



# Clarke County Planning Commission

MINUTES – Business Meeting

Friday, April 5, 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)	✓E	Ryan Reed (Buckmarsh)	✓
Robert Glover (Millwood)	X	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	X

✓E – Participated electronically

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

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

## 1. Approval of Agenda

The Commission voted 10-0-1 to approve the agenda as presented by Staff.

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

## 2. Approval of Minutes – March 1, 2024 Business Meeting

The Commission voted 9-0-2 to approve the March 1, 2024 minutes as presented by Staff. Commissioner Lee abstained as he did not attend that meeting.

Motion to approve the March 1, 2024 meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (seconded)	Lee	ABSTAINED
Catlett	AYE	Malone	AYE (moved)
Dunning	AYE	Reed	AYE
Glover	ABSENT	Staelin	AYE
Hunt	AYE		

Chair Ohrstrom noted for the record that Commissioner Dunning is participating electronically for personal reasons.

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

### **PUBLIC HEARING**

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

Chair Ohrstrom stated that Vice-Chair Randy Buckley has a conflict of interest with this application as he is the applicant. He read statements into the record of the January 2, 2024 work session disqualifying himself from participating in the deliberation of this matter.

Mr. Camp noted that the applicant has requested a 30-day deferral of this application to address Virginia Department of Health (VDH) comments and community concerns that have been raised. He then presented the staff report for the special use permit (SUP) and site development plan application. He concluded the report by stating that Staff supports the applicant's request for deferral and added that the application does not meet the Commission's criteria for a conditional approval at this time. He also said that a public hearing is scheduled and noted that it would be appropriate to continue the public hearing to the next meeting if the Commission decides to defer the application.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom then stated the following:

For this morning's public hearing, please state your name and address for the record prior to addressing the Commission.

You will have a maximum of three minutes to address the Commission or ten minutes if you are identified as representing a recognized group or are speaking on behalf of a group of citizens present at the public hearing. The Planning Director will serve as the timekeeper for the public hearing.

All speakers shall be civil in tone and demeanor and shall not make personal, impertinent, slanderous, or profane remarks, or any threatening or intimidating gestures, to any commissioner, staff, the applicant, or the general public.

Speakers shall address the Commission and shall not address the audience, answer questions from the audience, or engage in debate with anyone in the audience.

Please note that the purpose of the public hearing is to provide your comments to the Commission and for the Commission to receive those comments. The public hearing is not the appropriate forum to engage in dialogue with the Commission or staff. You are welcome to raise questions during your speaking time which the Commission may address after the public hearing.



If you have brought documentation for the Commission, please provide it to staff prior to or at the conclusion of your comments.

I also want to say that we all live in a small community and there are strong feelings on both sides of any issue in a public hearing. I would urge that everyone exercise restraint, respect each other, and remain polite to all.

I will now open the public hearing.

Jim Rieger (479 Red Gate Road) noted that he previously submitted comments in writing on the application. He said he lives catawampus to Long Branch Farm and noted that it is a great facility to have as it is open from dawn to dusk for people to walk. He said they are good neighbors and they have to be economically viable. He said if they need this use for income in order to support Long Branch, then it is a good thing. He noted that he has not had trouble with sound from past events and said the highway noise is actually louder. Regarding traffic, he said that the Balloon Festival that is no longer being held produced a lot of traffic and the attendees came from long distances and would not let him enter or exit his driveway. He said VDOT is projecting 120 transits which he believes means 60 trips in and 60 trips out, adding that he did not think this would be a particular problem for traffic. He wondered if deputies would be needed to manage traffic but suspected that they would not be needed. He added that if deputies were used, then we should get money from the events to recoup the cost of their services. He said the application seems like a big step up from its current usage and he is not particularly alarmed by it. He suggested including a provision to re-evaluate the use in the future and acknowledged that this could result in a lot of coming and going and maybe should be avoided. Regarding groundwater, he said we should ensure that the groundwater under our karst substrate should not be compromised and to make sure that VDH's concerns are addressed.

Andrew Ferrari (735 Nelson Road, White Post) said he is in a unique position as a member of the Long Branch Board of Trustees and, along with his wife Barbara, an adjacent owner of a property that was once part of Long Branch. He said that he and his wife are deeply invested in the well-being of our community and believe that Long Branch is a significant asset in this regard. He added that they also understand the importance of Long Branch being a considerate neighbor. He said while they support the SUP application, they are concerned that the application as currently written does not adequately ensure the protection of the quality of life for nearby property owners now and in the future. He said an amendment of the request is needed to address these concerns and the applicant's deferral will allow time to do this for the next Commission meeting.

There were no additional speakers. Chair Ohrstrom asked for a motion to accept the applicant's deferral request and to continue the public hearing. The Commission voted 10-0-1 to accept the applicant's deferral request and continue the public hearing to the May 3 Business Meeting.

<b>Motion to accept the applicant’s deferral request and continue the public hearing to the May 3 Business Meeting:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>ABSENT</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

Commissioner Staelin said that he thinks that Long Branch Farm is a great community asset and that no one is opposed to that. He said that we started with the Kentlands SUP application but since then have updated the Comprehensive Plan, added farm winery and brewery regulations, and other special use permits regarding event-oriented things. He added that he does not think we can use the Kentlands SUP as a 100% model for evaluating these applications with the ever-changing environment we are in. He noted that we need input from the neighbors but personally he would not want that noise close to him every single weekend for six months which would be the 25 events that are shown. He said on the other hand, there are events such as dinners that do not have any noise at all. He suggested that the applicant consider a different number for events that will generate noise and to reconcile noise conditions with the noise ordinance requirements.

Vice-Chair Buckley returned to the dais.

**MINOR SUBDIVISION**

**4. MS-24-01/MLSE-24-01, Robert A. McDonald 2012 Irrevocable Trust (Anne McDonald, Trustee)**

Mr. Camp presented the staff report on this minor subdivision and maximum lot size exception application. He said that Staff is recommending conditional approval of the request subject to the conservation easement being recorded prior to or concurrently with the minor subdivision plat. He noted that the conditional approval complies with the Commission’s conditional approval policy.

Chair Ohrstrom asked if commissioners had any questions. Commissioner Lee asked for confirmation that the property originally had four dwelling unit rights (DURs) and that the applicant is giving up three DURs and using one DUR on the 20-acre lot. Mr. Camp replied that this is correct.

Chair Ohrstrom asked for a motion on the application. The Commission voted 10-0-1 for conditional approval of the minor subdivision and maximum lot size exception request conditioned on the conservation easement being recorded prior to or concurrently with the minor subdivision plat.



<b>Motion for conditional approval of the minor subdivision and maximum lot size exception request conditioned on the conservation easement being recorded prior to or concurrently with the minor subdivision plat:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>ABSENT</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**5. Board and Committee Reports**

**Board of Supervisors (Catlett)**

Commissioner Catlett said the Board is holding public hearings on Monday on the budget and on the 2024 Transportation Plan. She noted that the Board did not change the Commission’s draft much but regrouped projects to facilitate communication with the Virginia Department of Transportation (VDOT) on our priorities with Route 7. She added that citizens came to the Board to present their concerns with traffic issues along Route 7. She also said that there is a work session on Monday with VDOT to update our road plans and projects that are in the pipeline.

**Board of Septic & Well Appeals (Ohrstrom)**

Chair Ohrstrom said that the Board has not met in the past month.

**Board of Zoning Appeals (Staelin)**

Commissioner Staelin said that the BZA heard an appeal regarding the notice of violation issued for illegal construction of yurts along the river. He noted that Mr. Camp has won the last two appeal cases and added that the appellants did not show up to the BZA meeting for their case.

**Historic Preservation Commission (Glover)**

Commissioner Glover was absent. Mr. Camp said that the HPC is planning an awards ceremony in May and would like to hold it at Blandy. He added that there will be four award recipients. He also said that they will be releasing public outreach information on the recipients. He also reported that a certificate of appropriateness at 300 Berrys Ferry Road was approved to allow replacement of windows. He noted that the applicant submitted a very clear application.

**Conservation Easement Authority (Ohrstrom)**

Chair Ohrstrom said that the Authority just approved the McDonald easement that was the subject of the minor subdivision application.

**Broadband Implementation Committee (Stidham)**

Mr. Stidham provided a report on All Points Broadband’s recent presentation to the Northern Shenandoah Valley Regional Commission (NSVRC). He said that they are finishing up low-level design for all eight counties in the project which involves reviewing the power poles to which the fiber optic cabling will be connected as well as locations for equipment cabinets. He noted that All Points is paid on a reimbursement basis after the Virginia Department of Housing

and Community Development has confirmed that the work has been completed satisfactorily. Commissioner Staelin asked about the size of the equipment cabinets and whether they would be above ground. Mr. Stidham said that they would be above ground and he believes they will be about the size of the cabinet recently installed in Millwood. Commissioner Staelin asked for confirmation that they will not be the size of the cabinet on Browntown Road and Mr. Stidham replied that he did not think they would be that large. Mr. Stidham noted that they will be negotiating with property owners for placement of the cabinets. He also said they remain on target to start offering connections in the second quarter of 2025 and will be holding off on sending correspondence to property owners until that time.

**6. Other Business**

**A. Primitive Campground Modifications to TA-23-01**

Mr. Stidham noted that this is the action item on the primitive campground modifications requested by the Board of Supervisors that was discussed at the Work Session. He said that the Commission is welcome to include any additional recommendations on the text amendment.

<b>Motion to forward primitive campground modifications to the Board of Supervisors as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Lee	<b>AYE</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>ABSENT</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**7. Projected Upcoming Agenda Items, April -- July**


Mr. Stidham briefly reviewed the upcoming agenda items, noting that the Long Branch Farm application will be added to the May 3 Business Meeting agenda.

**ADJOURN**

The Commission voted 10-0-1 to adjourn the meeting at 9:42AM.

<b>Motion to adjourn:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>ABSENT</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

  
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 George L. Ohrstrom, II (Chair)

  
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 Brandon Stidham (Clerk)