



# Clarke County Planning Commission

MINUTES – Work Session

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

**E – Participated electronically**

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Danielle Ritter (Office Manager/Zoning Officer)

**OTHERS PRESENT:** None.

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

Mr. Stidham introduced the Planning Department’s new office manager/zoning officer, Danielle Ritter. Chair Ohrstrom welcomed her to the County.

**1. Approval of Agenda**

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

**2. Review of May 3 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. Vice-Chair Buckley read the following conflict of interest statement on a minor subdivision application that is before the Commission:

*I disqualify myself from participating in the matter of MS-24-02, Pleasant View Farms PVFC, Corporation (owner)/Jared Shiley (applicant) before the Planning Commission as I have a personal interest in said matter by reason of work which I performed for the applicant pertaining to this application, and I may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action taken by the Planning Commission on the application.*

## B. Agenda Review

Mr. Stidham noted the minutes from the April Work Session and Business Meeting in the packet and asked members to let him know if there are any changes that need to be made.

Vice-Chair Buckley left the dais prior to the discussion of SUP-23-03/SP-23-04 Harry Z. Isaacs % Long Branch Farm.

Mr. Camp reviewed the staff report for SUP-23-03/SP-23-04. He concluded his presentation by stating that the applicant is currently working with the Virginia Department of Health (VDH) to resolve issues with the onsite sewage disposal system. He said that at this point, a conditional approval would not be warranted per the Commission's policy. He added that Staff is recommending deferral for an additional month and noted that there may be new information provided by the Business Meeting on this issue. He also said that the applicant has been working with the neighbors and it is his understanding that the neighbors' concerns have been addressed.

Mr. Stidham asked Mr. Camp if a VDH representative will be able to attend the Business Meeting. Mr. Camp replied that he has requested that someone attend but that VDH staff may be tied up with Apple Blossom Festival work.

Commissioner Staelin said that it is his understanding that the Long Branch Board has unanimously approved and supports the application. Mr. Buckley replied yes. Commissioner Staelin also asked if the neighbors' concerns have been addressed and they now support the application and Mr. Buckley replied yes as of this morning.

Mr. Camp reviewed the staff report for MS-24-02, Pleasant View Farms PVFC, Corporation/ Jared Shiley. Members had no questions or comments.

Vice-Chair Buckley returned to the dais.

Mr. Stidham noted three new text amendments on the agenda to schedule public hearings. He said that the text amendments will be presented later in the Work Session agenda and that the Commission can choose to initiate consideration and schedule public hearings for them on Friday if they are comfortable doing so. He noted that there is a fourth text amendment under Other Business that will also be discussed later in the Work Session agenda, adding that this text amendment is dependent upon the outcome of the campgrounds text amendment modification under review by the Board of Supervisors. He said that Staff is recommending the Commission only initiate consideration of the text amendment at this time with public hearing to be scheduled after determining how the campgrounds text amendment will be resolved.

Mr. Stidham also noted the Board and Committee reports and the projected upcoming agenda items report on the Business Meeting agenda.

C. Status of Deferred Applications

Mr. Camp reported that there are four deferred applications. He said Suromi, LLC is a minor subdivision application in which the applicant is considering requesting a variance as the property is in a conservation easement. He said that the application is on hold as the applicant is looking for another drainfield site because the residue lot has an unapproved system. He added that the applicant may decide to withdraw the application. He said the Watermelon Park SUP and site development plan application is also on hold as the applicant is collecting septic system data for VDH to review in support of their request to expand the number of RV sites. He added that they expect to be ready for next month and also need to submit a revised site development plan. He said the Regan Partnership LP minor subdivision application has been deferred because the various owners are working out issues, adding that they expect to be ready for next month. He said the Berryville Berries SUP and site development plan application continues to be on hold as the owner is working out issues with the adjoining property owners. He noted that a revised site development plan also must be submitted.

**3. Old Business – None scheduled**

**4. New Business**

A. Proposed Text Amendments

Mr. Stidham began by noting that the staff reports for the proposed text amendments incorrectly state that they were developed by the Policy & Transportation Committee, adding that the Ordinances Committee did the work on these text amendments.

Mr. Stidham reviewed the staff report for TA-24-01, Cesspools and Other Unpermitted Onsite Sewage Disposal Systems. Regarding the possible hardships that the text amendment could cause, Chair Ohrstrom asked Mr. Stidham how they should be addressed. Mr. Stidham replied that if the goal is to protect groundwater quality, we should hold up approval of subdivisions until an applicant's septic system issue is resolved especially with cesspools. He added that an unpermitted system may be perfectly fine and only require a soil consultant to verify in order to obtain VDH approval. Chair Ohrstrom asked if there are grants available to assist property owners with replacing these systems. Mr. Stidham said that there used to be programs available but he did not know whether they are still in effect. Commissioner Lee said that VDH has a fund available to help out property owners with hardship situations, adding that it is not 100% and is usually a percentage of the total cost. Mr. Stidham asked if the program is income-based and Commissioner Lee replied yes. Mr. Stidham also noted that replacing a cesspool or unapproved system does increase the value of the property. He asked if commissioners were comfortable with scheduling public hearing for the text amendment on Friday and everyone agreed.

Mr. Stidham reviewed the staff report for TA-24-02, Minor Commercial Public Assembly Accessory Use – Country Inns. Regarding removing language referencing County Code Chapter 57 special events, Chair Ohrstrom said that the Commission should not include additional language to prohibit special events thereby leaving the decision to the Board of Supervisors. Commissioners agreed with Chair Ohrstrom's statement. Chair Ohrstrom asked for confirmation

that if a country inn guest wanted to invite their friends over for dinner, they could only have meal service if all of the friends were also overnight guests of the country inn. Mr. Stidham replied yes and said that the Committee discussed this point. He said that if you allow one guest to invite one friend over for dinner at the country inn, at what point would you establish a limit if the guest wanted to invite 50 friends over for dinner. Commissioner Catlett said that she thought this prohibition was already in place. Mr. Stidham replied that it is but it is not stated as clearly as possible. He added that if outside customers were allowed to dine at a country inn, then the meal service activity would not be an accessory use to the country inn. Commissioners were comfortable with scheduling public hearing on this text amendment.

Mr. Stidham reviewed the staff report for TA-24-03, Helicopter Landing Area Use and Prohibition of Private Airstrips and Airports. Commissioner Lee asked why the use is limited to the AOC District and not the FOC District, and Commissioner Glover added that he has the same question. Mr. Stidham replied that he thought it would be a bad idea to allow helicopter landing in the mountain areas but noted that there are safe areas where they could land. Commissioner Glover said that he would like the use to be allowed in the FOC District so it can be regulated. He added that there are property owners on the mountain that have the means and the lot size to have helicopter landing areas. Mr. Stidham asked if commissioners were comfortable with allowing the use in the FOC District and all agreed. Commissioner Lee asked if there are regulations regarding helicopter use around Mt. Weather. Mr. Stidham replied that he is sure that there are and noted that there are regulations for the flight paths for the Winchester Airport. Commissioner Catlett said that medical helicopter pilots are probably aware of the regulations and the locations where they can land to meet ambulances. She added that we cannot regulate medical helicopters. Commissioners were comfortable with scheduling public hearing on this text amendment with the requested change. Commissioner Catlett asked if different regulations would need to be written for the FOC District. Mr. Stidham replied no and said he would just need to add the use as being allowed in the FOC District.

Mr. Stidham reviewed the staff report for TA-24-04, Temporary Use of Major Recreational Equipment. Chair Ohrstrom said that the term, "major recreational equipment," is confusing and there should be a better way to title the text amendment so people will understand what it means. Mr. Stidham said that the term, "recreational vehicle," could be used but noted that the definition of "major recreational equipment" also includes boats. He added that a person could sleep in a parked boat that has a cabin just like they could sleep in a recreational vehicle. Chair Ohrstrom noted property owners who have friends and family that come to visit and who stay in their own recreational vehicles onsite. He asked whether this would no longer be allowed and Mr. Stidham replied that it is prohibited in the residential zoning districts but allowed in the AOC and FOC Districts. Chair Ohrstrom asked if it would be prohibited in Pine Grove. Mr. Stidham replied no because Pine Grove is zoned FOC but it would be prohibited in Rural Residential (RR) zoned Shenandoah Retreat. Mr. Stidham also noted that this text amendment is tied to the pending campground regulations text amendment so he is only asking for the Commission to initiate consideration and not to schedule public hearing at this time. He added that he is scheduled to present the primitive campgrounds modification to the Board at their May 13 work session.

Commissioner Staelin asked about storage of major recreational vehicles and asked whether there are limits on the numbers that one can store on their property. Mr. Stidham said that only

major recreational equipment that is a motor vehicle, such as a motor home, would be subject to the inoperable vehicle ordinance. He said that there are no other regulations that would restrict the quantity of major recreational equipment on a lot. Mr. Camp added that there are no restrictions on the number of pulled campers that you can have on a lot. Commissioner Staelin cited an example along the river and asked if this text amendment would cover that situation and Mr. Camp replied no. Mr. Stidham said that the text amendment does not regulate the quantity of major recreational equipment. He added that other regulations might apply such as campers in the floodplain at the wrong time of year or a camper being rented out illegally. He said we would need to look at additional language if we want to regulate the quantity of major recreational equipment on a lot. He also said we can have a discussion at the June work session on this issue and members agreed.

Mr. Stidham noted that a copy of the adopted Transportation Plan is included in the packets. He described the one change that the Board made to the improvement projects along Route 7 between Shepherds Mill Road and the Loudoun County line at Blue Ridge Mountain Road. Commissioner Glover asked if the new safety project for Route 7 describes the specific changes that we want to see. Mr. Stidham replied yes and that it references improvements to all of the public and private road intersections along the corridor. He also noted that it describes the long wait times to enter Route 7 as well as insufficient turn lanes and acceleration lanes.


Chair Ohrstrom asked about the new intersection being constructed on Route 7 in Frederick County just across the county line for a 400 lot subdivision. He said that it does not look like they are doing anything with the Valley Mill Road intersection to the north which is highly dangerous. Mr. Stidham said he did not know for sure but said that the subdivision was probably approved many years ago and it is just now going through the administrative approval process. He added that there was probably no mechanism reserved for off-site improvements and said that counties that develop haphazardly have to apply for funds through programs like Smart Scale to address the road problems that they did not account for. He also said if the subdivision was originally approved years ago, the Valley Mill Road intersection was probably not identified as a problem area. There was a brief conversation about the location of the future Route 37 intersection through this area.

**ADJOURN**

The Commission agreed by consensus to adjourn the meeting at 3:56PM.



George L. Ohrstrom, II (Chair)



Brandon Stidham (Clerk)