



# Clarke County Planning Commission

MINUTES – Work Session

Tuesday, April 2, 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)	X	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	X

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/ Zoning Administrator), Alison Teetor (CCEA Specialist)

**OTHERS PRESENT:** None.

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

**1. Approval of Agenda**

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

**2. Review of April 5 Business Meeting Agenda Items**

**A. Conflict of Interest Statements**

Mr. Stidham noted Vice-Chair Buckley’s conflict of interest with the Long Branch Farm special use permit (SUP) and site development plan application as he is the applicant in that case.

**B. Agenda Review**

Vice-Chair Buckley left the dais prior to the discussion of the Long Branch Farm SUP and site development plan application.

Mr. Camp reviewed the staff report for the Long Branch Farm SUP and site development plan application (SUP-23-03/SP-23-04). He noted the applicant’s modifications to the original application including a reduction in the number of events. He also provided an overview of Staff’s draft conditions. Regarding draft condition #8 pertaining to noise, Chair Ohrstrom asked for confirmation that the noise ordinance states that it does not apply to SUPs. Mr. Camp replied that this is correct but we can require an SUP holder to comply with the noise ordinance by making it a condition of the SUP. Commissioner Staelin noted that the noise ordinance specifies times at which the noise must be quieter, specifically at 10:00PM and not 11:00PM. Mr. Camp replied that the ordinance does have different decibel limitations at those times. Commissioner

Staelin questioned asking a band to play quieter starting at 10:00PM and said this is an issue that needs to be addressed.

Mr. Camp noted that the Virginia Department of Health (VDH) provided updated comments on March 26 which reiterated that the existing drainfield is inadequate for the proposed use. He said the applicant recently submitted a minor modification application to VDH to add a new pump tank that is set for time dosing to address system capacity, and added that this is under review. He also said they are addressing discrepancies in the length of the drain lines and whether there may be a blockage in the lines. He concluded by saying that Staff recommends deferral until such time as the VDH issues are resolved. He also said that a public hearing has been advertised for Friday, adding that he has received some comments from neighbors regarding noise.

Chair Ohrstrom asked whether the applicant is interested in a voluntary deferral. Mr. Camp replied that the applicant has not requested a deferral at this time. Mr. Stidham suggested hearing from the applicant on this matter. Mr. Buckley said that it is likely that he will be requesting a deferral but he is trying to get a consensus on this from his board. He added that he hopes to have an answer by the Business Meeting on Friday.

Commissioner Staelin said that his biggest concern is that Long Branch is requesting 25 major events which is basically six months of events every Saturday night. He said you have 30 other events plus events for the house museum and the ability to apply for special events. He said that he did not think that traffic is going to be an issue but noise will be an issue, adding that music could be played every Saturday night from 10:00PM to 11:00PM all summer long. He noted that we were worried about setting precedent with Carter Hall and the impacts on adjacent properties. He added that the applicant may want to consider the scale of their request in light of these concerns. Mr. Buckley replied that if they defer the matter, it will give them more time to work out these concerns with the scope. Chair Ohrstrom said that he would think if people had a problem with events in the past that they will express these concerns at the public hearing. He acknowledged Commissioner Staelin's comparisons to Carter Hall and added that these two properties are different. Commissioner Staelin noted that it was previously said that Long Branch holds about 10 events and they may want to consider going down to that number. Mr. Buckley replied that this was the volume during COVID, adding that he does not have access to the records to determine past volumes of events. He also said that at one time, Long Branch employed people who were responsible for planning and holding weddings there. He noted that the current board does not want to be in that position and wants to provide a scenic open space to people that do not have their own scenic open space to enjoy. He added that they do not want to be in the wedding business but the money does help them to operate as a nonprofit and to maintain the property. Commissioner King asked Mr. Buckley if they have had a lot of complaints about noise and Mr. Buckley replied that the only complaints they received were in regards to the former balloon festival.

Mr. Buckley said that it gets tricky determining the number of events and attendees, adding that there are some house museum events that can exceed the maximum 25 people allowed under the current SUP. He said the extra events being requested would allow them to continue doing these types of events. He noted that they are not looking to do multiple events on the weekend

because they do not have the staff to manage two weddings on a weekend. He said they asked for so many events because a Friday rehearsal dinner and a Saturday wedding would be considered two separate events.

There were no additional questions or comments from the Commission. Vice-Chair Buckley returned to the dais.

Mr. Camp reviewed the staff report for the Robert A. McDonald 2012 Irrevocable Trust minor subdivision application (MS-24-01/MLSE-24-01). He noted that the applicant is currently pursuing a conservation easement with the County Easement Authority, adding that the justification for the maximum lot size exception is that the property will be in conservation easement. He explained the sequence of events necessary for the minor subdivision and maximum lot size exception to be approved. Chair Ohrstrom asked a question about the ownership of a lot shown on the plat and whether the lot will also be placed into conservation easement. Ms. Teetor clarified that the lot is not owned by the applicant and is not going to be placed in easement.

Mr. Camp said that Staff is recommending conditional approval and explained the remaining items to be addressed. Members had no additional questions or comments.

Mr. Stidham reviewed the other items on the April 5 Business Meeting agenda. Members had no questions or comments.

### **3. Old Business**

#### **B. Discussion, Primitive Campground Regulations – Modifications to TA-23-01**

Mr. Stidham provided an overview of the draft primitive campground regulations developed by the Policy & Transportation Committee and Staff.

Chair Ohrstrom asked if temporary camping deals with camping on river lots and Mr. Stidham replied yes as well as the parameters for private camping. Chair Ohrstrom said that he was confused about whether primitive campground operators will be required to provide a water source and electrical source for patrons. Mr. Stidham replied that they have the option to provide water and electric but will not be required to do so. Chair Ohrstrom added that permanent electrical connections are not allowed in conjunction with river lot camping. Mr. Stidham replied that river lot camping is a temporary use but a primitive campground would be a permanent use. He added that campsite amenities for primitive campgrounds are limited to water and electric.

Regarding the limitation on retail sales, Chair Ohrstrom asked if a primitive campground operator could do a retail store with other zoning. Mr. Stidham replied that a special use and site development plan would be required.

Regarding the requirement that public ingress/egress be via direct access to a public road, Commissioner Staelin noted that on the mountain there are a huge number of private roads and

not as many public roads. He asked whether we could have a legal issue if a primitive campground applicant had consent from his neighbors to use a private road for public ingress/egress. Chair Ohrstrom said that there are many more public roads in the AOC District than in the FOC District. Mr. Stidham said that the regulation is designed to prevent lots without direct access to a public road from being eligible for a primitive campground. He added that the Commission could change this regulation and default to the current rule for special uses on private roads which requires all property owners with rights to use a private road to sign on as applicants. He added that direct access to a public road was required in the recent changes to the farm winery, farm brewery, and farm distillery regulations.

Regarding the onsite manager requirement, Commissioner Catlett asked what type of structure the owner or manager is required to live in. Mr. Stidham replied that they would live in the residence located on the lot. Commissioner Catlett asked for confirmation that it would be a residence that uses a dwelling unit right and Mr. Stidham replied yes. Mr. Stidham added that if the lot is currently vacant, the primitive campground owner would have to construct a residence for the onsite manager. Chair Ohrstrom asked if a minor dwelling could be used and Mr. Stidham replied yes, adding that if a dwelling of less than 600 square feet is the only dwelling on the property it would require a dwelling unit right.

Commissioners had no additional questions or concerns. Mr. Stidham noted that there is an item on the Business Meeting agenda for the Commission to take action on a formal recommendation to the Board of Supervisors on this change. Chair Ohrstrom asked if we are going to hold a public hearing on the changes before sending to the Board. Mr. Stidham replied no because we want the Board to review and comment on the changes before going through the public hearing process.

**ADJOURN**

The Commission agreed by consensus to adjourn the meeting at 4:00PM.



George L. Ohrstrom, II (Chair)



Brandon Stidham (Clerk)