



**Clarke County Planning Commission**

**Work Session Minutes**

**Tuesday, June 4, 2024 – 3:00PM**

**Berryville/Clarke County Government Center – Main Meeting Room**

<b>ATTENDANCE:</b>			
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), Danielle Ritter (Office Manager/Zoning Officer)

**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 June 7 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 conflict of interest statement into the record of the January 2, 2024 work session.

**B. Agenda Review**

Mr. Stidham noted the minutes from the May 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 has deferred the application and continued the public hearing to June 7 Business Meeting. He stated the applicant is currently working with the Virginia Department of Health (VDH) to resolve issues with the onsite sewage disposal system. That included submission of a resistivity application and report, submission of a revised site development plan,

and submission of an application to the VDH. Chair Ohrstrom asked if the VDH application had been submitted. Mr. Buckley replied that the resistivity test has been submitted and they are awaiting for the approval by the County's engineers prior to applying for the other two applications, but he stated those are ready to go. Chair Ohrstrom asked why they would wait and Mr. Buckley replied they are waiting just in case it has to be changed. Commissioner Lee added that it has to pass the resistivity test prior to the application being accepted by the VDH. Chair Ohrstrom stated that his questions have been answered. Mr. Camp continued and stated that they were correct and that the resistivity is currently being reviewed and the estimated time of completion on that is roughly June 12. He stated following that the site plan submission and VDH application will need to be submitted and that process typically takes 15 days. Mr. Camp stated that based on where they are at it does not appear that the conditions for conditional approval are met because we do not expect a reasonable resolution of the matters within 21 days. Mr. Camp stated that Long Branch requested a deferral until the July 12 meeting and hopefully we will have everything resolved and reviewed at that time for a clear decision. Mr. Camp asked if anyone had any questions. After no questions, Chair Ohrstrom thanked Mr. Camp for the update.

Vice-Chair Buckley returned to the dais.

Mr. Stidham noted the public hearings that are scheduled for the June 7 Business Meeting. The first is TA-24-01, Cesspools and Other Unpermitted Onsite Sewage Disposal Systems. Mr. Stidham stated that this would establish a new requirement that if you have a cesspool and there are no records or evidence that it is approved or in good standing with the VDH, these systems would be required to be replaced or upgraded if required by the VDH prior to approving a minor subdivision. Mr. Stidham stated that currently those replacement systems are only required to be shown on the plat and there is nothing in the ordinance that actually requires someone to construct those systems so this text amendment would correct that issue. Chair Ohrstrom asked if there has been any calls regarding this text amendment and Mr. Stidham answered that the public hearing has just recently been advertised.

Mr. Stidham continued to TA-24-02, Minor Commercial Public Assembly Accessory Use – Country Inns. Mr. Stidham states that this would remove the minor commercial public assembly accessory use that is listed as something that can be approved with a country inn. If adopted and someone wants to do weddings and other commercial events, they would have to get a separate special use permit and have that reviewed separately from the country inn. Mr. Stidham added that removing reference to permitting for special event permits would paint the picture that a country inn is not an event center. Mr. Stidham also stated that we are also adding language that will clarify that meal service is only for the overnight guests. Chair Ohrstrom asked if there was any contact about this text amendment and Mr. Camp answered that the owners of L'Auberge Provencale asked how the text amendment would affect their business. Mr. Stidham added that their approval gives them more authority than they have under the current ordinance because it was done back when you could have a full service restaurant at the time.

Mr. Stidham continued to text amendment TA-24-03, Helicopter Landing Area Use and Prohibition of Private Airstrips and Airports. Mr. Stidham stated that this is to address preemption by state code of our ability to regulate noncommercial private helicopter use in the

county. Mr. Stidham that this will require the helicopter landing areas to be approved by a Special Use Permit (SUP) in the AOC and FOC districts. Mr. Stidham stated that the landing lights that are required have to be turned off when not in use and he stated we are also reinforcing the language that we are prohibiting airstrips and airports. Mr. Stidham asked if there was any questions and no one had any.

Mr. Camp presented MS-24-03, Charles & Shirley McIntosh. Mr. Camp stated the application is to merge two existing lots, Tax Map 26-A-2 with Tax Map 26-A-11A, and create a new lot with frontage on Retreat Road. This would result in a residue lot of approximately 85 acres and a new lot of 3 acres. The resultant residue lot would retain 1 DUR. Mr. Camp stated that the Virginia Department of Transportation (VDOT) had no concerns and the comments requesting changes by VDH have been changed by the applicant. Mr. Camp stated that resistivity was not required for this property. Mr. Camp stated it meets the requirements but did note that there was a condition of approval on a subdivision in 2017. The condition stated that Village Lane had to be upgraded if they ever got a building permit on the lot, and that it would be a significant cost to upgrade that road. Mr. Camp stated that we have added a similar note to this plat, since the owner is retaining a potential DUR on that property. He added that if he decides to use that access point on the consolidated area, they would have to do the same thing and upgrade the road. Mr. Camp concluded by saying that the staff recommends approval of this application for the minor subdivision which is scheduled for the June 7<sup>th</sup> Business Meeting. Mr. Camp asked if there was any questions and there was no questions at that time.

Mr. Stidham then 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 began with the Watermelon Park SUP and stated that they submitted a revised site development plan. Mr. Camp stated it was right at the deadline and after meeting and consulting with them we recommended for them to defer the application. Mr. Camp stated there are still a number of inconsistencies in the numbers of RV sites. Mr. Camp also added that we need additional review by VDH and VDOT. Mr. Camp then moved on to the Suromi, LLC minor subdivision application and stated that this one is where they were required to find a new drain field site. He stated that the applicant decided to move forward with that and get that addressed. Mr. Camp stated that they were in the process of getting that done now. Mr. Camp continued to the Berryville Berries SUP and stated that after talking to the applicant about the new campground regulations the applicant wants to continue the deferment until he can figure out what he wants to do. He stated he advised the applicant he needs to decide soon because he has been deferring for quite some time now. Mr. Camp moved on to the Regan Partnership LP minor subdivision application stating that it has been deferred because the various owners are working out issues. He added that it will be at least a couple more months before we have a clear response.

## 3. Old Business

### A. TA-23-01, Regulations for Permanent Campgrounds and Temporary Camping

Mr Stidham stated that he presented the text amendment to the Board of Supervisors last month's meeting specifically to go over the primitive campground regulations that the Policy and Transportation Committee put together. He added that the Board seems to be very comfortable with what has been assembled and they encouraged you all to add this into the campground regulations text amendment and feel free to schedule a public hearing. Mr. Stidham said that this will require a new public hearing to be held because it was advertised differently than what it currently is, essentially prohibiting permanent campgrounds, and now the only way you can have a permanent campground would be through the permanent campground regulations. Mr. Stidham asked if everyone felt comfortable with putting this on the agenda for Friday to set public hearing for July. Everyone agreed and there were no questions.

#### **4. New Business**

##### **A. Discussion, Storage of Major Recreational Equipment and Equipment Generally**

Mr. Stidham began by noting that Commissioner Staelin had brought up issues about the quantities and the location of storage of recreational vehicles and trailers. Mr. Stidham stated that there are no specified limits or quantity that you can store at a lot. He stated that if you have a small lot you will obviously be restricted as to where you can store things. He stated that the vehicles stored do have to be operable, properly licensed, and in working order. He said as long as it is located in the correct location on the lot, you can store as much as you want. Mr. Stidham provided an example that a property owner can have 10 or more operable or properly licensed RVs. He continued and said the only way that we would be able to control the storage in any way is if we had evidence that it was being stored in conjunction with a business. He stated in the past they have had multiple identical RVs lined up along the river. Chair Ohrstrom added that there were little tents down by the river as well.

Mr. Stidham continued and stated that the other concern deals with the unintended consequences of limiting parking and storage to the rear yard, which would seem to be the most out of sight out of mind location, except when you are dealing with the river or some other large stream, and that is going to be highly visible not only to other property owners but to the people that are using the river for recreation. He continued and said that they noted that the floodplain regulations limit the location and duration that RVs can be parked in the floodplain, but not the parking and storage of recreational equipment trailers or even non-recreational equipment trailers. He stated that they have two discussion questions for the day. The first one deals with potential changes they may want to make. The next is to whether they want to add regulations to the text amendment before they set the public hearing. He continued with asking if there was a quantity they wanted to add of what can be stored per lot, which could include as a new use regulation. Chair Ohrstrom added that he does not know how we would justify it if someone wanted to store 12 when we allow 10 and they are all licensed. Chair Ohrstrom asked what everyone thinks. Commissioner Dunning stated that a lot of recreational vehicles do not have permits. Mr. Stidham said that with canoes you would not have to get a permit because there are no licenses for them. He continued and stated that a trailer that would pull the canoe would be licensed. Chair Ohrstrom added that boats are supposed to be licensed and even canoes he thinks. Commissioner Hunt added that it only is licensed if it has a motor.

Chair Ohrstrom asked if anyone else wanted to add anything on this discussion. Commissioner Lee asked if acreage could come into a factor on this. Mr. Stidham stated that you could do that for residential zoning but he is not sure where you would draw the line. He added that someone may have a camper, RV, pop up camper, a couple jet skis, and canoes and trailers and they can fit them all into a building and have some storage so it would be hard to come up with a number. Lee added he does not see how you can establish a limit. Commissioner Catlett asked if any of this applied to Watermelon Park. Mr. Stidham said no this is for personal storage not commercial.

Mr. Stidham continued to the second issue which is the floodplain regulations which limit storage to less than 180 consecutive days and require vehicles to be licensed and prevents them from being located within 100 feet of the river between January 1 and March 31. He said additional or different rear yard setbacks or screening requirements could be considered if they think that the floodplain regulations would not be doing enough to prevent those things from within those areas. He added that the section does not apply to recreational equipment so with a boat trailer, it would apply to the boat and not the trailer. He added that they could do a separate text amendment to the floodplain regulations to extend applicability to all forms of major recreational equipment and not just recreational vehicles. He then asked what everyone thought. Commissioner Glover asked what the historical reason for the January 1 and March 31 dates. Mr. Stidham answered and stated that is the time frame when flooding has historically occurred in the past. Commissioner Glover stated that he has been told that we have had bad floods every month of the year and he was not sure if it was a way to get everyone to clean up their sites once a year. Mr. Stidham answered and stated that could be it as well since you are less likely to be at your campsite during that time. He also added that the river is known to freeze over and flood worse during that time as well. Commissioner Staelin stated that he was trying to think of backyards that are not in a floodplain that this would be an issue to and he was not sure if that was the only reason that they were thinking of limiting it from backyards. Mr. Camp added that it is going to be regulated from the side of the front yard. Commissioner Glover added that it is kind of silly when you have Watermelon Park which is right by the river and they stay there year round and if the floods really come up are they going to be able to get all of the camper out quick enough or are they going to be floating down the river. Chair Ohrstrom added that more than likely down the river. Commissioner Glover added that we get time and warning about the floods being on the river and it is not a flashflood but you have to get everyone out within two days.

Commissioner Staelin asked if there were buffering requirements. Mr. Stidham added that they could add buffering requirements if that was an issue but the current rules require you to have all of your recreational vehicles and equipment in working order, operables and licenses so we are not talking about derelict equipment that's partially disassembled inside. Commissioner Glover added that he feels like that takes care of itself because it is operational and people will take pride in getting that out versus the derelict ones. Commissioner Dunning added that if people get there quick enough because a lot of them are not local. Chair Ohrstrom added that it was like the time in 1996 when there was a lot of rain and snow and they were not able to get the people out of Watermelon Park within two days. Commissioner Staelin added that this is for personal and not commercial so in ways it does not apply to Watermelon Park. Vice-Chair Buckley asked if this affected a lot of properties because he has a hard time picturing a lot of properties that have

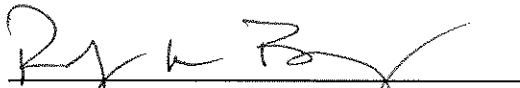
houses that back up to the floodplain. Chair Ohrstrom added that he agrees and if they do would they park their RV in the floodplain. Vice-Chair Buckley added that he could see some along Route 638. Mr. Stidham added that it would be the same as the river lot camping and how people perceive it. Commissioner Glover added that having it is a good thing but he think people will compare it to Watermelon Park and question why they are being penalized when Watermelon Park is not. Commissioner Staelin added that he seen a bunch of what appeared to be recreational or storage vehicles that were sitting and he was not sure if it was legal or not. Mr. Camp answered that it was in the rear of the yard so it currently is allowed. He added that the floodplain regulations restrict long term storage of a recreational vehicle in that area but that does not apply to canoes or major recreational equipment which are separate. Chair Ohrstrom asked what the Commission's pleasure is on this. Commissioner Staelin added that he was just asking some questions to see if it was legal or not and he thinks it is more commercial than personal. Mr. Stidham asked if they want to look into doing a separate text amendment for parking and storage of equipment generally. He added that we are talking about the parking and storage of non-recreational trailers, such as tractor trailers, utility and box trailers, car trailers and similar equipment. He continued and stated that these things are not regulated by zoning regulations unless the trailers or the equipment are being used in conjunction with a business for a home occupation and the inoperable vehicle requirements in section 7.2 would apply so they have to be operable, they have to be licensed and tagged, if required. Mr. Stidham stated there are no zoning regulations to govern how much you can have on your property, or even where on the property you can locate them. He said a property owner can have 10 utility trailers, and so long as they are all kept licensed and operable, that would not be a zoning violation. He continued that the same applies to cars if they want to have 20 cars on their property, and they are all licensed and tagged, they can have those things, but he knows that the large amounts of storage of those things can also be an eyesore as well. Mr. Stidham adds that the only reason we have not created those regulations for the AOC and FOC is that this could be applied unintentionally to agricultural operations that tend to have a lot of those. Chair Ohrstrom added that he has a lot of this equipment himself. Mr. Stidham asked what the thoughts were on that. Vice-Chair Buckley added that he thinks that it would be a step too far and that he is more concerned about where people choose to park those things. He adds that he does not see that it is fair and he does not care if you have 10 trailers as long as they are not up against the neighbor's house. Chair Ohrstrom added that when you have large acreage you are supposed to have a major setback before you can do anything anyway. Vice-Chair Buckley added that he was at a property where houses were built along the driveway and you could see the back of the houses and their storage sheds and trailers and it was front and center for everyone to see. Mr. Stidham added that another concern could be on smaller lots if you make them store in the backyard it may be where their drain field is located. Chair Ohrstrom added that in small lots it is definitely more problematic. Mr. Stidham added that they typically do not get many complaints about that but when they do get complaints they find things like this. Commissioner Staelin asked if this would help with the Crider property with all the military vehicles. Mr. Stidham stated no because they were all tagged and where they are stored now is the rear yard. Mr. Stidham stated that it does not sound like anyone feels the need to do anything with this at this point. Commissioner Staelin stated not unless they were getting a lot of complaints. Mr. Stidham added that if they have anything come up with the floodplain regulations they may introduce something to address the recreational trailers. Chair Ohrstrom agreed and stated maybe they would add some kind of

buffering. Mr. Stidham added that they will have another discussion at another time and since they were not going to do anything with TA-24-04 they will move on.

Mr. Stidham reviewed the staff report for TA-24-04 with a few modifications. Mr. Stidham said that under usage in AOC and FOC, he added camping or sleeping and added the term "temporary" to reconcile with the campground for consistency. Chair Ohrstrom asks if a family lives in Pine Grove would not be allowed and their nephew and brings his family in an RV from Kansas, they would not be allowed to sleep in it for there for the weekend. Mr. Stidham clarifies that Pine Grove is zoned as FOC not RR and in RR we do not want people camping and it is clear with the current language. Chair Ohrstrom said he was just wondering what you could do. Mr. Stidham continued and stated he did also add in the temporary camping use to avoid any conflicts with the proposed campground regulations. He then also added where we talk about major recreational equipment 16 feet or more an average height shall not be located in any required or front side yard. He stated that he added an exception, that such equipment may be temporarily parked in a required front or side yard for a period not to exceed 24 hours for loading and unloading. Mr. Stidham concluded that if everyone is comfortable they can add this to Friday's agenda to schedule public hearing. After no comments or concerns Chair Ohrstrom concluded the meeting.

**ADJOURN**

The Commission agreed by consensus to adjourn the meeting at 3:40PM.

  
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Randy Buckley (Vice-Chair)

  
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Danielle Ritter (Clerk)