



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, March 1, 2024 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

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

<u>CALL TO ORDER/ADMINISTRATIVE MATTERS</u>		
1	Approval of Agenda	pp. 1-2
2	Approval of Minutes	pp. 3-11
2A	January 30, 2024 Work Session/Annual Organizational Meeting	pp. 3-5
2B	February 2, 2024 Business Meeting	pp. 6-11

<u>SCHEDULE PUBLIC HEARING</u>		
3	<u>SUP-23-03/SP-23-04, Harry Z. Isaacs % Long Branch Farm.</u> Request approval of a special use permit and site development plan to operate a minor commercial public assembly use per Section 5.2D (Recreation/Education/Assembly Uses) of the Zoning Ordinance. The proposed use is described in the application to include a maximum of 65 events per year at Long Branch Farm and Estate. The subject property is approximately 390 acres, zoned Agricultural-Open Space-Conservation (AOC), identified as Tax Map #29-A-29, and is located on Long Branch Lane (private road) in the White Post Election District.	pp. 12-22

<u>REPORTS/OTHER BUSINESS/ADJOURN</u>		
4	Board and Committee Reports	--
	<ul style="list-style-type: none"> • Board of Supervisors (Terri Catlett) • Board of Septic & Well Appeals (George Ohrstrom, II) • Board of Zoning Appeals (John Staelin) • Historic Preservation Commission (Bob Glover) • Conservation Easement Authority (George Ohrstrom, II) • Broadband Implementation Committee (Brandon Stidham) 	
5	Other Business	--
5A	Status of Deferred Applications	--
6	Projected Upcoming Agenda Items, March – June	pp. 23-24
7	Adjourn	--

UPCOMING MEETINGS:	
Comprehensive Plan Committee	<ul style="list-style-type: none"> • Wednesday, March 6 (2:00PM) – A/B Room • Wednesday, March 27 (3:30PM) – A/B Room
Policy & Transportation Committee	<ul style="list-style-type: none"> • Friday, March 1 immediately following Commission Business Meeting – A/B Room
Plans Review Committee	No upcoming meetings
Ordinances Committee	To be scheduled -- April
Commission Work Session	Tuesday, April 2 (3:00PM) -- Main Meeting Room
Commission Business Meeting	Friday, April 5 (9:00AM) -- Main Meeting Room



Clarke County Planning Commission

DRAFT MINUTES – Work Session

Tuesday, January 30, 2024 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

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

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner / Zoning Administrator), Kristina Maddox (Office Manager / Zoning Officer), Chris Boies (County Administrator)

OTHERS PRESENT: None.

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

1. Approval of Agenda

The Commission did not have any additions or corrections to the agenda.

2. Review of February 2 Business Meeting Agenda Items

A. Conflict of Interest Statements

Mr. Stidham noted that Vice-Chair Buckley previously read a conflict of interest statement into the record for the Long Branch special use permit case as he is the applicant.

B. Agenda Review

Ms. Maddox noted two corrections on the January 5, 2024 meeting minutes. She said the first edit is found on page 10 of 200 under the approval header which is to be corrected to read, “Motion to approve the January 5th Business Meeting as presented by Staff.” She said the second correction is on page 17 of 200 under adjournment and that “Work Session” is to be changed to “Business Meeting.” Mr. Stidham commented that Commissioner Staelin has additional corrections that will be addressed at the Business Meeting.

Mr. Camp reviewed the status of the Horus Solar Power Plant application. Commissioner Staelin asked about the impacts of blasting to create the stormwater detention area. Mr. Camp replied that he is not certain of those details and noted that the applicant is blasting so they can dig the stormwater pond which is full of rocks. He continued that construction will be based on Department of Environmental Quality’s (DEQ) requirements and he would ask for those details. Commissioner Lee asked if the applicant considered ram hoeing or jackhammering the rocks

instead of blasting. Mr. Camp responded that he would make that suggestion to the applicant prior to the Business Meeting.

Commissioner Lee asked about the machinery and tools tax and said he thought that the state prohibited the county from charging those costs. Mr. Stidham replied that the law has changed since the Hecate Energy solar power plant application was reviewed and that projects the size of Horus Virginia are subject to a reduced tax amount and may be subject to the State Corporation Commission's assessment schedule. He continued that the applicants do not have such language in their siting agreement to pay machinery and tools tax but that Staff is asking them to consider it. He said the applicant is using a lower multiplier in their draft language which does not scale to a 50 megawatt solar plant facility. He continued that determining fixed costs are important to them however real estate taxes and machinery and tools taxes change over time. He added that this may continue to the Board of Supervisors if not resolved at the business meeting.

Commissioner Lee asked if the approval will be based on conditional approval. Chair Ohrstrom replied yes. Mr. Camp said Staff's recommendation is to consider conditional approval of the special use permit given the remaining unresolved issues. He said the approval is based on the condition that the Economics Benefits Agreement be finalized by the applicant and accepted by the Board of Supervisors. He continued it is also Staff's recommendation that the site plan also be conditionally approved once DEQ has provided final approval.

Mr. Camp said Staff wrote in a condition that the applicant would not be able to store or park vehicles or machinery within 1,000 feet off of Westwood Road and 500 feet off Triple J Road so as not to interfere with traffic.

There were no further question or comments from the Commission.

Mr. Camp reviewed the staff report for the special use permit and site development plan application for Long Branch Farm for minor commercial public assembly. Commissioner Catlett asked if the current special use permit for a veterinary clinic stands or is terminated if the activity on the property has been inactive for thirty days. Mr. Camp said he would have to look into those terms. Mr. Stidham said he thought there would still need to be some sort of action made by the Board to terminate the special use but that he would like to consult with the county attorney. Mr. Camp stated that the permit is specific to the Regional Equine Association Central Hospital (REACH) and any new clinic would be required to go through the amendment process or a new special use permit. Mr. Stidham clarified that there are two special uses – one for the clinic and one for the museum.

Mr. Camp said Staff's recommendation is to defer and schedule the public hearing when the Virginia Department of Health's (VDH) comments can adequately be addressed by the applicant regarding the existing onsite septic disposal system.

Commissioner Staelin asked if there are any conditions to address potential noise concerns. Mr. Camp said the applicant would at least be subject to the noise ordinance requirements and it is something he could draft with the permit conditions. Mr. Stidham noted that the baseline would apply the regulations in the noise ordinance with a condition or it can be made more stringent. He

also clarified that this is at the current stage of setting public hearing and that Staff has not yet made firm conditions or recommendations.

Mr. Buckley commented that Long Branch is expecting a letter from their soil scientist soon which will effect whether or not they ask for a deferral at the Business Meeting.

Commissioner Glover asked if there have been any complaints regarding Kentlands to which Mr. Camp noted they have not been operating as they are making entrance improvements per VDOTs recommendations.

Mr. Stidham said the only other items for the upcoming meeting are the Board and Committee Reports and upcoming agenda items through May.

3. Old Business

Mr. Camp reviewed the three deferred applications. He said Berryville Berries is trying to communicate with their neighbors to better understand and address their concerns before they move forward on the primitive campground special use permit. Mr. Camp hopes to have an update mid-February as to whether they want to move forward.

With regards to the minor subdivision, Regan Partnership, Mr. Camp said they need another month to work out internal issues and the potential conservation easement they wish to pursue. He continued that the applicant hopes to receive an exception from the Commission regarding the road design standards.

Mr. Camp stated that the Watermelon Park applicant has requested another month to test the usage of septic onsite. He continued that Staff is waiting on a resubmission to address those issues.

4. New Business – None Scheduled

ADJOURN

The Work Session adjourned by consensus at 3:43PM.

George L. Ohrstrom, II (Chair)

Kristina Maddox (Clerk)



Clarke County Department of Planning

DRAFT MINUTES – Business Meeting

Friday, February 2, 2024 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

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

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner / Zoning Administrator), Kristina Maddox (Office Manager / Zoning Officer), Lorien Lemmon (Conservation Planner / GIS Coordinator), Chris Boies (County Administrator)

OTHERS PRESENT: None.

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

1. Approval of Agenda

The Commission had no additions to the agenda as presented by Staff.

Motion to approve the agenda for February 2nd meeting as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (seconded)	Lee	AYE
Catlett	AYE (moved)	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

2. Approval of Minutes

A. January 2, 2024 Work Session / Annual Organizational Meeting

Mr. Stidham noted a correction on page 5 under the status of deferred applications that reads, “plan to expand by” which has been corrected to read, “plan to expand to.”

The Commission unanimously voted to approve the January 2, 2024 minutes as corrected.

Motion to approve the January 2, 2024 minutes as corrected:			
Ohrstrom (Chair)	AYE	King	AYE (moved)
Buckley (Vice-Chair)	AYE	Lee	AYE
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

B. January 5, 2023 Business Meeting

Mr. Stidham said on page 2 under the continued public hearing the large paragraph the word “economics” has been changed to “economic.”

The Commission unanimously voted to approve the January 5, 2024 minutes as corrected.

Motion to approve the January 5, 2024 meeting minutes as corrected:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Lee	AYE (seconded)
Catlett	AYE	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE (moved)
Hunt	AYE		

CONTINUED PUBLIC HEARING

3. SUP-22-01/SP-22-02, Horus Virginia I, LLC (applicant)/Bellringer Farm, LLC (owner)

Mr. Camp reviewed the Staff report and noted that all but two issues were addressed by the applicant. These issues are the finalizing of the Economic Benefits Agreement and final approval of the Stormwater Management Plan by the Virginia Department of Environmental Quality (DEQ). He noted the applicant is requesting to continue with the blasting plan despite the suggestion of ram hoeing. He said the two outstanding issues can be approved under conditional approval per the Commission’s conditional approval policy. He continued that Staff recommends conditional approval of the special use permit including the recommended special use permit conditions. He added that the condition is that prior to final approval, the Economic Benefits Agreement be finalized between the applicant and the Board. With regards to the site plan, he said Staff also recommends conditional approval based on DEQ’s final approval of the Stormwater Management Plan.

Commissioner Staelin asked for clarification regarding the landscaping plan and asked if there will be fencing. Mr. Camp said it is similar to Hecate Energy where there is a double row of landscaping surrounding the perimeter of the property and in some cases preserving the existing wooded areas. Mr. Camp said there is fencing but it is more internal to the site and inside the landscaping.

There were no further questions or comments from the Commission.

Chair Ohrstrom read the public hearing rules and opened the public hearing.

Ty Lawson, representing the applicant, said he appreciates the Commission’s patience as this has been a detailed process. He said he agrees with the Staff’s report and recommendations.

There were no further questions or comments from the Commission. Chair Ohrstrom closed the public hearing as there were no public comments.

The Commission unanimously voted to recommend conditional approval of SUP-22-01, Horus Virginia I, LLC (applicant)/Bellringer Farm, LLC (owner).

Motion to recommend conditional approval of <u>SUP-22-01/SP-22-02</u>, Horus Virginia I, LLC (applicant)/Bellringer Farm, LLC (owner):			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Lee	AYE (seconded)
Catlett	AYE	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE (moved)
Hunt	AYE		

The Commission unanimously voted to recommend conditional approval of SP-22-02, Horus Virginia I, LLC (applicant)/Bellringer Farm, LLC (owner).

Motion to recommend conditional approval of <u>SUP-22-01/SP-22-02</u>, Horus Virginia I, LLC (applicant)/Bellringer Farm, LLC (owner):			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE	Lee	AYE
Catlett	AYE	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE (moved)
Hunt	AYE		

PUBLIC HEARING

4. 2024 Transportation Plan

Mr. Stidham reviewed the 2024 Transportation Plan. He said Staff has no outstanding concerns with the adoption of the plan. He continued that Staff recommends the Commission conduct the public hearing and take action on the plan.

The Commission had no questions or concerns.

Chair Ohrstrom opened the public hearing and promptly closed it as there were no public comments.

The Commission unanimously voted to recommend adoption of the revised 2024 Transportation Plan as presented by Staff.

Motion to recommend adoption of the revised 2024 Transportation Plan as presented by Staff:			
Ohrstrom (Chair)	AYE (moved)	King	AYE
Buckley (Vice-Chair)	AYE	Lee	AYE (seconded)
Catlett	AYE	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

SCHEDULE PUBLIC HEARING

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

Chair Ohrstrom noted that Vice-Chair Buckley will not participate as commissioner for this item as he represents the applicant and has a conflict of interest. He noted that a conflict of interest statement was read into the record at the January 2, 2024 Planning Commission Work Session disqualifying himself for participating in the deliberation of this matter.

Mr. Camp reviewed the application and noted that Staff’s recommendation is to accept the applicant’s deferral request until the March meeting.

Commissioner Staelin said Staff did a great job with the Carter Hall project proposals differentiating between the two special uses and what could be done under each. He said he hopes the same view is used for this project as well so everyone is clear as to what can be done. Mr. Camp replied he believes those details are important as well when there are multiple uses on a property.

Chair Ohrstrom commented that the number of annual events listed on the application is sixty-five. He said the applicant mentioned the reason the number is so high is that it includes rehearsal dinners which might be considered an event. He wanted to ensure this did not indicate there would be sixty-five weddings annually. Mr. Camp said the applicant may reduce that number as the Department of Health would require them to be classified as a waterworks for their well system for anything over sixty events. He continued that he believes the applicant plans to reduce the number but have yet to officially do so.

Commissioner Catlett asked if Staff is going to address defining the noise regulations. Mr. Camp replied that those details will be further defined as we proceed with the public hearing.

There were no further questions or comments from the Commission.

The Commission voted 10-0-1 to accept the 30-day deferral request of SUP-23-03/SP-23-04, Harry Z. Isaacs % Long Branch Farm to the March 1st Business Meeting.

Motion to accept the applicant’s request to defer <u>SUP-23-03</u>, Harry Z. Isaacs % Long Branch Farm to the March 1st Business Meeting:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	ABSTAINED	Lee	AYE (seconded)
Catlett	AYE (moved)	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

6. Board and Committee Reports

Board of Supervisors (Catlett)

Commissioner Catlett noted the biggest item on the Board’s agenda is the budget which involves reviewing revenue, listening to various requests from staff members and divisions, and trying to determine what can be done.

Board of Septic & Well Appeals (Ohrstrom)

Chair Ohrstrom said the there was a variance that was approved for a septic system and that there was not enough room for a standard reserve drainfield. He said it was approved because there was an existing cesspool and that while this was a variance on the size of the septic system, it was going to be safer and an improvement for the environment overall.

Board of Zoning Appeals (Staelin)

Nothing to report.

Historic Preservation Commission (Glover)

Commissioner Glover said the HPC is applying for grants for considering overlays and that the 25th award ceremony planning is underway which will be a larger event this year. He also noted that Betsy Arnett, who has been on the board for a long time, is rotating off the board as she is ready for a change.

Conservation Easement Authority (Ohrstrom)

Chair Ohrstrom said the annual awards luncheon will occur in early February where the Dorseys are the award recipients.

Broadband Implementation Committee (Stidham)

Nothing to report.

7. Other Business – None Scheduled.

8. Projected Upcoming Agenda Items, February -- May

Mr. Stidham reviewed the projected upcoming agenda items from February through May of 2024.

ADJOURN

The Commission unanimously voted to adjourn the February 2nd Business Meeting at 9:46AM.

Motion to adjourn the February 2, 2024 Business Meeting at 9:46AM:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Lee	AYE
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	AYE (moved)	Staelin	AYE
Hunt	AYE		

George L. Ohrstrom, II (Chair)

Kristina Maddox (Clerk)

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

March 1, 2024 Planning Commission Business Meeting – *Continued/Set Public Hearing*

STAFF REPORT– Department of Planning

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

Case Summary

Applicant:

Randy Buckley

Property Owner:

Harry Z Isaacs % Long Branch Farm

Location:

The site is located on a parcel that is approximately 390 acres in the Agricultural-Open Space-Conservation (AOC) Zoning District. The parcel is identified by tax map #29-A-29 and is within the White Post Election District. The property is located south of John Mosby Highway (US Route 50/17), fronting on Nelson Road, Red Gate Road, and Borden Spring Road. The internal driveway is identified as Long Branch Lane. The proposed use would be located within the mansion house (830 Longbranch Lane) and the grounds immediately adjacent to it. The mansion is listed on the Virginia Landmark Register and National Register of Historic Places, and the property is within the Greenway Rural Historic District.¹



Request:

The applicant requests approval of a special use permit to operate a Minor Commercial Public Assembly use per Section 5.2D of the Clarke County Zoning Ordinance. The applicant’s narrative currently explains that they may hold up to 65 events per year. The applicant currently has an existing special use permit (SUP-01-07) for a house museum and equine veterinary clinic, approved in 2002.

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

The current SUP issued in 2002 authorizes a house museum and equine veterinary clinic on the subject property. The approval allows special events held in association with the house museum subject to approval by the Board of Supervisors (via a “festival permit” as it was referred to in 2002). The currently requested SUP for Minor Commercial Public Assembly would allow Longbranch to have greater flexibility in the type and number of events held on the property. A snapshot of the approval letter issued in 2002 for the existing SUP is shown below for information purposes.

January 4, 2002

Mitchell Rode, DVM
Regional Equine Associates Central Hospital
P. O. Box 188
Millwood, VA 22646

Joe Hickey
Long Branch Farm Manager
P. O. Box 241
Millwood, VA 22646

The Clarke County Board of Supervisors, at its meeting on January 2, 2002, voted to approve the following request with the conditions as listed:

The Harry Z. Isaacs Foundation and the Regional Equine Associates Central Hospital (R.E.A.C.H.) at Long Branch request a Special Use Permit and Site Plan for a House Museum and Equine Veterinary Clinic for the property identified as Tax Map Parcel 29-A-29, with the following conditions:

1. All signs will be brought in to conformance with County Zoning regulations;
2. Normal hours of operation for the Equine Clinic will be 8:00 a.m. to 4:00 p.m. Monday through Friday with after hours services for emergency cases;
3. Public visitation hours for the house museum will be 12:00 p.m. to 4:00 p.m., Saturday and Sunday. Staff working hours for the house museum will be 8:30 a.m. to 5:00 p.m., Monday through Friday. Major special events involving the outdoor assembly (currently defined as more than 25 persons) must obtain a Festival Permit from the Board of Supervisors. In addition, minor special events will occasionally be held outside of normal working/visitation hours;
4. The drainfield for the stable housing R.E.A.C.H. is limited to serving the stable apartment and not more than the equivalent of two full-time employees in the stable, and will make an annual report to the Health Department; and
5. The Special Use status for the equine clinic applies only to R.E.A.C.H. and shall not be applied to any other operation. The Special Use status will terminate if R.E.A.C.H. ceases activity on the property for thirty days.

Please have Mr. Benham come by the Planning Department to sign the site plans, on behalf of the Harry Issacs Foundation.

Please call Chuck Johnston at 955-5130 if you have any questions.



David Ash, County Administrator

As discussed during the February 2nd Planning Commission meeting, the Veterinary Clinic approved at Longbranch in 2002 is no longer in operation. Condition #5 of the 2002 SUP stipulates that the “Special Use status will terminate if R.E.A.C.H. ceases activity on the property for thirty days.” It was discussed that the County has never formally revoked the SUP which is the appropriate step to take to legally revoke the SUP for the Veterinary Clinic. This can be done in conjunction with the current Special Use Permit for the Minor Commercial Public Assembly use.

Staff will draft the SUP conditions in advance of the public hearing when all agency comments have been addressed. In addition to the questions about the Veterinary Clinic, the Planning Commission discussed in February that the SUP should clearly distinguish between events and activities held by the existing House Museum and the proposed Minor Commercial Public Assembly use. The SUP conditions drafted for Carter Hall as it related to the proposed Country Inn and existing nonconforming use was given as an example. For preliminary review purposes, below is a table that gives a hypothetical breakdown of events at Longbranch as they would be distinguished between the two SUPs and Special Events that may be permitted pursuant to Chapter 57 of the County Code.

	House Museum <i>(SUP-01-07)</i>	Minor Commercial Public Assembly <i>(SUP-23-03)</i>	Special Events <i>(Chapter 57)</i>
<u>Quantity</u>	No limit	65 per year (days)* (*The applicant intends to reduce this number and in compliance with VDH requirements)	Up to 5 per year (days)
<u>Type</u>	Events and activities held for a purpose directly related to the functions of the House Museum	A venue for temporary public or private assemblies including meetings, conferences, weddings, parties, and similar events	As defined by Chapter 57 of the County Code. Generally described as outdoor events that involve any type of re-couping of funds
<u>Location</u>	Historic house	Within the historic house and in the yards immediately surrounding the historic house (approximately 1 acre)	Entire property subject to permit review
<u>Attendees</u>	25 persons or fewer	149 persons or fewer	Over 149 persons
<u>Hours</u>	12PM to 4PM, Saturday and Sunday 8:30AM -5PM for employees	Not specified in the zoning regulations but can be established by SUP condition	7AM-12AM (midnight) for activities unless otherwise specified by the Board

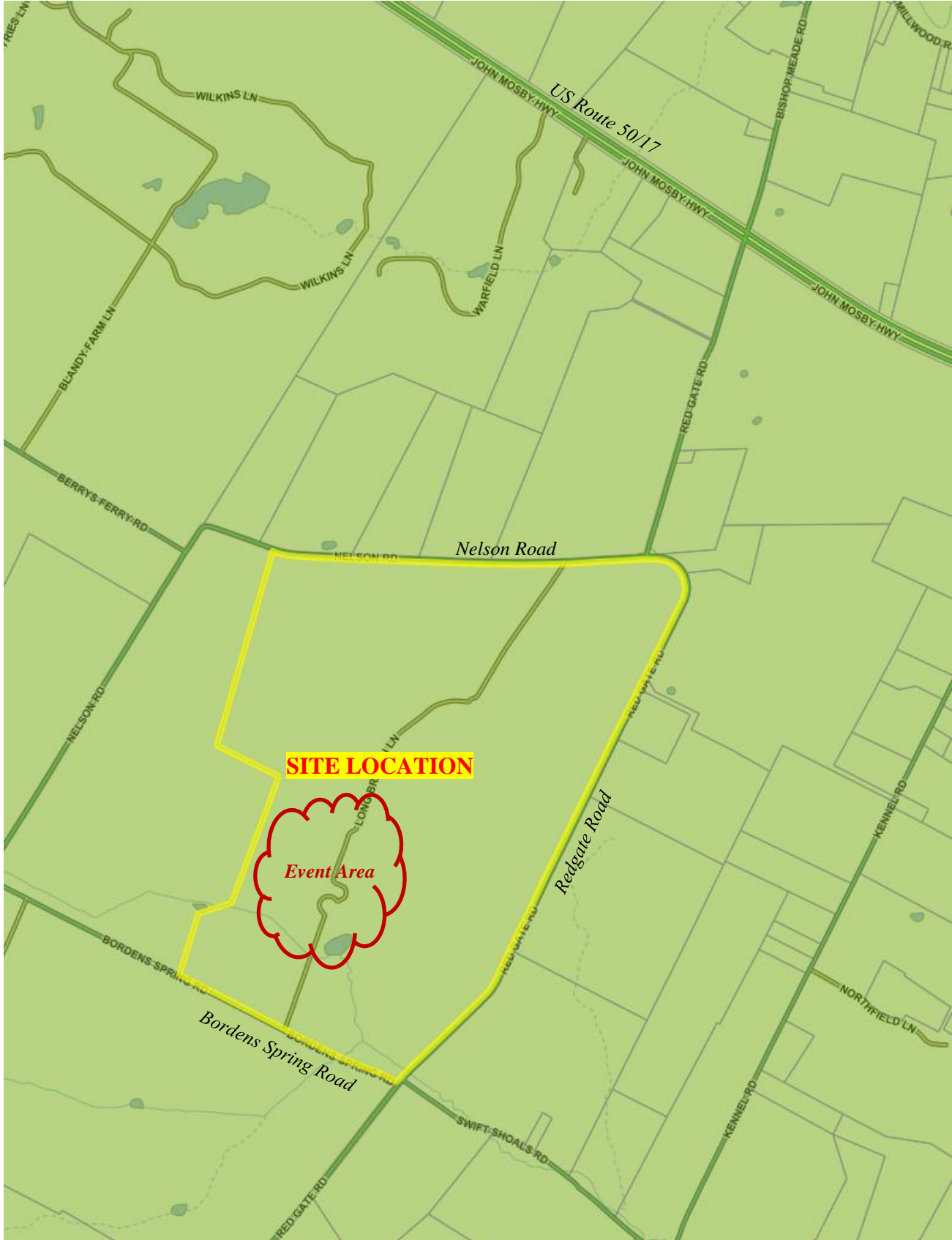
In addition, some discussion took place in February that the SUP should make it clear what noise regulations are applicable for the use since the County’s noise ordinance excludes special uses. Other conditions will also be considered for recommendation, such as conditions used with similar SUPs in the past. This may include, but is not limited to, the prohibition of fireworks; no on-site meal preparation other than from licensed caterers or food trucks; access specifications guided by VDOT; maintenance obligations; and a requirement to obtain all necessary local, state and federal permits that may be applicable.

Illustrations:

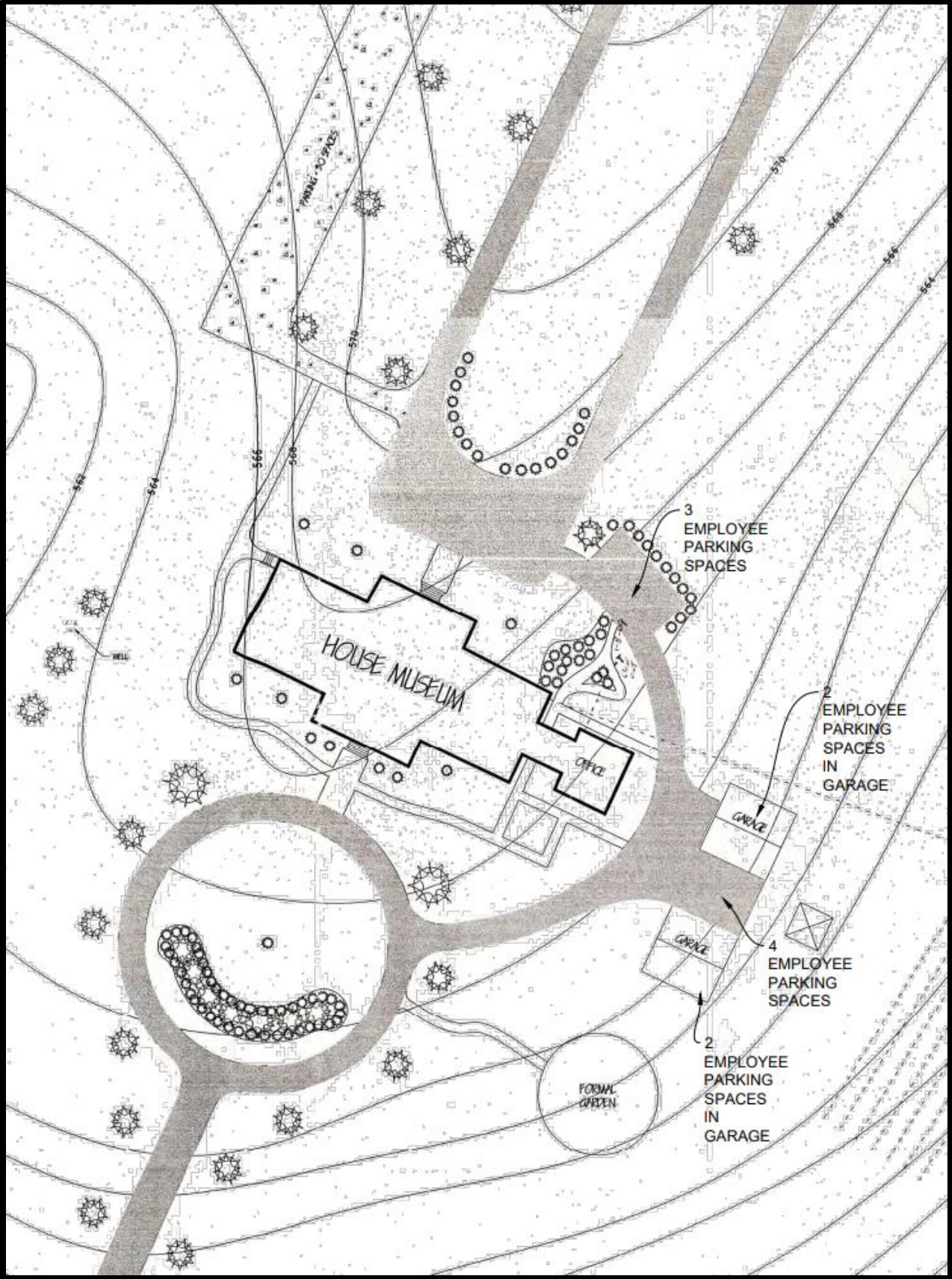
AERIAL OF PROPERTY



Location Map



Snapshot of Event Area from the Site Development Plan



Minor Commercial Public Assembly Regulations:

Section 5.2D (Recreation/Education/Assembly Uses) of the Clarke County Zoning Ordinance includes the definition and regulations for minor commercial public assembly land uses. These uses are prohibited in the RR, CN and CH zoning districts. They are allowed with an approved special use permit in the AOC and FOC Districts.

The code definition of minor commercial public assembly is “(a) business which provides, for a fee, a venue for temporary public or private assemblies including meetings, conferences, weddings, parties, and similar events for six or more event days in a calendar year on property other than that owned by Federal, State, or local government.”

The following use regulations apply to minor commercial public assembly uses:

- Minimum lot area. A lot, or multiple adjoining lots under the same ownership, containing a minor commercial public assembly use shall have a minimum lot area of six acres.
- Maximum number of attendees. The maximum number of attendees allowed onsite at an event at any one time is 149. Attendees shall include all individuals present including but not limited to guests, employees, caterers, and attendants.

Based on the Minor Commercial Public Assembly regulations, the proposed events would be limited to a maximum of 149 people, including guests and event personnel. As required by Section 6.3.1B-3a, a site development plan is submitted for concurrent review with the special use permit application. No new development is proposed on the site development plan submitted by the Applicant. However, the site development plan identifies the location of the proposed events and existing facilities around this location that will be used for the events.

Special Use Permit Review Criteria:

A Special Use Permit is a legislative approval by the Board of Supervisors. Prior to review by the Board of Supervisors, the Planning Commission is required to review the application and provide a recommendation. During both processes with the Board of Supervisors and the Planning Commission public hearings are required.

The Clarke County Zoning Ordinance provides a list of review criteria for the Planning Commission and Board of Supervisors to use when evaluating applications. These criteria are found under Section 6.3.1C-2 of the Clarke County Zoning Ordinance. Evaluation of an application using these criteria helps to establish a list of impacts and compatibility issues associated with the proposed land use. It also helps to identify conditions that may be required to mitigate the identified impacts.

On the following page is a list of the review criteria from Section 6.3.1C-2. Staff will provide review comments regarding how this application conforms to these review criteria in advance of the future public hearing when the preliminary review process is complete with review agencies. The applicant has provided their own comments about how the proposed use meets the code regulations and these review criteria in the submitted narrative that is attached. Staff will also provide recommended special use permit conditions at that time.

Special Use Permit Review Criteria (Clarke County Zoning Ordinance 6.3.1C-2)

CRITERIA A: *Consistency with the Clarke County Comprehensive Plan and any applicable implementing component plans.*

CRITERIA B: *Will not have an undue adverse impact on the short-term and long-term fiscal resources of the County for education, water, sewage, fire, police, rescue, solid waste disposal or other services, and will be compatible with the capital improvement goals and objectives of the Comprehensive Plan, to the end that growth of the community will be consonant with the efficient and economic use of public funds.*

CRITERIA C: *Will not cause an undue adverse impact that would reduce the conservation value of adjacent or nearby agricultural or forestal land or would impede the operations of an active agricultural or forestal operation.*

CRITERIA D: *Compliance with Virginia Department of Transportation (VDOT) regulations and recommendations of VDOT deemed necessary for safe and efficient movement of traffic.*

CRITERIA E: *No destruction of or encroachment upon historic or archeological sites, particularly properties under historic easement.*

CRITERIA F: *Will not cause an undue adverse impact on the following important resources located on the subject property or surrounding properties:*

- *Surface or groundwater resources including but not limited to mitigation of pollution of such resources.*
- *Natural areas such as unique geological features, rare plant habitats, or wildlife nesting areas.*
- *Areas designated for conservation, recreation, or natural preservation including but not limited to properties under permanent conservation easement, State-designated scenic byways, scenic rivers, Blandy Experimental Farm, and the Appalachian National Scenic Trail corridor.*

CRITERIA G: *Will not cause undue noise, light or glare, dust, odor, fumes, or vibration.*

CRITERIA H: *Availability of sufficient water for foreseeable needs.*

CRITERIA I: *No unreasonable depletion of or other undue adverse effect on the water source(s) serving existing development(s) in adjacent areas.*

CRITERIA J: *Effective screening and buffering is provided, or the proposed development will be situated away from adjacent properties, in a manner to avoid causing detrimental visual impacts.*

Application Documents:

The applicant submitted a complete application form, narrative document, site plan, and paid the required application fees. These referenced documents were provided with the initial Staff report in January.

Current Review Status:

Below is a summary of the comments or review status for the various agencies that have been forwarded the applications. Those shown in **highlighted text** have not been substantially resolved at this time.

Planning Department Review:

[10/24/2023 & 12/14/2023] Planning Staff review is ongoing at this time. A courtesy review checklist was provided to the applicant's engineer prior to submission to the County. At this time it was also recommended that the applicant include a narrative document explaining the use. The applicant submitted a narrative document with their formal submission and made many updates to the site plan. Following formal submission Staff discussed with the applicant that the number of required parking spaces need to be shown, which the applicant did. 38 spaces are required by the County's regulations for assembly uses (1 space for every 4 people @ 149 maximum people). The applicant identified 41 existing parking spaces on a revision site plan submitted in-part on December 18, 2023 and in full on December 21, 2023. An old event map was also removed from the site plan with this submission that included inaccurate information.

Sheriff's Office:

[12/5/2023] No issues. ~Travis M. Sumption, Chief Deputy

Economic Development:

[12/6/2023] *Long Branch is a beautiful location to host events. It represents Clarke County's agriculture industry well. There are minimal event venue options in Clarke County: only Rosemont, Blandy Farm and the Fairgrounds. The increased visibility of Long Branch creates awareness for Clarke County's rich, historic heritage. The museum, the house tours and the art exhibits are cultural attractions for tourists to spend a relaxing day away from their urban buzz. Visitors attending events at Long Branch will likely increase patrons to local restaurants, lodging and shopping. Additional visitors create more sales, therefore increasing business retention and generation of more meals tax and lodging tax. It could help generate a revenue stream for Long Branch. It may even create jobs to staff the museum or work the events. I am in favor of the Planning Commission's approval the SUP application to benefit tourism and economic development. ~Michelle Brown, Director of Economic Development*

Emergency Services Review:

[12/7/2023] No issues. ~Wayne Whetsell, Chief of Fire, EMS & Emergency Management

Virginia Outdoor Foundation (VOF):

[12/12/2023] *Thanks for passing this information along. I've looked over the easement and this special use permit does not require VOF review or approval. I've updated our records with the permit application and narrative. ~Becca Budrock, VOF*

VDOT Review:

Staff received comments from VDOT on January 23, 2024. They have no objections to the request but noted that the existing entrance to Nelson Road does not meet VDOT minimum requirements and should be closed/gated except for emergency situations.

[2/13&16/2024 VDOT UPDATE] On February 13, 2024 and February 16, 2024, VDOT clarified that the western entrance on Nelson Road meets VDOT standards for the proposed events. They indicated that it was upgraded back when the balloon festivals were taking place at Longbranch. The eastern entrance off of Nelson Road could possibly be used for events but would require upgrades to meet sight distance requirements and be widened. Staff has requested a meeting with VDOT to obtain more specific details on what is required to potentially use the eastern entrance.

Building Department Review:

Submitted December 5, 2023 – No comments.

Virginia Department of Health (VDH):

[12/20/2023] Pursuant to your written request, we have evaluated the existing sewage disposal system that serves the aforementioned property. 1) The copies of well and septic records shown on sheets 8 and 9 of the site plan are for tenant houses located on the parcel. 2) We have no well or septic records for the main house where the SUP is proposed to be. 3) The applicant should work with an onsite soil evaluator to do a safe adequate and proper evaluation over the existing sewage disposal system, and/or design a new system to accommodate an event venue with up to 149 guests. 4) If the applicant has 60 or more events throughout the year with 25 or more guests at each event, they will need to be permitted as a waterworks through the Virginia Department of Health Office of Drinking Water.

[2/9/2024 VDH UPDATE] A meeting with County Staff, VDH and Longbranch took place on February 9, 2024. During the meeting it was discussed that Longbranch needed to revise their application with VDH to include additional information regarding the existing on-site septic disposal system. VDH will then evaluate its capacity in regards to the number and size of events. The Applicant intends to submit this information within a few days from the date this report was drafted.

Updated Conclusions:

The meeting on March 1st is a continuation from the January and February meetings that were deferred at the request of the Applicant for the primary purpose of addressing review comments from VDH. The applicant is continuing to work on addressing VDH’s requirements and believes this can be achieved before the April Planning Commission Business Meeting.

Based on VDOT’s comments, access to the site is possible via the western entrance of Nelson Road. VDOT has provided general feedback about the possibility of using the eastern entrance on Nelson Road which is the main entrance to Longbranch. This includes comments that it will need to be upgraded in width and for sight distance. Staff has requested VDOT to meet with Staff and the Applicant to get more specific information about the feasibility of using the eastern entrance.

Staff will provide further analysis regarding the SUP review criteria and recommended SUP conditions in advance of the public hearing. As discussed above in this report, some particular concerns that Staff intends to address in the draft SUP conditions include a clear differentiation between the proposed use and the existing house museum. In addition, the formal revocation of the SUP for the former Veterinary Clinic can be addressed in the new SUP conditions, as well as establishment of clear noise regulations that would apply to the special uses.

Updated Staff Recommendation:

Staff recommends that the Planning Commission schedule a public hearing on these applications for the April 5, 2024 Planning Commission Business Meeting. This is based on discussion with the Applicant who believes they can have all issues worked out by that time.

Since the application was deferred on January 5, 2024 and February 2, 2024, at the Applicant’s request, the Planning Commission is required to take action on the special use permit and site development plan applications within 100 days from March 1, 2024. Regularly scheduled Planning Commission Business Meetings within this time period include the dates of April 5th, May 3rd and June 7th.

History:

November 27, 2023	Applications & fees submitted.
December 5, 2023	Applications transmitted to review agencies.
December 5, 2023	Sheriff’s Office comments received.
December 6, 2023	Economic Development Dept. comments received.
December 7, 2023	Comments received from Fire, EMS & Emergency Services.
December 12, 2023	Comments received from the Virginia Outdoor Foundation (VOF)
December 14, 2023	2nd Review comments from Planning Department discussed with applicant following previous review comments sent on October 24th.
December 18, 2023	Applicant submitted partial revision of site development plan.
December 20, 2023	VDH comment letter received.
December 21, 2023	Applicant submitted a revised site development plan.
January 2, 2024	Scheduled Planning Commission Work Session.
January 5, 2024	Scheduled Planning Commission Business Meeting (set public hearing) – <i>Deferred at applicant’s request</i>
January 23, 2024	VDOT comment letter received.
January 30, 2024	Scheduled Planning Commission Work Session.
February 2, 2024	Scheduled Planning Commission Business Meeting (set public hearing) - <i>Deferred at applicant’s request</i>
February 9, 2024	Meeting with VDH and Longbranch.
February 13&16, 2024	Correspondence received from VDOT clarifying their original comments.
March 1, 2024	Scheduled Planning Commission Business Meeting (set public hearing)

**PROJECTED UPCOMING AGENDA ITEMS, MARCH -- JUNE
(3/1/2024 Business Meeting)**

MARCH

<u>COMMITTEE MEETINGS</u>
Policy & Transportation Committee (Friday, March 1 after Business Meeting): <ul style="list-style-type: none"> • <u>TA-23-01</u>, Campground Regulations – modifications requested by Board of Supervisors (continued discussion, final report to Planning Commission in April)
Policy & Transportation Committee (mid-late March if necessary) <ul style="list-style-type: none"> • <u>TA-23-01</u>, Campground Regulations – modifications requested by Board of Supervisors (continued discussion, final report to Planning Commission in April)
Comprehensive Plan Committee (Wednesday, March 6 at 2:00PM): <ul style="list-style-type: none"> • Rural Lands Plan (continued discussion) – Valley/AOC issues
Comprehensive Plan Committee (Wednesday, March 27 at 3:30PM): <ul style="list-style-type: none"> • Rural Lands Plan (continued discussion) – Mountain/FOC issues

APRIL

<u>APRIL 2 WORK SESSION</u>
<ul style="list-style-type: none"> • <u>TA-23-01</u>, Campground Regulations (Report from Policy & Transportation Committee, possible forwarding to Board of Supervisors for review)
<u>APRIL 5 BUSINESS MEETING</u>
Schedule Public Hearing: <ul style="list-style-type: none"> • <u>SUP-23-02/SP-23-02</u>, John Miller (Watermelon Park)
Public Hearing: <ul style="list-style-type: none"> • <u>SUP-23-03/SP-23-04</u>, Harry Z. Isaacs % Long Branch Farm
Minor Subdivision: <ul style="list-style-type: none"> • <u>MS-23-08</u>, Regan Partnership, LP
Other Business: <ul style="list-style-type: none"> • <u>TA-23-01</u>, Campground Regulations (action item to send recommendation on text amendment modifications to Board of Supervisors)
<u>COMMITTEE MEETINGS</u>
Comprehensive Plan Committee (to be scheduled): <ul style="list-style-type: none"> • Rural Lands Plan (continued discussion) – Village Workshop Planning
Ordinances Committee (to be scheduled – early/mid April): <ul style="list-style-type: none"> • Review priority text amendments

MAY

<u>APRIL 30 WORK SESSION</u>
<ul style="list-style-type: none">• <u>TA-23-01</u>, Campground Regulations (TBD if BOS reviews in April)
<u>MAY 3 BUSINESS MEETING</u>
Schedule Public Hearing: <ul style="list-style-type: none">• <u>SUP-23-01/SP-23-01</u>, Blake & Tamara Bullard (Berryville Berries)
Public Hearing: <ul style="list-style-type: none">• <u>SUP-23-02/SP-23-02</u>, John Miller (Watermelon Park)
<u>COMMITTEE MEETINGS</u>
Comprehensive Plan Committee (to be scheduled): <ul style="list-style-type: none">• Rural Lands Plan (continued discussion) – Possible Millwood and White Post Village workshops, continued work on plan development
Ordinances Committee (to be scheduled – early/mid May): <ul style="list-style-type: none">• Finish work on priority text amendments, final report to Planning Commission in June

JUNE

<u>JUNE 4 WORK SESSION</u>
<ul style="list-style-type: none">• Priority text amendments, report from Ordinances Committee
<u>JUNE 7 BUSINESS MEETING</u>
Schedule Public Hearings: <ul style="list-style-type: none">• <u>TA-23-01</u>, Campground Regulations (TBD if text amendment is modified)• Possible priority text amendments
<u>COMMITTEE MEETINGS</u>
Comprehensive Plan Committee (to be scheduled): <ul style="list-style-type: none">• Rural Lands Plan (continued discussion) – Possible Millwood and White Post Village workshops, continued work on plan development