



Clarke County Planning Commission

MINUTES – Business Meeting

Friday, May 3, 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)	✓L
Robert Glover (Millwood)	✓	John Staelin (Millwood)	X
Pearce Hunt (Russell)	X	Doug Lawrence (BOS alternate)	X

L- Arrived Late.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Danielle Ritter (Office Manager/Zoning Officer), Chris Boies (County Administrator), and Jim Davis (Virginia Department of Health).

OTHERS PRESENT: Andy and Barbara Ferrari, Jim Rieger, Doris Simpson, Charlie McIntosh, Caroline Roberts, and Paul Almeter.

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

1. Approval of Agenda

The Commission voted 8-0-3 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	Lee	AYE (seconded)
Catlett	AYE	Malone	AYE (moved)
Dunning	AYE	Reed	ABSENT
Glover	AYE	Staelin	ABSENT
Hunt	ABSENT		

Commissioner Reed entered the meeting.

2. Approval of Minutes

A. April 2, 2024 Work Session

The Commission voted 9-0-2 to approve the April 2, 2024 minutes as presented by Staff.

Motion to approve the April 2, 2024 meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Lee	AYE
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	ABSENT
Hunt	ABSENT		

B. April 5, 2024 Business Meeting

The Commission voted 9-0-2 to approve the April 5, 2024 minutes as presented by Staff.

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

Vice-Chair Buckley left the dais.

PUBLIC HEARING

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

Chair Ohrstrom stated that Vice-Chair Buckley has a conflict of interest with this application as he is the applicant. Vice-Chair Buckley 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 had previously requested a 30-day deferral of this application to address Virginia Department of Health (VDH) comments and community concerns that had been raised. He said VDH staff provided updated comments just recently on April 25 and indicated the applicant is at this point in time pursuing the establishment of a new drain field. He added that VDH has field reviewed that proposed location at this time and that was completed April 23rd. He said they found that the soil is suitable for a system and the next steps are for the applicant to follow up with the design work including resistivity scanning that is required by the county. He then presented the staff report for the special use permit (SUP) and site development plan application. He concluded the report by stating that submission of resistivity application by the applicant, as well as the submission of a revised site development plan showing the location of the facilities for the drain field as proposed, is required. He added that submission of an application to VDH with design specifications is needed to approve the SUP.

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.

Mr. Buckley asked to make a few comments before the floor was opened to the public and Chair Ohrstrom agreed.

Mr. Buckley stated in the public eye, weddings seem to have become the focus of this SUP and we do want to host a small number of weddings. He noted that the focus for Long Branch is events that they feel enrich the lives of those in our broader community. He said Long Branch holds events such as children's fishing derby, garden club events, easement authority events, a movie night on the lawn, Community Association gatherings, educational speakers, and the lecture speaker series that spans from the health of the Chesapeake Bay, and the list goes on. He stated the last thing they want Long Branch to be known for is a wedding venue.

Barbara Ferrari (735 Nelson Road, White Post) stated that she and her husband wanted to express gratitude to everyone who took the time and made an effort to amend the SUP. She stated the reduction in the maximum number of requested amplified events and in the number that can be held in a month is much appreciated. She said as she fully supports the approval of

the SUP they have two concerns, the level of noise permitted under the current county noise ordinance and the limited means available to enforce compliance with this ordinance. She states she appreciates how Clarke County is one of few that has preserved its rural character, peace, serenity, open space and diversity of plants and animals both domestic and wild. She stated that research shows that loud noise negatively impacts all forms of wildlife. She also stated that Virginia working landscape selected our farm for the biodiversity survey on the Virginia grassland initiative. Her concern is excessive noise causes birds to alter the behavior by interrupting mating, reducing the number of birds in the area, and preventing birds from hearing fellow birds which is essential in their everyday behavior. She said that the procedure for enforcing the noise ordinance needs to be revised. She wanted to be sure her concerns were on record but she wants to reiterate their support for Long Branch.

Paul Almeter (Montana Hall Farm) stated his only objection to Long Branch is the weddings. He stated that people have said if Long Branch does not have weddings they will fail and the county will have a housing development instead. He then stated that the Virginia Outdoors Foundation (VOF) easement would prevent a housing development. He noted that Long Branch had been doing weddings prior and that just because something has been in use for 20 to 30 years does not mean it should continue. He stated that anything could happen and anyone's property could go up for sale including his own. He stated that Long Branch needs to find another way to support themselves. Instead of weddings he stated that they could do events for other agricultural means to support themselves.

Jim Rieger (479 Red Gate Road) stated he was thankful for the documents and how they were easy to read and understand. He stated he can tolerate the new amplified sound and he appreciates Long Branch for working with everyone. He stated that Long Branch is a good neighbor and that he supports them. He also wanted to thank Mr. Ohrstrom maintaining a polite public hearing.

Doris Simpson (304 Nelson Road) stated that she has been a neighbor of Long Branch since 1981 and that the weddings and private parties have been in existence since 1993 with no negative impact. She stated that when there is amplified sound she cannot hear it in her house and can only faintly hear it outside. She also stated that Long Branch offers itself to many local nonprofit organizations. She stated she supports Long Branch and that they are a community asset and hopes it remains that way.

Charlie McIntosh (1543 Red Gate Road) stated he has been a neighbor of Long Branch for over 31 years and that he approves all of the various amendments that have been made. He stated he thinks that Long Branch is a community asset and that if they agree to make the changes that the SUP should be approved.

Caroline Roberts (1132 Borden Spring Road) stated she grew up on the farm next door to Long Branch and she feels nothing but positive about living so close to Long Branch. She served as a member of the Board of Directors for nine years and had been an emeritus member since 2017. She stated that Clarke County is lucky to still have such a beautiful open space and historic home available for all to enjoy. She strongly feels this SUP should be approved and that the longer this process goes on the more misinformation spreads. She stated that not all of the events would be

weddings and in fact only a small portion would be. She stated that Long Branch accommodated the local garden club after a water issue prevented them from meeting at their typical location. She stated that Long Branch helps the community when last minute events space is in need and all of these accommodations are considered events. She stated she is a here today as a longtime neighbor and friend of Long Branch and she fully supports the approval of the SUP.

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 8-0-3 to accept the applicant’s deferral request and continue the public hearing to the June 7 Business Meeting.

Motion to accept the applicant’s deferral request and continue the public hearing to the June 7, 2024 Business Meeting.			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	ABSTAINED	Lee	AYE (moved)
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	ABSENT
Hunt	ABSENT		

Vice-Chair Buckley returned to the dais.

MINOR SUBDIVISION

4. MS-24-02, Pleasant View Farms PVFC Corporation (Owner)/Jared Shiley (applicant)

Mr. Camp presented the staff report on this minor subdivision and maximum lot size exception application. He said that the proposed subdivision appears to meet all the requirements for the subdivision ordinance and the zoning. Staff is recommending approval of the minor subdivision MS-24-02.

Chair Ohrstrom asked if commissioners had any questions. Commissioner Buckley made a note that he disqualified himself and will be abstaining.

Chair Ohrstrom asked for a motion on the application. The Commission voted 8-0-3 for the approval of the minor subdivision and maximum lot size.

Motion to Approve Minor Subdivision.			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	ABSTAINED	Lee	AYE (seconded)
Catlett	AYE	Malone	AYE (moved)
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	ABSENT
Hunt	ABSENT		

5. Proposed Text Amendments

Mr. Stidham stated the next three items are to schedule public hearings on text amendments that were discussed at the work session on Tuesday April 30th.

A. TA-24-01, Cesspools and Other Unpermitted Onsite Sewage Disposal Systems

Mr. Stidham stated this would be a change that would require any lot that contains a cesspool, or other unpermitted septic system where there are no records with VDH to have the cesspool or system replaced, repaired, or otherwise approved by VDH. He stated that he is looking to initiate consideration of the text amendment and schedule a public hearing for the June 7 Business Meeting. Chair Ohrstrom asked if this would make it so that nobody could subdivide until they took care of this. Mr. Stidham stated yes and that they would request for those applicants that fall in that situation to have all of that worked out before they filed the plat application. Chair Ohrstrom asked for any thought or comments. Commissioner Lee said he thinks it is a great idea. Chair Ohrstrom states he agrees and thinks it is necessary and asks for a motion of approval to set public hearing and initiate consideration. The Commission voted 9-0-2 to initiate consideration of the text amendment and set Public Hearing for the June 7, 2024 Business Meeting.

Motion to initiate consideration of the text amendment and set Public Hearing for the June 7, 2024 Business Meeting.			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Lee	AYE
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	ABSENT
Hunt	ABSENT		

B. TA-24-02, Minor Commercial Public Assembly Accessory Use- Country Inns

Mr. Stidham stated this text amendment would remove the minor commercial public assembly activities as an allowable accessory use to a country inn. He said if a future country inn applicant wanted to have those activities they would have to apply for a separate SUP for a minor commercial public assembly use as opposed to having it be a default accessory use with the country inn. Chair Ohrstrom asked for any thoughts or comments. After no questions or comments, Chair Ohrstrom asked for a motion. The Commission voted 9-0-2 to initiate the consideration of the text amendment and set Public Hearing for the June 7 Business Meeting.

Motion to initiate consideration of the text amendment and set Public Hearing for the June 7, 2024 Business Meeting.			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Lee	AYE (moved)
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	ABSENT
Hunt	ABSENT		

C. TA-24-03, Helicopter Landing Area Use and Prohibition of Private Airstrips and Airports

Mr. Stidham stated that state code preempts localities from being able to prohibit non-commercial helicopter landing areas for private use of the property owner. He stated that to ensure that we are not interpreted as allowing them with no zoning regulations, this would require it to be approved by SUP. He stated that this would be allowed in both the AOC and the FOC zoning districts and subject to reasonable use regulations. Chair Ohrstrom asked for a motion. The Commission voted 9-0-2 to initiate the consideration of the text amendment and set Public Hearing for the June 7 Business Meeting.

Motion to initiate consideration of the text amendment and set Public Hearing for June 7, 2024 Business Meeting.			
Ohrstrom (Chair)	AYE	King	AYE (moved)
Buckley (Vice-Chair)	AYE	Lee	AYE (seconded)
Catlett	AYE	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	ABSENT
Hunt	ABSENT		

5. Board and Committee Reports

Board of Supervisors (Catlett)

Commissioner Catlett said that Parks and Recreation is having a ribbon cutting on May 15th for the pool reopening. She also reported that there will be a commuter bus service that will take you from Waterloo Park to Rosslyn and that will start May 15th as well.

Board of Septic & Well Appeals (Ohrstrom)

Chair Ohrstrom said that the Board of Well and Septic appeals have not seen an application recently.

Board of Zoning Appeals (Staelin)

Chair Ohrstrom stated Mr. Staelin was not present. He asked Mr. Camp if there is anything scheduled to come before the Board of Zoning Appeals and Mr. Camp replied no.

Historic Preservation Commission (Glover)

Commissioner Glover stated they have their award ceremony Wednesday, May 22. Mr. Camp said that there will be a meeting at 11:00 and then the luncheon will be begin at 12:00 and it will be catered by Patty Brown. Mr. Camp stated this will be the 25th anniversary of the awards program.

Conservation Easement Authority (Ohrstrom)

Chair Ohrstrom said that they have been working to close a few easements. He stated that some applicants are throwing ideas back and forth but they are making progress.

Broadband Implementation Committee (Stidham)

Mr. Stidham stated that the Broadband Committee is no longer in existence.

6. Other Business

A. TA-24-04. Temporary Use of Major Recreational Equipment

Mr. Stidham stated this text amendment would clarify language so that it could not be interpreted that one could potentially live in a recreational vehicle in the AOC and FOC districts. He stated at this time they will not be scheduling a public hearing until we coordinate the Board's decision on what to do with campground regulations. He stated that they are just asking to move and initiate consideration of the text amendment. Chair Ohrstrom asked for a motion to initiate the consideration of the text amendment and the Commission voted 9-0-2 to do so.

Motion to initiate consideration of the text amendment.			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Lee	AYE
Catlett	AYE	Malone	AYE (seconded)
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	ABSENT
Hunt	ABSENT		

7. Projected Upcoming Agenda Items, May -- July

Mr. Stidham went over the highlights for the next few meetings. He stated there is one committee meeting scheduled for the Comprehensive Plan Committee. That meeting is scheduled for May 20, 2024 at 2pm. He stated for the June 4 work session, he hopes to be able to report on what the board has decided with the campground regulations. He went over the public hearings that would be scheduled with the campground regulations. He stated there are two outstanding minor subdivision applications.

Chair Ohrstrom asked if there were any thoughts or comments.

After no comments or questions Chair Ohrstrom asked for a motion to adjourn the meeting.

ADJOURN

The Commission voted 9-0-2 to adjourn the meeting at 9:49AM.

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


George L. Ohrstrom, II (Chair)


Danielle L. Ritter (Clerk)