
- Lighting shall adhere to the County's outdoor lighting regulations.



Mr. Randy Buckley, President of Long Branch, provided the following comments:

First of all, I would like to thank you for considering the application this evening. I would like to take a moment to say that this application is much more than weddings. We do want to host weddings, but weddings are a very small part of the Long Branch picture. Our focus is events that we feel enrich the lives of our broader community. Examples include a children's fishing derby, garden club events, easement authority events, a movie night on the lawn, community

gatherings, and educational speakers. There is a lecture series on topics that range from the health of the Chesapeake Bay to the history of the National Fire Service to the role of the Federal Reserve in today's economy to foreign affairs in the Middle East and includes collaborations with organizations like Oak Spring Garden Foundation, Piedmont Environmental Council, and the National Sporting Library and Museum.

When it comes to weddings, we think it is important to be able to share Long Branch's attributes with those who may not otherwise have access to such open space and commanding views of the countryside. I would argue they are some of the best views in Virginia. In closing, I would like to thank you again and mention that you may never see another application like this, given that Long Branch is a 501(C)(3) nonprofit that is maintained for the citizens of Clarke County and open to the public.

Chairman Weiss opened the public hearing at 6:47 pm.

Marianne Casey of Westwood Road in Berryville

Thank you very much for considering this permit request. I ask that you do consider and approve it. You have seen the details that we worked through; it has been a very long process. I feel, as a member of the Board of Directors and a short term as the Interim Executive Director there, that we addressed the concerns as best we could. We took our time with those neighbors who had concerns and with VDOT. We tried to work through the details as best we could to make sure that this would be approved. It is a special property and in the privileged time that I had working there, I got to meet a lot of people that came not just for these events but – just what Mr. Buckley mentioned – the beautiful views and the tranquility there. The events that I was overseeing were very well managed and I am sure that we can continue to uphold that as we go forward.

The following citizen comments were provided to County Administration via email:

Linda Armbrust

I would very much appreciate it if the BOS would continue to support historic Long Branch, and its ties to the community and Clarke County.

Laura Dabinett

As a Board Member at Long Branch and a citizen of Clarke County, I urge you to approve the SUP for Long Branch on September 25. It is vital for the health of this local treasure to be able to proceed with events. This carefully crafted SUP protects

local residents from noise and excess traffic while allowing Long Branch to fulfill its mission to the community. Thank you.

Doris Stimpson of Nelson Road in Boyce

I have been following the journey of Long Branch through the SUP process. It is now before you and I would like to convey to you my support for Long Branch. I am a neighbor of Long Branch and have supported it and its functions for many years. The events that have been held have never caused me any trouble. The revenue from events help to keep Long Branch viable. Long Branch is a county asset whose success reflects positively on the county.

Michael C. Williams of Clay Hill Road in Millwood

I am a Millwood resident and a member of the Long Branch Board and I am writing in support of Long Branch's Special Use Permit application. Long Branch is an important and valuable resource for the Clarke County community. Under the leadership of its new Executive Director, Teresa Condon, Long Branch is positioned to offer even more to our county and region. The activities allowed under the proposed SUP and the conditions developed with the County Planning Staff will enable Long Branch to pursue its charitable mission in a manner that is respectful of its neighbors and the County's AOC zoning requirements. Maintaining Long Branch as a publicly accessible example of a beautiful and historic farm helps preserve the rural character and agricultural heritage of Clarke County for all residents and visitors to enjoy.

G. Philip Hughes of Millwood

I write in support of the pending Special Use Permit application of Long Branch Historic House & Farm which I understand will be considered this week by the Clarke County Board of Supervisors. Long before my wife and I moved to Clarke County in 2012, we became familiar with, toured, and regularly attended events held at Historic Long Branch, beginning shortly after it opened to the public in the late 1990s following the death of its owner, Harry Z. Isaacs. Then, as now, it impressed us as a gem for Clarke County and the Shenandoah Valley, preserving an iconic historic house and a beautiful rural landscape 'in the shadow of the Blue Ridge' for public enjoyment. Harry Isaacs' beneficence in endowing his estate and opening it to the public has contributed measurably to preserving Clarke County's rural character and open spaces for future generations.

In the distant past, Long Branch supported ambitious annual festivals on its grounds, drawing large crowds and many cars – and even featuring hot air ballooning. On occasion, these coincided with the Clarke County Historical Association's 'Art at the Mill' exhibitions at Millwood's Burwell-Morgan Mill. At the time, I believed that Long Branch's public events were regarded as a benefit to the County, providing enjoyment for local residents, attracting visitors, generating business, and helping

to 'put Clarke County on the map'. I doubt that this would have been possible without an accommodating – if not downright appreciative – attitude from the County government.

The days of Long Branch's annual 'Wine and Hot Air Balloon Festivals' – which generated important revenue for this institution – are long over. Today, Long Branch's activities requiring a Special Use Permit are of a much smaller scale and are much more subdued – but they are no less important to both the public's access to and enjoyment of Long Branch's amenities and to Long Branch's ability to generate the revenue necessary to sustain itself.

Long Branch's Directors and staff have worked hard and diligently over the last two years to address all the issues that have arisen in the quest to renew its lapsed Special Use Permit. To my understanding, the outstanding requirements have been satisfied, as reflected in the County staff's report accompanying the application.

For the sake of the public's fully renewed enjoyment of all that Long Branch offers for Clarke County and the wider Shenandoah Valley community, and for the sake of Long Branch's ability to return to the sustaining, income-generating activities that assure its future, I urge the Board of Supervisors to act promptly and favorably on the pending Special Use Permit application.

Supervisor McKay entered the meeting at 6:48 pm.

Chairman Weiss closed the public hearing at 6:49 pm.

Supervisor McKay

I think it is a gem for the county. Long Branch could not be better neighbors and are a wonderful addition to Clarke County. I do strongly support what they want to do and what they have done. I hope that, as time goes on, if they need to do more that our Board or future Boards will look favorably upon it.

Vice Chair Catlett

I would like to add that I think Long Branch is really an asset to the community. I was thinking about it recently and it is just such a rare opportunity that people can actually set foot on a farm. I think that is going to be more important as time goes by and I am glad that Clarke County has access to such a beautiful place.

Supervisor Lawrence

I fully support it also and I appreciate you putting on the fishing derby.



Chairman Weiss

I also support the Special Use Permit and would like to comment on the collaborative work between the applicant and the Planning Commission and, perhaps most importantly, with the neighbors. I think they set a good precedent by coming in with one plan and then eventually creating another one through the process. While I understand that it was lengthy and at times frustrating – and we are sorry for that part of it – but I think in the end it is a better product that everyone will be happy with. Having worked through those issues will give Long Branch a better defensive stance as well, if necessary in the future. There are good and reasonable conditions that still allow Long Branch to achieve what they are trying to do.

**Vice Chair Catlett moved to approve the Long Branch Special Use Permit & Site Plan (SUP-23-03/SP-23-04) with conditions as recommended by the Planning Commission. The motion carried by the following vote:**

- |                  |   |     |
|------------------|---|-----|
| Douglas Shaffer  | - | Aye |
| Terri T. Catlett | - | Aye |
| Doug M. Lawrence | - | Aye |
| Beverly B. McKay | - | Aye |
| David S. Weiss   | - | Aye |

*22) Public Hearing: Regulations for Permanent Campgrounds and Temporary Camping Text Amendment (PH2024-15: TA-23-01)*

Director of Planning Brandon Stidham presented the following:

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

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- **Proposed text amendment to:**
  - Add a new permanent use, "primitive campground," to Zoning Ordinance Section 5.2D (Recreation/ Education/Assembly Uses)
  - Add a new temporary use, "temporary camping," to Section 5.4 (Uses, Definitions, and Use Regulations – Temporary Uses)
  - Delete "campground" and "summer camp" uses from Section 5.2D.
- **Purpose:**
  - 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.
  - To establish 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.

### Background

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- **Current zoning rules for camping activities:**
  - Three or more campsites on a lot – special use permit (SUP) and site development plan is required.
  - Applies to all forms of camping including:
    - Commercial campgrounds
    - Campgrounds for non-profit or similar organizations
    - Leasing of land for camping (e.g., “river lot” camping)
    - Recreational camping on private property
  - Maximum duration of camping – 15 days in any 30-day period.

### Background (cont.)

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- **Existing permanent campgrounds and summer camps with zoning approval include:**
  - Watermelon Park Campground (1999 special use permit)
  - Northern Virginia Lions Youth Camp (various site plans)
- **Campgrounds and summer camps with prior zoning approval would be considered “nonconforming” or grandfathered:**
  - Would be governed by zoning regulations at the time of their zoning approval including special use permit conditions and/or terms of site plan approval
  - Would have limitations on ability to expand as a nonconforming use

### Background (cont.)

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- **Tents and recreational vehicles (RVs) cannot be used as temporary or permanent residences except for a limited time period when building a new home or reconstructing/repairing a damaged or destroyed home (“temporary dwelling permit”).**
- **Virginia Uniform Statewide Building Code – Tents and RVs do not comply with code requirements to be used for habitation.**
- **Virginia Department of Health – All structures used for habitation must be served with an approved sewage system.**
- **Frederick, Shenandoah, and Warren Counties do not allow tents and RVs to be used as temporary or permanent dwellings under any circumstances.**

**Background (cont.)**

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- **Work on changes to the camping rules began in 2022 to:**
  - Determine whether to create new regulations for permanent campgrounds operated as a business or for a non-profit or similar organizations (including "summer camps") **OR** prohibit these campgrounds altogether.
  - Create clear parameters for recreational camping on private property without requiring a special use permit. Rules should allow property owners, their family members, and their guests to camp with limited restrictions while also ensuring that individuals are not residing on properties in a tent or RV.
  - Allow the practice of "river lot" camping to continue subject to reasonable regulations.
  - Create new regulations for camping in conjunction with temporary public events such as concerts and festivals.

**Background (cont.)**

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- **Planning Commission developed a text amendment in 2023 that would:**
  - Prohibit all new permanent campgrounds including those operated as a business, by a non-profit or similar organization, or as summer camps.
  - Establish new regulations for temporary camping by landowners and their guests, as a long-term lease of a lot for camping ("river lot" camping), and camping in conjunction with temporary events.
- **June 2, 2023 Commission public hearing** - Received comment to consider allowing public camping options along the Appalachian Trail, deferred action on the text amendment.
- **July 5, 2023 Work Session** -- Commission discussed the comment but made no changes to the text amendment.
- **September 1, 2023 Business Meeting** -- Commission voted to forward the text amendment to the Board of Supervisors.

**Background (cont.)**

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- **October 17, 2023 Board of Supervisors public hearing** - Received additional comments from citizens concerned about eliminating permanent campgrounds, deferred action on the text amendment.
- **November 7 and December 11 Work Sessions** -- Board discussed the comments and agreed by consensus to direct Commission to add regulations for permanent campgrounds on a limited scale:
  - Allow by SUP in the AOC and FOC Districts
  - Tent camping only - no recreational vehicles
  - Limit maximum number of campsites
  - Require forested buffers of a certain width
  - Provide stringent minimum lot size
  - Require property owner or resident manager to live onsite and be present during all camping activities
  - Comply with all Virginia Department of Health (VDH) requirements

**Revised Text Amendment**

- **“Primitive campground” use:**
  - Permanent campground allowed on a limited basis operated as a business or by a non-profit or not-for-profit organization. Limited to use of tents only - no RVs allowed.
  - Would be allowed with SUP approval in the AOC and FOC Districts subject to use regulations to ensure that they remain low impact and that adverse impacts to adjacent properties and natural resources are minimized.
  - Current “campground” and “summer camp” uses would be deleted.
  - Any existing campgrounds, summer camps, and camping activities with prior zoning approval would be nonconforming (“grandfathered”) under current rules.
- **“Temporary camping” use:**
  - Recreational camping on private property
  - Long-term lease of lots for camping (including “river lot camping”)
  - Temporary event camping

**“Primitive campground” use**

- **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.*
- Allowed only with SUP approval in the AOC and FOC Districts.
- A “campground plan” would be required in lieu of a site development plan.
- Would be the only form of permanent campground allowed and could be operated as a business or by organizations with a non-profit or not-for-profit status.

**“Primitive campground” use (cont.)**

Use regulations

1. Primitive camping limited to tents brought by customers and guests - RVs and use of temporary or permanent structures provided by the campground owner are prohibited.
2. Owner or onsite manager required to be present during all camping activities.
3. Maximum of 10 campsites and 50 customers, guests, and visitors on the property at one time. Maximum of one primitive campground per lot.
4. Minimum lot size - 40 acres.
5. Setbacks:
  - Structures, campsites, and parking areas - 300 feet from property lines, 500 feet from existing dwellings on adjacent lots, 100 feet from perennial streams
  - Walking trails from property lines - 100 feet

**“Primitive campground” use (cont.)**

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6. **Minimum 50 foot buffer containing mature trees shall exist and be maintained along all property lines. Planted buffer and/or greater setback distance may be substituted with an “alternate siting plan.”**
7. **Campsites, parking areas and walking trails:**
  - **Shall be unimproved except for gravel, mulch, or similar material for soil stabilization**
  - **All campsites shall be clearly delineated in a fixed location and identified by number or other designation**
  - **Campsites may be served with a water source and electricity, and accessories such as picnic tables and chairs may be provided**
8. **All campsites, parking areas, and accessory structures shall be located within 300 feet of the owner’s or resident manager’s dwelling unless an “alternate siting plan” is approved.**

**“Primitive campground” use (cont.)**

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9. **Camp stores and onsite food sales are prohibited except for limited sale of firewood, first aid supplies, and bottled water. Renting of camping and recreational equipment is prohibited.**
10. **Maximum duration of camping by a customer or guest is 7 consecutive days or no 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 their occupancy period.**
11. **Direct access to a public road for public ingress/egress is required.**
12. **Parking for a minimum of 2 spaces per 5 customers and/or guests shall be provided for each campsite, in a separate parking area, or combination of both. Parking areas are not required to be hard-surfaced.**

**“Primitive campground” use (cont.)**

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13. **Campground plan required in lieu of a site development plan:**
  - **Boundary survey**
  - **Sketch plan: Required setback and buffer areas, access easements, existing/proposed structures, campsites, restroom facilities, water supplies, parking areas, walking trails, utility easements**
  - **Emergency action plan: Processes for monitoring campsites, methods to contact law enforcement/first responders, fire prevention and suppression methods, flood response, first responder access, other information deemed relevant by the zoning administrator**

**“Primitive campground” use (cont.)**

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14. **Alternate siting plan** - Allows for reduced property line setback and buffer requirements. Empowers the Commission and Board to decide whether alternate sites provide the best visual screening, noise abatement, environmental protection, and general insulation of the campground from adjoining properties.

Review factors include:

- Whether existing mature trees and/or topography in the alternate location provides more effective screening than in a compliant location.
- Whether the alternate location provides a lesser impact on adjacent properties and residences than in a compliant location.
- For requests to reduce setback from onsite residence, whether the alternate location otherwise fully complies with property line setback and buffer requirements.

**“Primitive campground” use (cont.)**

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15. **Outdoor burning** – Confined to fire ring constructed of stone, metal, masonry, or similar fire resistant material and not to exceed 3 feet in width. Shall be covered with a metal screen or other compliant device in accordance with State law when 4PM burning law is in effect. Unconfined bonfires are prohibited. Water source or other fire suppression materials to be provided within 100 feet of all open air fires.
16. Each campsite to have an enclosed trash receptacle and all trash to be stored in an enclosed dumpster or similar container until properly disposed of off-site.
17. No amplified sound shall be audible at or beyond the property lines.

**“Primitive campground” use (cont.)**

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18. Use of motorized/electric vehicles (ATVs, dirt bikes, drones, golf carts) except for customer/guest passenger vehicles is prohibited. Use of motorized equipment such as chainsaws and generators by customers and guests is prohibited.
19. Construction of boat ramps and accesses shall comply with the site and construction regulations in Section 4.2.3D (Permitted Uses and Structures in a Stream Buffer).
20. Campground approval from the Virginia Department of Health (VDH) shall be obtained if required and maintained in good standing.

**“Temporary camping” use**

- **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.*
- New temporary use would regulate all forms of temporary camping:
  - Camping on private property
  - Long-term lease of a lot for camping (including river lot camping)
  - Temporary event camping
- Temporary camping operated as a business is prohibited except for the long-term lease of a lot for camping.

**“Temporary camping” use (cont.)**

**Use regulations**

1. All camping activities shall not exceed a total of 30 days in any 60-day period and shall not be conducted for more than 14 consecutive days.
  - Allows for 180 days of camping in a calendar year
  - Helps to distinguish between temporary camping and individuals residing in a tent, RV, or other camping structure
  - Allows property owners to invite groups to camp on their property without allowing the property to be established as the permanent location for that group’s camping activities.
2. Temporary camping is limited to RVs and temporary structures such as tents, yurts, and other forms of temporary shelter not permitted for residential use. Temporary or permanent onsite connections for RVs to water, sewage disposal, electric power, or other utilities is prohibited.

**“Temporary camping” use (cont.)**

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. Temporary campground approval from the Virginia Department of Health (VDH) shall be obtained if required and maintained in good standing.
5. Long-term lease of a lot to a lessee and their guests for a charge is permissible subject to the following requirements:
  - Minimum duration of a lease shall be 30 days and shall be a written agreement between the property owner and each lessee
  - Maximum of two campsites per lot; each campsite is limited to a maximum of one RV; “campsite” is an area designated in a lease for camping by the specified lessee (maximum of two lessees per lot)

**“Temporary camping” use (cont.)**

- Long-term leasing of a lot is typically seasonal (May-September).
- Time limit of 14 consecutive days and 30 days in a 60-day period would apply to the long-term leasing of a lot.
- This would allow a lessee with a 4 month lease:
  - To camp for consecutive three-day weekends throughout the lease period
  - To 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
  - To use the campsite during the day for recreational purposes without staying overnight and not have that day count towards the total number of camping days used.
- Compliance with the regulations is mandatory but no zoning permit would be required.

**“Temporary camping” use (cont.)**

6. Temporary event camping can be approved in conjunction with an agritourism activity zoning permit, a special event permit per County Code Chapter 57, a temporary event held at the Fairgrounds, or as specifically approved by other zoning action. Requirements include:

- Approval of a zoning permit application (unless approved in conjunction with an agritourism activity zoning permit)
- Temporary campground approval from the Virginia Department of Health (VDH) shall be obtained if required and maintained in good standing
- Camping activities are limited to the duration of the temporary event
- Camping plan shall be provided 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

**Planning Commission Recommendation**

- Commission held public hearing on July 12, 2024 and voted 9-0-2 (Glover, Ohrstrom absent) to recommend adoption of the text amendment.
- No one spoke at the Commission’s public hearing.

**Staff Recommendation**

- Staff has no outstanding concerns with the adoption of this text amendment.
- Staff recommends the Board conduct the advertised public hearing and take action on the text amendment.



Chairman Weiss

- Requested confirmation that existing campgrounds, including Watermelon Park, are not affected by these use regulations.
  - Mr. Stidham confirmed and added that Watermelon Park has a Special Use Permit from 1999 and that zoning approval would stay in effect so long as the activity continues operation in good standing. If the activity goes defunct for two or more years, then they would lose their “nonconforming use” status.
- Observed that neighboring localities do not allow residents to live in RVs and that Clarke County, by allowing people to live in RVs temporarily if they are constructing a house or their existing house is destroyed, is more liberal.
  - Brandon Stidham advised that he confirmed this with staff from other counties.

Supervisor McKay

- Asked if there were any bathroom or sanitary facility requirements for primitive campgrounds.
  - Mr. Stidham answered that there are and they are regulated by the Virginia Department of Health.

Chairman Weiss opened the public hearing at 7:14 pm.

Kerry Desjardin of Pine Grove Road in Bluemont

I am the school social worker for Clarke County Public Schools. I am not speaking on behalf of the school district tonight but my employment does lend me a singular perspective on this matter that I think is important for the Board to hear.

One of my roles as a school social worker is to serve as the district’s local homeless education liaison. I am responsible for raising awareness among school personnel about youth homelessness, particularly the McKinney-Vento Homeless Assistance Act, which provides special protections and services for public school students who are experiencing homelessness. Another part of that role is to conduct outreach activities and identify and serve Clarke County students who are experiencing homelessness.

Since I stepped into this role in August of 2021, our district has identified and served 64 students experiencing homelessness. I had to edit that, as we had two new ones since I printed this. 19 of them either were living or are still living in campers or RVs parked within Clarke County in a variety of zones. Those students and their parents consider their living situation temporary. They do not prefer it over living in permanent housing, but they have found themselves unhoused and could not find new affordable housing. Often times, parents feel so strongly about keeping their kids in Clarke County schools that they would rather live in a camper for a while than

move to another locality. About 10 of those 19 students have lived in a camper or RV for over a year. Some of them have lived in a camper or RV for over two years. There is truly no affordable housing in Clarke County. Of the 64 homeless students that I have served, only six of them (a sibling group of 4 and a sibling group of 2) successfully secured affordable housing in Clarke County. The rest are still homeless or had to move to other localities. One of the most difficult parts of my job is identifying homeless students because no one wants to advertise their homelessness, especially kids. I operate under the assumption that there are always more homeless students than we know about. There are absolutely more.

If you make it unlawful for people to live in campers or RVs anywhere in Clarke County for more than a couple of weeks, it will become even more difficult for me and the school district to identify and serve children and families who are in the greatest need of services. Not only will they be less likely to reach out to me or to someone else in their school for help, but they will also be less likely to call 911, to call law enforcement, fire & rescue, or protective services, for fear of losing the roof over their head.

I understand the concerns related to these proposed text amendments. Public health and environmental protection are very important matters to me as well. The humane and responsible solution is not to make residing in recreational equipment unlawful, but to ensure that people have better, safer, affordable options. I would also like to point out that, although our neighboring localities already have policies like the one being proposed, those localities also have far more affordable housing. They have nonprofit organizations that provide housing assistance and they also have development policies that drive the building of more affordable housing units.

Chairman Weiss closed the public hearing at 7:19 pm.

Brandon Stidham clarified the following, related to enforcement:

- The county has long operated on a complaint-based enforcement policy.
- Unlike most other counties in the area, Clarke does not have the resources to do proactive enforcement and look for violations.
- Staff relies on complaints by property owners or other citizens about potential violations.
- If a complaint were received that someone is residing in a tent or an RV, staff would conduct an investigation. If evidence indicates that someone is actually residing in a tent or RV, the process would begin with the Zoning Administrator citing the property owner with a notice of violation, which gives that property owner thirty days to either come into compliance, to come discuss a path towards compliance, or to say that staff is interpreting the ordinance incorrectly and pursue an appeal to the Board of Zoning Appeals.

- If there is a property owner advises of a situation where someone is living on the property in a camper on a temporary basis because they have nowhere else to go, staff is going to give as much leeway as possible.
- There have been similar situations where staff has actually reached out to the Department of Social Services to see what kind of assistance can be provided.
- As long as that property owner is working toward a permanent solution, there is time staff builds in to the enforcement process to allow that situation to be rectified without requesting immediate compliance.
- Right now, the only time someone can live in an RV is if they have a temporary dwelling permit for a damaged house or a house to be constructed.

Chairman Weiss

- Summarized that the Board looked at this issue before with a total prohibition on commercial campgrounds and, through public comment and conversations, felt that was too restrictive. This solution, as it came back from the Planning Commission, answers that question and provides conditions that take into account the Board’s concerns about appropriate sewage disposal and protection of the peace and quiet of the neighbors.

**Supervisor Lawrence moved to approve the proposed Regulations for Permanent Campgrounds and Temporary Camping Text Amendment (TA-23-01) as presented. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

*23) Public Hearing: Temporary Use of Major Recreational Equipment Text Amendment (PH2024-16: TA-24-04)*

Brandon Stidham presented the following:

**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).
- 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.
- 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.

**Background**

- “Temporary use of major recreational equipment” is the temporary parking, storage, or non-residential use of major recreational equipment on a lot.
- “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 – 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.
- Intent is to prevent people from camping or residing in major recreational equipment in these residential zoning districts.
- Current language does not reference limits on the usage of major recreational equipment in the AOC and FOC Districts.
- Intent is that major recreational equipment can be used for temporary camping by the property owner, family, and guests in these districts.
- Interpretation could also be made that major recreational equipment can be used for residential purposes in the AOC and FOC Districts since these districts are not referenced in the use.
- Major recreational equipment (including RVs) cannot be used as dwellings except for a limited time period with approval of a “temporary dwelling” permit for:
  - Construction of a new dwelling on a lot
  - Re-construction or repair of an existing dwelling that was damaged or destroyed
- Virginia Uniform Statewide Building Code – Major recreational equipment does not comply with code requirements to be used for habitation.
- Virginia Department of Health – All structures used for habitation must be served with an approved sewage system.

### Proposed Text Amendment

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- Use regulation 1 is amended to address use of major recreational equipment in the residential zoning districts (RR, OSR, DR-1, DR-2, and DR-4), and use regulation 2 is amended to address usage in the AOC and FOC Districts.
- Use regulation 2:
  - Camping/sleeping in major recreational equipment in the AOC and FOC Districts is allowed only in accordance with the “temporary camping” temporary use (TA-23-01) or in conjunction with other zoning approval.
  - Major recreational equipment can only be used for residential purposes in accordance with the “temporary dwelling” use.
- Use regulation 3 prohibits parking/storage in front or side yards – new language is added to allow temporary parking in a required front or side yard for up to 24 hours for loading and unloading.

### Planning Commission Recommendation

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- Commission held public hearing on July 12, 2024 and voted 9-0-2 (Glover, Ohrstrom absent) to recommend adoption of the text amendment.
- No one spoke at the Commission's public hearing.

### Staff Recommendation

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- Staff has no outstanding concerns with the adoption of this text amendment.
- Staff recommends the Board conduct the advertised public hearing and take action on the text amendment.

Chairman Weiss opened the public hearing at 7:28 pm.

Kerry Desjardins of Pine Grove Road in Bluemont

Experience has taught me that very reasonable policies can have negative impacts on certain populations. I did not come here anticipating that my comments would change what I expect to be the outcome of these public hearings. What I did hope to do was make the Board aware of the unintended consequences of such policies and also offer any assistance that I can provide. Honestly, I am calling on the Board to take action and to do something about the lack of affordable housing in Clarke County.

Chairman Weiss closed the public hearing at 7:30 pm.

Supervisor Shaffer

- Requested clarification on the definition of major recreational equipment, specifically a cap, as it would appear to prohibit pickup trucks with caps from being parked in a driveway.
    - o Brandon Stidham advised that the definition is interpreted as caps that are not attached to a vehicle; staff will add the word “unattached” to the definition to clarify.
  - Further shared that the Town of Berryville’s ordinance allow major recreational equipment to be parked behind the front setback of a home.
    - o Brandon Stidham presented a modification to proposed Use Regulation #3 to address this issue:
- 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 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.**

Supervisor Lawrence

- Asked if staff had received any complaints about major recreational equipment parking or storage.
  - o Mr. Stidham responded there have been more complaints about people residing in campers but not where the campers are placed on the property.

Chairman Weiss

- Offered that, in relation to the comments on homelessness, the Board is sensitive to the issue but is also bound by state laws surrounding the Building Department and Health Department.

**Supervisor McKay moved to approve the proposed Temporary Use of Major Recreational Equipment Text Amendment as modified by adding “...provided however that such equipment may be temporarily parked in a required front 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...” to Use Regulation #3. The motion carried by the following vote:**

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

24) *Adjournment*

Chairman Weiss adjourned the meeting at 7:40 pm.

25) *Next Regular Meeting Date*

The next regular meeting of the Board of Supervisors will be held on Tuesday, October 15, 2024, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, at 101 Chalmers Court, Berryville, Virginia.

ATTEST: September 25, 2024

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David S. Weiss, Chairman

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Chris Boies, County Administrator

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Recorded and Transcribed by Catherine D. Marsten