



**Clarke County Planning Commission**  
**Business Meeting Minutes**  
**Friday, June 7, 2024 – 9:00AM**  
**Berryville/Clarke County Government Center – Main Meeting Room**

<b>ATTENDANCE:</b>			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	X
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)	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).

**OTHERS PRESENT:**

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

**1. Approval of Agenda**

The Commission voted 9-0-2 to approve the agenda as presented by Staff.

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

**2. Approval of Minutes**

A. April 30, 2024 Work Session

The Commission voted 9-0-2 to approve the April 30, 2024 minutes as presented by Staff.

<b>Motion to approve the April 30, 2024 meeting minutes as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE (moved)</b>
Hunt	<b>ABSENT</b>		

B. May 3, 2024 Business Meeting

The Commission voted 9-0-2 to approve the May 3, 2024 minutes as presented by Staff.

<b>Motion to approve the May 3, 2024 meeting minutes as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE (seconded)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>ABSENT</b>		

Vice-Chair Buckley left the dais.

**PUBLIC HEARING CONTINUED**

**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 indicated the applicant is at this point in time pursuing the establishment of a new drain field and that VDH has field reviewed the proposed location. He stated that the applicant is requesting another deferral until July 12, 2024. He stated conditional approval per the Planning Commission's conditional approval policy could be considered once we are reasonably assured that all of the issues are going to be addressed within 21 days. He said that potentially could happen once all the information is submitted by the applicant. He stated that the resistivity application was submitted on May 28 and currently is being reviewed, and we are waiting on submission of the revised site plan that shows the location and details of the site development plan. He added that VDH needs an application with the design details for that review. Mr. Camp concluded that Staff has no objections to the July 12 deferral and we recommend continuing the public hearing with that as well.

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.*

There were no 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 July 12 Business Meeting.

<b>Motion to accept the applicant’s deferral request and continue the public hearing to the July 12, 2024 Business Meeting.</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</b>
Buckley (Vice-Chair)	<b>ABSTAINED</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>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>ABSENT</b>		

Vice-Chair Buckley returned to the dais.

**PUBLIC HEARINGS**

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

Mr. Stidham stated the purpose of this text amendment to require any existing cesspool or unpermitted onsite sewage disposal system to be replaced or upgraded to a Virginia Department of Health approved system prior to final approval of the subdivision plat. He stated that for subdivision of lots that have an existing dwelling Section 4.5.6E requires the plat to show either the location of an existing approved standard septic system that is currently serving that existing dwelling as shown by VDH record, as well as a 100% reserve drain field area, or the location of a new primary system and a 100% reserve drain field area to serve the existing dwelling as approved by the VDH. He stated 4.5.6E only requires this information to be shown on the plat, and it does not require the applicant to construct any new systems or to modify or upgrade any existing systems. He stated sewage disposal systems for which no records exist may have been installed illegally and likely do not conform to current regulations, and both cesspools and unpermitted systems pose risks to groundwater contamination when they fail and should be modified or replaced before failures occur.

He stated this text amendment would require existing cesspools and unpermitted onsite sewage disposal systems to be replaced or upgraded to a VDH approved system before final approval of the subdivision plat. He said staff would recommend to applicants they have their modifications or upgrades approved by VDH and install them before filing for subdivision plat review, as this would prevent any delays to final plat approval for recordation. He stated the text amendment would also remove the word standard from subsection E, as this term is unnecessary and could be interpreted as allowing conventional onsite sewage disposal systems. He concluded that staff has no outstanding concerns with the adoption of the text amendment, and we are recommending to hold the public hearing today and take action on the text amendment.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom began the public hearing for TA-24-01. There were no speakers and Chair Ohrstrom closed the public hearing. The Commission voted 9-0-2 to recommend approval of the text amendment to the Board of Supervisors.

<b>Motion to recommend approval of the text amendment to the Board of Supervisors.</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</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>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>ABSENT</b>		

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

Mr. Stidham stated the purpose of this text amendment is to eliminate minor commercial public assembly as an allowable accessory use to a country inn and clarify that the sale of meals or

prepared food is limited to overnight guests only. He stated that applicants would have to apply for a separate special use permit for a minor commercial public assembly use in addition to the country inn special use permit. This would allow the impacts of a minor commercial public assembly use to be evaluated separately from the impacts of the country inn. Use regulation number eight would be deleted which references required compliance with County Code Chapter 57 for Special Events. He stated that the intent is to limit the presumption that Country Inns are appropriate locations to hold special events, and this would not prohibit special events from being approved by the Board of Supervisors at a country inn. He concluded that he recommends the public hearing be conducted and to take action on the text amendment.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom began the public hearing for TA-24-02. At this time there were no speakers and Chair Ohrstrom closed the public hearing. The Commission voted 9-0-2 to recommend approval of the text amendment to the Board of Supervisors.

<b>Motion to recommend approval of the text amendment to the Board of Supervisors.</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE</b>
Catlett	<b>AYE</b>	Malone	<b>AYE</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE (seconded)</b>	Staelin	<b>AYE (moved)</b>
Hunt	<b>ABSENT</b>		

**6. TA-24-03, Helicopter Landing Area Use and Prohibition of Private Airstrips and Airport**

Mr. Stidham stated the purpose of this text amendment is to add “helicopter landing area” as a new special use in the AOC and FOC districts per Section 5.2E of the Zoning Ordinance, the purpose is to require a special use permit and compliance with use regulations for departures and landings of non-commercial helicopters for personal use. He stated the text amendment also clarifies the helicopter landing areas for commercial use, and private or public airstrips or airports for aircraft other than helicopters are prohibited.

He said that state code allows repetitive landings and departures on the same lot to be regulated by special use permit but they cannot be prohibited by a locality. State code also allows reasonable use regulations to be established for the protection or benefit of neighboring landowners, including requiring compliance with Federal Aviation Administration Regulations. He said helicopter landing areas are currently not a defined use in the Zoning Ordinance and therefore would be considered a prohibited use. He added that since localities cannot prohibit repetitive noncommercial landings and departures of helicopters on the same lot, one can make the argument that the Zoning Ordinance does not regulate the use, and it is therefore allowed by right and not subject to any permitting requirements or zoning regulations.

Mr. Stidham stated that this text amendment would create the new use helicopter landing area defined as an area designated exclusively for the takeoff and landing of helicopters for the personal use by the property owner and their guests and it is allowable by special use permit in

the AOC and FOC districts. He said site development plan approval would not be required as the use is intended to be low impact. He stated that the proposed use regulations include a minimum lot size of 50 acres and setbacks are proposed 300 feet from all property lines and overhead utility lines, 100 feet from structures on the same lot, and 500 feet from residences on adjacent lots. He said the helicopter landing area cannot be used for commercial purposes and shall conform to all State and Federal regulations. He said landing areas can be hard surfaced and at a minimum shall be stabilized with grass or gravel. He noted that improvements are limited to markings, lighting and other equipment required by State or Federal law, and use of required lighting shall be limited to takeoffs and landings with all lights to be turned off when landing areas not in use. He concluded by stating that Staff has no outstanding concerns with the adoption of the text amendment and are recommending conducting the public hearing and take action on the text amendment.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom began the public hearing for TA-24-03. At this time there were no speakers and Chair Ohrstrom closed the public hearing. The Commission voted 9-0-2 to recommend approval of the text amendment to the Board of Supervisors.

<b>Motion to recommend approval of the text amendment to the Board of Supervisors.</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Lee	<b>AYE (seconded)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>ABSENT</b>		

**SCHEDULE PUBLIC HEARING**

**7. TA-23-01, Regulations for Permanent Campgrounds and Temporary Camping**

Mr. Stidham stated that this is a proposed text amendment to add a new permanent use, “primitive campground” to Zoning Ordinance Section 5.2D; to add a new temporary use, “temporary camping” to Section 5.4; and to delete “campground” and “summer camp” uses from Section 5.2D. He stated the purpose is to limit permanent campgrounds operated as a business or by a nonprofit or not for profit organization, to primitive camping only, which is overnight stays by patrons using their own tents and subject to use regulations in order to mitigate impact on surrounding properties in the chart. He stated that the text amendment also establishes regulation for the maximum duration of camping activities, the long term lease of a lot for camping and temporary event camp. He stated that permanent campgrounds will be allowed with a special use permit in the AOC and FOC districts, and temporary camping be allowed by right in AOC, FOC, and ITL districts subject to use regulations. He stated that the Commission had a public hearing on a similar text amendment last year and given the addition of the primitive campground use, we are required to go back to square one and re-advertise the public hearing. He stated that Staff has no outstanding concerns with scheduling that public hearing for your July 12 business meeting.

Chair Ohrstrom asked for a motion. The Commission voted 9-0-2 to initiate consideration of the text amendment and set Public Hearing for the July 12, 2024 Business Meeting.

<b>Motion to initiate consideration of the text amendment and set Public Hearing for the July 12, 2024 Business Meeting.</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Lee	<b>AYE (seconded)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>ABSENT</b>		

**8. TA-24-04, Temporary Use of Major Recreational Equipment**

Mr. Stidham stated this text amendment would amend “temporary use of major recreational equipment” per Zoning Ordinance Section 5.4. He said the purpose is to clarify that the use of major recreational equipment for camping or sleeping is prohibited in the RR, OSR, DR-1, DR-2, and DR-4 zoning districts, and is allowed in the AOC and FOC zoning districts only in accordance with the “temporary camping” temporary use or other zoning approval. He stated that this also clarifies that major recreational equipment may not be used for residential purposes in these zoning districts except in accordance with the temporary dwelling use. He continued that this text amendment was held back in order to coordinate it with what the Commission ultimately decided to do in TA-23-01. He concluded that this text amendment has been updated to correspond to that other text amendment, and Staff is recommending scheduling public hearing for the Business Meeting on July 12.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. 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 July 12 Business Meeting.

<b>Motion to initiate consideration of the text amendment and set Public Hearing for the July 12<sup>th</sup>, 2024 Business Meeting.</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</b>
Buckley (Vice-Chair)	<b>AYE (seconded)</b>	Lee	<b>AYE</b>
Catlett	<b>AYE</b>	Malone	<b>AYE</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE (moved)</b>	Staelin	<b>AYE</b>
Hunt	<b>ABSENT</b>		

**MINOR SUBDIVISION**

**9. MS-24-03, Charles & Shirley McIntosh**

Mr. Camp presented the staff report on this minor subdivision. He said that the proposed subdivision application proposes a merger of Tax Map #26-A-2, with Tax Map #26-A-11A, and

creation of a new lot with frontage on Retreat Road. He stated that the result would be a residue lot of approximately 85 acres, and the new 3 acre lot, with total acreage on the sites roughly 88 acres. He stated that it is in the FOC district near Shenandoah Retreat and currently has 2 dwelling unit rights (DURs) and one existing dwelling on the acreage. He stated that the Virginia Department of Transportation (VDOT) reviewed the application and provided comments on May 29 and did not have any objections with the application. He stated that the VDH reviewed the application and provided comments on May 9 requested changes including showing additional information such as the agricultural well that is on the property and the reserve drain field for the main house. He stated that the reserve drain field for the main house was reviewed in 2016 and it was never officially approved because it was never surveyed. He stated that the applicant had the plat revised to show those things and submitted that May 23. He stated that there was no resistivity review required because it is not in karst soils. He stated that the proposed merger with the adjacent lot that is also owned by the applicant is where the DURs are coming from and that it meets the requirements for a merger including the maximum number of DURs allowed per acreage. He noted that there would be a three bedroom onsite sewage disposal system consisting of a conventional primary area and a shallow trench alternative system for the 100% reserve area for the new lot. He added that the existing dwelling has an old approved system from 1973 as well as the newly established 100% reserve area. He stated that the proposed subdivision meets the requirements of the Subdivision Ordinance and the FOC district regulations. He concluded that Staff recommends approval of the application as submitted by the applicants, Mr. and Mrs. McIntosh, which includes both the merger and the creation of a three acre line.

Chair Ohrstrom asked for comments or questions from the Commission and none were offered. Chair Ohrstrom asked for a motion to approve the minor subdivision. The Commission voted 9-0-2 to approve MS-24-03.

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

## 10. Board and Committee Reports

### **Board of Supervisors (Catlett)**

Commissioner Catlett said there is the ongoing work with Frederick Water for providing water and sewer to the properties at Double Tollgate. She stated that she also stated that there is a new Board of Supervisor member, Mr. Shaffer, who will represent the Berryville District. She stated that Mr. Shaffer is a lifelong Berryville resident and has a lot of experience with the Planning Commission and Berryville Town Council. Chair Ohrstrom asked for clarification on who the new Board member was. Commissioner Catlett clarified his name as Doug Shaffer and stated that he works in the Building Department and May was his first meeting with the Board of Supervisors. Chair Ohrstrom asked if he will fulfill the term of Matt Bass until the next election.



Commissioner Catlett stated that he was correct and Mr. Shaffer intends to run for the position 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)**

Commissioner Staelin that nothing new has come up.

**Historic Preservation Commission (Glover)**

Commissioner Glover stated that the May meeting was held at Blandy Farm and there was a Board ceremony for the 25<sup>th</sup> anniversary of the awards. He stated that George L. Ohrstrom, II got the lifetime award. Mr. Camp stated that they approved the certificate of appropriateness for the renovation of the White Post building, and that is the building that's adjacent to the old gas station. He stated that they are looking at restoring that in a similar way but it is going to be modern and more usable. Commissioner Glover added that the building is basically falling down now but the community is restoring it themselves.

**Conservation Easement Authority (Ohrstrom)**

Chair Ohrstrom said that they have been working to close a few easements.

**11. Other Business**

**12. Projected Upcoming Agenda Items, June - September**

Mr. Stidham went over the highlights for the next few meetings. He stated there is no other meetings scheduled in June and the July meetings are ahead one week to avoid the July 4 holiday. He stated that the Work Session is scheduled on July 9 and they will go over the mid-year review of the annual project priorities. He stated that the Business Meeting is scheduled on July 12 where they will continue the public hearing for Long Branch. He stated that it is his understanding that Chair Ohrstrom will not be able to attend the July 12 Business Meeting so the Commission will need to appoint a temporary chair for the Long Branch item since Vice-Chair Buckley has a conflict of interest. Chair Ohrstrom stated that Mr. Stidham was correct. Mr. Stidham continued and stated that hopefully they will have two items to schedule for public hearing, Berryville Berries and Watermelon Park. He stated that the public hearing that were scheduled during this meeting will be advertised. He stated that there are two possible minor subdivisions that could come up next meeting as well. He concluded by stated the Comprehensive Plan Committee has scheduled two meetings, one for Tuesday, July 2 and Tuesday, July 23.

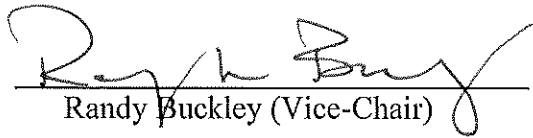
Chair Ohrstrom asked if there were any thoughts or comments.

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 9:28AM.

<b>Motion to adjourn:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>ABSENT</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>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>ABSENT</b>		

  
Randy Buckley (Vice-Chair)

  
Danielle L. Ritter (Clerk)