



Clarke County Planning Commission

AGENDA – Policy & Transportation Committee Meeting

Wednesday, October 26, 2022 – 2:00PM

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

- 1. Approval of Agenda**
- 2. Approval of Minutes – May 19, 2022 Meeting**
- 3. Discussion, Campground Regulations**
- 4. Transportation Update**
- 5. Other Business**
- 6. Adjourn**



Clarke County Planning Commission

DRAFT MINUTES – Policy & Transportation Committee Meeting

Thursday, May 19, 2022 – 10:00AM

Berryville/Clarke County Government Center – Main Meeting Room

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

E – Participated electronically for health reasons.

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

CALL TO ORDER: By Mr. Stidham at 10:00AM.

1. Approval of Agenda

Committee members approved the meeting agenda by consensus.

2. Approval of Minutes – March 4, 2022 Meeting

A motion to approve the March 4, 2022 meeting minutes as presented by Staff was approved unanimously.

Motion to approve March 4, 2022 meeting minutes as presented by Staff:			
Dunning	AYE	Kreider	AYE (moved)
Glover	AYE	Malone	AYE (seconded)

3. Continued Discussion, Boundary Line Adjustments

Mr. Stidham began the continued discussion by reviewing the staff memo for this item. He stated that the proposals to be presented by Staff today do not directly address the Planning Commission’s concern about the creation of 20-acre lots. He outlined a proposed text amendment that would prevent AOC-zoned lots of 4 acres or less from being increased in size above 4 acres through boundary line adjustment without approval by the Commission for enumerated hardship reasons. He also presented a second proposed text amendment that would prevent any lot approved with a maximum lot size exception from being reduced in size by boundary line adjustment without approval by the Commission for enumerated hardship reasons. He concluded by stating that if the Committee wants to focus on the issue of 20-acre lots, these two amendments can be set aside and we can look at different and potentially more significant changes to the requirements. He noted that the two proposed amendments would not have impacted the example of 20+ acre lots being created on Granddaddy Lane several years ago. Mr. Camp added that those transactions involved agricultural lots and the proposed text amendments address boundary line adjustments between residential lots.

Commissioner Glover asked why the proposed text amendments only apply to AOC-zoned lots and not FOC-zoned lots. Mr. Stidham replied that there is no maximum lot size requirement in the FOC District so lots of any size can be created above the minimum lot size. He reiterated that the zoning and subdivision regulations for AOC-zoned lots limit the size of lots that can be created through subdivision but do not include nonconforming lot sizes other than lots less than two acres in size. As a result, he said that lots can be manipulated into sizes by boundary line adjustment that could not be accomplished directly through subdivision.

Commissioner Glover asked why Staff chose 4 acres as the threshold for requiring Commission approval for boundary line adjustments to increase the lot's size. Mr. Stidham replied that 4 acres is the maximum lot size that can be created through subdivision in the AOC District without a maximum lot size exception. Mr. Camp noted that most subdivisions result in the creation of 3-acre lots as this is the maximum average lot size for AOC-zoned lots, so the 4-acre threshold allows for some flexibility for minor boundary line adjustments. Mr. Stidham added that the proposed rule would apply to all lots that are 4 acres or less in size regardless of whether they were more recently created through subdivision.

Commissioner Kreider said that the proposed text amendments would provide some measure of control that does not exist now and allow the Commission to review each case. Mr. Stidham noted that Staff worked hard to identify any potential negative impacts that the proposed rules could have and to address them in the list of hardships. Commissioner Glover noted that he had to go through a boundary line adjustment for his property because part of his driveway was on his neighbor's property. Mr. Camp noted that the draft text amendment does not address driveways and Commissioners Glover and Malone noted that this would be important to address. Mr. Stidham said that he could add "other site feature" to the text amendments to include driveways and any other things that Staff has not contemplated. Mr. Camp said that "other site feature" could include anything on the site such as a hill, and Commissioner Malone added that it could include a berm. Mr. Stidham suggested "manmade site feature" or could just add "driveway." Commissioners Glover and Kreider replied that current use of the word "structure" would catch just about everything else. Mr. Stidham said that "driveway" would be sufficient as opposed to "easement" because the parameters of an easement can be adjusted without moving property lines.

Commissioner Glover asked whether adoption of these amendments would help or hinder the 20 acre issue and Commissioner Dunning asked how this would impact pending subdivision applications. Mr. Stidham said that none of the current applications would be affected by these changes but noted that any potential applicant that would be adversely impacted would likely file their application before the changes are adopted. Members agreed that they are comfortable with the proposed text amendments and Mr. Stidham said he would add them to the Commission's June work session agenda for consideration.

4. Other Business

Mr. Stidham provided an update on the proposed Route 7/Route 601 improvement project. He noted that the Virginia Department of Transportation (VDOT) recently had a community meeting to present their recommended alternatives. Commissioner Glover said that he attended

the meeting and said that the RCUT intersection design may work well in a flat area like Florida but he does not think it would work on a mountaintop as proposed. He added that they really need to expand all of the deceleration lanes at the intersection, noting that traffic often enters the current short deceleration lanes too fast. He said the meeting was well attended and that most agreed that something needs to be done with the intersection. Mr. Stidham said that one point he agrees with VDOT on is that any measure that would slow traffic would result in more accidents. He also said that lengthening deceleration lanes and adding acceleration lanes would be better alternatives and that installing a turn signal or reducing speed limits would not be good solutions. He added that mandated U-turns would just create more slow-moving conflict points. Commissioner Kreider said that it is already difficult to turn left out of Shenandoah Retreat to go up the mountain. Commissioner Glover explained the challenges for drivers turning left out of Pine Grove and also wondered if VDOT had considered whether school buses could safely navigate an RCUT U-turn.

Mr. Stidham noted that VDOT created a webpage where you can view information on the project and provide comments. Commissioner Dunning asked if comments have been posted and Mr. Stidham replied that he did not think that comments were visible to the public. Commissioner Dunning noted that any U-turn is challenging but would especially be challenging on Route 7 during commuting hours. Mr. Stidham said that VDOT will be collecting the comments and the Board of Supervisors will probably want to see them. He also noted that VDOT will also be looking to the Board to authorize submission of a SmartScale funding application for this project. Commissioner Glover noted that one of the biggest challenges to making U-turns is getting through traffic to the crossover to make the U-turn.

Mr. Stidham said that a second project underway is to identify potential improvements for the Appalachian Trail crossing. He noted that they have ruled out use of a pedestrian tunnel which has been used in other locations by installing a large box culvert. He said they are looking at possibly constructing a pedestrian bridge near the Pine Grove parking lot as a long-term project at a cost of \$5-6 million. He added that they are also looking at short-term fixes including signage improvements. Commissioner Dunning asked if the main pedestrian problem is the trail hikers, people walking to the brewery, or both. Mr. Stidham replied that it is a mixture of both but you are also getting a lot of visitors from over the mountain who are not familiar with the area and facilities. Commissioner Glover said that there were lots of comments about the brewery and its impacts at VDOT's community meeting. Commissioner Dunning asked if closing or relocating the crossover at Route 7 and Route 601 is a feasible option. Mr. Stidham said that he prefers to close problematic crossovers but the residents would not be in favor of it. Commissioner Dunning asked if there is space available to install a crossover below the top of the mountain like you have on U.S. 50 at Ashby Gap. Commissioner Glover replied that one of VDOT's options is similar to this, and Mr. Stidham said that it would involve creating an access road through the unofficial park and ride lot at the intersection. Mr. Stidham also noted that Route 7 is a lot steeper with lesser shoulder areas than Route 50. Commissioner Glover said that he thinks that the parking lots on the mountain have been less crowded than in past years and Commissioner Kreider agreed.

Mr. Stidham reported that the Town of Berryville is currently working with D.R. Horton to develop a residential subdivision on the Friant property. He said the primary entrance would be

through the Audley property just southwest of the Route 7 bypass intersection. He added that the key to this project is whether it can be developed with a single interconnected road network through the Friant property or whether it will have to be built as two separate, unconnected residential areas. He said in the latter case, this would mean that lots on the western side of the Friant property would have to come out through Battletown Estates. He noted that the Friant property is almost bisected by the Bel Voi property and a connecting street would likely have to cross that property. He also noted that VDOT and the developer are currently working on review of the traffic study. Commissioner Glover asked where the traffic will be directed onto Business Route 7. Mr. Stidham replied that the entrance would begin just beyond the limited access guardrail but before the crest of the hill in the curve. Commissioner Glover asked if there will be houses at the entrance and Mr. Stidham replied that the Audley property is not part of the development. Mr. Stidham noted that there are existing stub streets in Battletown Estates and areas where the Friant property has frontage on the subdivision streets. He added that you want connectivity for emergency responders but it may be a detriment if the development is built in two unconnected sections. He also said that the Berryville Area Plan allows for bonus density for development plans with certain elements including an optimized transportation network. Commissioner Glover asked how many houses are planned. Mr. Stidham replied that they can do just over 100 by-right and around 214 with rezoning and the bonus density. Commissioner Glover asked about the wet areas. Mr. Stidham replied that the homes would be on small clustered lots and the wet areas would be in a preservation area. Commissioner Glover asked if this was a previously approved subdivision like Shenandoah Crossing and Mr. Stidham replied no.

ADJOURN: Meeting was adjourned by consensus at 10:43AM.

Brandon Stidham, Clerk



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TO: Policy & Transportation Committee

FROM: Brandon Stidham, Planning Director

RE: Campground Regulations

DATE: October 17, 2022

The purpose of this agenda item is to review the Zoning Ordinance regulations on campgrounds and camping and to determine whether text amendment changes are needed. Concerns were raised recently by Commissioners regarding potential new campgrounds and camping activities that may be conducted in the County, resulting in the issue being added to the priority projects list in July.

Background

To set the stage for discussion and before delving into the specific ordinance provisions, below are several bullet points that describe how various forms of camping are currently regulated:

- **Campgrounds in general.** The Zoning Ordinance identifies a “campground” as a camping activity involving three or more campsites for periods of overnight or longer regardless of whether compensation is offered, required, or accepted. Campgrounds are a special use in the AOC and FOC Districts and require approval of a special use permit and site development plan. Since camping activities can be considered campgrounds regardless of whether money is exchanging hands, all overnight camping activities with three or more campsites are campgrounds.
- **Commercial campgrounds.** A campground operated as a business, such as Watermelon Park, requires approval of a special use permit and site development plan so long as at least three campsites are offered for use. By definition, a commercial campground which only offers two campsites for rental would not require zoning approval. Use regulations are also silent regarding what types of accessory uses can be included in a commercial campground such as clubhouses, swimming pools, and camp stores.
- **Leased lots for camping.** A property owner may rent out a lot for camping without zoning approval so long as the camping activity is limited to two campsites at a time. If there are three or more campsites offered, it would be considered a campground and require approval of a special use permit and site development plan. A property owner can also rent a lot for camping to multiple tenants without zoning approval so long as no more than two campsites are operated at a time.

- **Private camping.** A property owner is permitted to camp on their property without zoning approval and may have three or more campsites on the lot for the property owner’s use. The definition of “campground” specifically excludes camping by a property owner on their land but does not extend this exclusion to the property owner’s guests. While Staff has not applied the campground regulations to private camping in the past, the regulations can be interpreted to require a special use permit and site development plan if the property owner has three or more campsites on their lot that are used by guests, family members, or other individuals who are not owners of the lot.
- **Temporary event camping.** Staff has not historically applied the campground regulations to overnight camping in conjunction with public or private events although some events can have three or more campsites established. Some past special events approved under County Code Chapter 57, such as multi-day music festivals, have included overnight camping for patrons and/or vendors who will be in attendance for the duration of the event. Chapter 57 does not include specific regulations for overnight camping. Other types of temporary events such as horse shows can have overnight camping for participants and have not been interpreted by Staff to constitute a “campground” for zoning purposes.

History

Current terms and definitions for “campground” and “summer camp” were established in 1997. Prior to this date, the Zoning Ordinance contained uses for “campground,” “day camp,” and “board camp.” The 1997 text amendment consolidated “day camp” and “board camp” into the current “summer camp” use. Definitions were created for “campground” and the related terms “camping unit” and “campsite” using similar definitions taken from the Code of Virginia with modifications. No recent changes have been made to these terms and definitions.

Current Zoning Ordinance Use and Use Regulations

The “campground” use is defined as follows:

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.

The use regulations contain definitions for “camping unit” and “campsite”:

- “Camping unit” -- *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.*
- “Campsite” -- *any delineated area within a campground used or intended for occupation by the camping unit.*

These definitions appear to have been adapted from the Virginia Department of Health’s (VDH) campground regulations. They are similar to but not precisely the same as the current wording of the VDH definitions.

One additional use regulation limits the duration of camping at a campground to a maximum of 15 days in any 30-day period. Campgrounds are allowed with special use permit and site development plan approvals.

Policy Questions for Discussion

- **What is the scope of “camping?”** Per the definition, a campground includes any camping activity with three or more campsites regardless of whether a fee is being charged or if there is a lease arrangement. This includes commercial campgrounds (such as Watermelon Park) and lots leased for camping and containing three or more campsites. The definition is less clear when it comes to private camping, noting that a campground does not include “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.” While this language is cumbersome, it does appear clear that a property owner can camp on their own property without being considered a campground. It is open to interpretation as to whether this extends to camping by the property owner’s friends and family.
- **What is a “campsite?”** The definition of “campsite” references a “delineated area” within a campground for a “camping unit” (tent, RV, etc.). This definition most likely contemplates lots within a commercial campground used as campsites by individual patrons. It is less clear when applied to private camping in which an entire property or portion of a property is used for camping but without delineated lots. If a property owner leases a river lot to a single tenant who has 5 tents and/or RVs situated around a single campfire, it is open to interpretation as to whether this constitutes one campsite or five campsites.
- **What structures, vehicles, and equipment can be used for camping?** Campgrounds are only permitted to allow tents, RVs, and similar recreational equipment for overnight camping. Permanent structures like cabins are not allowed although the overnight rental of a conforming single-family dwelling, tenant house, or minor dwelling could be considered a short-term residential rental use. Yurts are also open to interpretation as some can be constructed to meet building code requirements for use as a dwelling.

- **Are commercial campgrounds a compatible special use in the AOC and FOC Districts or should this particular use be prohibited or limited in scope?** Commercial campgrounds can be impactful on surrounding properties both in their development and ongoing operations. Since campground sites are often chosen for the pristine surrounding environment or access to unique natural areas or features, commercial campgrounds could be located in remote and undeveloped areas with access via secondary roads where significant vehicular traffic (including large RVs) is currently not occurring. Given that there have been no special use permit applications reviewed in recent memory for new commercial campgrounds, it may be prudent to evaluate whether a compatible commercial campground could be developed in the AOC or FOC Districts today and whether the use should be limited in scope with new regulations or prohibited entirely.
- **If commercial campgrounds are a compatible use, what accessory uses should be allowed?** Use regulations are silent regarding amenities that may be developed at a campground such as swimming pools, clubhouses, bath houses, stages, dump stations, pedestals for utility hookups, and camp stores.
- **Should private camping be regulated as a campground use, as a different use subject to different regulations, or not regulated at all?** Private camping with three or more campsites meets the definition of a campground requiring a special use permit and site development plan because the regulations do not factor in whether money is exchanging hands for the camping activity. On the one hand, this requirement helps with enforcement as Staff does not have to determine that the camping activity is commercial in nature which can be difficult to prove at times. On the other hand, enforcing the requirements against private camping activities may be viewed as infringing on private property rights and akin to applying zoning regulations for public assembly activities against private parties and events.
- **How should temporary camping in conjunction with events be regulated?** As noted above, overnight camping by participants, vendors, and organizers has been allowed in conjunction with temporary events. In some cases such as multi-day music festivals, overnight camping is encouraged for the safety of the patrons to avoid having them leave the event site at late hours. Temporary event camping can consist of numerous campsites constituting a “campground” by definition, however it is clear that the zoning regulations did not contemplate this form of camping. It should be noted that the Virginia Department of Health has a permitting process for “temporary camping” that most commonly applies to temporary events. It should also be noted that draft revisions to County Code Chapter 57 (Special Events) would currently direct regulation of event camping to the Zoning Ordinance. It may be necessary to create new regulations to address this form of camping.

Staff recommends that the Committee review and discuss each of these policy questions and provide direction to Staff at the meeting. We will then develop a draft text amendment for presentation to the Committee at its next meeting.