



**ALBEMARLE COUNTY PLANNING**  
**STAFF REPORT SUMMARY**

<b>Project Name:</b> SP202200001 Misty Mountain Camp Resort	<b>Staff:</b> Scott Clark, Natural Resources Program Manager
<b>Planning Commission (PC) Hearing:</b> January 10, 2023	<b>Board of Supervisors (BOS) Hearing:</b> to be determined
<b>Owner:</b> Misty Mountain Investment LLC	<b>Applicant:</b> Misty Mountain Investment LLC
<b>Acreage:</b> 47.11 acres	<b>Special Use Permit(s) for:</b> Day camp, boarding camp under Section 10.2.2.20 of the zoning ordinance on a 414.93-acre parcel. No dwelling units proposed.
<b>Tax Map Parcel (TMP):</b> 07100-00-00-00300	<b>Zoning/by-right use:</b> RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
<b>Magisterial District:</b> Samuel Miller	<b>Location:</b> 56 Misty Mountain Road
<b>School Districts:</b> Brownsville Elementary – Henley Middle – Western Albemarle High School	<b>Conditions:</b> Yes
<b>Development Area:</b> n/a	<b>Requested # of Dwelling Units/Lots:</b> N/A
<b>Proposal:</b> Special use permit amendment to permit 158 total campsites (increasing by 53), to permit 19 cabins, and to permit year-round cabin use (30-day occupancy limit) rather than prohibiting cabin use from November 15 to March 15.	<b>Comp. Plan Designation:</b> Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
<b>Character of Property:</b> Existing campground with open areas near US 250, and wooded campsites on the hill south of Stockton Creek.	<b>Use of Surrounding Properties:</b> Large farm properties and large-lot residential uses.
<b>Positive Aspects:</b> <ol style="list-style-type: none"> <li>1. Impacts of the proposed expansion on scenic values and water resources would be limited by the location of the new camping area.</li> <li>2. The concept plan proposes an improved commercial entrance and entrance area that will improve safety.</li> <li>3. The Agricultural-Forestal Districts Advisory Committee found that the proposal does not conflict with the purposes of the adjacent District.</li> </ol>	<b>Concerns:</b> <ol style="list-style-type: none"> <li>1. Nearby landowners have expressed concerns with noise impacts and potential trespassing. However, proposed conditions of approval and existing signage are expected to address those concerns.</li> </ol>
<b>Recommendation:</b> Staff recommends approval of SP202200001 with conditions.	

**STAFF CONTACT:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Scott Clark, Natural Resources Program Manager  
January 10, 2023  
TBD

**PETITION(s):**

PROJECT: SP202200001 Misty Mountain Camp Resort

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S): 07100-00-00-00300

LOCATION: 56 Misty Mountain Rd

PROPOSAL: Special use permit amendment to permit 158 total campsites (increasing by 53), to permit 19 cabins, and to permit year-round cabin use (30-day occupancy limit) rather than prohibiting cabin use from November 15 to March 15.

PETITION: Day camp, boarding camp under Section 10.2.2.20 of the zoning ordinance on a 414.93-acre parcel. No dwelling units proposed.

ZONING: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICT(S): Entrance Corridors Overlay District, Flood Hazard Overlay District, Steep Slopes Overlay District

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

**CHARACTER OF THE AREA:**

The area is characterized by large farm parcels and large-lot residential areas, and is crossed by located along US 250. The site is in the eastern edge of the Greenwood-Afton Rural Historic District.

**PLANNING AND ZONING HISTORY:**

SP198200061: This permit allowed construction of a campground on the site with 112 campsites. (There are currently 105 campsites.) Construction of campsites in the floodplain was prohibited, and a 150-foot setback for camping vehicles was imposed.

SP199400030: This permit amended the prior approval to add permission for 10 “tourist cabins.” Use of those cabins from November 15 to March 15 was prohibited.

SP200900016: This permit allowed operation of one 3-day music event per year on the portion of the site located north of Stockton Creek. This approval was valid through June 30, 2011.

SP201000048: This permit amended the previous approval to remove the expiration date, and imposed additional conditions limiting attendance (500 persons each day) and parked vehicles (224 per day), and requiring the provision of 20 private security and traffic-management staff.

**DETAILS OF THE PROPOSAL:**

When the property was acquired by the current applicants, the site was not in compliance with the previous conditions of approval for the campground use. Some of the existing campsites (approximately 21 RV sites north of Stockton Creek, and six tent sites in a wooded area south of the Creek) are located in the 100-year floodplain, which had been prohibited by the conditions of the original approval. Also, while ten cabins were permitted on the site, it now has 16.

The applicants seek to bring the site into compliance through this special use permit amendment, to increase the number of permitted cabins to 19, and to expand the campground into the southeastern portion of the property by adding 53 spaces (for a total of 158). Sixteen campsites and three cabins located on the southwestern boundary of the property would be relocated inwards to remove them from the 25-foot side setback required by the Zoning Ordinance.

The site currently operates with private well and septic systems that would need to be expanded to support the expanded use. The existing campground contains six wells, and a new seventh well has been drilled at the southeast corner of the property. The applicants have stated that the new well yields seven gallons per minute, which is sufficient for the new camping area. Also, the applicants plan to install water storage tanks for that area, so that any peak demands can be met with stored water, rather than relying on increased extraction from the wells.

Chapter 16 of the County Code requires Board of Supervisors approval of all central well and/or septic systems. If this special use permit is approved, the applicants would need to then pursue approval of the central systems (as well as the usual site development plan approval) before constructing the expansion. Staff has recommended a condition of approval requiring that central-systems approval be obtained before the expanded use commences.

For more detailed information about each element of the proposal, please see the "Project Narrative" (Attachment 2), as well the "Conceptual Plan" (Attachment 3).

## **COMMUNITY MEETING**

An online community meeting was held on March 29, 2022. Attendees at the meeting expressed concerns about issues experienced under previous campground management (noise from unregulated camping groups, trespassing on adjacent properties by campers, etc.), and about potential impacts of the expanded use (visibility and the impacts of groundwater use on properties adjacent to the southern, upper portion of the campground property).

After the community meeting, the applicants deferred review of the special use permit for approximately five months in order to have time to work with adjacent landowners on the issues raised, and to revise the proposal in response to their concerns.

## **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

***Section 33.8(A) states that the Commission and the Board of Supervisors will consider the following factors when reviewing and acting on an application for a special use permit:***

- 1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

To address concerns regarding impacts on adjacent properties, the applicants have proposed to add screening fences between the upper campground areas and adjacent properties (see Attachment 3). Also, the applicants have already installed warning signs regarding trespassing onto adjacent properties (see photo 5 in Attachment 2).

To address the possibility of future noise impacts from campers, staff has recommended a condition of approval requiring the applicants to provide contact information for an on-site manager to all property owners within 1,000 feet of the campground property.

The proposal requests that the existing prohibition on use of the cabins on the site between

November 15 and March 15 be removed. As this is the time of year when the rest of the campground would have the least impacts, due to reduced use in winter weather conditions, staff has no objection to permitting cabin use during this time. No condition setting seasonal limits on cabin use is recommended.

**2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.**

The surrounding area is characterized by large farm parcels and large-lot residential uses. The expansion of an existing campground in that landscape context would not significantly change the character of that area.

**3. Harmony.**

***Whether the proposed special use will be in harmony with the purpose and intent of this chapter,***

Section 18, Chapter 10 of the Zoning Ordinance outlines the purpose of Rural Areas zoning:

*This district hereafter referred to as RA is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:*

- *Preservation of agricultural and forestal lands and activities;*
- *Water supply protection;*
- *Limited service delivery to the rural areas; and*
- *Conservation of natural, scenic, and historic resources. (Amended 11-8-89)*

Expanded operation of a campground on an existing campground site would not add new impacts to nearby agricultural uses. Potential for trespassing on agricultural properties would be addressed by the installed signage and the proposed fencing.

The site is located in the watershed of a public water supply. While streamside campsites already exist, the proposed expansion area is located uphill, away from the stream and the adjacent steep slopes. Forest landcover on the slopes between the new camping area and the stream would be largely maintained.

Scenic impacts of the new camping area would be limited by its location at the far end of the campground property from the Entrance Corridor (US 250) and the intervening vegetation.

***with the uses permitted by right in the district,***

Operation of a campground does not conflict with agricultural or silvicultural uses in the surround RA zoning district. The proposed conditions of approval are intended to limit the impacts of visibility and potential trespassing on adjacent by-right agricultural and residential uses

***with the regulations provided in Section 5 as applicable,***

Section 5.1.05 contains the following requirements for camp uses:

*a. Provisions for outdoor cooking, campfires, cooking pits, etc., shall be subject to Albemarle County fire official approval whether or not a site development plan is required;*

This requirement would be enforced by Fire/Rescue during site plan review and operation of the campground.

*b. All such uses shall conform to the requirements of the Virginia Department of Health Bureau of Tourist Establishment Sanitation and other applicable requirements.*

All campgrounds are subject to Virginia Department of Health regulations. Those requirements will be enforced by the Department of Health.

***and with the public health, safety, and general welfare.***

The site entrance is located on US 250, a major federal highway. The conceptual plan shows that a Virginia Department of Transportation (VDOT)-approved commercial entrance would be constructed (details to be established during the site-development process if the special use permit request is approved). VDOT staff have stated that the proposed plan is generally acceptable.

The applicants have stated that this proposed use would normally meet VDOT warrants for a left-turn lane. However, the applicants have obtained a Design Waiver from VDOT that removes the requirement for the turn lane, in order to avoid stream impacts and the necessity of increasing right-of-way width. To compensate, the applicants have shown a redesigned entry area on the conceptual plan. This area would provide additional parking, as well as three-lane registration area for inbound camping vehicles. This design would help to prevent stacking of arriving vehicles, thus reducing the likelihood of inbound traffic waiting to turn off of US 250 into the site.

The original special use permit approvals for this use required that campsites not be located in the 100-year floodplain, but did not mandate precise locations for the campsites. Since that time, but before purchase of the site by the current applicants, RV and tent sites were placed in the floodplain. As the RV sites have immediate access to roads exiting the floodplain (and the site), campers can readily leave the floodplain area in the event of extreme weather events. Their departure would prevent camping equipment from impacting downstream properties.

The six tent-camping sites shown on the Conceptual Plan are also within the floodplain. Tent campgrounds are often located on floodplains in our region, as they provide flatter camping locations and ready water access. Access to non-floodplain areas is available via the road immediately adjacent to the tent-camping area.

Given these factors, staff does not have significant safety concerns with the continuance of the existing campsites within the floodplain. However, the proposed conditions of approval specify that no additional campsites would be created in the floodplain.

**4. *Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.***

The Comprehensive Plan designates the property as Rural Area, which calls for the preservation and protection of agricultural, forestal, open space and natural, historic and scenic resources.

While the existing use is not agricultural in nature, it is a use that depends upon a rural location and natural resources such as forest cover and clean water in order to attract customers. Expansion of the existing use as proposed would limit impacts on water resources through location of the new campsites and the protection of existing forest vegetation. Scenic resources would be

protected by locating the expanded camping area away from the Entrance Corridor and by maintaining tree cover around that area, as shown on the conceptual plan.

The site is located adjacent to a property that is included in the Yellow Mountain Agricultural/Forestal District (see Attachment 1). At their meeting on November 9, 2022, the Agricultural-Forestal Advisory Committee voted unanimously to find that does not conflict with the purposes of the Agricultural-Forestal Districts.

### **SUMMARY:**

After review of this request, staff have identified the following factors of this proposal which are favorable and unfavorable:

#### **Positive Aspects to this request include:**

1. Impacts of the proposed expansion on scenic values and water resources would be limited by the location of the new camping area.
2. The concept plan proposes an improved commercial entrance and entrance area that will improve safety.
3. The Agricultural-Forestal Districts Advisory Committee found that the proposal does not conflict with the purposes of the adjacent District.

#### **Concerns related to the request:**

1. Nearby landowners have expressed concerns with noise impacts and potential trespassing. However, proposed conditions of approval and existing signage are expected to address those concerns.

### **RECOMMENDED ACTIONS:**

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of special use permit application SP202200001 with the following conditions.**

1. Development of the camp use must be in general accord (as determined by the Director of Planning and the Zoning Administrator) with the conceptual plan titled "Misty Mountain Camp Resort Redevelopment – Concept Plan," prepared by Line + Grade, and dated 9/19/2022. To be in accord with the Conceptual Plan, development must reflect the following major elements within the development essential to the design of the development:
  - Maximum number of RV and tent campsites is 158.
  - Maximum number of camping cabins is 19.
  - Location of screening fences must be as shown on the Conceptual Plan.

Minor modifications to the plan that do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. No new campsites may be established within the 100-year floodplain.
3. Prior to commencing the expanded use, the permittee must provide contact information for on-site campground management to all owners of parcels within 1,000 feet of the exterior boundaries of Parcel 07100-00-00-00300 and to the Zoning Administrator. The notice must include:
  - A telephone number at which the on-site campground manager may be contacted at any

- time when the campground is in operation, and
  - The County's zoning complaint hotline telephone number (currently 434-296-5834), identified as such.
4. The expanded use must not commence until the campground's water and septic systems have been approved by the Board of Supervisors pursuant to Article I of Chapter 16 of the County Code.

**POSSIBLE PLANNING COMMISSION MOTIONS – SP202200001:**

- A. Should the Planning Commission **choose to recommend approval** of this special use permit:  
I move to recommend approval of SP202200001 for "Misty Mountain Camp Resort" with the conditions outlined in the staff report.
- B. Should the Planning Commission **choose to recommend denial** of this special use permit:  
I move to recommend denial of SP202200001 for "Misty Mountain Camp Resort" for (state reasons for denial).

**ATTACHMENTS:**

[Attach 1 – Location Map](#)

[Attach 2 – Project Narrative](#)

[Attach 3 – Application Materials Conceptual Plan](#)