



Berryville Area Development Authority (BADA)
 [REDACTED] – Regular Meeting
 Wednesday, May 28, 2025 at 1:00PM
 Berryville-Clarke County Government Center Main Meeting Room

ATTENDANCE:			
Allen Kitselman (Chair)	✓	John Hudson	✓
George L. Ohrstrom, II (Vice-Chair)	✓	Kathy Smart	✓
Diane Harrison	✓	David Weiss	X

A meeting of the Berryville Area Development Authority (BADA) was held on Wednesday, May 28, 2025.

STAFF PRESENT: Terry Russell (Community Development Director – Berryville), Brandon Stidham (Director of Planning – County), Jeremy Camp (Senior Planner/Zoning Administrator – County), Keith Dalton (Town Manager)

OTHERS PRESENT: Jeff Craven (AES), Jay Arnold (Mayor)

- Call to Order** – By Chair Kitselman at 1:00PM
- Approval of Agenda**

The Authority voted 5-0-1 (Weiss absent) to approve the agenda as presented by Staff.

Motion to approve the agenda as presented by Staff			
Allen Kitselman	AYE	John Hudson	AYE
George L. Ohrstrom, II	AYE (moved)	Kathy Smart	AYE (seconded)
Diane Harrison	AYE	David Weiss	ABSENT

- Approval of Minutes – March 26, 2025 Meeting**

Chair Kitselman noted that he abstained from the vote for Chair for 2025 as he was the nominee. Mr. Stidham replied that he will correct the minutes to reflect his abstention. The Authority voted 4-0-2 (Weiss absent, Kitselman abstained) to approve the March 26, 2025 minutes as amended.

Motion to approve the March 26, 2025 minutes as amended			
Allen Kitselman	ABSTAINED	John Hudson	AYE
George L. Ohrstrom, II	AYE (moved)	Kathy Smart	AYE
Diane Harrison	AYE (seconded)	David Weiss	ABSENT

CONTINUED PUBLIC HEARING

- SP-25-01, Shirley Properties, LLC/Painter-Lewis, PLC (agent)**

Mr. Camp presented the staff report for this application. He stated that the applicant has requested a deferral until next month. He said that the applicant was previously granted a two-month deferral at the March BADA meeting to address outstanding issues but will need additional time. He noted that revisions

to address the County's engineering consultant's comments were submitted by the applicant on May 20 but there was not enough time for these revisions to be reviewed for this meeting. He added that the consultant's review is expected to be completed by June 4. He also said that the revisions address the preservation of existing trees at the rear of the property and the comments from the Virginia Department of Health. He concluded by stating that staff recommends that the Authority accept the applicant's deferral request and continue the public hearing to the June 25 meeting.

The Authority voted 5-0-1 (Weiss absent to accept the applicant's one month deferral request and to continue the public hearing to the June meeting).

Motion to accept the applicant's one month deferral request and to continue the public hearing to the June meeting			
Allen Kitselman	AYE	John Hudson	AYE
George L. Ohrstrom, II	AYE (seconded)	Kathy Smart	AYE (moved)
Diane Harrison	AYE	David Weiss	ABSENT

SET PUBLIC HEARING

**5. Set Public Hearing – Hillson Grove Preliminary Plat
Sumit Sanjel, Agent (Radiant Summit Development, LLC, Owner)**

Mr. Russell presented the staff report for this application. He said that staff is requesting the Authority to schedule an evening public hearing for this application at the June 25 meeting, perhaps 7:00PM or whatever time the members feel is appropriate. He reviewed the proposed layout for the subdivision. He noted on Sheet 4 of the applicant's site plan the location of two dry storm ponds and the location of topsoil stockpiles that would be stored during construction.

Vice-Chair Ohrstrom asked about the limits of land disturbance and asked if the trees in the common areas outside of these limits would be left undisturbed. Mr. Russell replied that these areas would be left and there are State requirements regarding how these areas must be kept natural. Vice-Chair Ohrstrom added that the existing trees form a good buffer and it is not something you would want taken out and replanted. Mr. Russell said that a plan note is included to explain how these areas are to be kept in a natural state and this would convey to the future homeowners association. Vice-Chair Ohrstrom noted that the cul-de-sac lots are close to the railroad track. Mr. Russell commented that he has noticed there are a lot of homes that are close to the railroad track in the town.

Mr. Russell noted the grading plan on Sheet 5 and added that there is a separate grading plan on Sheet 16 that shows the proposed houses on the lots. He said that staff requested the applicant to provide this information and it shows how each lot would be graded as houses are built. Vice-Chair Ohrstrom asked if this would be a phased plan and Mr. Russell replied that this has not been determined yet. He noted that Jeff Craven (AES) is present on behalf of the applicant and can answer questions. Mr. Craven stated that there would be one phase for grading and initial erosion control and for construction of the road. He said that the property is relatively flat, noting that there will not be significant grading for the homes and everything will drain to the ponds. He added that minor erosion control would be put into place for the homes.

Mr. Russell reiterated his recommendation to schedule public hearing for June on this matter and noted that today starts the 60-day review period for the Authority and the end of June will be within this timeframe.

The Authority agreed that the best time for the public hearing will be 7:00PM. The Authority voted 5-0-1 (Weiss absent) to set public hearing for the June 25, 2025 meeting at 7:00PM.

Motion to set public hearing for the June 25, 2025 meeting at 7:00PM			
Allen Kitselman	AYE	John Hudson	AYE
George L. Ohrstrom, II	AYE (moved)	Kathy Smart	AYE (seconded)
Diane Harrison	AYE	David Weiss	ABSENT

6. Other Business

A. Resolution from Berryville Town Council Regarding Berryville Area Plan

Ms. Harrison read the following statement:

On April 8, 2025, the Berryville Town Council adopted a resolution in which they asked the Berryville Area Development Authority to take steps towards achieving the shared Town and County goal of:

- *including future potential growth areas, identified in the Berryville Area Plan, as part of the Berryville Area in a revised Plan, and*
- *to have the areas in question included in the Plan, with appropriate land use designations and zoning having been applied, by January 1, 2027.*

The current version of the Berryville Area Plan, which was adopted by both the Berryville Town Council and the Clarke County Board of Supervisors in May 2016, identifies several potential future growth areas as logical expansions of the Berryville Area. These potential growth areas are intended to accommodate both business and residential uses.

In 2019-20, the Berryville Town Council and the Clarke County Board of Supervisors began review of transportation-related matters in the Southern Potential Future Growth Area. Since that time, no other concerted efforts have been taken to thoughtfully examine the integration of the identified future potential growth areas into the Berryville Area. These areas have been in the Berryville Area Plan for nearly ten years.

The current version of the Berryville Area Plan also includes provisions that:

- *address the process for adding or changing sub-areas, and*
- *address the process for amending the Plan.*

In short, those provisions discourage piecemeal updates and recommend that the plan be amended as a part of planned periodic reviews. This body is currently conducting such a review.

The Town Council is committed to a review of identified future potential growth areas. The Council is committed to having the potential growth areas included in the Berryville Area, provided that the scale and pace of the growth that will occur in the areas in question is appropriate for the community.

In response to the Town Council's request, I propose that Berryville Area Development Authority review this matter in detail and develop a draft amended Berryville Area Plan that provides for the expansion of the Berryville Area and that such expanded growth areas include land use designations that permit residential development at an appropriate density and business development at an appropriate scale. Further, I propose that this body complete its work and forward the draft Plan to the Town Council and Board of Supervisors before the end of March 2026.

Failure to address these future potential growth areas now, will result in further significant delay because of the frequency of the Berryville Area Plan update/review cycle. If this matter is not addressed during this evaluation cycle, and if the next examination follows the pattern of this review, then the next opportunity to thoughtfully consider future growth could be nearly a decade away. Implementation of that plan then would likely be more than fifteen years away. Development of those areas further out still.

The Council is of the opinion that such a delay would be deleterious to this community. Responsible and well-planned growth in the Berryville Area is vital to both the Town of Berryville and the County of Clarke. Such growth will serve to broaden and diversify the tax base, strengthen municipal utilities, and bolster the County's stance on growth in the portions of Clarke which are not supported by municipal services.

Lastly, since the adoption of the Berryville Area Plan, the Town of Berryville has grown at an annual rate of approximately 1.5%. The Town is of the opinion that this sustainable growth rate evidences the wisdom of the Berryville Area Plan concept and that the approach developed by the Town and its partner the County nearly four decades ago, should endure.

Vice-Chair Ohrstrom asked Ms. Harrison if she is saying that we should amend the plan before we are finished updating it. He said that he agrees that ten years is too long to wait to address these issues but thinks that we can probably have the plan update completed by the January 2027 deadline. He added that he is not a proponent of pre-zoning land because you lose leverage with developers when you do this. He said he would prefer to continue with our schedule to update the plan and put the completed package in front of the Board of Supervisors and Town Council to consider.

Vice-Chair Ohrstrom asked Mr. Stidham if he has any thoughts on this issue. Mr. Stidham asked for confirmation from Ms. Harrison that she would like to have the Authority complete the draft plan and conduct the required public hearing by March 2026 and Ms. Harrison replied yes. Mr. Stidham said this could be potentially doable but noted that when the project was started, it was agreed that the workload would be shared equally between Town and County staffs. He noted that Mr. Russell is still relatively new to the job and it will depend on when he is up to speed and ready to share the workload in putting the plan together. He said as of the November 2024 meeting when the Authority last worked on plan update items, we reached the end of that project task and are at the point where we can begin drafting the plan. He added that depending on Town staff's availability and capacity as well as County staff's availability and workload on other tasks, the Authority can potentially complete work on the plan by March 2026.

Mr. Stidham continued by stating that he is concerned with meeting the January 2027 deadline for the tasks listed in the resolution. He asked if there was a reason for picking that date. Ms. Harrison replied that it is mainly so we do not continue to drag our feet and it seems to be a reasonable date. Mr. Stidham said he was looking at the timing and steps needed to accomplish the tasks in the resolution. He said we cannot do anything until the revised Berryville Area Plan is updated. He added that assuming the Authority finishes work by March 2026, it would take a few months for the governing bodies to hold public hearings and

there could be public comments that would require additional work to be done to the plan. He said best case scenario would have the revised plan adopted in Summer 2026. He said the second step in the process would be to create an annexation agreement that would cover any new sub-areas added to the annexation area in the revised plan. He said the third step would be to complete the annexation process in accordance with the new annexation agreement once approved by the Board and Town Council. He noted that he does not believe that the Board would want to take on the responsibility of rezoning these properties prior to annexation by the Town. He also noted that there may be philosophical differences between the Town and County regarding whether properties should be rezoned administratively, especially for residential purposes. He said in his opinion, you would be missing out on the opportunity to use conditional zoning as an important tool to plan for resources and leaving yourself open for future development to go through as an administrative process without oversight from Town Council or the Authority. Vice-Chair Ohrstrom asked if it would be by-right development and Mr. Stidham replied yes. Mr. Stidham added that you would miss out on being able to get proffers through conditional zoning, noting that this could include cash proffers and proffers to provide infrastructure improvements. He also said that rezoning for business uses may not be a bad idea provided that the governing body is acting as the developer of the project for economic development purposes. He said we did this with the Business Park a number of years ago and what the County is doing now in the Double Tollgate Area with creating a new zoning district and plans to rezone County property to that new district for economic development purposes.

Mr. Stidham noted that per the current annexation agreement, annexations are effective as of December 31 of the year in which they are finalized. He said the earliest that an annexation could be completed would be December 31, 2026 and this would be with a tight turnaround following completion of the revised Berryville Area Plan, creating a new annexation area agreement, and having both governing bodies adopt the agreement. He said at this point we are already at January 1, 2027 and this is where you would start consideration of any rezonings. He added that this deadline may not be achievable based on the steps that would be required. Vice-Chair Ohrstrom said he agrees with Mr. Stidham and added that he does not think it would take 10 years but more like a year to a year and a half at most. He added that he has a problem with rezoning without being able to use conditional zoning to get the proffers you need to make sure the project is done properly.

Mr. Stidham said one other thing to keep in mind when you are working on comprehensive plans and component plans is that the process must be careful and deliberate. He said the last thing we want to do is rush the process especially when there is a completed draft to present to the public. He noted that if the public has concerns with the plan and wants to send us back to the drawing board, we should not feel compelled to meet a deadline and should take the time to work on any issues that the public may have. He said shooting for March 2026 is a reasonable target to shoot for with this body completing its work but we need to make sure we do not rush the process. Vice-Chair Ohrstrom said that comprehensive plans should walk the zoning and subdivision ordinances in order to ensure that they are legally defensible. He said if you do interim amendments to your plan, it can open your processes up to challenges.

Mr. Stidham noted that potential future growth areas were added to the plan in 2015 as a new concept to identify areas to study for future development. He said the plan includes a clear description of the processes that we will go through to determine whether a future growth area should be promoted to a sub-area that is subject to a new annexation agreement. He added that it is important to stick to the process that was agreed to or discuss the merits of changing that process. He said he thinks the Berryville Area Plan and annexation areas were created through careful considerations of all the different aspects of development including whether the lands designated for development are capable of supporting that

development and that we have the infrastructure planned for to support this development. He said our two jurisdictions have done a fantastic job of accomplishing this and you can look around the state and find examples of jurisdictions that did not do this and are struggling to keep up with the development that they allowed to occur without proper planning. He added that when we are considering whether to make a potential future growth area into a sub-area for annexation, we need to ask whether we have properly vetted these areas.

Ms. Harrison said she is a little confused because at our last meeting, Mr. Weiss was going to speak with the owner of the property across from the high school and Mr. Hudson was going to speak with the owner of the property on South Buckmarsh Street. She asked if you are not going to put something into the annexation area, why are we talking to these people? Mr. Stidham replied that it is important to find out if these property owners are interested in development or if they want to farm the properties for the foreseeable future. Ms. Harrison said you are still kind of holding it out there and added that she can understand determining the interest but you could also have someone come in tomorrow that is really interested in developing an industrial park on the southeast section. She added that they could be forced to walk away because we sat on it. Chair Kitselman said that these areas have been designated for ten years now and we can either include it in the process or continue to slow walk it. Mr. Stidham replied that the lack of speed in completing the plan right now is due to staffing issues. Chair Kitselman said that if Mr. Russell does not feel that he is up to carrying the Town's side of this endeavor that the Town would bring in some help. Mr. Russell replied that no one has told him that he is not capable of working on this plan especially in the interest of the Town. He added that if the Town is interested in doing the things outlined in the resolution, then his work plan can be set to support doing the Berryville Area Plan as quickly as possible. He said that he has amended and written plans for 40 years and he can do it for another year.

Chair Kitselman said he thinks the resolution is saying that the Town wants attention to its needs. Mr. Stidham said that just to make sure he is remembering correctly, he said we have reached an agreement on the collector road to retain it in the plan. Vice-Chair Ohrstrom noted that Mr. Weiss did not say that it should be taken out of the plan. Mr. Stidham added that the plan would also require development of the collector road should start from the US 340 side to better ensure that it gets constructed. Ms. Harrison replied that this is the totally wrong approach because you already have a road into the industrial park and you already have access to this property. She said you guys are doing this thing about the southeast collector road and that becomes the stalemate and it continues and continues and continues without any progress being made for the industrial park. Mr. Stidham asked for confirmation that we do not have consensus on this issue as this is different than what we discussed previously. Chair Kitselman said that there is definitely consensus that it should be part of the plan. Mr. Stidham replied yes and with development to start from the US 340 side. Chair Kitselman said he does not recall this and Ms. Harrison said she did not think we agreed to do one side or the other. Chair Kitselman added that we did talk about the crossing. Ms. Harrison said that there is road access into this property to allow for development and we do not have to have the road crossing the railroad on day one and it could be 10-15 years before this gets done. Mr. Stidham said he will find the minutes from that meeting but said we discussed requiring the crossing issue to be addressed with development coming from US 340 to ensure that a future developer would not stop the project before completing the crossing and building through. He said he thought the Authority had reached a consensus but will check the minutes and Vice-Chair Ohrstrom added that this is what he remembered as well.

Vice-Chair Ohrstrom said he agrees that we need to get moving on the plan and get it done. Mr. Hudson asked if the January 2027 date triggers any other wait periods. He added that we have said if we do not

meet certain deadlines then a three year or five year clock starts, and noted that we have been talking about this for ten years. He noted that there is a map from 2010 in the current plan and we have been discussing this for 15 years. He thinks this is plenty long enough and wants to work backwards from January 2027 to come up with a timeline. Vice-Chair Ohrstrom said that January 2027 is 18 months away and there are steps to be completed to achieve the items in the resolution. He added that he does not see it taking another five or ten years but maybe another three years to complete all the steps. Mr. Hudson asked if it is possible to come up with a timeline for this project by backtracking from January 2027. He added that 15 years is ridiculous and we need to put a master calendar on paper.

Mr. Stidham said to clarify that the current plan was adopted by both governing bodies in May 2016 and that was nine years ago. He said he cannot remember the exact date that the current plan review was initiated but it would have been five years later in 2021 when we started this project. Vice-Chair Ohrstrom added that we were coming out of COVID which delayed actual work from beginning. Mr. Stidham said 2022 or 2023 when the Authority began discussing work on the plan update. He said the Town has picked the January 1, 2027 deadline so it would be helpful for the Town to provide this timeline so we can understand their thought process. Mr. Hudson said a calendar with deadlines would hold us to the work we have to do and we can adjust the calendar if we encounter delays. Chair Kitselman said these issues are essential for the health of the Town and County and our defense of our shared growth strategy. He said what he is hearing is that the Town is not feeling as though the partnership is two-sided.

Mr. Stidham asked for clarification as to whether there is something that County staff has not been doing on this project. Chair Kitselman said the collector road has been stopped and Mr. Stidham replied that he was referring to the process generally as opposed to the collector road issue. Chair Kitselman said that given that the future growth areas were designated ten years ago, we can start looking at annexation areas with more fervor so we are not caught with our pants down when we have an opportunity to grow. He added that we have some opportunities with our existing annexation area but we are reaching the bottom of the basket. Mr. Stidham said the Authority looked at the potential future growth areas at the last meeting or two at which the plan was discussed. He said since it does not sound like we do not have a consensus on the collector road, we can pick up our discussion on the potential future growth areas at our next meeting. Chair Kitselman said he hopes we are in agreement that the collector road is important but that the Town and County may not be in agreement regarding whether the collector road construction should begin on the US 340 side. Mr. Stidham said that this was an idea that was brought up at that meeting and did not receive any negative responses. He added that he presumed that there was a consensus and that this was a good idea. Mr. Hudson said that the calendar would help make decisions within a timeline. He reiterated that he wants the calendar developed as soon as possible to keep us on schedule.

Vice-Chair Ohrstrom asked about when we can have this discussion next month given that we scheduled a public hearing for the evening. Mr. Stidham suggested having an afternoon session at 1:00PM to work on plan items and the public hearing in the evening. Mr. Stidham said it would be easy to modify the current work plan to come up with a schedule to get to March 2026 for the plan update. He added that this would mean having a final draft ready no later than January 2026 as the Authority would need to schedule public hearing at that meeting for February with the plan approval potentially occurring at the March meeting. He said members will need to be very comfortable with the draft in January to meet this deadline. Vice-Chair Ohrstrom said that if the public has a lot to say at the public hearing, he does not feel comfortable taking action on the plan at that same meeting just so we can make a deadline. He said it is important to take the time to think about what the public has to say. Mr. Hudson said that there could be adjustments along the way but at least we will have a master schedule.

Mr. Stidham noted that during our previous discussions about residential development, it was noted that any additional capacity for residential development in future areas would need to come from the pool of unused dwelling units unless available capacity of water and sewer is recalculated or additional capacity is planned for. He added that the original dwelling units were calculated in the early 1990s based on planned water and sewer capacity. Ms. Harrison said we discussed this previously and we do have available capacity for expansion and Chair Kitselman agreed. Mr. Stidham said he thought that discussion was that there is plenty of capacity to support current development but we never talked about excess or additional capacity. Vice-Chair Ohrstrom said he thought it was stated that we are okay at our current capacity and have a bit of a cushion. Mr. Stidham added that available capacity is for residential and business uses. He added that for us as good planners, if we are going to create more residential units than currently contemplated in our chart then we need to determine where we are going to get the infrastructure to support it which is not something we discussed. Chair Kitselman said that the infrastructure has head room right now. Mr. Stidham said that it is not clear that this means more and our numbers have always been based on current infrastructure and not expanded infrastructure. Ms. Harrison said that Mr. Dalton came to a meeting and explained all of this in a meeting and it should be in the minutes. Mr. Stidham reiterated that the information presented was that we are good for what we have programmed now and not excess capacity for more. Vice-Chair Ohrstrom replied that maybe we can ask Mr. Dalton to come back to clarify. He added that it is a bad idea to allow more residential development if you cannot serve it.

Mr. Hudson asked how long it will take to get the master schedule together. Mr. Stidham said he can take care of the schedule for the plan update but the Town will have to come up with the schedule for the rest of the steps.

B. SB 974 Impacts to Approval Authority for Subdivision Plats and Site Development Plans

Mr. Stidham provided a brief overview of Senate Bill 974 and noted that it was found by Mr. Russell. He stated that the General Assembly has removed the authority for approval of subdivision plats and site plans from planning commissions and governing bodies and limited the authority to a “designated agent” who is an employee of the jurisdiction. He noted that this is optional for jurisdictions with a population under 5,000. He said there are few localities left in the state that operate as we do. Chair Kitselman asked if this applies to counties and Mr. Stidham replied that it applies to all jurisdictions. Mr. Stidham noted that this goes into effect July 1 and he is working with the county attorney on a text amendment which he expects to be extensive and time-consuming to assemble. He added that depending on what the Town decides to do, it may affect the processes that the Authority goes through as the planning commission for the annexation areas.

Vice-Chair Ohrstrom asked Mr. Stidham about his idea to allow the County Planning Commission to continue to be involved in these reviews. Mr. Stidham replied that the Commission’s Plans Review Committee could review these applications as a review agency but would not be empowered to approve or deny them – they would be providing a recommendation to the designated agent. Vice-Chair Ohrstrom said this would be important to ensure the Commission is aware of what is going on. Mr. Stidham replied that this is why the legislative approval process, such as a special use permit or rezoning, is so important because this is the commission and governing body’s ability to approve or deny the request, impose conditions, and negotiate proffers. He added that the administrative steps taken after this process really should be taken care of by staff.

Mr. Russell said that the legislation also shortens the review period by requiring applications to be routed to agencies within five business days of filing. He added that the best way to facilitate public input into development is to create zoning districts that require it through conditional zoning. He said that encouraging developers to choose conditional zoning over by-right development can be done by offering them something they want. He said you can get infrastructure contributions from the developer this way. He added that he thinks this will be an easy fix for the Town Subdivision Ordinance. He also noted that it is difficult to determine the exact population of Berryville because there are no estimates for small towns conducted between censuses. He said he would be surprised if we are not already over 5,000 residents based on the 2020 Census count of approximately 4,800. He noted that the County’s estimated population increase from 2020-2023 was 700 and the majority of those residents had to come from the new subdivisions added to the Town during this period.

Mr. Stidham reminded the members that the June 25 meeting will be in two parts – a 1:00PM session that will be recessed to the public hearing at 7:00PM.

7. Adjourn

The Authority voted unanimously to adjourn the meeting at 2:02PM.

Motion to adjourn			
Allen Kitselman	AYE	John Hudson	AYE (seconded)
George L. Ohrstrom, II	AYE (moved)	Kathy Smart	AYE
Diane Harrison	AYE	David Weiss	ABSENT

Allen Kitselman, Chair

Brandon Stidham, Clerk