



AGENDA

Board of Supervisors Meeting

September 7, 2021

9:00 AM

Moment of Silence

- A. Call to Order and Pledge of Allegiance of the United States of America
- B. Adoption of Agenda – Additions or Deletions
- C. Report – Virginia Department of Transportation – Ed Carter
- D. Public Comment Period (60 Minute Time Limit)
- E. Reports – Board Members, County Administrator, Interim County Attorney
- F. Approval of Minutes – Regular Meeting of August 17, 2021

NEW BUSINESS

- G. Request – Adoption of Resolution for the Phase II Agreement for Regional Broadband Services – All Points Broadband
- H. Consent Agenda
 - 1. Use of Courthouse Lawn for Placement of Flags, Coming to the Table – Julie Chickery/Emily Ciarrocchi
 - 2. Shenandoah Rail -Trail Exploratory Partnership Funding Request – Ed Daley
 - 3. Award of Contract for Terminal Roof Replacement at the Front Royal-Warren County Airport – Mike Berry
 - 4. Federal Aviation Administration (FAA) Grant Agreement – Ed Daley
 - 5. Extension Request for Conditional Use Permit #87-12-02, Patricia Grove for Commercial Auto Repair Garage with a Single-Family Dwelling – Matt Wendling
 - 6. Modification Request for Conditional Use Permit 2005-06-02 to Change the Name from “Front Royal RV Campground” to “RV Investments, LLC” – Matt Wendling
 - 7. Authorization to Advertise for Public Hearing – Modification Request for Conditional Use Permit 2007-11-02, Amy Cavalier for a Kennel – Matt Wendling
 - 8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-07-02 Hilda Keister for a Short-Term Tourist Rental – Matt Wendling
 - 9. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-07-03 2 Mexico, LLC and B. Allen Richards, LLC for a Short-Term Tourist Rental – Joe Petty

10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-07-04
Rachelle Hill and Don Beavers for a Short-Term Tourist Rental – Joe Petty
11. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-07-05
George and Michele Kopcsak for a Short-Term Tourist Rental – Matt Wendling
12. Authorization to Advertise for Public Hearing – Conditional Use Permit 2021-07-06
Jesse McClain for a Short-Term Tourist Rental – Matt Wendling
13. Coyote Bounty – David T. Jenkins (1) – \$50.00 Each – Animal Control

I. Additional New Business (If needed)

J. Adjournment

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WORK SESSION

- A. Discussion – Overview and Future Plans of the Information Technology (IT) Department –
Todd Jones
- B. Discussion – Front Royal/Warren County Joint Tourism Board – Taryn Logan/Caitlin Jordan
- C. Discussion – Ongoing County Projects – Jeff Hayes
- D. Adjournment

Maintenance:

- Completed all primary mowing and 50% of secondary mowing; will continue secondary mowing this month hoping to complete
- Graded and made stone applications to various non-hard surfaced roads throughout the County and will continue this month
- Applied dust control on various non-hard surfaced roads throughout the County
- Contractor completed paving on Route 619 from the bridge to Route 615 (Stokes Airport Road)
- Cleaned up after several storms and are continuing after the remnants of Hurricane Ida
- Will be performing ditching and shoulder work in the Rockland and Reliance area
- Will be doing dry runs on snow removal equipment in preparation for the upcoming winter season

Board Issues:

- Scaling Rock Slopes on Route 340 South – Awaiting estimates from contractors
- Speed Study Route 340 South – Mr. Carter will present at Board meeting
- Pavement Marking Route 340 and Route 619 – Mr. Carter will present at Board meeting
- Entrance to KOA Campground Concerns – Traffic Engineering has reviewed and suggested that the elevations of the private entrance need to be addressed by the property owner. The southbound entrance grade is steep enough that it creates a severe dip where it joins our roadway. This causes towed vehicles to slowly enter and almost stop when turning left to keep from dragging. All appropriate warning signs are in place, and the 45 MPH speed limit is correct. There have been no recordable crashes since 2013.

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on August 17, 2021 at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Archie A. Fox, Vice Chairman (Fork District); Walter J. Mabe (Shenandoah District); and Delores R. Oates (North River District); also present Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; David Beahm, Building Official; Mike Berry, Public Works Director; Michael Coffelt, Sanitary District Manager; Rick Farrall, Emergency Coordinator; Caitlin Jordan, Senior Assistant County Attorney; Dan Lenz, Director of Parks and Recreation; Joe Petty, Planning Director; Matt Wendling, Deputy Planning Director; and Emily Ciarrocchi, Deputy Clerk of the Board

Absent: Tony F. Carter (Happy Creek District)

Call to Order and Pledge of Allegiance of the United States of America

Adoption of Agenda – Additions or Deletions

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the agenda as presented:

Fox, Aye; Mabe, Aye; Cullers, Aye; Oates, Aye

Public Comment Period (60 Minute Time Limit)

Craig Anderson, 110 Sunset Lane, wanted the Board to recognize and resist the suicide of America and the rest of western civilization. He wondered why only western civilization needed diversity and said the “trained Marxists” of the Black Lives Matter (BLM) organization are calling for the disruption of the nuclear family. He wants to do something similar to what the Mayor of Washington, D.C. did. Instead of writing “Black Lives Matter” on the street, he would like to see “No Communists” written on Main Street in Town along with renaming the plaza with the gazebo as “No Communists Square”. He would also like to make and sell t-shirts saying, “BLM Go Home”.

Hugh Henry, 175 Hugh Henry Lane, presented a petition to the Board from residents in the Fork District who travel Route 619 (Rivermont Drive). The signers want to make sure the Virginia Department of Transportation (VDOT) fulfills its promise to improve the pavement on Route 619. Not only this, but the signers have requested the road to be paved with asphalt and not tar-and-chip. Excessive amounts of tar on the road causes the road to be slick and makes it difficult to control vehicles; Mr. Henry recounted the story of a recent motorcycle accident where it was stated that the motorcycle crashed simply due to the road conditions. He urged the Board to follow-up with VDOT and to ensure the repairs are done correctly.

Jeanne Anderson, 7 Tee Court, believes it is time for the Board and the County to construct new policies of acceptable notice to the public. People perceive corruption when they are not included in decision making, and she wants to see changes made to the communication from the Board. She wants a review of policy for all departments to address acceptable and timely notice to the public in a logical manner. She also requested a forensic audit of the November 3, 2020 election.

Lynda McDonough, 1205 High Top Road, is very concerned that the United States government has been taken over. She recently watched a cyber synopsis by Mike Lindell on the November 3, 2020 election that showed things were amiss, even in Warren County. The Board needs to conduct a forensic audit for the November 3rd election, and she does not care how much money it would cost. This is about more than money; it is about the freedoms and rights of County citizens. She then read an excerpt from the Declaration of Independence, focusing on how the phrase is written, “*consent of the governed*” and not, “*dictated to the governed*”. She told the Board members to stop listening to normal television and to instead conduct their own research online about Coronavirus and the pandemic. The Coronavirus vaccine is not actually a vaccine; it is a bioweapon. Citizens have been too asleep to recognize it, but now, more of them are waking up and need to be taken seriously. The fact that you are not required to take the vaccine if you work at the White House, the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), or the World Health Organization (WHO) should be an indicator.

There were no further presentations from the public.

Reports – Board Members

Mr. Fox had nothing to report.

Mr. Mabe reported the following:

- Attended the Shenandoah Shores Property Owners Association meeting last week
- Attended the Property Owners of Shenandoah Farms meeting on August 14th
- Attended the Blue Mountain Homeowners Association meeting on August 15th
- Attended the Teacher and Support Staff of the Year luncheon put on by Warren County Public Schools on August 16th and thanked all teachers for doing what they do

Mrs. Oates reported the following:

- Wished all students in Warren County Public Schools a happy first day of school
- Invited the Board members to the drug prevention parenting seminar being hosted by the Drug Prevention Committee, in conjunction with Warren County Public Schools, on August 24th at 6:00 PM at Warren County High School

Mrs. Cullers reported the following:

- Attended the new teacher luncheon at the Chamber of Commerce on August 4th
- Attended the Airport Commission meeting on August 4th
- Hosted the Community Table through the South Warren Ruritan Club on August 5th
- Completed Certified Supervisor training through the Virginia Association of Counties on August 6th
- Attended the livestock night at the Warren County Fair and saw her first truck pull
- Met with National Forest representatives, Department of Wildlife Resources representatives, and County staff at the Bentonville Boat Landing; the County has a grant for this landing but needs to work on the design
- Attended the Teacher and Support Staff of the Year luncheon put on by Warren County Public Schools on August 16th where the IT Department for the school system was recognized for their support of the County during its IT crash earlier this year
- Read a letter from Donna Settle with the Front Royal Cardinals baseball team thanking Marcus Burke, John Tierney, the Park Rangers, and Brad Kresge with the Parks and Recreation Department's Maintenance Division for their support and hard work over the 2021 baseball season

Public Hearing – Ordinance to Amend and Re-Ordain Section 172-37.2 of the Warren County Code – Caitlin Jordan

Caitlin Jordan, Senior Assistant County Attorney, reported Section 46.2-755 of the Code of Virginia authorizes localities to “levy and assess taxes and charge license fees on motor vehicles, trailers, and semitrailers”. However, the Virginia Code prohibits localities from imposing a vehicle license tax or fee that is greater than the annual or one-year fee imposed by the Commonwealth for specific license plates. Specifically, the Virginia Code waives fees for the following specific license plates:

1. Persons awarded the Purple Heart and their unmarried surviving spouses (see Virginia Code Section 46.2-742).
2. Persons awarded the Medal of Honor and their unmarried surviving spouses (see Virginia Code Section 46.2-745).
3. Persons awarded the Navy and Marine Corps Medal and their unmarried surviving spouses (see Virginia Code Section 46.2-745.1).
4. Former prisoners of war and their unmarried surviving spouses (see Virginia Code Section 46.2-746).
5. Members of the National Guard units shall only be charged one-half of the fee (see Virginia Code Section 46.2-744).

Additionally, Section 46.2-752 of the Code of Virginia lists several various vehicles that the localities may elect to exempt from the tax, which includes vehicles owned by disabled veterans and their unmarried surviving spouse.

On September 18, 2018, the Board of Supervisors approved the addition of Section 172-37.2 to the Warren County Code, which enumerates several exemptions from the County's vehicle license tax. However, Section 172-37.2 does not currently include the exemption for persons awarded the Navy and Marine Corps medal with a special license plate issued by Virginia Code Section 46.2-745.1. Additionally, the current language of Section 172-37.2 needs to be modified regarding the exemption for antique motor vehicles pursuant to Virginia Code Section 46.2-730 as well as the current language regarding "un-married surviving spouses". The County Attorney's office has drafted the proposed amendment to Warren County Code Section 172-37.2 to address these issues.

Mrs. Oates wanted clarification as to what exemptions the County currently provides. Ms. Jordan stated the County currently provides exemptions for those who have special license plates and are exempt from vehicle license tax, but the list currently in the Warren County Code is not complete. The proposed amendments are to match the Virginia State Code as well as provide a catch-all phrase for any future amendments to the State Code.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the ordinance to amend and re-ordain Section 172-37.2 of the Warren County Code (Other exemptions) to comply with the Virginia State Code:

Oates, Aye; Cullers, Aye; Mabe, Aye; Fox, Aye

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTION 172-37.2 OF THE
WARREN COUNTY CODE

BE IT ORDAINED BY THE Warren County Board of Supervisors that Section 172-37.2 of the Warren County Code (Other exemptions) be amended and re-ordained as follows:

Chapter 172: Vehicles and Traffic

§ 172-37.2 Other exemptions.
[Added 9-18-2018]

- A. The County Treasurer shall issue a license decal or sticker without charging a license tax for one motor vehicle which is regularly used by:
- (1) A disabled veteran, or their un-remarried surviving spouse, and such vehicle bears a special license plate issued in accordance with § 46.2-739, Code of Virginia 1950, as amended;
 - (2) A person, ~~or their un-remarried surviving spouse,~~ who has been awarded the Purple Heart, **or their un-remarried surviving spouse,** and such vehicle bears a special license plate issued in accordance with § 46.2-742, Code of Virginia 1950, as amended;

- (3) A person, ~~or their un-remarried surviving spouse,~~ who has been awarded the Medal of Honor, or their un-remarried surviving spouse, and such vehicle bears a special license plate issued in accordance with § 46.2-745, Code of Virginia 1950, as amended;
 - (4) A person, ~~or their un-remarried surviving spouse,~~ who has been a prisoner of war, or their un-remarried surviving spouse, and such vehicle bears a special license plate issued in accordance with § 46.2-746, Code of Virginia 1950, as amended;
 - (5) A person who has been awarded the Navy Marine Corps Medal, or their un-remarried surviving spouse, and such vehicle bears a special license plate issued in accordance with § 46.2-745.1, Code of Virginia 1950, as amended;
 - (6) An active National Guard member whose vehicle bears a National Guard license plate issued pursuant to § 46.2-744, Code of Virginia 1950, as amended, or a retired member of the National Guard whose vehicle bears a license plate issued pursuant to § 46.2-746.5, Code of Virginia 1950, as amended; or
 - (7) A person who is otherwise exempt from annual registration fees imposed by the Commonwealth of Virginia.
- ~~B. The annual license tax for active Virginia National Guard members whose vehicles bear a Virginia National Guard license plate issued pursuant to § 46.2-744, Code of Virginia 1950, as amended, shall be 1/2 the fee prescribed in § 46.2-694, Code of Virginia 1950, as amended, unless the plates bear reserved numbers or letters, in which case there is no discount on the annual license tax.~~
- B. The County Treasurer shall issue a license decal or sticker without charging a license tax for antique motor vehicles and antique trailers in accordance with § 46.2-730, Code of Virginia 1950, as amended. **A license decal or sticker shall be issued for antique motor vehicles and antique trailers as follows:**
- (1) If the antique motor vehicle or antique trailer is not being used for general transportation purposes as set forth in § 46.2-730(D), Code of Virginia 1950, as amended, one license decal or sticker shall be issued by charging the owner the annual license tax. All subsequent license decals issued to the same owner of the antique motor vehicles and antique trailers shall be issued without charging a license tax.
 - (2) If the antique motor vehicle or antique trailer is being used for general transportation purposes as set forth in § 46.2-730(F), Code of Virginia 1950, as amended, a license decal or sticker shall be issued by charging the owner the annual license tax.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is ~~lined through~~.

Language proposed to be added is underlined.

Public Hearing – Ordinance to Vacate an Unimproved Right-of-Way in the Sealock Subdivision – Joe Petty

Joe Petty, Planning Director, reported the applicant, Allen Walters, currently owns both lots 3 and 4 and is requesting the right-of-way vacation to make the property become more conforming with the Warren County Zoning Ordinance. Prior to Mr. Walters owning the property, the drainfield serving lot 5 was installed within the right-of-way; then an accessory structure was constructed in the platted cul-de-sac. The proposed vacation would dedicate a drainfield easement for lot 5 and locate the accessory structure within the property boundaries. The right-of-way vacation would not hinder current or future access to any lots, though it would require an address change for lot 5 (currently 14 Sloan Court).

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the proposed ordinance vacating the fifty-foot platted right-of-way as shown on the survey by Preston Humphreys dated July 1, 2021, located in the Sealock Subdivision in Front Royal, pursuant to Section 15.2-2272 of the Code of Virginia:

Fox, Aye; Mabe, Aye; Cullers, Aye; Oates, Aye

**AN ORDINANCE TO VACATE THE EXISTING FIFTY-FOOT-WIDE UNIMPROVED
RIGHT-OF-WAY BETWEEN TAX MAP NUMBER 39A, LOTS 1A1, 3, 4 AND 5 IN THE
SEALOCK SUBDIVISION IN FRONT ROYAL, PURSUANT TO
SECTION 15.2-2272 OF THE CODE OF VIRGINIA**

WHEREAS, the owner(s) of current tax map number 39A, lots 1A1, 3, 4, and 5 has requested the Board of Supervisors vacate existing right-of-way 0.2264 acres in size, located in and recorded in Deed Book 169 Page 375; and WHEREAS, after proper advertisement thereof, pursuant to Sections 15.2-2272 and 15.2-2204 of the Code of Virginia, the Board of Supervisors has conducted a public hearing to consider the vacation of the existing right-of-way and has determined that it is in the best interest of Warren County to vacate the said right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that, pursuant to Section 15.2-2272 of the Code of Virginia, and upon the request of the owner(s) of the property affected, the existing right-of-way 0.2264 acres in size, recorded in Deed Book 169 Page 375 and as shown on the attached plat entitled "BOUNDARY LINE ADJUSTMENTS AND DRAINFIELD EASEMENT ON SLOAN COURT, SOUTH RIVER MAGISTERIAL DISTRICT, WARREN COUNTY, VIRGINIA" dated July 1, 2021, prepared by Preston M. Humphreys, is hereby vacated.

**THIS ORDINANCE SHALL BE EFFECTIVE THIRTY-ONE DAYS AFTER ADOPTION IF NOT
APPEALED BY ANY INTERESTED PERSON BEFORE SUCH DATE**

Upon recordation of this Ordinance, fee simple title to the centerline of the alleys hereby vacated shall transfer and vest with the owners of the abutting properties, pursuant to the terms of Section 15.2-2274 of the Code of Virginia (1950), as amended.

Public Hearing – Modification of Conditional Use Permit 2003-05-03, ELP Riverton, LLC to Add Uses to Pre-Approved Retail List – Joe Petty

Mr. Petty reported the applicant is requesting that the pre-approved list of retail uses be amended to add several allowed uses related to alternative nicotine products. The Riverton Commons shopping center having a pre-approved list of allowed uses is unique; Crooked Run shopping center (just across Route 340/522) allows uses related to alternative nicotine products by-right. The pre-approved list was last updated in 2014 to allow for the construction and operation of the Valley Health urgent care facility. The applicant is requesting the following uses be added to the pre-approved list:

1. Alternative nicotine and related products/accessories
2. Nicotine vapor and related products/accessories
3. Cannabidiol (CBD) and related products/accessories
4. Kratom and related products/accessories
5. Tobacco and related products/accessories
6. Hemp and related products/accessories
7. Non-nicotine vapor and related products/accessories
8. Smoking pipes and related products/accessories
9. Electronic cigarettes and related products/accessories

Mr. Mabe asked if this modification would enable the Walmart or the Chinese restaurant to have the right to sell these products, and Mr. Petty responded the list is intended for principal retail uses. However, technically those stores would have the right to sell these products.

Mrs. Oates reiterated Mr. Petty's previous comments on how the Target shopping center right across the street (Crooked Run shopping center) does not have these stipulations, so CBD and alternative nicotine products can be sold by-right.

Mrs. Cullers opened the public hearing.

Gretchen Brill, 65 Riverton Commons Plaza, introduced herself as the Director of the urgent care facilities in the Riverton Commons shopping center and, on behalf of Valley Health, voiced her opposition for this request for sale of cannabis and tobacco related products. Valley Health intentionally placed their facilities in this shopping center because of the family-friendly profile of the location and ease of access. There are already numerous CBD and alternative nicotine product shops within the Town of Front Royal, and this sort of

vendor in close proximity to healthcare offices is in direct conflict with the mission of Valley Health.

Stephen Pettler from the law firm of Harrison and Johnston introduced himself as the legal representative for ELP Riverton, LLC. The only reason this request is before the Board of Supervisors is because, as Mr. Petty previously stated, the property is unique. Every other shopping center in the County is allowed to sell these products by-right. If it were for any other property zoned Commercial (C), all they would have to do is file for a business license. If the Board denies this modification request, the Board would be treating the tenants of this shopping center differently than all other commercial properties in the County. He encouraged the Board to not focus so much on the CBD and hemp products, which are non-intoxicating, but rather on what is fair for businesses in the County.

There being no further comments from the public, Mrs. Cullers closed the public hearing.

Mrs. Oates wanted to know whether approving this modification request would open the door for permitting a marijuana dispensary in the shopping center in the future. Jason Ham, counsel, said he was unsure and deferred the question to the applicant's representative. Mr. Pettler believes marijuana dispensaries would be separately regulated facilities similar to an ABC store, only privately owned and operated. There is a different permitting process to sell intoxicating cannabis products (containing THC), and Mr. Pettler affirmed this modification request was not intended to be a way to allow to sell intoxicating products. The uses list being requested is an industry standard list for a tobacco and vape shop.

Mr. Petty stated the Planning Department researched the potential for marijuana dispensaries when the legislation was originally passed. This modification request would not include that type of intoxicating product, and if the businesses in Riverton Commons wanted to sell such a product, they would have to come back before the Board and request to modify the pre-approved list of uses.

Mr. Fox noted there was already a tobacco and vape business in the Riverton Commons shopping center, and Mr. Petty confirmed the Planning Department was aware of this business and had sent them a cease-and-desist letter. They are currently selling these products without the knowledge that permission was needed.

Mr. Mabe said he would feel more comfortable being assured this would not allow the sale of THC, and Mr. Ham pointed out that the legal representative of the applicant and the Planning Director had already repeatedly said it would not be allowed.

Mr. Fox made a motion to approve the modification request of ELP Riverton, LLC, but following extensive discussion amongst the Board, Planning Director, and legal counsel regarding THC, Mr. Fox withdrew his motion.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the modification request of ELP Riverton, LLC for conditional use permit #2003-05-03 to add the requested uses to the pre-approved list for the Riverton Commons Shopping Center as listed below and further prohibited the sale of intoxicating Tetrahydrocannabinol (THC) and related products:

Oates, Aye; Cullers, No; Mabe, Aye; Fox, Aye

1. Alternative nicotine and related products/accessories
2. Nicotine vapor and related products/accessories
3. Cannabidiol (CBD) and related products/accessories
4. Kratom and related products/accessories
5. Tobacco and related products/accessories
6. Hemp and related products/accessories
7. Non-nicotine vapor and related products/accessories
8. Smoking pipes and related products/accessories
9. Electronic cigarettes and related products/accessories

Public Hearing – Conditional Use Permit 2021-06-01, John Suh for a Short-Term Tourist Rental – Matt Wendling

Matt Wendling, Deputy Planning Director, reported the applicant is requesting a conditional use permit for a short-term tourist rental for rental of the single-family dwelling for less than thirty days. In the statement of justification, the Mr. Suh states requests to operate a short-term tourist rental to offset his expenses for his single-family dwelling. He plans to live in the dwelling full-time but will rent it when he is out of town. He states there is sufficient parking for three vehicles. The property is located off a private road, and this subdivision does not have a Property Owners or Homeowners Association.

The Planning Commission forwarded this application to the Board recommending approval with the following conditions:

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four as determined according to the Health Department operational permit for a two-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be services every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.
5. The shooting of firearms and hunting shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) shall be prohibited.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the conditional use permit request of John Suh for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Fox, Aye; Mabe, Aye; Cullers, Aye; Oates, Aye

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four as determined according to the Health Department operational permit for a two-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be services every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.
5. The shooting of firearms and hunting shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) shall be prohibited.

Public Hearing – Conditional Use Permit 2021-06-02, Neal Sutliff for a Short-Term Tourist Rental – Matt Wendling

Mr. Wendling reported applicant is requesting a conditional use permit for a Short-term Tourist Rental to rent the single-family dwelling for less than thirty days to offset his expenses for construction of a new structure. The demolished “cabin” was derelict, and Mr. Sutliff decided to replace it with a new structure to improve the property. His intent is to use it for both a weekend retreat for his family and as a short-term tourist rental due to its

proximity to local tourist destinations and family friendly activities. The property is listed as being owned by NJS Land, LLC, of which the applicant is a member and manager as stated in his application. He plans to complete construction by August 2021 as it is currently under construction. He is currently researching local companies or individuals that can be retained as a property manager to oversee the use.

Mr. Wendling noted the Skyland Community Corporation submitted a letter of concern regarding this proposed rental property and is requesting the Board deny the application. Other nearby and adjacent property owners have also submitted letters and emails requesting denial of this application.

The Planning Commission forwarded this application to the Board recommending approval with the following conditions:

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operational permit for a three-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.

Mrs. Cullers opened the public hearing.

Shannon Barker, 1754 Khyber Pass Road, is worried because there is little evidence of Mr. Sutliff having a vested interest in living at the property. As a nearby property owner, she and her husband are concerned about the maintenance and upkeep of this proposed rental. The property manager would have very little control over the behavior of the renters, and she would rather see a stable neighbor at the property. She would like someone to own and live at the property rather than have a revolving door of unpredictable neighbors.

Neal Sutliff, applicant, said the property manager he is looking to hire currently oversees several other local rentals. He has also been researching cleaning companies in the area and will be installing a fence line for hard separation between adjacent owners and this property.

Melissa Halko, 261 Sunset Village, asked if conditional use permits are transferrable, and at the allowance of the Chair, Mr. Wendling responded yes, they are transferrable if they

remain active. If the permit goes inactive for a two-year time period, it will expire. Ms. Halko said she asked this question because the property is currently listed for sale.

Mr. Sutliff returned to the podium and confirmed the property is currently listed for sale. Even with the home being under construction, he was approached with unsolicited offers, which prompted him to list the property to see what other offers he may receive. Some of the offers are contingent on short-term tourist rental approval, and there is a possibility that he may sell.

There being no further comments from the public, Mrs. Cullers closed the public hearing.

Mrs. Oates commented that if she was his neighbor, she would want to know who owns the property and who will be renting it out. She would want to know exactly who would be responsible for the management and maintenance of the property, and considering the unsure nature of the future ownership of the property, she would be unable to support the current application.

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors denied the conditional use permit request of Neal Sutliff for a short-term tourist rental due to opposition from surrounding property owners and, due to the property being listed For Sale, uncertainty regarding future ownership of the property:

Oates, Aye; Cullers, Aye; Mabe, Aye; Fox, Aye

Public Hearing – Conditional Use Permit 2021-06-05, Mountaintop the Church at Skyline for a Private School – Joe Petty

Mr. Petty reported applicant is requesting a conditional use permit (CUP) for a Private School. The church was constructed in 1992 and does not have a CUP as the use was permitted by-right in the Agricultural District prior to the adoption of the current ordinance on August 19, 1992. The Warren County Code currently lists “Private School” as a use that may be permitted upon issuance of a CUP by the Board of Supervisors. As a response to the many challenges parents and students faced during the COVID-19 pandemic in 2020, the church began a private school and were unaware of the CUP requirements. The school would operate from August to May, Monday through Friday, 8:00 AM to 3:30 PM, and would accommodate thirty (30) or fewer students. This application does not expand/change the existing use of the church, and the Planning Department will not be requesting any conditions specific to the church use.

The Planning Commission forwarded this application to the Board recommending approval with the following conditions:

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Health Department, Warren County Building Inspections, Warren County

Zoning, Virginia Statewide Fire Prevention Code, and any other local, state, and federal regulations and requirements.

2. The maximum number of occupants shall not exceed thirty, or as determined by the Warren County Health Department.
3. The applicant shall have the well water tested annually, and a copy of the results shall be submitted to the Planning Department.
4. A waiver to the required paved parking spaces shall be granted given the existing parking lot. At least one handicap parking space shall be hard surfaced and striped within one year of permit approval in accordance with the Warren County Zoning Ordinance.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the conditional use permit request of Mountaintop the Church at Skyline for a Private School with the conditions as recommended by the Planning Commission and staff and listed below:

Fox, Aye; Mabe, Aye; Cullers, Aye; Oates, Aye

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Health Department, Warren County Building Inspections, Warren County Zoning, Virginia Statewide Fire Prevention Code, and any other local, state, and federal regulations and requirements.
2. The maximum number of occupants shall not exceed thirty, or as determined by the Warren County Health Department.
3. The applicant shall have the well water tested annually, and a copy of the results shall be submitted to the Planning Department.
4. A waiver to the required paved parking spaces shall be granted given the existing parking lot. At least one handicap parking space shall be hard surfaced and striped within one year of permit approval in accordance with the Warren County Zoning Ordinance.

Public Hearing – Conditional Use Permit 2021-06-06, Melissa Halko for a Short-Term Tourist Rental – Matt Wendling

Mr. Wendling reported the applicant is requesting a conditional use permit for a short-term tourist rental to rent the single-family dwelling for fewer than thirty days to offset her expenses for this second home. Ms. Halko is an experienced manager of short-term tourist rentals and owns one in Luray. She has home improvement and maintenance service contacts that will be assisting her to manage the property. She expects to rent the property

from six to nine months out of the year depending on the season and plans to market it to people who want to visit and enjoy the natural resources and attractions the County has to offer.

Mr. Wendling noted there was a letter sent from the developer of the property stating to their knowledge, there are no rental or AirBnB restrictions in Junewood Estates and/or Cooks Riverside. Additionally, a letter requesting denial of the application was sent by the adjacent property owner.

The Planning Commission forwarded this application to the Board recommending approval with the following conditions:

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operational permit for a three-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the conditional use permit request of Melissa Halko for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff and listed below:

Oates, Aye; Cullers, Aye; Mabe, Aye; Fox, Aye

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operational permit for a three-bedroom dwelling.

3. The applicant shall have the well water tested annually for e-coli and coliform bacteria, and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector, and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department, and a copy of the service invoice shall be provided to the Planning Department.

Public Hearing – Conditional Use Permit 2021-06-07, Ken Colton/KLC & CO, LLC for the Storage of Cars, Boats, and Recreational Vehicles – Joe Petty

Mr. Petty reported the applicant is requesting a conditional use permit for storage of cars, boats, and recreational vehicles (RVs). The property is located on Winners Court in the North River Magisterial District. The proposed facility will have enclosed storage buildings, which is a by-right use for properties zoned Industrial (I), and have an area for outdoor storage of vehicles. The project is not within the highway corridor overlay district, though it must meet the supplemental regulations for enclosed storage and landscaping.

The Planning Commission forwarded this application to the Board recommending approval with the following conditions:

1. The applicant shall comply with all Virginia Department of Transportation, Town of Front Royal Public Works Department, Warren County Building Inspections, and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County prior to the issuance of a building permit.
3. The area on the property for the storage of cars, boats, and recreational vehicles (RVs) shall be adequately landscaped and screened as required in Warren County Code Section 180-49.1.
4. All vehicles shall have valid tags and inspections while stored on the site.

Mrs. Cullers opened the public hearing. There being no comments from the public, Mrs. Cullers closed the public hearing.

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the conditional use permit request of Ken Colton for the storage of cars, boats, and recreational vehicles with the conditions as recommended by the Planning Commission and staff and listed below:

Fox, Aye; Mabe, Aye; Cullers, Aye; Oates, Aye

1. The applicant shall comply with all Virginia Department of Transportation, Town of Front Royal Public Works Department, Warren County Building Inspections, and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County prior to the issuance of a building permit.
3. The area on the property for the storage of cars, boats, and recreational vehicles (RVs) shall be adequately landscaped and screened as required in Warren County Code Section 180-49.1.
4. All vehicles shall have valid tags and inspections while stored on the site.

Reports (Continued) – County Administrator

Dr. Daley reported the following:

- Invited Rick Farrall, Emergency Coordinator, to speak about the Delta variant of the Coronavirus. Mr. Farrall reported there has been an increase of cases in the County and in the region, and according to the Virginia Department of Health, most of the State is experiencing a high transmission rate of this variant. He is recommending the County reinstate the precautions it was doing before: masks for County employees when outside their workspace, Plexiglass barriers, social distancing measures and masks during meetings, etc. If the County sees a spike in cases, it will likely be in the next couple of weeks, considering Warren County Public Schools had its first day today, and both Randolph Macon Academy and Christendom College begin next week. He has been working with Valley Health on establishing a community testing site and is currently looking for a potential place to host the site.
- Received the engagement letter and the preliminary letter to the governing body from Robinson, Farmer, Cox Associates, the County's auditing firm.
- Spoke with and received an email from Don Hindman about the proposed Shenandoah Rail Trail; Miller, Long and Associates in Roanoke will be completing an appraisal of the Norfolk Southern rail corridor, which will cost approximately \$60,000, and Mr. Hindman is requesting each of the three localities contribute \$15,000 for this appraisal, with the remaining \$15,000 to come from private sources. Dr. Daley stated consideration of the appropriation of this \$15,000 will be on the Board's agenda for the September 7th meeting.
- Reminded the Board of the Building Committee meeting on August 19th at 2:00 PM, the Solid Waste Committee meeting on August 25th, and the Town/County Liaison Committee meeting on September 16th.
- Coronavirus Update – The Coronavirus remains a significant health concern, given the resurgence of the "Delta" variant. Given the County's 38% vaccination rate, and "moderate" level of community transmission, everyone must continue to maintain a commonsense approach to mitigating any future impacts of the virus. Citizens and

employees who did not receive the vaccination can contact their Primary Care Manager, the Health Department, or most of the local pharmacies, to receive the COVID-19 vaccination.

- Revenue Updates for July

Sales Tax

2021	2020	Difference
\$449,060.99	\$441,318.47	\$7,742.52 (1.75%)

Year-to-Date

Meals Tax	\$575,461.23
Lodging Tax	\$132,548.81
Business License Tax	\$1,047,141.60

- Wayfinding Signage – The County and Town are working together on the trailblazing signage. Staff expects the County signs to be here in the next few weeks. The County Public Works Department has staked the sign locations, and staff will be meeting with the local VDOT residency to review these locations.
- Tourism Committee – Jones Lang Lasalle Americas, Inc. (JLL) continues to perform joint tourism services for the Town and County. They host bi-weekly meetings with the Joint Tourism Committee. They are monitoring the metrics for the current marketing campaigns and updating the Committee.
- Development Review Committee – The Development Review Committee for July 28, 2021 was cancelled due to office scheduling. The Committee will meet again on August 25, 2021.
- Appalachian Trail Connector Update – During a work session with the Board on August 3, 2021, it was recommended to put the project on hold. Mr. Petty has since been in communication with the Virginia Department of Transportation to schedule a meeting to discuss various options for the Appalachian Trail Connector.
- Shenandoah Valley Rail Trail – The Department of Conservation and Recreation held a webinar update on July 21, 2021, to learn about a rail-trail feasibility study in Rockingham, Shenandoah, and Warren Counties. DCR is evaluating the conversion of an inactive Norfolk-Southern railroad segment into a 48.5-mile multiuse recreational rail-trail in the Shenandoah Valley. The replay of the webinar is available at <https://www.dcr.virginia.gov/recreational-planning/shen-rail-trail>.
- Building Inspections for July

New Home Starts Year-to-Date

County	Town	Total	Total for 2020
23	1	24	24

Permits Issued Year-to-Date

2021	2020	Difference
265	239	26 (10%)

Inspections Completed Year-to-Date

2021	2020	Difference
986	1,227	241 (-19.6%)

This time last year, the Department was performing many more hospital inspections, and projects are moving slower currently due to material delays.

- Parks and Recreation
 - Current/Upcoming Programs and Activities:
 - Skyline and Warren County Middle Schools Girls Basketball Camp: August 14, 2021, Skyline Middle School, 9:00 a.m. - 2:00 p.m., Students in grades 6-8
 - Basic Pistol Shooting Class: Session I: Saturday, August 21, 2021; Session II: Saturday, October 16, 2021; and Session III: Saturday, November 13, 2021
 - Youth Volleyball Program: 5-week co-ed volleyball program; Sundays, September 21, 2021 through October 10, 2021
 - Ballet I Class: Session I: Tuesdays, September 7 through October 19, 2021 (no class on October 5, 2021); Session II: Tuesdays, October 26 through November 30, 2021
 - Additional Fall programs and activities will be posted on the Warren County Website and Facebook page this week.
 - Administration
 - Warren County Splash Pad closed due to Town of Front Royal water restrictions that began on July 27th.
 - Park Facility Projects
 - Park staff installed a memorial bench in Eastham Park on August 10th.
 - Mr. Joe Brogan, Brogan Surveying forwarded the completed survey for the basketball court area to County staff and LPDA on July 30th. Once approved, LPDA will begin the Design Development and the Construction Drawings.
 - Caitlin Jordan, Senior Assistant County Attorney, has prepared and forwarded a skatepark repair contract to the contractor for the completion of repairs to the Skyline Soccerplex skatepark bowl.
 - Elkay Retrofit Bottle Filling Station Kits were installed at the Youth Center, the Health and Human Services Complex gym and the Community Center.
- Department of Social Services – In the month of July, DSS received:
 - 108 SNAP Applications
 - 111 Medicaid Applications
 - 23 TANF Applications
 - 9 Child Care Applications
 - 1,459 Phone calls
 - 817 Lobby clients

On the Services side, in the month of July, DSS received:

- 47 CPS referrals
- 21 APS referrals

Services rendered:

- \$445.65 spent from Ministerial Fund for housing and clothing
- One Stop Resource Center every Wednesday
- July – three food giveaways – two on Wednesday evenings, one on Saturday. All very successful
- Working with People, Inc., and other stakeholders on returning Sexual Assault services to Warren County
- Facilitated donation of a Cow to Reaching Out Now for the meal program
- Helping to facilitate with other stakeholders, the implementation of Virginia Cares (through People, Inc.) in Warren County
- Received the following donations:
 - School supplies to distribute from a group of Methodist Churches
 - Virginia Hills Church is collecting backpacks/lunch bags (filled with Elementary School Supplies) for distribution

The Job Fair last week was a rousing success. Here is some basic information the Department gathered from the participants:

- 32 vendors, the majority of which heard about the job fair through word of mouth and Facebook
- 37 job seekers documented, but the Department believes the actual number was around 50, the majority of which heard about the job fair through word of mouth and Facebook
- At least 8-10 job seekers were offered employment at the job fair and another 5-10 had follow up appointments with different vendors
- One job seeker stated he received three different job offers and chose the one which allowed him to start last Friday

The majority of the feedback the Department received was overwhelmingly positive, and they have a few notes on how the job fair can be improved next time.

- Department of Fire and Rescue Services

- 2021 Volunteer Fire Academy started this past week with 12 students in attendance.
- Staff continues to evaluate our Advanced Life Support (ALS) Provider and examine the need for staffing each station to the ALS Level.
- Staff continues to evaluate COVID and the Delta Variant – Updates to response and PPE Procedures underway.
- Station 6 Building Enhancements underway, staff has found multiple issues and safety concerns. Items being forwarded to the WC Building Committee.
- Grants still pending:
 - FY-2020 SAFER Grant for 18 staff positions

- FY-2020 AFG Countywide PPE
- DHS Swiftwater PPE – 18 sets
- Training Center Fire Incident- awaiting insurance review of loss estimates.
- Added Apparatus and Vehicle Replacement to the CIP Document Request.
- PT Firefighter/Medic Ryan Ropolla added to full-time status to fill vacancy created by employee relocation out of state.
- Rivermont Fire Station – The project continues to progress towards formal completion in the next few weeks. The final payment to the contractor was made this month, and warranty items will continue to be addressed, as appropriate. They are waiting on final approval from the Department of Environmental Quality (DEQ) to obtain the final certificate of occupancy.
- Commercial/Industrial Projects – Work continues on the following projects:
 - The new Warren Memorial Hospital maintains a Temporary Certificate of Occupancy (TCO) for the entire building until both the Town of Front Royal and Department of Environmental Quality (DEQ) provide their approvals.
 - Equus Warehouse facility – The site work continues, and the building applications have started to be submitted. The contractor has indicated that they are ready to start construction soon.

Appropriations and Transfers

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below for August 2021:

Oates, Aye; Cullers, Aye; Mabe, Aye; Fox, Aye

APPROPRIATIONS

92000-7112	LCI Services	\$125.00
71030-7011	Park Development	\$5,838.00
71020-5450	Front Royal Golf Course Cart Lease	\$2,007.50

TRANSFERS

<u>FROM:</u>	Special Projects	Sheriff's Office Animal Control Vehicle	(\$2,253.89)
<u>TO:</u>	35010-7005	Sheriff's Office Animal Control Vehicle	\$2,253.89
<u>FROM:</u>	23080-0003	Clerk of Court	(\$32,289.00)
<u>TO:</u>	23080-3001	Clerk of Court	\$32,289.00
<u>FROM:</u>	23080-3001	Clerk of Court	(\$23,084.00)
	23080-3001	Clerk of Court	(\$9,205.00)

<u>TO:</u>	21060-3005	Clerk of Court	\$23,084.00
	21060-7007	Clerk of Court	\$9,205.00
<u>FROM:</u>	21060-3005	Clerk of Court	(\$3,365.26)
<u>TO:</u>	21060-5201	Clerk of Court	\$1,112.84
	21060-7007	Clerk of Court	\$1,497.07
	21060-8001	Clerk of Court	\$755.35
<u>FROM:</u>	21060-3005	Clerk of Court	(\$1,944.00)
	21060-3005	Clerk of Court	(\$8,401.00)
	21060-7001	Clerk of Court	(\$200.00)
	21060-7001	Clerk of Court	(\$2,537.07)
<u>TO:</u>	21060-7007	Clerk of Court	\$1,944.00
	21060-7007	Clerk of Court	\$8,401.00
	21060-7007	Clerk of Court	\$200.00
	21060-7007	Clerk of Court	\$2,537.07
<u>FROM:</u>	General Fund	Skyline Training Academy	(\$25,099.47)
	31900 - 3005	Contractual Services	(\$1,500.00)
	31900 - 5101	Electrical Services	(\$985.69)
	31900 - 5102	Heating Services	(\$1,549.85)
	31900 - 5406	Motor Fuel and Lube	(\$690.02)
<u>TO:</u>	31900 - 7005	Motor Vehicle Purchases	\$25,099.47
	31900 - 3002	Professional Services - Other	\$500.00
	31900 - 3004	Repairs and Maintenance	\$1,463.40
	31900 - 3010	Maintenance/Service Contracts	\$626.61
	31900 - 5203	Telecommunications	\$1,107.85
	31900 - 7001	Capital Improvement	\$732.00
	31900 - 7010	Improvements and Betterments	\$295.70

Approval of Accounts

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the list of August 2021 accounts as presented:

Fox, Aye; Mabe, Aye; Cullers, Aye; Oates, Aye

Check Numbers BLAH to BLAH Total: BLAH

Approval of Minutes

On a motion by Mr. Fox, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the following sets of minutes as presented:

- Regular Meeting of May 18, 2021
- Special Meeting of May 25, 2021 at 5:00 PM

- Special Meeting of May 25, 2021 at 7:00 PM
- Regular Meeting of June 1, 2021
- Regular Meeting of June 15, 2021
- Regular Meeting of July 20, 2021
- Regular Meeting of August 3, 2021

Oates, Aye; Cullers, Aye; Mabe, Aye; Fox, Aye

Consent Agenda

1. Adoption of Technology Systems Technician Job Description and Grade Placement – Taryn Logan
2. Removed for further discussion
3. Contract with Just Tech for New Xerox Copier – Dan Lenz
4. Resolution Regarding 426 Baugh Drive – Ed Daley/Jason Ham
5. Resolution, Authorization, and Approval for the Execution of the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding – Jason Ham

Mrs. Oates requested the removal of item 2 for further discussion.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the Consent Agenda as presented with the removal of item 2 for further discussion:

Oates, Aye; Cullers, Aye; Mabe, Aye; Fox, Aye

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY REGARDING 426 BAUGH DRIVE, FRONT ROYAL

WHEREAS, on January 16, 2018, the Board of Supervisors of the County of Warren, Virginia (the “Board”) passed a resolution entitled “Resolution of the Board of Supervisors of Warren County to Approve and Support the Acquisition by the Economic Development Authority of Property and Improvements at 426 Baugh Drive from Westrock, LLC” (the “Prior Resolution”); and

WHEREAS, the Prior Resolution provided that Warren County, Virginia (the “County”) agreed to support the purchase of property and improvements located at 426 Baugh Drive, Front Royal Virginia (the “Property”) by the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the “EDA”) through funding the debt service on the Property; and

WHEREAS, the Prior resolution stated that the EDA would purchase the Property “for the purpose of attracting one or more industrial users to purchase and/or lease all or portions of the Property”; and

WHEREAS, on June 1, 2021, the EDA entered into a lease with Sysco Corporation (the “Lease”), which Lease provides funds to the EDA that exceed the debt service on the Property.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Warren, Virginia hereby repeals the portion of the Prior Resolution that provides support for the debt service regarding the Property to the EDA. In the event that the Lease is terminated or not renewed, the Board shall consider any future request of the EDA to provide debt service assistance regarding the Property during the time period that the Property remains unsold and has not been leased. The County Administrator and his designees are authorized to take such further actions as are reasonably necessary to carry out the terms and intent of this Resolution.

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY, VIRGINIA
AUTHORIZING THE EXECUTION OF VIRGINIA ABATEMENT FUND AND SETTLEMENT
ALLOCATION MEMORANDUM OF UNDERSTANDING

WHEREAS, the County of Warren, through their elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities;

WHEREAS, the County of Warren and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same;

WHEREAS, in order to advance their common interests, the County of Warren and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries;

WHEREAS, the County’s outside opioid litigation counsel has recommended that the County approve the proposed memorandum of understanding; and

WHEREAS, the County Attorney has reviewed the available information about the proposed memorandum of understanding and concurs with the recommendation of outside counsel.

NOW, THEREFORE, BE IT RESOLVED by the County of Warren, assembled on this day at which a quorum is present, that the County of Warren hereby authorizes and approves, or confirms authorization and approval, of the Virginia Abatement Fund and Settlement

Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit "A", and directs the County Administrator or the County Attorney to execute and enter into such Memorandum of Understanding on behalf of the County of Warren.

Adoption of Deputy Public Works Director Job Description and Grade Placement – Taryn Logan

Mrs. Oates said she pulled this item because she wanted to confirm the funding for the position, especially since the salary range for the position is so broad. She wants to discuss the actual target salary range and potential budgetary impacts.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors postponed further discussion on this item to the work session on September 7, 2021:

Fox, Aye; Mabe, Aye; Cullers, Aye; Oates, Aye

Adjournment

Mrs. Cullers adjourned the meeting at 9:14 PM.



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE September 7, 2021	ITEM G	SUBJECT: Adoption of Agreement for Regional Broadband Services	PAGE 1 OF
<u>EXPLANATION & SUMMARY:</u> The Board of Supervisors established County-wide broadband funding as a primary goal in 2020. On July 20, 2021, the Board of Supervisors approved a Phase I agreement authorizing the submission of a preliminary application to the Commonwealth of Virginia for regional funding from the 2022 Virginia Telecommunication Initiative (VATI). This regional broadband initiative includes the Commonwealth of Virginia, utility companies (i.e., Dominion) and cooperatives (i.e., Rappahannock Electric Cooperative), other local governments, the Northern Shenandoah Valley Regional Commission, and All Points Broadband. At this time, All Points Broadband is requesting the Board of Supervisors consider the adoption of the attached resolution electing to continue its participation into Phase II of the initiative and to authorize an application for financial assistance. This approval is required prior to September 14, 2021. Further information will be provided as the project develops. <u>COST & FINANCING:</u> The County cost for this project is \$6,900,000, contingent upon receipt of VATI funds from the Commonwealth. The County share will be paid from the County's allocation of the American Rescue Plan Act of 2021. <u>PROPOSED OR SUGGESTED MOTIONS:</u> I move that the Board of Supervisors adopt the proposed resolution affirming the County's participation in the Phase II agreement for regional broadband services. OR I move that the Board not adopt the proposed resolution for regional broadband services.			
SUBMITTED BY: Edwin C. Daley, County Administrator	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)		PROCESSED BY:

RESOLUTION



of the Board of Supervisors of Warren County

WHEREAS, achieving universal broadband availability for Warren County (the "County") is a priority of the Warren County Board of Supervisors ("Board"); and

WHEREAS, the County is a party to that certain Phase One Memorandum of Understanding dated as of June 30, 2021 (the "Regional Broadband MOU") entered into by and between Dominion Energy Virginia, All Points Broadband Partners, LLC ("All Points"), Shenandoah Valley Electric Cooperative, Rappahannock Electric Cooperative, the County, and certain other Participating Localities; and

WHEREAS, the County desires to continue into Phase II of the Initiative as described in the Regional Broadband MOU; and

WHEREAS, the County desires to seek grant funding to support broadband deployment within the County through the 2022 Virginia Telecommunication Initiative ("VATI") as part of the regional initiative in collaboration with the Northern Shenandoah Valley Regional Commission ("NSVRC").

THEREFORE BE IT RESOLVED by the Warren County Board of Supervisors that Warren County elects to continue into Phase II of the Initiative described in the Regional Broadband MOU;

BE IT FURTHER RESOLVED that Warren County elects to participate in the VATI application related to the Regional Broadband MOU to be submitted by NSVRC and All Points on behalf of the County and other Participating Localities (the "Regional Application");

BE IT FURTHER RESOLVED that Warren County's local match commitment to be reflected in the Regional Application shall be six million, nine hundred thousand dollars (\$6,900,000), which local match commitment shall be contingent on receipt of an award of VATI funds; and

IT IS FINALLY RESOLVED that the County Administrator or his/her designee is authorized to take such further acts in support of the Regional Application as may be appropriate and consistent with these resolutions.

Adopted: September 7, 2021

Cheryl L. Cullers, Chair
Warren County Board of Supervisors

ATTEST:

Edwin C. Daley, Clerk
Warren County Board of Supervisors



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
September 7, 2021	H-1	Use of Courthouse Grounds – Northern Shenandoah Valley Chapter of Coming to the Table	
<u>EXPLANATION & SUMMARY:</u> Please see attached correspondence from Julie Chickery, resident of Warren County and Committee Member with the Northern Shenandoah Valley Chapter of Coming to the Table, requesting to place small flags, an all-weather yard sign poster, and an all-weather literature box with trifold brochures on the Courthouse lawn to recognize and honor the formerly enslaved persons of Warren County. <u>COST & FINANCING:</u> N/A <u>PROPOSED OR SUGGESTED MOTION:</u> I move that the Board of Supervisors authorize Coming to the Table to place small flags, an all-weather yard sign poster, and an all-weather literature box with trifold brochures on the Courthouse lawn to recognize and honor the formerly enslaved persons of Warren County. OR I move that the Board of Supervisors not authorize Coming to the Table to place small flags, an all-weather yard sign poster, and an all-weather literature box with trifold brochures on the Courthouse lawn. OR I move that the Board of Supervisors postpone discussion until _____.			
SUBMITTED BY: Emily M. Ciarrocchi, Deputy Clerk of the Board	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)		PROCESSED BY:

Date: August 31, 2021

Warren County Board of Supervisors
220 North Commerce Avenue
Front Royal, VA 22630

Subject: Warren County Courthouse Lawn Display

Dear Members of the Warren County Board of Supervisors:

On behalf of the Northern Shenandoah Valley Chapter of Coming to the Table, I'd like to request permission for a display on the Warren County Courthouse lawn.

Coming to the Table is a national organization whose vision for the United States is a just and truthful society that acknowledges and seeks to heal from the racial wounds of the past—from slavery and the many forms of racism it spawned.

A significant number of our local chapter's members are Warren County residents, and when able to meet in person, our meetings are held in Front Royal. You can learn more about us at <https://comingtothetable.org/organizer/front-royal/>.

The display that we propose would recognize and honor the formerly enslaved persons of Warren County as follows:

Display Location: Lawn of the Warren County Courthouse (same location as the Laurel Center's display in April 2021).

Display Size: We are currently reviewing records to determine the exact number, but estimate 350 flags (one for every ten enslaved). The flags would be small utility marker flags that typically measure no greater than 4 x 5 inches on a 15-inch steel wire.

Other Display Components: We'd also like to include an all-weather yard-sign style poster that explains the purpose of the flags, as well as an all-weather literature box with tri-fold brochures interested visitors can take with them.

Display Duration: September 25, 2021 - October 9, 2021

If you have any questions or require additional information, please feel free to contact me.

Sincerely,



Julie Chickery
Resident, Warren County
Committee Member, Coming to the Table - Northern Shenandoah Valley Chapter
Phone: 210-831-0597
Email: julie.chickery@gmail.com



Taking America (USA) Beyond the Legacy of Enslavement

COMING TO THE TABLE



Coming to the Table was founded by descendants of enslavers and the enslaved committed to constructively address the legacy of slavery in the spirit of Rev. Dr. Martin Luther King, Jr's Dream that one day... *"the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood."*

Vision

Our vision for the United States is of a just and truthful society that acknowledges and seeks to heal from the racial wounds of the past—from slavery and the many forms of racism it spawned.

Mission

Coming to the Table provides leadership, resources, and a supportive environment for all who wish to acknowledge and heal wounds from racism that is rooted in the United States' history of slavery.

Approach

The CTTT approach to achieving our vision and mission involves four interrelated practices:

1. **Uncovering History:** researching, acknowledging, and sharing personal, family and community histories of race with openness and honesty
2. **Making Connections:** connecting to others within and across racial lines in order to develop and deepen relationships
3. **Working Toward Healing:** exploring how we can heal together through dialogue, reunion, ritual, ceremony, the arts, apology and other methods
4. **Taking Action:** actively seeking to heal the wounds of racial inequality and injustice and to support racial reconciliation between individuals, within families, and in communities

Values

The Values upon which Coming to the Table operates are Inclusion, Respect and Tolerance, Honesty, Truthfulness and Transparency, Compassion, Mercy, and Forgiveness, Love, Peace and Nonviolence, and Reconciliation.

For more information visit:
www.comingtothetable.org



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
September 7, 2021	H-2	Shenandoah Rail -Trail Exploratory Partnership Funding Request	

EXPLANATION & SUMMARY:

The Shenandoah Rail Trail Exploratory Partnership previously met with the Board of Supervisors at a work session on April 6, 2021 to discuss the proposed railway from Broadway to the VFW Park in Front Royal. Supervisor Delores Oates and Planning Director Joe Petty represent Warren County on this project. The project has been moving forward.

The Partnership seeks to enter into agreement with The Conservation Fund to contract with Miller, Long and Associates to do an appraisal of the 48.5 mile rail corridor running from milepost 51 in Front Royal to milepost 99.5 in Broadway. This appraisal work is necessary to begin negotiations with Norfolk Southern Railroad Corporation for the acquisition of property for the proposed conversion into a trail.

The cost is \$60,000. It is requested that Rockingham, Shenandoah, and Warren Counties each allocate \$15,000 to the Northern Shenandoah Valley Regional Commission, who is the fiscal agent, for this project. The remaining \$15,000 has been donated from private sources.

COST & FINANCING:

The agreed upon cost of this program is \$60,000. The Warren County portion is \$15,000. Funding is proposed from the Appalachian Trail funds reserved in Special Projects.

PROPOSED OR SUGGESTED MOTION:

I move the Board of Supervisors approve the allocation of \$15,000 to the Northern Shenandoah Valley Regional Commission for the appraisal work for the Shenandoah Rail Trail Exploratory Project.

Or

I move the Board of Supervisors not approve the funding request for the appraisal work for the Shenandoah Rail-Trail Exploratory Project.

Or

I move the Board of Supervisors amend the funding request as follows: _____

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Edwin C. Daley, County Administrator		



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT	PAGE 1 OF
September 7, 2021	H-3	FR/WC Airport - Contract with Wells Roofing for Terminal Roof Replacement.	

EXPLANATION & SUMMARY:

The current Airport Terminal Roof is in desperate need of replacement, losing shingles during every storm event and water has entered the terminal during one storm event this summer. Public Works staff have patched and replaced shingles but a new roof is necessary. The County has applied and received maintenance grant funding approval from the Virginia Department of Aviation (DOAV) for 78% of the eligible Project costs.

The Scope of Work will include labor, materials and equipment to install the Metal Roof system (20 year weathertightness manufacturer warranty), gutter system (2 year contractor warranty) and color guard snow rail system (2 year contractor warranty).

COST & FINANCING:

\$67,626.00 DOAV grant funding

\$19,074.00 from Airport maintenance budget line item funding and special project funding

\$86,700.00 Total

PROPOSED MOTION(S):

I move the Board of Supervisors authorize contracting with Wells Roofing for the replacement of the Terminal Roof at a total contract price of \$86,700.00 in accordance with the Scope of Work as presented and approved by the Virginia Department of Aviation.

OR

I move that we postpone consideration of this matter until _____.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Michael R. Berry Public Works Director MRB		



Vice President:
Brandon I Wells

TO: Warren County / Front Royal Airport terminal
RE: Metal roof replacement
LOCATION:
DATE: 06/16/2021

SCOPE OF WORK:

LABOR, MATERIALS, AND EQUIPMENT TO INSTALL THE FOLLOWING:

METAL ROOF SYSTEM: 6500 SF

Removal and disposal of existing shingle roof and flashings down to wood decking. Installation of Hi-temp ice & water shield on entire roof deck. Installation of Englert .024 gauge prefinished standing seam metal roof system with a 1.5" high double lock seam and a 16" wide panel. All metal roof flashings is to be fabricated from same material as metal roof system, color to be manufacturers standard color. Warranty: Manufacturers 20-year weathertightness warranty

GUTTER SYSTEM:

Installation of .032 prefinished aluminum 6" seamless OG gutters with hidden hangers to be installed at 24" on center, downspouts to be 4"x5". Color is to be standard.
Warranty: Manufacturers material warranty and a 2 year roofing contractor installation warranty.

S5 SNOW GUARD SYSEYEM:

Installation S5 color guard snow rail system, color to match roof color.
Warranty: Manufacturers material warranty and a 2 year roofing contractor installation warranty.

TOTAL BASE BID: \$86,700.00

NOTE: All wood work is to be done on a T/M basis at \$75 per man hour plus materials.

All work to be done to meet manufacturers standards and per plans.

Schedule of work to be performed about 3 to 4 weeks.

Material prices are good for 30 days from the date of this proposal.

If this proposal is accepted, Wells Roofing Inc. will provide a more detailed contract including it's terms and conditions of the contract as well as it's payment schedules.

Building permit is to be supplied by others.

BRANDON WELLS
540-325-5887 (cell)

PROJECT INFORMATION:

NAME OF PROJECT: FRONT ROYAL & WARREN CO. TERMINAL RE-ROOFING PROJECT
ADDRESS: 229 STOKES AIRPORT ROAD (Route 615)
AUTHORIZED AGENT: JEFFREY HAYES
ARCHITECT: FREDERICK ANDREAE ARCHITECTS
ADDRESS: 25 SOUTH ROYAL AVE., FRONT ROYAL, VA 22630

BUILDING CODE INFORMATION:

BUILDING CODE EDITION: IBC 2015 AND THE VIRGINIA REBAR CODE 2015
BUILDING CODE ENFORCEMENT JURISDICTION: WARREN COUNTY, VA

ALLOWABLE BUILDING HEIGHT & AREA:

USE & OCCUPANCY CLASSIFICATION: BUSINESS
CONSTRUCTION TYPE: NOT APPLICABLE, EXISTING TO REMAIN
SPRINKLERS: NOT APPLICABLE, EXISTING TO REMAIN
EXISTING ROOF AREA GROSS: +/- 5,750 SQ. FT.

LIFE SAFETY SYSTEM REQUIREMENTS: NA**DESIGN LOADS**

IBC (2015) AS MODIFIED BY THE 2015 VIRGINIA UNIFORM STATEWIDE BUILDING CODE

SNOW LOADS		SPECIAL CONSIDERATIONS
LOAD TYPE	LOAD (PSF)	
SNOW	35	
DRAFT		
SNOW PARAMETER		SPECIAL CONSIDERATIONS
GROUND SNOW LOAD (P_g)	35	
SNOW EXPOSURE FACTOR (C_e)	0.9	
SNOW LOAD IMPORTANCE FACTOR (I)	1.2*	
TERRAIN EXPOSURE	C	
WIND DESIGN PARAMETERS		SPECIAL CONSIDERATIONS
PARAMETER	VALUE	
BASIC WIND SPEED	90 MPH	
ULTIMATE WIND SPEED	120 MPH*	3 SECOND GUST
WIND EXPOSURE	C	

* A SPECIAL CONSIDERATION BECAUSE THE AIRPORT IS AN ESSENTIAL FACILITY.



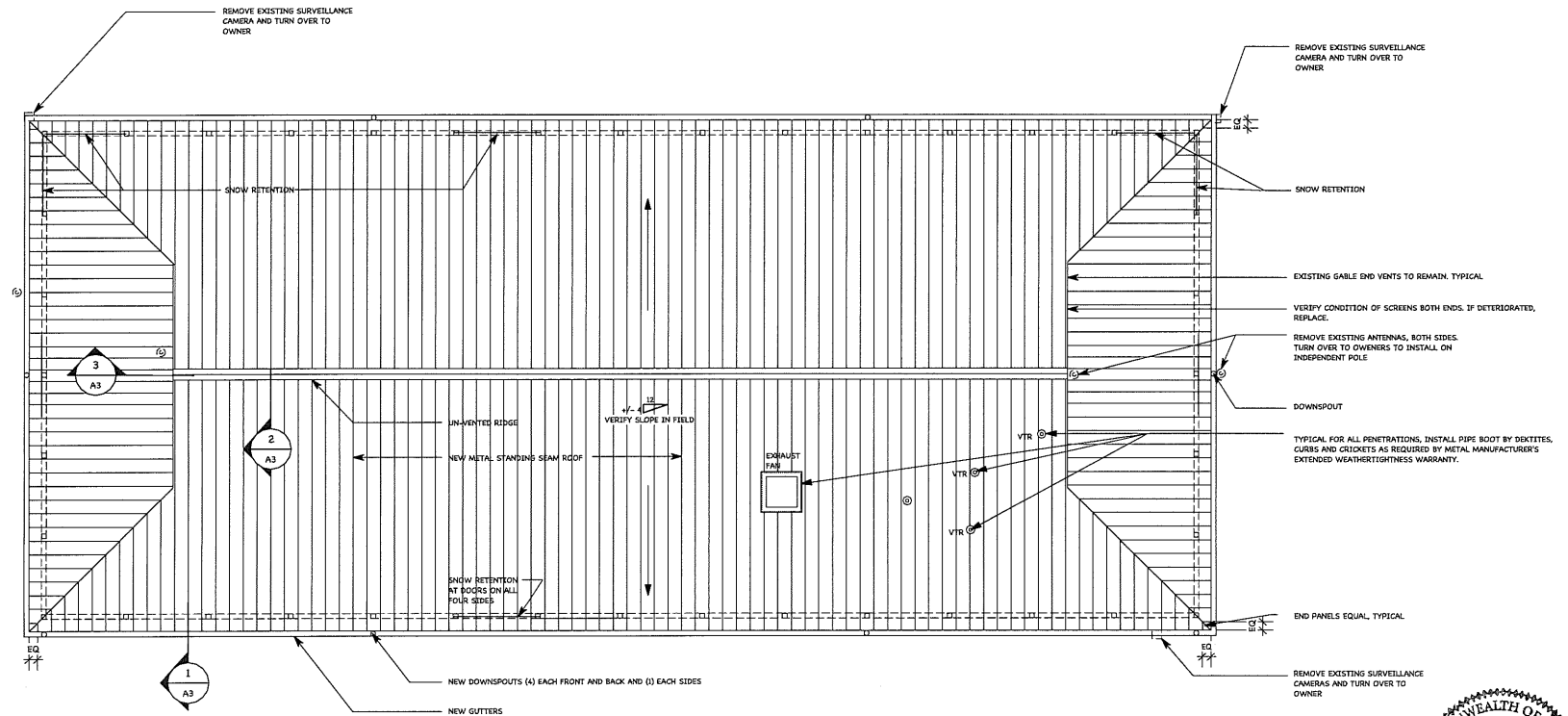
**FRONT ROYAL & WARREN COUNTY
AIRPORT TERMINAL
RE-ROOFING**
229 STOKES AIRPORT ROAD (Route 615)
FRONT ROYAL, VA 22630

Client Contact:

Jeffrey Hayes
Project Manager
Warren County Administrator's Office
220 North Commerce Avenue
Front Royal, VA 22630
540-636-4600

Architect Contact:

Fred Andrae
Frederick Andrae Architects
25 South Royal Ave.
Front Royal, VA 22630
540-635-5135



PROJECT SCOPE

1. THIS RE-ROOFING PROJECT IS ON THE WARREN CO/ FRONT ROYAL AIRPORT TERMINAL LOCATED AT 229 STOKES AIRPORT ROAD (ROUTE 415), FRONT ROYAL, VA 22630.
2. SCOPE OF WORK SHALL INCLUDE:
 - a. THE REMOVAL OF EXISTING FIBERGLASS SHINGLES, UNDERLAYMENT, GABLE TRIM, GUTTERS AND DOWNSPOUTS, EXISTING SHEATHINGS SHALL REMAIN.
 - b. THE REMOVAL OF EXISTING ANTENNAE LOCATED ON THE ROOF AND SURVEILLANCE CAMERAS LOCATED AT THE GUTTER LEVEL.
 - c. THE REPLACEMENT OF ANY ROTTEN WOOD OR RUSTED METAL FOUND AFTER DEMOLITION.
 - d. THE INSTALLATION OF UNDERLAYMENT AND NEW STANDING SEAM ROOFING.
 - e. THE INSTALLATION OF NEW GUTTERS AND DOWNSPOUTS AND SPLASH BLOCKS.
 - f. THE INSTALLATION OF NEW FLASHINGS AND TRIM AT THE GABLE ENDS.
3. CONTRACTOR SHALL PROVIDE ALL LABOR, MATERIALS, TOOLS, EQUIPMENT AND SERVICES TO FURNISH AND INSTALL METAL ROOFING, FLASHING, TRIM AND ALL OTHER ACCESSORIES TO MAKE THE SYSTEMS COMPLETE AND WEATHERTIGHT, AS INDICATED ON THE DRAWINGS AND SPECIFIED HEREIN.
3. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS AND PRODUCT INFORMATION FOR APPROVAL BEFORE PURCHASE OF MATERIALS OF THE FOLLOWING:
UNDERLAYMENT SELF-ADHERED
METAL ROOF-SEE SPECIFICATIONS

4. CONSTRUCTION DOCUMENTS ARE BASED ON SITE FORMED STANDING SEAM ARCHITECTURAL METAL ROOFING SYSTEM WITH MECHANICALLY FASTENED SEAMS, 24 GAUGE, 1 1/2" HIGH SEAM, 20" PANEL WITH 180 DEGREE FOLD. MANUFACTURER SHALL BE ENGLERT, MCCLROY OR PAC-CLAD PETERSEN.

5. PRODUCT SUBSTITUTION REQUESTS SHALL BE SUBMITTED IN WRITING ON THE CSI SUBSTITUTION REQUEST FORM AT LEAST 7 WORKING DAYS BEFORE BID IS DUE.

PROJECT NOTES

GENERAL NOTES

1. WORK SHALL COMPLY WITH ALL APPLICABLE LOCAL AND STATE CODES, ORDINANCES AND REGULATIONS AND THE VIRGINIA REHABILITATION CODE 2015 AND THE 2015 VIRGINIA CONSTRUCTION CODE.
2. IN AREAS WHERE DRAWINGS DO NOT ADDRESS METHODOLOGY, THE CONTRACTOR SHALL FOLLOW THE MANUFACTURER'S SPECIFICATIONS AND/OR RECOMMENDATIONS.
3. FIELD VERIFICATION OF DIMENSIONS, EXISTING SITE CONDITIONS ARE THE RESPONSIBILITY OF THE CONTRACTOR.
4. NOTED DIMENSIONS TAKE PRECEDENCE OVER SCALE. IF THERE ARE CONFLICTS BETWEEN DIMENSIONS AND SITE CONDITIONS, CONSULT ARCHITECT BEFORE PROCEEDING.
5. GENERAL NOTES AND DETAILS APPLY THROUGHOUT THE JOB UNLESS OTHERWISE NOTED.
6. THE CONTRACTOR SHALL COMPARE AND COORDINATE ALL DRAWINGS. WHEN IN THE OPINION OF THE CONTRACTOR A DISCREPANCY EXISTS, THE CONTRACTOR SHALL PROMPTLY REPORT IT TO THE ARCHITECT FOR PROPER ADJUSTMENT BEFORE PROCEEDING WITH THE WORK.
7. IN THE EVENT CERTAIN FEATURES OF THE CONSTRUCTION ARE NOT FULLY SHOWN ON THE DRAWINGS, THE CONSTRUCTION SHALL BE OF THE SAME CHARACTER AS IS SHOWN OR NOTED.
8. THE COUNTY OF WARREN AND/OR THE ARCHITECT WILL NOT BE RESPONSIBLE FOR AND WILL NOT HAVE CONTROL OVER CONSTRUCTION, MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.

9. TOUCH-UP OR REPLACE IN KIND ALL FINISHES TO RESTORE DAMAGED OR SOILED AREAS. CLEAN ALL AREAS IN CONTACT WHERE TOUCH-UP INCLUDES PAINTING, NEW PAINT MUST COVER TO CLOSEST CORNER.
10. THIS PROJECT WILL REQUIRE SPECIAL STAGING TO ACCOMMODATE THE PUBLIC. THE FACILITIES WILL BE OCCUPIED DURING THE CONSTRUCTION PROCESS, A PRE-BID MEETING SHALL BE HELD TO DISCUSS STAGING. WORK SHALL BE COORDINATED WITH BUILDING OCCUPANTS.
11. ANY PLANNED DISRUPTION OF UTI-INS TO EXISTING UTILITIES SHALL BE COORDINATED WITH THE COUNTY REPRESENTATIVE AND FACILITY OCCUPANTS. WITH THE EXCEPTION OF EMERGENCIES, THERE SHALL BE A 24 HOUR NOTICE GIVEN BY THE CONTRACTOR TO OWNER AND OCCUPANTS AFFECTED BY UTILITY INTERRUPTIONS.
12. PROJECT SCHEDULE SHALL BE REVIEWED AND APPROVED BY THE OWNER'S REPRESENTATIVE AND THE ARCHITECT.
13. CONTRACTOR SHALL MAINTAIN A CLASS A LICENSE AND CARRY WORKMAN'S COMPENSATION AND PUBLIC LIABILITY INSURANCE. CONTRACTOR SHALL HAVE AT LEAST (30) YEARS OF COMMERCIAL WORK EXPERIENCE INSTALLING MECHANICALLY FASTENED STANDING SEAM METAL ROOF, EAVE TRIM AND GUTTERS/DOWNSPOUTS. CONTRACTOR SHALL BE CERTIFIED BY THE METAL ROOFING MANUFACTURERS TO INSTALL THEIR WEATHERTIGHTNESS EXTENDED WARRANTY.

14. ADDITIONAL REQUIREMENTS AS STIPULATED BY COUNTY OF WARREN IN THEIR BID PACKAGE.
15. SITE CLEAN-UP SHALL BE DAILY.

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20. ADDITIONAL REQUIREMENTS AS STIPULATED BY COUNTY OF WARREN IN THEIR BID PACKAGE.
21. SITE CLEAN-UP SHALL BE DAILY.

BUILDING SPECIFICATIONS

DEMOLITION

1. REMOVE EXISTING FIBERGLASS SHINGLES AND UNDERLAYMENT. CONTRACTOR SHALL REPLACE ANY EXISTING SHEATHING THAT IS DETERIORATED. IF EXTENSIVE DETERIORATION IS FOUND, NOTIFY OWNER.
2. REMOVE EXISTING GUTTERS, DOWNSPOUTS AND RAKE TRIM.
3. CONTRACTOR SHALL DISPOSE OF REMOVED ITEMS PROPERLY.

METALS

1. STANDING SEAM METAL ROOF PANELS:

- a. PRE-INSTALLATION MEETINGS
- b. PROVIDE AND FINALIZE CONSTRUCTION SCHEDULE AND VERIFY AVAILABILITY OF MATERIALS, INSTALLER'S PERSONNEL, EQUIPMENT AND FACILITIES NEEDED TO MAKE PROGRESS AND AVOID DELAYS.
- c. REVIEW METHODS AND PROCEDURES RELATED TO METAL PANEL INSTALLATION AND SINGLE PLY INSTALLATION, INCLUDING MANUFACTURER'S WRITTEN INSTRUCTIONS.
- d. EXAMINE SUPPORT CONDITIONS FOR COMPLIANCE WITH REQUIREMENTS, INCLUDING ALIGNMENT BETWEEN AND ATTACHMENT TO STRUCTURAL MEMBERS.
- e. REVIEW STRUCTURAL LOADING LIMITATIONS OF DECK DURING AND AFTER ROOFING.
- f. REVIEW FLASHINGS, SPECIAL DETAILS, DRAINAGE, PENETRATIONS, CURBS AND CONDITIONS OF OTHER CONSTRUCTION THAT AFFECT METAL PANELS.
- g. REVIEW GOVERNING REGULATIONS AND REQUIREMENTS FOR INSURANCE, CERTIFICATES AND TESTS AND INSPECTIONS IF APPLICABLE.
- h. REVIEW PROCEDURES FOR REPAIR OF METAL PANELS IF NEEDED AFTER INSTALLATION.
- i. DOCUMENT PROCEEDINGS, INCLUDING CORRECTIVE MEASURES AND ACTIONS REQUIRED, AND FURNISH COPY OF RECORD TO EACH PARTICIPANT.

2. QUALITY ASSURANCE

- 1) INSTALLATION: BY A ROOFING CONTRACTOR WITH AT LEAST A MINIMUM OF TEN YEARS EXPERIENCE

IN INSTALLING SIMILAR TYPES OF CONSTRUCTION AND DOCUMENTING SUCCESSFUL COMPLETION OF CONTRACTS FOR PROJECTS SIMILAR IN SIZE, SCOPE AND PRODUCTS.

- 2) CONTRACTOR SHALL BE CERTIFIED BY ROOFING MANUFACTURER TO INSTALL THEIR STANDING SEAM METAL ROOF SYSTEMS AND PROVIDE A WEATHERTIGHTNESS 20 YEAR WARRANTY.
- 3) BEFORE FABRICATION, THE CONTRACTOR SHALL TAKE FIELD MEASUREMENTS OF THE STRUCTURE AND SUBSTRATES INDICATING AND SPECIFY AND ENSURE THAT PANEL LENGTHS AND BRAKE FORMED FLASHINGS ARE DIMENSIONED ACCURATELY TO FACILITATE EASY INSTALLATION. FABRICATION SHALL NOT BEGIN UNTIL ALL FIELD CONDITIONS HAVE BEEN VERIFIED. ALLOW FOR SUFFICIENT TRIMMINGS OF PANEL UNITS AT EAVES, RIDGE AND PENETRATIONS.

3. SUBMITTALS

- 1) SUBMIT PRODUCT LITERATURE, SHOP DRAWINGS AND SAMPLES.
- 2) PRODUCT LITERATURE:
 - a. MANUFACTURER'S DESCRIPTIVE LITERATURE.
 - b. MANUFACTURER'S STANDARD COLOR CHART.
- 3) SHOP DRAWINGS SHALL INCLUDE A SMALL SCALE LAYOUT OF ROOF PLAN, INDICATING THE EXTENT OF WORK TO BE PERFORMED FOR METAL ROOFING. DRAWINGS SHALL INCLUDE SECTIONS OF ROOF AND GABLE FASCIA AND FOR EACH CONDITION, DETAILING FLASHING AND TRIM FOR DIFFERENT CONDITIONS SUCH AS HIPS, RIDGE, GUTTERS, END WALL TERMINATIONS, CLOSURES, ETC., SHOWING A FULL AND COMPLETE INSTALLATION. SHOW SEQUENCEMENT OF METAL PANELS AND CLIPS, SPACING, TYPE AND NUMBER OF FASTENERS AS RECOMMENDED BY THE MANUFACTURER.
- 4) SUBMIT PROFESSIONAL ENGINEER'S CALCULATIONS SHOWING ANCHORING OF THE ROOF PANELS TO THE BUILDING.
- 5) SUBMIT 10" LONG SAMPLE PANEL, INDICATING THE METAL, GAUGE, COLOR, TEXTURE, AND FINISH PROPOSED.
- 6) SUBMIT SAMPLE MANUFACTURER'S WARRANTIES COVERING THE SUBSTRATES AGAINST RUPTURE, PERFORATION AND STRUCTURAL FAILURE DUE TO NORMAL ATMOSPHERIC CORROSION.
- 7) SUBMIT SAMPLE MANUFACTURER'S WARRANTY ON MILL FINISH AGAINST CRAACKING, PEELING, BUBBLING, CHALK, AND COLOR CHANGE.
- 8) SUBMIT TEST REPORTS COMPLYING WITH FINISH SPECIFICATIONS.

4. CLOSEOUT SUBMITTALS

- 1) MAINTENANCE DATA TO INCLUDE MAINTENANCE MANUALS AND REBUILT AS-BUILTS.

5. DELIVERY, STORAGE, AND HANDLING

- 1) UNLOAD AND STORE MATERIALS AT JOB-SITE TO PROTECT THEM FROM ANY DAMAGE.
- 2) INSPECT DELIVERED MATERIAL. PREVENT INTERFERENCE BY OTHER TRADES OR ANY OTHER ADVERSE JOB CONDITIONS.
- 3) STORE MATERIALS ABOVE GROUND, ON SKIDS. PROTECT MATERIAL WITH WATERPROOF COVERING AND ALLOW SUFFICIENT VENTILATION TO PREVENT CONDENSATION BUILD-UP OR MOISTURE ENTRAPMENT IN THE MATERIALS.
- 4) FOLLOW MANUFACTURER'S RECOMMENDATIONS.

6. WARRANTY:

- 1) SHALL INCLUDE THE MANUFACTURER'S WARRANTIES TO REPAIR OR REPLACE COMPONENTS OF THE METAL ROOF THAT FAIL THROUGH RUPTURE, CRAACKING, PUNCTURING, PERFORATION OR FROM STRUCTURALLY FAILING DUE TO NORMAL ATMOSPHERIC CONDITIONS FOR A PERIOD OF TWENTY (20) YEARS. IN ADDITION, MANUFACTURER SHALL PROVIDE A 30-YEAR WARRANTY ON PANEL FINISHES WITH REPAIR FINISH OR REPLACE METAL PANELS THAT SHOW EVIDENCE OF DETERIORATION INCLUDING BUT NOT LIMITED TO THE FOLLOWING: PEELING AND BUBBLING, CHALKING, AND FADING (COLOR CHANGE).
- 2) SHALL INCLUDE A 20 YEAR EXTENDED WEATHERTIGHT WARRANTY WITH PENETRATION COVERAGE, IN WHICH THE MANUFACTURER AND ROOFING INSTALLER BOTH AGREE TO REPAIR OR REPLACE STANDING-SEAM ROOF PANEL ASSEMBLIES THAT FAIL, INCLUDING LEAKS. INSTALLER MUST BE CERTIFIED BY THE ROOF MANUFACTURER.

7. ROOF PANEL SYSTEMS:

- 1) PANEL SYSTEM SHALL BE ARCHITECTURAL STANDING SEAM METAL ROOFING SYSTEM WITH A 1 1/2" HIGH SEAM MECHANICALLY FASTENED DOUBLE LOCKED 16" WIDE FLAT PANEL. WITH 180 DEGREE FOLD. NOTCHES SHALL BE PRECISION CUT WITH NO JAGGED EDGES. SEALANT SHALL BE APPLIED AT THE PANEL INTERLOCK. THE PANELS SHALL HAVE FINISH AS SPECIFIED BELOW. MANUFACTURERS SHALL BE ENGLERT 1300, MCCLROY MAXIMA AND PAC-CLAD PETERSEN PAC-150.
- 2) FLOATING CLIP SHALL ACCOMMODATE THERMAL MOVEMENT. SPACING SHALL BE CALCULATED UTILIZING ASCE 7 FOR WIND SPEEDING AND IN ACCORDANCE WITH LOCAL BUILDING CODES. SHOP DRAWINGS SHALL INCLUDE CALCULATIONS AND SHALL BE SEALED BY STRUCTURAL ENGINEER.
- 3) SCREWS SHALL BE AS RECOMMENDED BY ROOFING MANUFACTURER. SCREWS SHALL BE SET IN BED OF SEALANT AS RECOMMENDED BY ROOF MANUFACTURER.
- 4) RIDGE SHALL BE UNVENTED AND INSTALLED WITH CONCEALED FASTENERS PER MANUFACTURER'S RECOMMENDATIONS.
- 5) EAVE DRIP EDGE SHALL EXTEND 4" UP THE ROOF AND OVERHANGS THE SHEATHING 1 1/2" AND TURN DOWN 1 1/2". THE ROOF PANELS SHALL LAP OVER THE DRIP EDGE AND BE FOLDED UNDER THE OVERHANG (SEE DRAWINGS).
- 6) RAKE FLASHING (SEE DRAWINGS).
- 7) SUBSTRATE:
 - a. 24 GAUGE.
- 8) PERFORMANCE:
 - a. ASTM E-283-84 AIR INFILTRATION: MAXIMUM OF 0.003 CFM/FT² AT 10 PSF PRESSURE DIFFERENTIAL ON 180 DEGREES SEAMED PROFILE AND 0.004 CFM/FT² AT 20 PSF PRESSURE DIFFERENTIAL.
 - b. ASTM E-331-10 WATER PENETRATION: NO EVIDENCE OF UNCONTROLLED LEAKAGE ON 180 DEGREES SEAMED PANEL AT 20 PSF PRESSURE DIFFERENTIAL.
- 9) PANEL SHALL DISPLAY A FLAME SPREAD CLASSIFICATION OF A (CLASS I) WHEN TESTED IN ACCORDANCE WITH ASTM E-84-87.
- 10) PANEL SHALL MEET THE REQUIREMENTS OF UL-580, CLASS-0 WIND UPLIFT RESISTANCE.
- 11) PANEL SYSTEM SHALL HAVE BEEN TESTED AND HAVE MET THE DATED COUNTY FLORIDA NON-STRUCTURAL ROOFING SYSTEM CRITERIA.
- 12) PANEL SYSTEM SHALL HAVE BEEN TESTED AND HAVE MET ASTM-E-1840-95 STANDARD TEST METHOD FOR RATE OF AIR LEAKAGE THROUGH EXTERIOR METAL ROOF PANEL SYSTEMS.
- 13) PANEL SYSTEM SHALL HAVE BEEN TESTED AND HAVE MET ASTM-E-1844-95 STANDARD TEST METHOD FOR WATER PENETRATION OF METAL ROOF PANEL SYSTEM BY UNIFORM STATIC AIR PRESSURE DIFFERENCE.
- 14) PANEL SYSTEM SHALL HAVE BEEN TESTED AND HAVE MET ASTM-E-1592 WIND UPLIFT CRITERIA.

8. FABRICATION

- 1) PANEL CONSTRUCTION: PANELS SHALL BE UNIFORMLY DIMENSIONED, ROLL FORMED TO EXACT LENGTHS TO AVOID TRIMMING. THE PANEL SYSTEM SHALL BE ANCHORED AS RECOMMENDED BY THE MANUFACTURER. ALL FASTENERS SHALL BE CONCEALED. PANELS SHALL BE CONTINUOUS FROM RIDGE TO EAVES WITH NO END LAPS. THERE SHALL BE NO FACE PENETRATION OF PANELS EXCEPT AS APPROVED BY THE ARCHITECT FOR SECURING PANELS TO FACILITATE DIRECTIONAL EXPANSION/CONTRACTION.
- 2) FLASHING AND TRIM: ALL EXPOSED STANDARD OR SPECIAL FLASHING/TRIM AND SUCH OTHER TRANSFORMED IN THE SAME GAUGE, COLOR, AND FINISH TO MATCH ROOFING PANELS, FURNISHED WITH PROTECTIVE STRIPPABLE FILM TO BE REMOVED UPON INSTALLATION.
- 3) ACCESSORIES SUCH AS CLIPS, CLOSURES, FASTENERS, ETC., SHALL BE AS RECOMMENDED BY THE MANUFACTURER.
- 4) PANELS SHALL BE INSTALLED SO NO OIL CANNING IS PERCEIVED. ALERT ARCHITECT IF CONDITIONS WOULD CREATE OIL CANNING. NO ALTERNATE DETAILING CAN BE DECIDED.
- 5) PROVIDE CLEAN, PRECISE NOTCHES.

9. COATING

- 1) PROVIDE A PERMA-COLOR 3500, ULTRA-COOL, LOW GLOSS KYMAR 50 COATING.
- 2) COLOR SHALL BE STANDARD AND FINAL SELECTION SHALL BE BY ARCHITECT.

10. EXECUTION

- 1) INSPECTION
 - a. VERIFY SUBSTRATE IS UNIFORM, EVEN AND SYMMETRICAL. BY RUNNING A STRING TEST. INSPECT TO ASSURE THAT ALL SUB-STRUCTURE/FRAMING MEMBERS ARE FLAT AND INSULATION IS EMBEDDED SYMMETRICALLY SO WHEN THE METAL PANELS ARE APPLIED, THEY WILL NOT APPEAR WARY OR DISTORTED.

- b. PROVIDE A WRITTEN REPORT OF DISCREPANCIES OR VARIATIONS IN THE SUBSTRATE TO THE ARCHITECT.

- c. DO NOT BEGIN INSTALLATION UNTIL UNSATISFACTORY CONDITIONS ARE CORRECTED.

- d. COMMENCEMENT OF INSTALLATION SHALL SIGNIFY ACCEPTANCE OF THE SUBSTRATE AND ADJACENT CONDITIONS AS BEING PROPER AND ACCEPTABLE FOR TREATMENT OF ROOFING.

- e. NOTIFY ARCHITECT FOR INSPECTION ONCE APPROXIMATELY 500 SQUARE FEET OF PRODUCT IS IN PLACE. OBTAIN ARCHITECT'S APPROVAL BEFORE CONTINUING WORK.

11. INSTALLATION

- 1) THE METAL PANEL SYSTEM SHALL BE INSTALLED PLUMB, LEVEL, AND STRAIGHT OVER SELF-ANCHORED UNDERLAYMENT AS REQUIRED TO MEET ROOF MANUFACTURER'S WEATHERTIGHTNESS WARRANTY.
- 2) THE STANDING SEAM SHALL ALIGN AT CORNERS, HIPS, VALLEYS.
- 3) INSTALLATION SHALL BE MADE IN ACCORDANCE WITH THE ROOFING MANUFACTURER'S RECOMMENDED PROCEDURES AND LAYOUT DRAWINGS. THE ROOFING MANUFACTURER'S CONSTRUCTION DETAILS HANDBOOK, SMOACH ARCHITECTURAL SHEET METAL MANUAL, NRCA ROOFING AND WATERPROOFING MANUAL, AND HANDBOOK OF ROOFING KNOWLEDGE SHALL BE USED AS GUIDES AND DETAILS WHENEVER APPLICABLE.
- 4) NO FACE PENETRATIONS OR PERFORATION SHALL BE MADE IN METAL PANELS BY FASTENERS WITHOUT ARCHITECT'S SPECIFIC APPROVAL. ALL PANELS SHALL BE CONTINUOUS FROM RIDGE TO EAVES WITH NO HORIZONTAL END LAPS.
- 5) END LAP ALL FLASHING AND TRIM AT LEAST 3". ALL BUTT JOINTS MUST BE CAULKED.
- 6) EXERCISE PROPER CARE DURING INSTALLATION TO AVOID DAMAGE OR SCORING OF THE PANELS.
- 7) ALLOW WALKING OVER THE METAL ROOF AFTER INSTALLATION IS COMPLETED.
- 8) INSTALL ADDITIONAL CLIPS ON CORNERS AND EDGES FOR HIGH WINDS AS DIRECTED BY ENGINEERING CALCULATIONS.
- 9) CLEANING AND PROTECTION
 - a. PEEL OFF ANY STRIPPABLE FILM ON PANELS AND FLASHING AS THEY ARE INSTALLED OR AS RECOMMENDED BY MANUFACTURER. ON COMPLETION OF METAL PANEL INSTALLATION, CLEAN FINISHED SURFACES AND RECOMMENDED BY METAL PANEL MANUFACTURER. MAINTAIN A CLEAN CONDITION DURING CONSTRUCTION.
 - b. COMPLETE ALL ITEMS ON PUNCH LIST.
 - c. TIGHTEN ALL NUTS, SCREWS AND SPOTS.
- 10) REPLACE METAL PANELS THAT HAVE BEEN DAMAGED OR HAVE DETERIORATED BEYOND SUCCESSFUL REPAIR BY FINISH TOUCH-UP OR SIMILAR MAJOR PROCEDURES.
- 11) REMOVE ALL DEBRIS RESULTING FROM WORK UNDER THIS SECTION.

12. ERECTION TOLERANCES

- 1) INSTALLATION TOLERANCES: SHIM AND ALIGN METAL PANEL UNITS WITHIN INSTALLED TOLERANCE OF 1/4" IN 30 FEET ON SLOPE AND LOCATION LINES AS INDICATED AND WITH 1/8" OFFSET OF ADJOINING FACES AND OF ALIGNMENT OF MATCHING PROFILES.

13. FIELD QUALITY CONTROL

- 1) MANUFACTURER'S FIELD SERVICE: ENGAGE A FACTORY-AUTHORIZED SERVICE REPRESENTATIVE TO REVIEW AND INSPECT METAL ROOF PANEL INSTALLATION, INCLUDING ACCESSORIES. REPORT RESULTS IN WRITING. REPRESENTATIVE TO REVIEW AT START, MID-TERM AND FINAL AND/OR AS REQUIRED BY WEATHERTIGHTNESS WARRANTY.

- 2) REMOVE AND REPLACE APPLICATIONS OF METAL ROOF PANELS WHERE TESTS AND INSPECTIONS INDICATE THAT THEY DO NOT COMPLY WITH SPECIFIED REQUIREMENTS.

2. METAL FASTENERS

- 1) MANUFACTURER'S FIELD SERVICE: ENGAGE A FACTORY-AUTHORIZED SERVICE REPRESENTATIVE TO REVIEW AND INSPECT METAL ROOF PANEL INSTALLATION, INCLUDING ACCESSORIES. REPORT RESULTS IN WRITING. REPRESENTATIVE TO REVIEW AT START, MID-TERM AND FINAL AND/OR AS REQUIRED BY WEATHERTIGHTNESS WARRANTY.
- 2) REMOVE AND REPLACE APPLICATIONS OF METAL ROOF PANELS WHERE TESTS AND INSPECTIONS INDICATE THAT THEY DO NOT COMPLY WITH SPECIFIED REQUIREMENTS.
- 3) TRIM FASTENERS FOR ROOF AND ROOFING ACCESSORIES SHALL BE ZMAX HOT-DIPPED GALVANIZED OR AS RECOMMENDED BY ROOFING MANUFACTURER.
- 4) TRIM FASTENERS FOR PVC EAVE AND RAKE TRIM SHALL BE STAINLESS STEEL SCREWS AS RECOMMENDED BY MANUFACTURER.

- 5) FASTENERS AS REQUIRED TO MAINTAIN WEATHERTIGHTNESS WARRANTY.

3. FLASHING

- 1) ROOF FLASHING SHALL BE OF THE SAME MATERIAL AS ROOFING AND BE BY THE SAME MANUFACTURER OR AS REQUIRED BY ROOF MANUFACTURER FOR WEATHERTIGHTNESS WARRANTY.

- 2) EAVE DRIP EDGE SHALL EXTEND 4" UP THE ROOF AND OVERHANGS THE SHEATHING 1 1/2" AND TURN DOWN 1 1/2". THE ROOF PANELS SHALL LAP OVER THE DRIP EDGE AND BE FOLDED UNDER THE OVERHANG (SEE DRAWINGS).

- 3) RAKE FLASHING SHALL EXTEND 4" UNDER THE ROOFING AND EXTEND DOWN 2" BELOW THE SHEATHINGS.

- 4) ROOF CURBS AND PIPE FLASHING: FORM FLASHING AROUND PIPE PENETRATION AND BASES WHERE THEY MEET METAL ROOF PANELS. FASTEN AND SEAL TO METAL ROOF PANELS AS RECOMMENDED BY MANUFACTURER.

5. SNOW GUARDS

- 1) SNOW GUARDS SHALL BE "S-S THE RIGHT WAY", COLOR/GRADE OR EQUAL. COLOR SHALL MATCH ROOFING.

- 2) ATTACHMENT SHALL BE AS DIRECTED BY ROOF MANUFACTURER TO RECEIVE THE 20 YEAR EXTEND WEATHERTIGHTNESS WARRANTY.

6. GUTTERS AND DOWNSPOUTS

- 1) PROVIDE SHOP DRAWING WITH DOWNSPOUT LOCATIONS AND INSTALLATION FOR APPROVAL BEFORE PURCHASE.

- 2) PROVIDE SEPARATION BETWEEN DIFFERENT MATERIALS IF GUTTERS ARE FORMED FROM DIFFERENT MATERIAL THAN ROOF PANELS.

7. GUTTERS SHALL BE:

- 1) SEAMLESS.
- 2) ALUMINUM.
- 3) 6" OEGE AND DOWNSPOUTS SHALL BE 4" X 5" SMOOTH SQUARE.

8. INSTALLATION:

- 1) PROVIDE ADEQUATE SLOPE TO DRAIN. PROVIDE CLEARANCE BELOW ROOF LINE FOR SNOW AND ICE TO CLEAR (1/8" FOR 4:12 SLOPE).
- 2) ALL BUTT JOINTS MUST BE CAULKED.
- 3) INSTALL GUTTERS AND DOWNSPOUTS USING FASCIA ATTACHMENT PER MANUFACTURER'S RECOMMENDATIONS.
- 4) ATTACH TO BUILDING NOT MORE THAN 36" O.C. USING MANUFACTURER'S STANDARD FASTENERS. WELL-CREASED OIL CANNING AND WATER TIGHT WITH SEALANT.
- 5) ALLOW FOR THERMAL EXPANSION.
- 6) PROVIDE STIFFENER LINES IN GUTTER PROFILE FOR RIGIDITY.
- 7) PROVIDE ALL NECESSARY ACCESSORIES FOR A FULLY WORKING GUTTER AND DOWNSPOUT SYSTEM.

WOOD, PLASTICS, AND COMPOSITES

1. NEW SHEATHING SHALL BE T & G EXTERIOR GRADE AND MATCH EXISTING THICKNESS.

2. RAKE FASCIA SHALL BE PVC OR BORAL:

- a. RAKE TRIM SHALL MATCH EXISTING IN DEPTH AND WIDTH AND SHALL BE PVC BY AZEK OR VERSATEX OR SHALL BE POLYMER BY BORAL. TRUXETRIOR TRIM. INSTALL TRIM AS DIRECTED BY MANUFACTURER. TRIM SHALL BE PAINTED TO MATCH EXISTING. JOINTS SHALL BE SCAP JOINTS AT FACE JOINTS AND MITERED AT CORNERS. JOINTS FOR PVC SHALL BE GULLED PER MANUFACTURER'S RECOMMENDATIONS.

PROVIDE MANUFACTURER'S EXPANSION REQUIREMENTS AND NOT LESS THAN 1/8" EXPANSION JOINT PER IF HORIZONTALLY. SEE MANUFACTURER'S DRAWINGS FOR GULLED AND SEALED JOINTS. TRIM SHALL NOT BE PAINTED.

2. PVC ADHESIVES SHALL BE AS DIRECTED BY PVC MANUFACTURER.

THERMAL AND MOISTURE PROTECTION

1. ROOF UNDERLAYMENT

1. HIGH TEMPERATURE SELF-ADHERED UNDERLAYMENT SHALL BE METALUM HT BY ENGLERT OR EQUAL AND AS RECOMMENDED BY ROOF MANUFACTURER. INSTALLATION SHALL BE INSTALLED THROUGHOUT THE ENTIRE ROOF AND AS REQUIRED BY ROOF MANUFACTURER FOR EXTENDED WEATHERTIGHTNESS WARRANTY.

3. CAULK

1. SEALANT, CAULKING & SEALS SHALL BE AS REQUIRED BY SPECIFIC ROOF AND TRIM MANUFACTURERS.
2. UNLESS SPECIFIED OTHERWISE CAULKS AND SEALANTS SHALL BE:
 - a. 1) GENERAL: SEALANTS SHALL BE SILICONEZED ACRYLIC LATEX AND SHALL BE PAINTABLE.
 - b. MANUFACTURERS SHALL BE TREMCO INC., DOW CORNING OR EQUAL.
 - c. FIRE STOPPING SHALL BE INSTALLED AS REQUIRED FOR RATED ASSEMBLIES. FIRE STOPPING SHALL BE BY J.L. INDUSTRIES OR EQUAL.
- 3) PROVIDE SUBMITTALS: JOINT SEALANTS PER MANUFACTURERS RECOMMENDATIONS.
- 4) JOINTS SHALL BE INSTALLED WITHOUT GAPS AND TOOLED SMOOTH. JOINT MATERIAL SHALL BE FINISHED PER MANUFACTURERS RECOMMENDATIONS. JOINTS SHALL BE WATER AND AIR TIGHT.

5. ROOF FLASHING AND ROOF PENETRATIONS

1. PIPE THROUGH THE ROOF SHALL HAVE EXISTING FLASHING OR EQUAL AS REQUIRED BY METAL ROOF MANUFACTURER TO MAINTAIN THE EXTENDED WEATHERTIGHT WARRANTY.
2. OTHER PENETRATIONS NEEDING CURBS SHALL A MINIMUM .063 ALL-WELDED ALUMINUM CURB AS REQUIRED BY METAL ROOF MANUFACTURER TO MAINTAIN THE EXTENDED WEATHERTIGHT WARRANTY.
3. PROVIDE SUBMITTALS.
4. USE ROOFING MANUFACTURER'S RECOMMENDED DETAILS FOR ALL ROOF PENETRATIONS. OBTAIN APPROVAL OF ALL ROOF PENETRATION DETAILS FROM ROOFING MANUFACTURER BEFORE INSTALLATION.

FINISHES

1. PAINTS AND STAINS

1. MANUFACTURER'S SHALL BE SHERWIN-WILLIAMS, BENJAMIN MOORE, OR EQUAL.

2. TRIM

- 1) NEW PVC OR BORAL (EXTERIOR) TRIM MUST BE CLEAN AND DRY. PRIME AND PAINT AS SOON AS POSSIBLE. SAND AND SPOT PRIMER BEFORE A FULL PRIMING COAT IS APPLIED. PATCH ALL HALL HOLES AND IMPERFECTIONS WITH A WOOD FILLER OR PUTTY OR AS RECOMMENDED BY TRIM MANUFACTURER. SAND SMOOTH.
- 2) PRIMER: EXTREME BOND BY SHERWIN WILLIAMS
- 3) FINISH FOR PVC: EMERALD RAIN BY SHERWIN WILLIAMS
- 4) FINISH FOR BORAL: DURATION BY SHERWIN WILLIAMS
- 5) PATCH SHEEN SHALL MATCH EXISTING. COLOR SHALL MATCH EXISTING

6. PREVIOUSLY PAINTED POSTS

- 1) EXISTING WOOD (EXTERIOR) SCRAPE AND REMOVE ANY LOOSE PAINT. PATCH ALL HOLES AND IMPERFECTIONS WITH A WOOD FILLER OR PUTTY OR AS RECOMMENDED BY MANUFACTURER. SAND SURFACE SMOOTH. PRIME EXPOSED WOOD AREAS WITH EXISTING PATCH SHALL RECEIVE TOP COATS ONLY. APPLY PAINT AS SOON AS POSSIBLE.
- 2) PRIMER: SUPER DECK EXTERIOR WATERBORNE SOLID COLOR DECK STAIN BY SHERWIN WILLIAMS, ONE COAT.
- 3) FINISH: DURATION BY SHERWIN WILLIAMS, TWO COATS.
- 4) PATCH SHEEN SHALL MATCH EXISTING. COLOR SHALL MATCH EXISTING.

BASE (LUMP SUM) BID:

THE BASE (LUMP SUM) BID SHALL INCLUDE ALL WORK REQUIRED BY AND IN STRICT ACCORDANCE WITH THE BID DOCUMENTS FOR THIS PROJECT.

(NUMBER)

(WORDS)

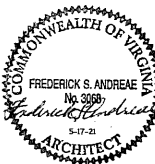
UNIT PRICE ALLOWANCES:

1. UNIT PRICE ALLOWANCE NO. 1: PROVIDE A SQUARE FOOT COST TO REPLACE DETERIORATED SHEATHING WITH NEW T&G SHEATHING. THE NEW SHEATHING SHALL BE RATED FOR ROOFING AND FOR EXISTING TRUSS SPAN. NEW SHEATHING SHALL MATCH THICKNESS OF EXISTING. THE COST SHALL INCLUDE MATERIALS AND INSTALLATION.)

\$ _____ PER SQUARE (NOT IN-PLACE UNIT PRICE)

2. UNIT PRICE ALLOWANCE NO. 2: PROVIDE INSTALLATION AND MATERIALS COST TO REPLACE EXISTING SCREENS BEING GABLE VENTS IF THEY ARE FOUND TO BE DETERIORATED.

\$ _____ PER GABLE VENT SCREENING (IN-PLACE UNIT PRICE)



DATE: 5-17-21

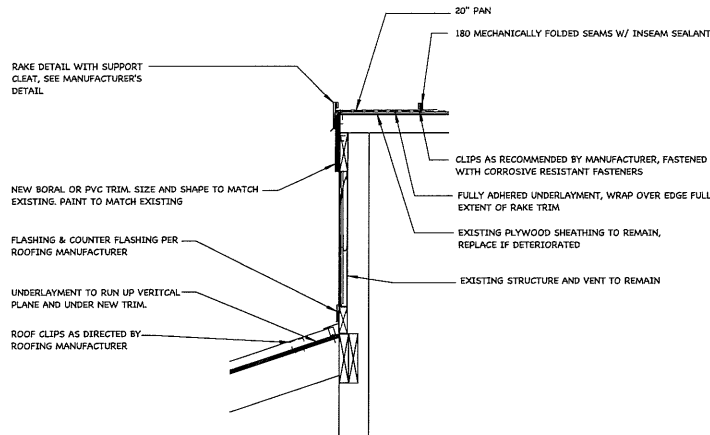
REVISION:

15

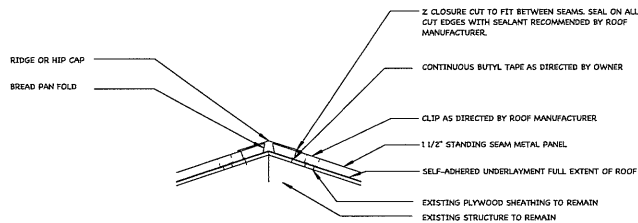
FREDERICK S. ANDREA
25 SOUTH BONA AVE., FRONT ROYAL, VA 22630

FR & WC AIRPORT TERMINAL RE-ROOFING PROJECT
229 STOKES AIRPORT ROAD, FRONT ROYAL, VA 22630

2 OF 3



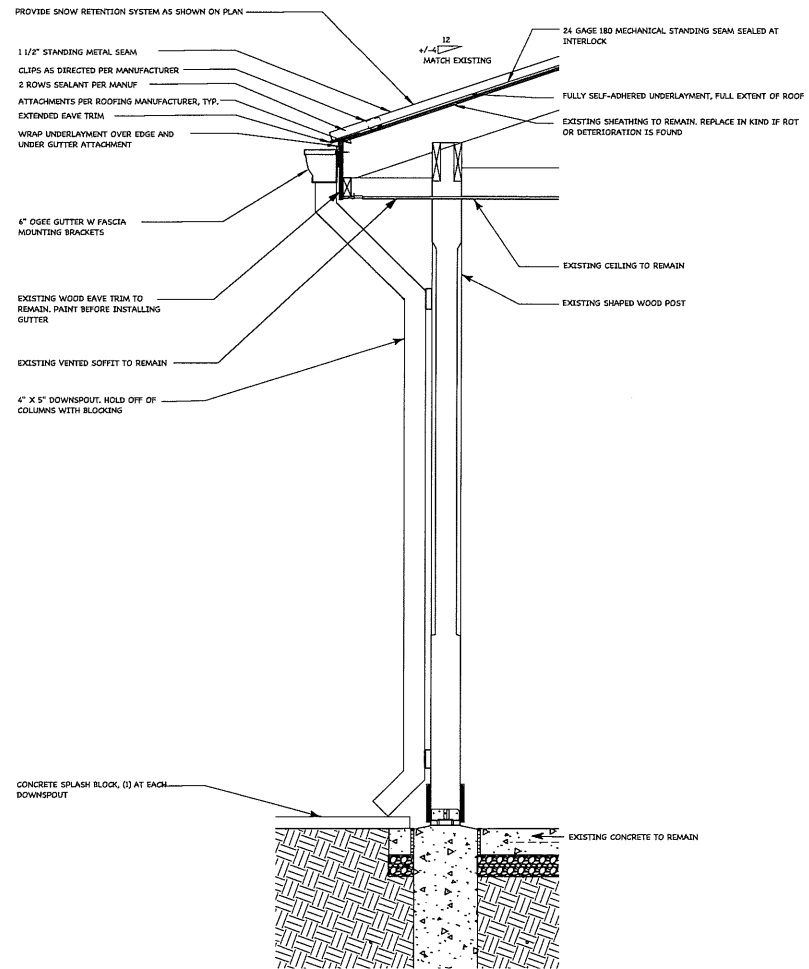
3 RAKE AND WALL DETAIL
Scale: 3/4" = 1'-0"



2 UNVENTED RIDGE AND HIP DETAIL
Scale: 3/4" = 1'-0"

NOTE:

1. PROVIDE ARCHITECT WITH DETAIL WHERE HIP MEETS RAKE JOINT BEFORE ORDERING ROOFING



1 EAVE AND POST DETAIL
Scale: 3/4" = 1'-0"

NOTES:
1. PROVIDE CLEARANCE REQUIRED FOR THERMAL MOVEMENT IN ROOFING AND TRIM.
2. DETAILING AND FASTENERS SHOWN ARE SCHEMATIC IN NATURE. INSTALLATION SHALL BE AS DIRECTED BY ROOFING MANUFACTURER.
3. ATTACHMENTS OF METAL ROOFING AS REQUIRED BY ROOFING MANUFACTURER.





WARREN COUNTY
AIRPORT ROOF
229 STOKES AIRPORT RD
FREONT ROYAL, VA.

- REMOVE EXISTING MATERIALS AND DEBRIS FROM ROOF, INSTALL NEW HI TEMP UNDERLAYMENT.
- FURNISH AND INSTALL NEW 2 INCH 24 GAUGE DOUBLE LOCK STANDING SEAM WITH SEAM SEALANT IN EVERY SEAM WITH SCREWED IN CLIPS SPACED 16 INCHES ON CENTER.
- FURNISH AND INSTALL NEW SNOW RAIL AND CLIPS – S-5 COLOR GUARD.
- INSTALL ALL FLASHING / TRIM AND ACCESSORIES.
- ALL WORK WILL BE INSPECTED AND WILL BE INSTALLED PER SPEC FOR A (20 YEAR NO DOLLAR LIMIT WATER TIGHT WARRANTY)
- FURNISH AND INSTALL ALL NEW 6 INCH K STYLE / OGEE GUTTERS AND DOWN SPOUTS.

MATERIALS USED:

- ENGLERT METAL 24 GAUGE THICKNESS.
- 2 INCH ENGLERT CLIPS.
- 24 GAUGE FLASHING / DRIP EDGE AND RAKE TRIM.
- S - 5 SNOW GUARDS
- 26 GAUGE METAL USED FOR GUTTERS.

TOTAL COST : \$120,000



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE September 7, 2021	ITEM H-4	SUBJECT: FAA Airport Grant Authorization	PAGE 1 OF
<u>EXPLANATION & SUMMARY:</u> The Federal Aviation Administration has awarded Warren County \$148,000 for airport improvements. Funds will be used for the crack and seal project.			
<u>COST & FINANCING:</u> No Warren County funds are required for this project.			
<u>PROPOSED OR SUGGESTED MOTION:</u> I move the Board of Supervisors authorize the County Administrator to execute the Grant Agreement with the Federal Aviation Administration Airport Improvement Program for improvements at the Front Royal-Warren County Airport. OR I move the Board of Supervisors not authorize the County Administrator to execute the Grant Agreement.			
SUBMITTED BY: Edwin C. Daley, County Administrator	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)		PROCESSED BY:



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Eastern Region
District of Columbia, Maryland, Virginia

FAA WAS ADO
13873 Park Center Road
Suite 490S
Herndon, VA 20171

August 31, 2021

Mr. Edwin Daley, Interim County Administrator
Warren County
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630

Dear Mr. Daley:

We are transmitting to you for execution the Grant Offer for Airport Improvement Program (AIP) Project No. 3-51-0019-021-2021 at Front Royal-Warren County Airport in Front Royal, Virginia. This letter outlines expectations for success. Please read the conditions and assurances carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant by providing their electronic signature.
- c. Once the sponsor's authorized representative has electronically signed the grant, the sponsor's attorney will automatically be sent via email the grant to provide their electronic signature.
- d. You may not make any modification to the text, terms or conditions of the grant offer.
- e. Following the attorney's action, the executed grant will be automatically sent to all parties as an attachment to an email.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

The terms and conditions of this agreement require you to complete the project without undue delay. We will be monitoring your progress to ensure proper stewardship of these Federal funds. **We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress.** Should you fail to make draws on a regular basis, your grant may be placed in "inactive" status, which will affect your ability to receive future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports, which are due within 30 days of the end of a reporting period as follows:
 1. Non-construction project: Due annually at end of the Federal fiscal year.
 2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once the project(s) is completed and all costs are determined, we ask that you close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

James Fuller, (703) 487-3974, is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

Matthew J Thys
Matthew J Thys (Sep 2, 2021 08:13 EDT)

Matthew J. Thys, Manager
Washington ADO

[ADO has discretion to delegate signature authority to Program Manager]



U.S. Department
of Transportation
Federal Aviation
Administration

FAA Airport Improvement Program (AIP)

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date	August 31, 2021
Airport/Planning Area	Front Royal-Warren County Airport
FY2021 AIP Grant Number	3-51-0019-021-2021
Unique Entity Identifier	077404804
TO:	County of Warren
	(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated June 25, 2021, for a grant of Federal funds for a project at or associated with the Front Royal-Warren County Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Front Royal-Warren County Airport (herein called the "Project") consisting of the following:

Seal Runway Pavement [Design and Construction] - 10/28; Seal Taxiway Pavement [Design and Construction] which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2); and the representations contained in the Project Application; and in consideration of: (a) the Sponsor's adoption and ratification of the Grant Assurances attached hereto (b) the Sponsor's acceptance of this Offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurance and conditions as herein provided;

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100 percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$148,000.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$ 0 for planning

\$ 148,000 airport development or noise program implementation; and,

\$ 0 for land acquisition.

2. **Grant Performance.** This Grant Agreement is subject to the following Federal award requirements:

- a. Period of Performance:

1. Shall start on the date the Sponsor formally accepts this Agreement and is the date signed by the last Sponsor signatory to the Agreement. The end date of the Period of Performance is 4 years (1,460 calendar days) from the date of acceptance. The Period of Performance end date shall not affect, relieve, or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions or budget periods. (2 Code of Federal Regulations (CFR) § 200.1).

- b. Budget Period:

1. For this Grant is 4 years (1,460 calendar days) and follows the same start and end date as the period of performance provided in Paragraph a.1. Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the Budget Period.
2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to § 200.308.

- c. Close Out and Termination

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344).

2. The FAA may terminate this Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 U.S.C. § 47109, the regulations, policies, and procedures of the Secretary, and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this Agreement, 49 U.S.C. Chapters 471 and 475, and the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"). Per 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from performing the project that exceeds three months or a 25 percent reduction in time devoted to the project, and request prior approval from FAA. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the grant assurances, which are part of this Agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 10, 2021, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Grant Agreement.

11. System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).

- a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.jsf>.

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. Informal Letter Amendment of AIP Projects. If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. Air and Water Quality. The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.

15. Financial Reporting and Payment Requirements. The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

16. Buy American. Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this Grant.

17. Maximum Obligation Increase. In accordance with 49 U.S.C. § 47108(b)(3), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

- a. May not be increased for a planning project;
- b. May be increased by not more than 15 percent for development projects if funds are available;

- c. May be increased by not more than the greater of the following for a, land project, if funds are available:
 - 1. 15 percent; or
 - 2. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 U.S.C. § 47110, or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same Federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the Federal share as applicable through an informal letter of amendment.

18. Audits for Sponsors.

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA.

19. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 - 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 - 2. Collecting a certification statement from the non-Federal entity attesting they are not excluded or disqualified from participating; or
 - 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
- c. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.

20. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:

- a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this Grant.

21. Trafficking in Persons.

- a. You as the recipient, your employees, subrecipients under this Grant, and subrecipients' employees may not –
 - 1. Engage in severe forms of trafficking in persons during the period of time that the Grant and applicable conditions are in effect;
 - 2. Procure a commercial sex act during the period of time that the Grant and applicable conditions are in effect; or
 - 3. Use forced labor in the performance of the Grant or any subgrants under this Grant.
- b. We as the Federal awarding agency, may unilaterally terminate this Grant, without penalty, if you or a subrecipient that is a private entity –
 - 1. Is determined to have violated a prohibition in paragraph a. of this condition; or
 - 2. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph a. of this condition through conduct that is either –
 - a. Associated with performance under this Grant; or
 - b. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 49 CFR Part 29.
- c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a. of this condition.
- d. Our right to terminate unilaterally that is described in paragraph a. of this condition:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this Grant Agreement.

- 22. AIP Funded Work Included in a PFC Application.** Within 90 days of acceptance of this Grant Agreement, the Sponsor must submit to the FAA an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this Grant Agreement as described in the project application. The airport sponsor may not make any expenditure under this Grant Agreement until project work addressed under this Grant Agreement is removed from an approved PFC application by amendment.

23. **Exhibit “A” Property Map.** The Exhibit “A” Property Map dated December 2015, is incorporated herein by reference or is submitted with the project application and made part of this Grant Agreement.

24. **Employee Protection from Reprisal.**

a. Prohibition of Reprisals —

1. In accordance with 41 U.S.C. § 4712, an employee of a Sponsor, grantee, subgrantee, contractor, or subcontractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph a.2. below, information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered. The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal employee responsible for contract or grant oversight or management at the relevant agency;
 - v. A court or grand jury;
 - vi. A management official or other employee of the Sponsor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct; or
 - vii. An authorized official of the Department of Justice or other law enforcement agency.
3. Submission of Complaint — A person who believes that they have been subjected to a reprisal prohibited by paragraph a of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint — A complaint may not be brought under this condition more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General — Actions, limitations, and exceptions of the Inspector General’s office are established under 41 U.S.C. § 4712(b).
6. Assumption of Rights to Civil Remedy — Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

SPECIAL CONDITIONS

25. **Pavement Maintenance Management Program.** The Sponsor agrees that it will implement an effective airport pavement maintenance management program as required by Airport Sponsor Grant Assurance 11, Pavement Preventive Management. The Sponsor agrees that it will use the program for the useful life of any pavement constructed, reconstructed, or repaired with Federal financial assistance at the airport. The Sponsor further agrees that the program will:

- a. Follow the current version of FAA Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements, establishing an effective maintenance program, specific types of distress and its probable cause, inspection guidelines, and recommended methods of repair;
 - b. Detail the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed;
 - c. Include a Pavement Inventory, Inspection Schedule, Record Keeping, Information Retrieval, and Reference, meeting the following requirements:
 - 1. Pavement Inventory. The following must be depicted in an appropriate form and level of detail:
 - a. Location of all runways, taxiways, and aprons;
 - b. Dimensions;
 - c. Type of pavement; and,
 - d. Year of construction or most recent major rehabilitation.
 - 2. Inspection Schedule.
 - a. Detailed Inspection. A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in the Advisory Circular 150/5380-6, the frequency of inspections may be extended to three years.
 - b. Drive-By Inspection. A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition. For drive-by inspections, the date of inspection and any maintenance performed must be recorded.
 - 3. Record Keeping. Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The type of distress, location, and remedial action, scheduled or performed, must be documented. The minimum information is:
 - a. Inspection date;
 - b. Location;
 - c. Distress types; and
 - d. Maintenance scheduled or performed.
 - 4. Information Retrieval System. The Sponsor must be able to retrieve the information and records produced by the pavement survey to provide a report to the FAA as may be required.
26. **Plans and Specifications Approval Based Upon Certification.** The FAA and the Sponsor agree that the FAA's approval of the Sponsor's Plans and Specification is based primarily upon the Sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The Sponsor understands that:
- a. The Sponsor's certification does not relieve the Sponsor of the requirement to obtain prior FAA approval for modifications to any AIP standards or to notify the FAA of any limitations to competition within the project;

- b. The FAA's acceptance of a Sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements; and
 - c. If the FAA determines that the Sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under this Grant.
27. **Design Grant.** This Grant Agreement is being issued in order to complete the design of the project. The Sponsor understands and agrees that within 2 years after the design is completed that the Sponsor will accept, subject to the availability of the amount of Federal funding identified in the Airport Capital Improvement Plan (ACIP), a grant to complete the construction of the project in order to provide a useful and useable unit of work. The Sponsor also understands that if the FAA has provided Federal funding to complete the design for the project, and the Sponsor has not completed the design within four (4) years from the execution of this Grant Agreement, the FAA may suspend or terminate grants related to the design.
28. **Buy American Executive Orders.** The Sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

Matthew J Thys

Matthew J Thys (Sep 2, 2021 08:13 EDT)

(Signature)

Matthew J. Thys

(Typed Name)

Manager, Washington Airports District Office

(Title of FAA Official)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated _____

County of Warren

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

² Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Virginia. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State, the FAA Reauthorization Act of 2018 (Public Law Number 115-254); Title 49 U.S.C., Chapters 471 and 475; 49 U.S.C. §§ 40101, et seq., and 48103; and the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L), as further amended by the American Rescue Plan Act of 2021 (Public Law 117-2). In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at _____

By: _____

(Signature of Sponsor's Attorney)

ASSURANCES

AIRPORT SPONSORS

A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act — 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act — 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 — Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 — Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.¹
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 – Equal Employment Opportunity¹
- b. Executive Order 11990 – Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4, 5, 6}
- c. 2 CFR Part 1200 – Non-procurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures
- e. 14 CFR Part 16 – Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport noise compatibility planning.
- g. 28 CFR Part 35 – Discrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for predetermination of wage rates.¹
- j. 29 CFR Part 3 – Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- k. 29 CFR Part 5 – Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- m. 49 CFR Part 18 – Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- n. 49 CFR Part 20 – New restrictions on lobbying.
- o. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- p. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.

- q. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1 2}
- r. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- s. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- t. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- u. 49 CFR Part 30 – Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- v. 49 CFR Part 32 – Government-wide Requirements for Drug-Free Workplace (Financial Assistance).
- w. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- x. 49 CFR Part 41 – Seismic safety of Federal and federally assisted or regulated new building construction.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

FOOTNOTES TO ASSURANCE C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- ⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.**a. Public Agency Sponsor:**

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or

document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.

- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United

States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-
 - 1. Operating the airport's aeronautical facilities whenever required;
 - 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3. Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and

purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
 - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.

- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
 - c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 - 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 - 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.
- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
 - 2. So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The County of Warren, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport

development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

Engineering and Design Services. If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U. S. C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by

the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars for AIP projects as of June 25, 2021.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1. Describes the requests;
 - 2. Provides an explanation as to why the requests could not be accommodated; and
 - 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

View the most current versions of FAA's Advisory Circulars (A/Cs) here:

https://www.faa.gov/regulations_policies/advisory_circulars/

Airports A/Cs are found in the 150 series. In addition Airspace A/Cs, found in the 70 series, also may apply for certain projects.

Application for Federal Assistance SF-424		
* 1. Type of Submission: ☐ Preapplication ☒ Application ☐ Changed/Corrected Application		
* 2. Type of Application: ☒ New ☐ Continuation ☐ Revision		
* If Revision, select appropriate letter(s): * Other (Specify): 		
* 3. Date Received: 		4. Applicant Identifier: FRR
5a. Federal Entity Identifier: 		5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
* a. Legal Name: County of Warren, Virginia		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 54-6001661		* c. Organizational DUNS: 0774048040000
d. Address:		
* Street1: 220 North Commerce Ave.		
Street2:		
* City: Front Royal		
County/Parish: Warren		
* State: VA: Virginia		
Province:		
* Country: USA: UNITED STATES		
* Zip / Postal Code: 22630-4403		
e. Organizational Unit:		
Department Name: Public Works		Division Name: Front Royal-Warren County Airport
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr.	* First Name: Michael	
Middle Name: R.		
* Last Name: Berry		
Suffix:		
Title: Public Works Director		
Organizational Affiliation: 		
* Telephone Number: 540-636-1543		Fax Number: 540-636-1544
* Email: mberry@warrencountyva.net		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

B: County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Pavement Maintenance - Design/Construction

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant VA-010

* b. Program/Project VA-010

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 07/01/2020

* b. End Date: 12/31/2022

18. Estimated Funding (\$):

* a. Federal	133,200.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	14,800.00
* f. Program Income	0.00
* g. TOTAL	148,000.00

* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. * First Name: Michael

Middle Name: R.

* Last Name: Berry

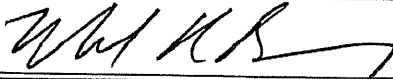
Suffix:

* Title: Public Works Director

* Telephone Number: 540-636-1543 Fax Number: 540-636-1544

* Email: mberry@warrencountyva.net

* Signature of Authorized Representative:



* Date Signed: 6/25/21

Application for Federal Assistance (Development and Equipment Projects)

PART II – PROJECT APPROVAL INFORMATION

Part II - SECTION A	
The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.	
Item 1. Does Sponsor maintain an active registration in the System for Award Management (www.SAM.gov)?	☒ Yes ☐ No
Item 2. Can Sponsor commence the work identified in the application in the fiscal year the grant is made or within six months after the grant is made, whichever is later?	☒ Yes ☐ No ☐ N/A
Item 3. Are there any foreseeable events that would delay completion of the project? If yes, provide attachment to this form that lists the events.	☐ Yes ☒ No ☐ N/A
Item 4. Will the project(s) covered by this request have impacts or effects on the environment that require mitigating measures? If yes, attach a summary listing of mitigating measures to this application and identify the name and date of the environmental document(s).	☐ Yes ☒ No ☐ N/A
Item 5. Is the project covered by this request included in an approved Passenger Facility Charge (PFC) application or other Federal assistance program? If yes, please identify other funding sources by checking all applicable boxes.	
☐ The project is included in an <i>approved</i> PFC application. If included in an approved PFC application, does the application <i>only</i> address AIP matching share? ☐ Yes ☐ No	
☐ The project is included in another Federal Assistance program. Its CFDA number is below.	
Item 6. Will the requested Federal assistance include Sponsor indirect costs as described in 2 CFR Appendix VII to Part 200, States and Local Government and Indian Tribe Indirect Cost Proposals?	
☐ Yes ☒ No ☐ N/A	
If the request for Federal assistance includes a claim for allowable indirect costs, select the applicable indirect cost rate the Sponsor proposes to apply:	
☐ De Minimis rate of 10% as permitted by 2 CFR § 200.414.	
☐ Negotiated Rate equal to	% as approved by _____ (the Cognizant Agency) on _____ (Date) (2 CFR part 200, appendix VII).
<i>Note: Refer to the instructions for limitations of application associated with claiming Sponsor indirect costs.</i>	

PART II - SECTION B

Certification Regarding Lobbying

The declarations made on this page are under the signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached. The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.

The Authorized Representative certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Authorized Representative shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Authorized Representative shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

PART II – SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

Airspace zoning / local ordinances

2. Defaults – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None

3. Possible Disabilities – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

None

4. Consistency with Local Plans – The project is reasonably consistent with plans existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

Yes

5. Consideration of Local Interest – It has given fair consideration to the interest of communities in or near where the project may be located.

Yes

6. Consultation with Users – In making a decision to undertake an airport development project under Title 49, United States Code, it has consulted with airport users that will potentially be affected by the project (§ 47105(a)(2)).

Yes

7. Public Hearings – In projects involving the location of an airport, an airport runway or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

n/a

8. Air and Water Quality Standards – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

n/a

PART II – SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None

10. Land – (a) The sponsor holds the following property interest in the following areas of land, which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]

All areas to be impacted by this project are on Airport property.

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]

n/a

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A". [1]

n/a

¹ State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL	
1. Assistance Listing Number:	20-106
2. Functional or Other Breakout:	Airport Improvement Program

SECTION B – CALCULATION OF FEDERAL GRANT			
Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
1. Administration expense			\$ 3,643.50
2. Preliminary expense			\$ 0.00
3. Land, structures, right-of-way			\$ 0.00
4. Architectural engineering basic fees			\$ 29,256.50
5. Other Architectural engineering fees			\$ 0.00
6. Project inspection fees			\$ 0.00
7. Land development			\$ 0.00
8. Relocation Expenses			\$ 0.00
9. Relocation payments to Individuals and Businesses			\$ 0.00
10. Demolition and removal			\$ 0.00
11. Construction and project improvement			\$ 115,100.00
12. Equipment			\$ 0.00
13. Miscellaneous			\$ 0.00
14. Subtotal (Lines 1 through 13)			\$ 148,000.00
15. Estimated Income (if applicable)			\$ 0.00
16. Net Project Amount (Line 14 minus 15)			\$ 148,000.00
17. Less: Ineligible Exclusions (Section C, line 23 g.)			\$ 0.00
18. Subtotal (Lines 16 through 17)			\$ 148,000.00
19. Federal Share requested of Line 18			\$ 133,200.00
20. Grantee share			\$ 0.00
21. Other shares			\$ 14,800.00
22. TOTAL PROJECT (Lines 19, 20 & 21)			\$ 148,000.00

SECTION C – EXCLUSIONS	
23. Classification (Description of non-participating work)	Amount Ineligible for Participation
a.	\$ 0.00
b.	\$ 0.00
c.	\$ 0.00
d.	\$ 0.00
e.	\$ 0.00
f.	\$ 0.00
g. Total	\$ 0.00

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE	
24. Grantee Share – Fund Categories	Amount
a. Securities	\$ 0.00
b. Mortgages	\$ 0.00
c. Appropriations (by Applicant)	\$ 0.00
d. Bonds	\$ 0.00
e. Tax Levies	\$ 0.00
f. Non-Cash	\$ 0.00
g. Other (Explain):	\$ 0.00
h. TOTAL - Grantee share	\$ 0.00
25. Other Shares	Amount
a. State	0.00
b. Other	14,800.00
c. TOTAL - Other Shares	\$ 14,800.00
26. TOTAL NON-FEDERAL FINANCING	\$ 14,800.00

SECTION E – REMARKS (Attach sheets if additional space is required)
Other Shares (10%) to be paid by FAA using

PART IV – PROGRAM NARRATIVE
(Suggested Format)

PROJECT: Pavement Maintenance - Design/Construction
AIRPORT: Front Royal-Warren County Airport
1. Objective: Crack seal and remarking of the AIP eligible taxiways, apron and t-hangar areas.
2. Benefits Anticipated: Reduce maintenance and operating costs. Extend the life of the pavements. Increased safety for airport users.
3. Approach: (See approved Scope of Work in Final Application) Prepare project specifications, bid package and construction for the application of crack seal on the existing runway, taxiways, aircraft parking apron and T-hangar areas and remarking of the runway, taxiways, aircraft parking apron and T-hangar areas. Prepare the specifications and exhibits necessary to identify the project areas and phasing.
4. Geographic Location: Front Royal-Warren County Airport
5. If Applicable, Provide Additional Information: n/a
6. Sponsor's Representative: (include address & telephone number) Michael R. Berry Public Works Director mberry@warrencountyva.net 220 North Commerce Ave. Front Royal, VA 22630 540-636-1543

PROJECT COST SUMMARY

Pavement Maintenance - Deign/Construction
Front Royal-Warren County Airport

June 22, 2021

FAA Reimbursement No.: application

TBI Project No.: 4213-2101

AIP Project No.: 3-51-0019-pending

GRANT

AMOUNT

3-51-0019-pending

DESCRIPTION	BUDGET COST	FUNDING SHARE			FUNDING AMOUNT		
		FAA	OTHER	FKN	FAA	OTHER	FKN
ADMINISTRATION EXPENSE							
Advertisement	\$ 1,000.00	90%	10%	0%	\$ 900.00	\$ 100.00	\$ -
Sponsor Administrative Costs	\$ 2,643.50	90%	10%	0%	\$ 2,379.15	\$ 264.35	\$ -
SUBTOTAL	\$ 3,643.50				\$ 3,279.15	\$ 364.35	\$ -
ENGINEERING BASIC SERVICES							
Preliminary	\$ 11,614.50	90%	10%	0%	\$ 10,453.05	\$ 1,161.45	\$ -
Special Assistance	\$ 9,515.00	90%	10%	0%	\$ 8,563.50	\$ 951.50	\$ -
Construction Administration	\$ 8,127.00	90%	10%	0%	\$ 7,314.30	\$ 812.70	\$ -
SUBTOTAL	\$ 29,256.50				\$ 26,330.85	\$ 2,925.65	\$ -
CONSTRUCTION & PROJECT IMPROVEMENT							
Construction	\$ 115,100.00	90%	10%	0%	\$ 103,590.00	\$ 11,510.00	\$ -
SUBTOTAL	\$ 115,100.00				\$ 103,590.00	\$ 11,510.00	\$ -
TOTAL							
	\$ 148,000.00				\$ 133,200.00	\$ 14,800.00	\$ -



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
9/07/2021	H-S	Request for Extension of Conditional Use Permit - #87-12-02 Patricia H. Grove (Grove's Garage) <i>Authorized Use: Commercial Auto Repair Garage with a Single-Family Dwelling</i>	1 of 1

EXPLANATION & SUMMARY:

On January 19, 1988, a conditional use permit was issued to John B. Grove for a commercial auto repair garage in conjunction with a single-family dwelling. The property is located at 3154 Rivermont Drive in the Fork District and is identified on tax map 28D, section 1, block 1, as parcels 21 and 22. The property is currently zoned Residential One (R-1).

In 2009 the permit was transferred to Patricia H. Grove after the death of her husband, and she has continued the use by allowing members of the extended family to use the property for maintenance of their vehicles and storage of auto repair tools and equipment. She has been in contact with potential renters of the garage for storage of vehicles and hopes to utilize the garage for that use in the future while she owns the property.

The applicant has complied with the conditions of the permit, and we have never had any complaints from adjacent property owners regarding the business. She is requesting an additional two -year extension for the use as an auto repair garage with a single-family dwelling in order to continue the authorized use.

Section 180.63. (H)(3), states *"Upon a finding by the Board of Supervisors that the holder of the conditional use permit has in fact made diligent effort reasonably calculated to promote development of the approved conditional use permit, the holder of such permit shall have an additional period of two years from the date of such request to establish such approved conditional use."*

It is the opinion of staff that this request is reasonable based on the statement of justification by the applicant.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the request to extend the Conditional Use Permit #87-12-02 of Patricia H. Grove for a period of two (2) years from this date.

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Matt Wendling, CFM Deputy Planning Director County Floodplain Manager	☐ APPROVED ☐ OTHER (Describe)	

Patricia H. Grove
P.O. Box 8
Front Royal, Virginia 22630

August 27, 2021

Warren County Board of Supervisors
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Board of Supervisor Members:

In 1987, the Board of Supervisors approved a conditional use permit for an auto maintenance shop for our property located at 3154 Rivermont Drive. It is my understanding that unless an extension is requested, this permit will expire. At this time, I am requesting to extend the conditional use permit (#1987-12-02) for an additional two-year period as permitted by the County zoning ordinance. Since my husband's death, we are continuing to sort through the equipment in the garage with the help of some other local mechanics. Not knowing what the future holds, we would like to keep the conditional use permit active for now.

Thank you for your help and assistance with this matter.

Sincerely,

Patricia H. Grove

COUNTY OF WARREN



J. RONALD GEORGE
County Administrator

P.O. BOX 908
FRONT ROYAL, VIRGINIA 22630
(703) 636-9973

BOARD OF SUPERVISORS

ROBERT F. LOONEY
Chairman

BERNARD L. STOKES
Vice-Chairman

STAIGE F. MILLER
LYNWOOD L. MORRISON
STUART L. RUDACILLE

CONDITIONAL USE PERMIT

NAME John B. Grove

ADDRESS P. O. Box 8, Front Royal, Virginia 22630

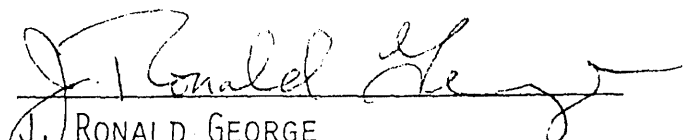
PROPERTY DESCRIPTION: Located in the Fork Magisterial District, identified on Tax Map 28D, Section 1 as Lots 21 and 22, and zoned Residential.

AUTHORIZED USE: Auto maintenance and repair shop.

- CONDITIONS:
1. Only one bay to be added to the existing garage,
 2. Business to be operated between the hours of 8:00 a.m. and 9:00 p.m. Monday through Saturday and closed on Sunday,
 3. A maximum of six vehicles to be on property at any one time,
 4. In addition to the applicant, there may be only one part-time employee, and
 5. Waste to be disposed of in an environmentally approved manner.

DATE PERMIT EXPIRES N/A

DATE APPROVED BY BOARD OF SUPERVISORS January 19, 1988


J. RONALD GEORGE
COUNTY ADMINISTRATOR



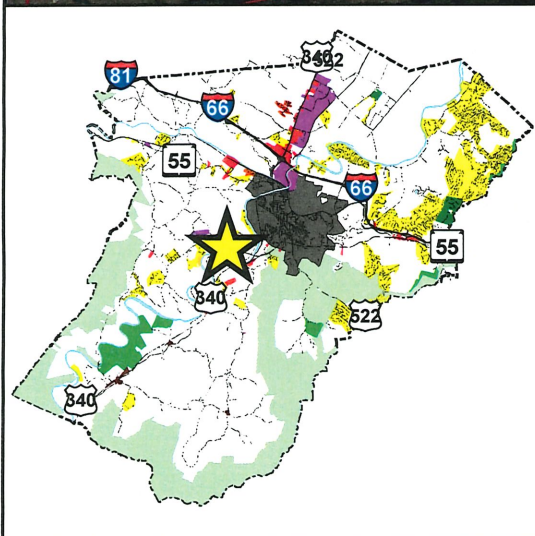
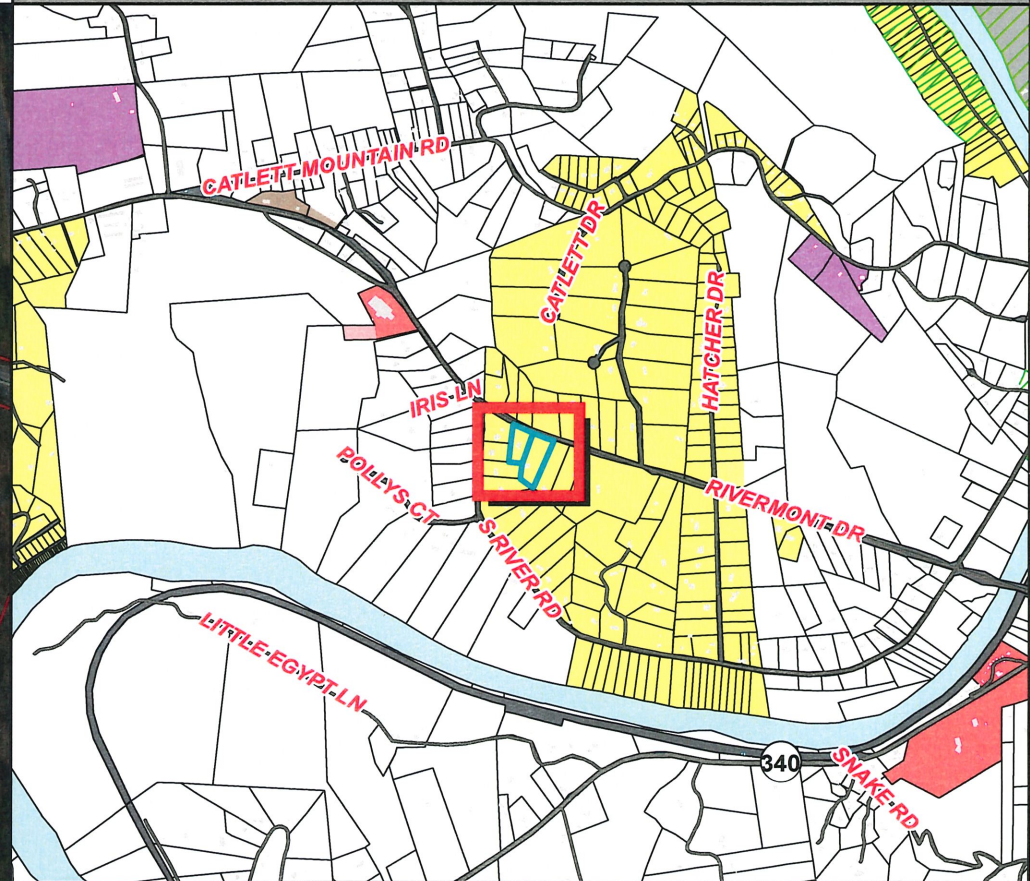
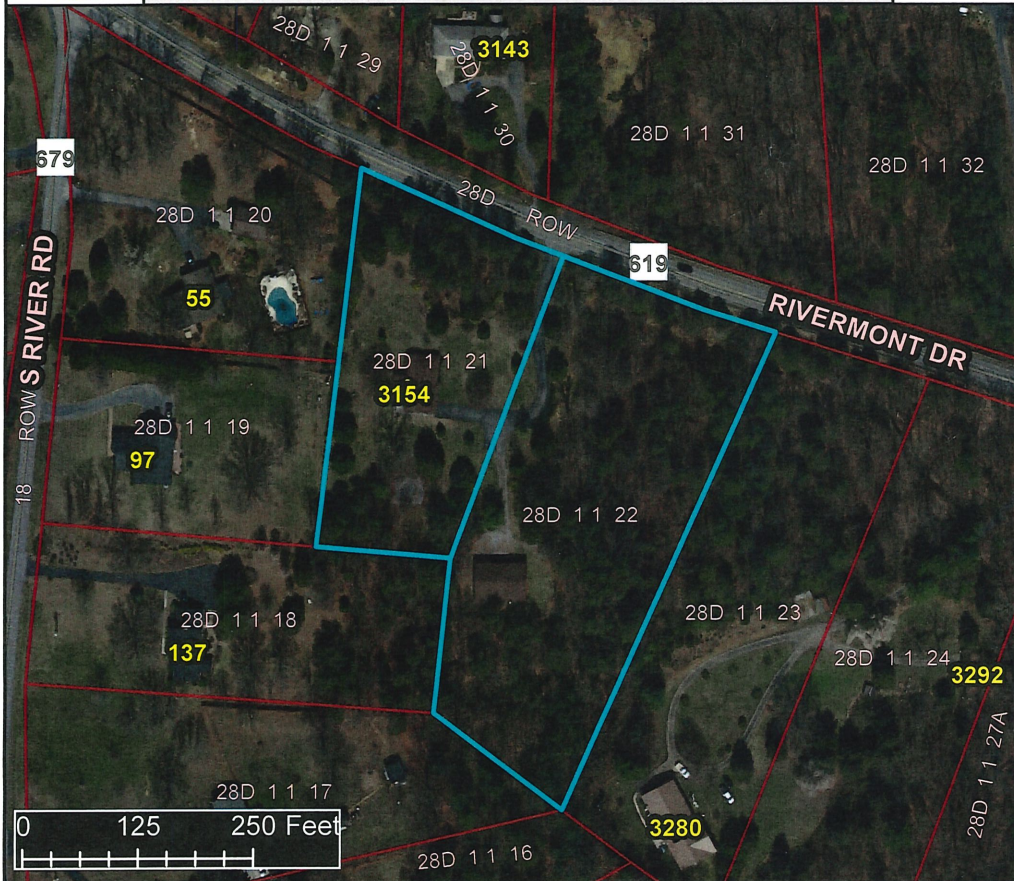
Warren County VA

CUP Location Map



Request to Extend CUP for 2 Years
[Commercial Garage with SFD]
Applicant: Patricia Grove

TM 28D--1-1--21 & 22
3154 Rivermont Drive
Mineral Springs Subdivision



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
9/07/2021	H-6	Conditional Use Permit: #2005-06-02 Front Royal RV Campground formerly CUP#87-10-01 Hendrick & Dirkie Bron Name Change Request to RV Investments, LLC <i>Grandfathered Use: Commercial Campground</i> <i>Authorized Use: Mobile Home for use as owner's residence.</i>	1 of 2

EXPLANATION & SUMMARY:

The commercial campground was established around 1968 prior to 1973 when the County in 1973 adopted its first zoning ordinance and has been determined to be a non-conforming grandfathered land-use. Conditional Use Permit #87-10-01 Hendrick and Dirkie Bron for a mobile home for use as owner's residence and was required due to being and expansion of the use since the structure was to be used as an office and dwelling. In 2005 it was reassigned CUP #2005-06-02 and the name was changed to Dong Uk Ki and Jung Ok Kim for the same use. The property is located at 585 Koa Drive and identified on tax map 28, as parcel 93. The property is zoned Commercial (C) and is located in the South River Magisterial District.

The applicants, Stuart (Ritchie) and Joan D. Vaught recently purchased the Front Royal RV Campground on the 29th of June 2021 and Conditional Use Permit #2005-06-02 issued to the former property owner conveys with the property. The campground has a total of 174 sites which include cabins and 30 primitive tent sites. The new owners plan to renovate the campground in phases and have been currently working on the water supply and other facilities to open portions of the campground up by October 1st, 2021. They have requested this name change to the permit in order to receive a certificate of zoning to apply for a business license with the Commissioner of the Revenue. County staff will schedule a site visit prior to issuing the permit.

Section 180-63 of the Warren County Zoning Ordinance states that the Board of Supervisors may modify previously imposed conditions or permitted uses on conditional use permits. No material changes in permit conditions or uses shall be approved until a public hearing is held on the proposal. Such hearing shall be advertised, and adjacent property owners notified. A material change is defined as any change which could reasonably be expected to result in a substantial change in the appearance, operation or general character of the permitted use or its effects upon other persons or properties.

If the Board of Supervisors determines that the proposed change in permitted use is of such a nature that it should appropriately be treated as a new application, the request will be returned to the applicant for submission to the county as a new application.

It is my opinion the request is not of such a nature that it should be treated as a new application and that the request is not a "material change" as defined in Section 180-63(G) as a substantial addition to the existing operation.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the name change request to Conditional Use Permit #2005-06-02 from Front Royal RV Campground to RV Investments, LLC and to void conditional use permit number #87-10-01.

SUBMITTED BY:


Matt Wendling CFM
Deputy Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐

APPROVED

☐

OTHER (Describe)

**PROCESSED
BY:**

Matt Wendling
Deputy Planning Director
County of Warren, Virginia
220 North Commerce Avenue
Front Royal Virginia

26 August 2021

In Re: 585 KOA Drive, Front Royal Va. (Tax Map 28-93), South River Magisterial District, Warren County, Va.; Owner, RV Investments LLC .

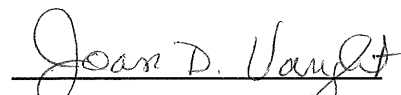
Dear Mr. Wendling,

Please accept this letter as notice of intent for the continued use of the above property as a commercial campground by its current owner, RV Investments LLC, and a request for the issuance of a Certificate of Zoning by your Office for this use by the current owner. The following information is provided for this purpose:

The new and current Owner is RV Investments LLC , a Virginia Limited Liability Company. A Certificate of Organization enclosed as Exhibit "A". The property acquired by Deed dated 29 June 2021, enclosed as Exhibit "B". All Warren County Real Estate taxes are paid for 2021, Exhibit "C". The property is zoned for commercial use and has been continuously used as a commercial campground for many decades. The current owner is in the process of rehabilitating the property, its improvements and facilities for continued use as a commercial campground. There are no present plans for the expansion of the area used as a commercial campground. RV Investments LLC is solely owned by Stuart R. Vaught and Joan D. Vaught who reside at ~~9478~~ Stonewall Jackson Highway, Front Royal, Va. 22630, telephone # 540-635-8282. Stuart R. Vaught and Joan D. Vaught are Co-Managers of RV Investments LLC, either of whom may act on behalf of the Company in this matter.



Stuart R. Vaught, Member/Manager



Joan D. Vaught, Member/Manager

Commonwealth of Virginia



STATE CORPORATION COMMISSION

Richmond, June 24, 2021

This is to certify that the certificate of organization of

RV Investments LLC

was this day issued and admitted to record in this office and that the said limited liability company is authorized to transact its business subject to all Virginia laws applicable to the company and its business.

Effective date: June 24, 2021



STATE CORPORATION COMMISSION

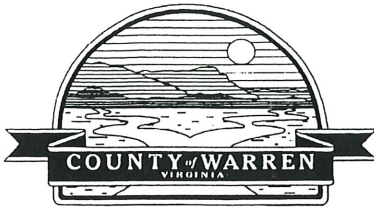
Attest:

A handwritten signature in black ink, appearing to read "Bernard J. St. John".

Clerk of the Commission

A

COUNTY OF WARREN



County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630

Phone: (540) 636-4600

FAX: (540) 636-6066

Email: admin@warrencountyva.net

Douglas P. Stanley
County Administrator

CONDITIONAL USE PERMIT

BOARD OF SUPERVISORS

CHAIRMAN
Tony F. Carter
Happy Creek
District

VICE-CHAIRMAN
Richard H. Traczyk
Shenandoah
District

Ron Llewellyn
North River
District

John E. Vance
Fork
District

J. Scott Weinberg
South River
District

NAME: Front Royal RV Campground

ADDRESS: 585 KOA Drive, Front Royal, Virginia 22630

PROPERTY DESCRIPTION: Located in the South River District;
Tax Map 28, Parcel 93 and is zoned
Commercial.

AUTHORIZED USE: Emplacement of mobile home within the
Front Royal RV Campground for use as
owners' residence.

CONDITIONS:

1. Six of the existing sewer hookup campsites to be eliminated.
2. Permanent water saving plumbing devices (one gallon flush toilets and flow restricted shower heads) to be installed.
3. Should existing septic system fail, the owner is responsible for contacting the Warren County Health Department and is responsible for making any necessary repairs.

DATE PERMIT EXPIRES: N/A

DATE APPROVED BY BOARD OF SUPERVISORS: November 16, 1987

DATE MODIFIED BY BOARD OF SUPERVISORS: June 21, 2005


DOUGLAS P. STANLEY
COUNTY ADMINISTRATOR

cc: Commissioner of Revenue
Deputy Planning Director
Zoning Administrator

COUNTY OF WARREN



J. RONALD GEORGE
County Administrator

P.O. BOX 908
FRONT ROYAL, VIRGINIA 22630
(703) 636-9973

BOARD OF SUPERVISORS

ROBERT F. LOONEY
Chairman

BERNARD L. STOKES
Vice-Chairman

STAIGE F. MILLER
LYNWOOD L. MORRISON
STUART L. RUDACILLE

CONDITIONAL USE PERMIT

NAME Hendrick & Dirkie Bron

ADDRESS P. O. Box 274, Front Royal, Virginia 22630

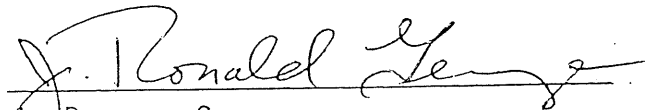
PROPERTY DESCRIPTION: Located in the South River Magisterial District, Tax Map 28, Parcel 93, and is zoned Industrial/Commercial.

AUTHORIZED USE: Emplacement of mobile home within the KOA Campground for use as owners residence.

- CONDITIONS:
1. Six of the existing sewer hookup campsites to be eliminated.
 2. Permanent water saving plumbing devices (one gallon flush toilets and flow restricted shower heads) to be installed.
 3. Should existing septic system fail, the owner is responsible for contacting the Warren County Health Department and is responsible for making any necessary repairs.

DATE PERMIT EXPIRES N/A

DATE APPROVED BY BOARD OF SUPERVISORS November 16, 1987


J. RONALD GEORGE
COUNTY ADMINISTRATOR

CLR210005997

Consideration: \$1,000,000.00
Assessed value \$1,000,600.00
Tax Map No: 28-93

Grantee's Address:
7371 Atlas Walk Way
Gainesville, VA 20155

Document Prepared by:
David N. Crump, Jr., Esq. – VSB# 15014
1516 N. Shenandoah Avenue
P.O. Box 1754
Front Royal, Va. 22630
THIS DOCUMENT PREPARED
WITHOUT BENEFIT OF PREPARER'S
REVIEW OF TITLE EXAMINATION

Underwriter: Commonwealth Land Title Insurance Co

DEED

THIS DEED made this 29th day of June, 2021, by and between **DONG UK KIM** and **JUNG OK KIM**, husband and wife, hereinafter referred to as the **GRANTORS**, and **RV INVESTMENTS LLC**, hereinafter referred to as the **GRANTEE**.

WITNESSETH

THAT FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the **GRANTORS** do hereby grant, bargain, sell and convey, in fee simple, with **GENERAL WARRANTY** and English Covenants of Title,, unto the **GRANTEE**, all the following lot or parcel of land, lying and being situate in Warren County, Virginia, together with any improvements thereon, to-wit:

ALL THAT certain lot or parcel of land, together with all improvement thereon, lying and being situate in the South River Magisterial District of Warren County, Virginia, containing 34.37 acres, more or less, as shown on a plat of survey prepared by Joseph G. Brogan, Sr., C.L.S., dated March 5, 1987, which is recorded in the Clerk's Office of the Circuit Court of Warren County, Virginia, in Deed Book 356, Page 854.

TOGETHER WITH the non-exclusive use of that certain right of way described in Deed Book "Z" at Page 106, which is recorded in the aforesaid Clerk's Office, said right of way

B

providing a means of ingress and egress to and from the subject parcel and U.S. Route 340.

AND BEING the identical real property conveyed to the **GRANTORS** by deed dated September 15, 2004, from Recreational Adventures Campground, limited liability company, of record in the aforesaid Clerk's Office as Instrument No. 040010534.

Reference is hereby made to the aforesaid deeds and plat for a more particular description of the real property herein conveyed.

THIS CONVEYANCE is made expressly subject to the easements, conditions, restrictions, and rights-of-way of record contained in the instruments forming the chain of title to the property conveyed herein, and to matters visible upon inspection.

WITNESS the following signatures and seals:

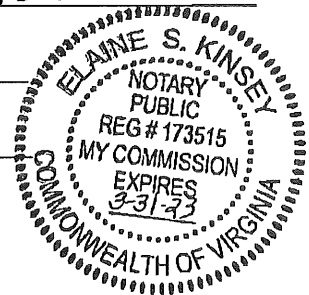
Dong Uk Kim (SEAL)
DONG UK KIM

Commonwealth of Virginia)
County of Warren) to wit:

The foregoing deed was acknowledged before me on July 6, 2021
by Dong Uk Kim.

Elaine S. Kinsey
Notary Public:

My Commission Expires: _____

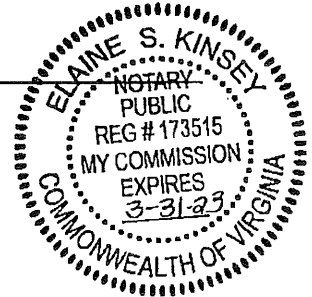


Jung Ok Kim (SEAL)
JUNG OK KIM

Commonwealth of Virginia)
County of Warren) to wit:

The foregoing deed was acknowledged before me on July 6, 2021
by Jung Ok Kim.

Elaine S. Kinsey
Notary Public:
My Commission Expires: _____



After recording, please return to:
James Kerrigan
7371 Atlas Walk Way
Gainesville, VA 20155

Reserved for Recording Clerk:

INSTRUMENT 210005997
RECORDED IN THE CLERK'S OFFICE OF
WARREN COUNTY CIRCUIT ON
JULY 6, 2021 AT 01:16 PM
\$1001.00 GRANTOR TAX WAS PAID AS
REQUIRED BY SEC 58.1-802 OF THE VA. CODE
STATE: \$500.50 LOCAL: \$500.50
ANGELA M. MOORE, CLERK
RECORDED BY: JXS

[Signature]

Ticket Detail

REAL ESTATE 2021

Department: RE2021
Ticket No: 87020001
Frequency: 1
Supplement No: 0
Name: KIM DONG UK & JUNG OK
Account No: 20473
Name 2: N/A
Map ID: 28 93
Address: 585 KOA DR
 FRONT ROYAL VA 22630
Description: L2 SCROGGINS
District: 05
Bill Date: 05/01/2021
Due Date: 06/22/2021

Land Value: \$332,800
Improvement Value: \$667,800
Original Bill: \$3,276.97
Acres: 34.37
Last Transaction Date: 06/01/2021
Payments: \$3,276.97-
Penalty Paid: \$0.00
Interest Paid: \$0.00
Amount Owed: \$0.00
Total Owed: \$0.00
Penalty: \$0.00
Interest: \$0.00

Note: If payment was received within the past 10 business days, then any returned items may not be posted at this time.

Show entries

Date	Type	Transaction No.	Amount	Balance
05/01/2021	Charge	0	\$ 3276.97	\$ 3276.97
05/28/2021	Payment	61292	\$ -3276.97	\$ 0.00

First Previous 1 Next Last

New Search

Previous

08 WAR WARREN COUNTY Property Card Inquiry SOUTH RIVER - C
Rec# 20473 1 Map# 28 93 Prorate Date:
Acct# Back Of Card Legal Mod Date:
Bk Ref:
Instr#:
Grantor: KIM DONG UK & JUNG OK
Ownership: Deed/Will Bk/S Date Consid Mult
RV INVESTMENTS LLC 0000 7/06/2021 1000000 1
0000
9478 STONEWALL JACKSON HWY Plat : 0000
Inst #: LR 2021 0005997
FRONT ROYAL VA 22630 Census Tract:

Legal Desc: L2 SCROGGINS USER CODES

Acreage: 34.37

Year Min Val Mk+Ld Val Land Use Impv Val Total Value
2019 332800 667800 1000600

Comments: STUART & JOAN VAUGHT Prop Use: 000000
MEMBERS & MANAGERS PER MR Date of: Last Chg Addr Chg Value Chg
VAUGHT ADD PTP 8/21 8/27/2021 8/27/2021 1/01/2019
Enter Next Screen F1 Return to Search F3 Exit F12 Next Record F24 More Keys

Other Improvements						
Description	SQ.FT or Length	Width	Cond	Rate/ FV	% of Depr	Total Value
1 #02 BLDG			A	107300.00		107300
2 #03 BLDG			A	85800.00		85800
3 MINI GOLF 9HOLES			P			
4 SWIM POOL+CC DK	30.0	60.0	A	30.00	35	35100
5 RESTROOM-CB	17.0	28.0	A	25.00		11900
6 31 W/S/E HKUPS@3500			A	108500.00		108500
7 42 W/E HKUPS@2500			A	105000.00		105000
8 50 PRIMITIVE			A	25000.00		25000
9 7 FR RM/OP@3000EA	120.0		A	35000.00		35000
10 9 LOG RM/OP@4500EA	120.0		A	45000.00		45000

NV

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record F24 More Keys

Other Improvements						
Description	SQ.FT or Length	Width	Cond	Rate/ FV	% of Depr	Total Value
11 4 LOG RM/OP@7500EA	180.0		A	30000.00		30000
12 PVMT-ASPH			A	5000.00		5000
13 WELL HOUSE			A			NV

Enter Next Screen F1 Return to Search F3 Exit F12 Next Record F24 More Keys



DSS
DIGITAL SATELLITE SYSTEM

38° Elev • 223° Azim

TV Stations

3.....ABC 42.....PBS
25.....NBC 60.....PAX
28.....Religious



Your Site # _____

Check-out
12 NOON

SPEED
LIMIT
5
MPH



MAP NOT TO SCALE



350 Ft. Waterslide

Fishing Pond

Swimming Pool and
Hot Tub

Camping Cabins

Meeting Room

Movies

FRONT ROYAL RV CAMPGROUND

P O Box 274 • 585 K.O.A. Dr

Front Royal, VA 22630

540-635-2741

Email: frvvcampground@aol.com

Web: www.frontroyalrvcampground.com

6

THE APPLE HOUSE

"Not Just Another Country Store"

540-636-6329 BBQ

"The Home of Alpenglow with Cider & Donuts"

VA Products

Route 55 E, Linden Exit (13) off I-66

Breakfast
Anytime

Open 7 Days/Wk

For The Security Of Our Guests...

Please have your visitors stop at the
store to register and pay the fee.





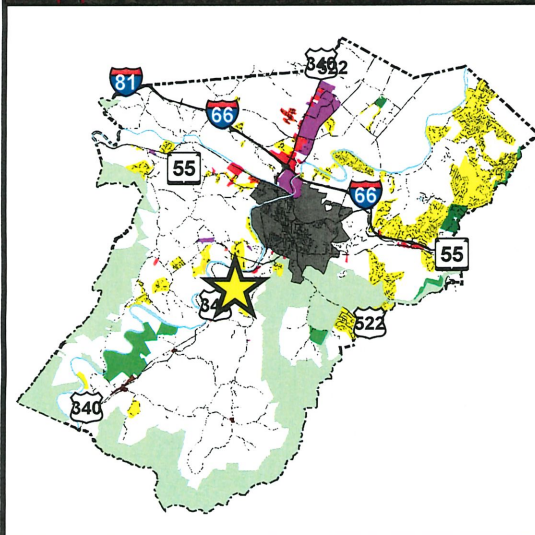
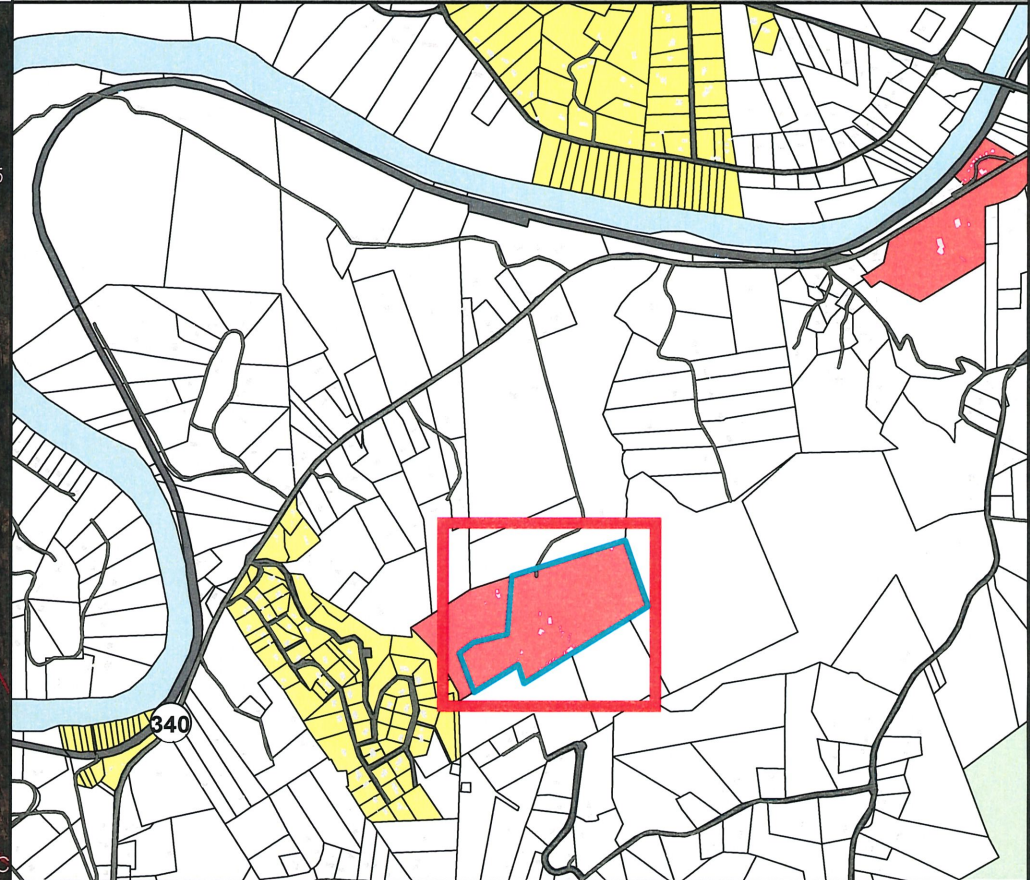
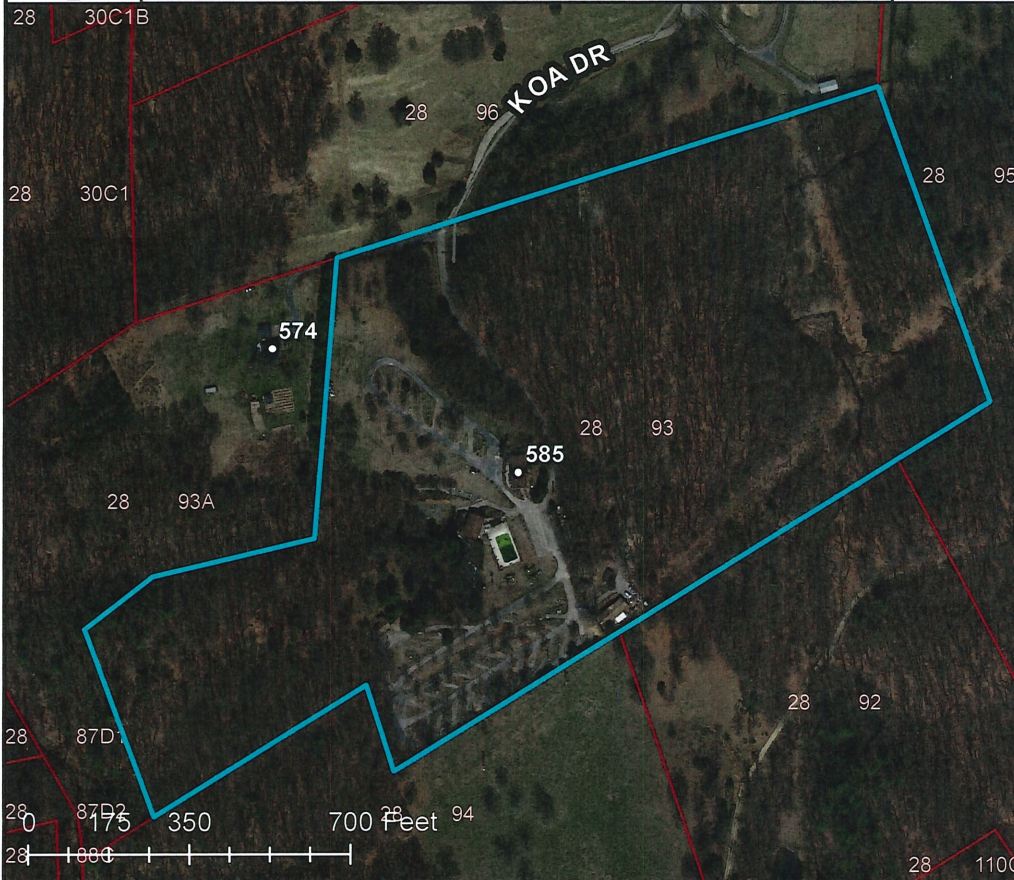
Warren County VA

CUP Location Map



CUP Name Change
[KOA Campground]
Applicant: RV Investments, LLC

TM# : 28-----93
585 KOA Drive



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

<u>DATE</u>	<u>ITEM</u>	<u>SUBJECT</u>
9/07/2021	H-7	Conditional Use Permit - #2007-11-02 Amy Cavalier <i>Modification Request: Change Conditions #2 - Grooming Service, #12 -Hours of Operation and #13 - Limits on the number outside dog at any one time.</i>

EXPLANATION & SUMMARY:

Amy Cavalier was issued a conditional use permit (CUP# 2007-11-02) on January 15, 2008, for a Boarding Kennel. The property is located at 797 Fairground Road in the North River District, zoned Agricultural (A), and identified on Tax Map 5, as parcel 15BBO. In 2018 the applicant requested the kennel be subdivided from the parent parcel in order to receive an E-911 address for the kennel structure and for insurance purposes. The applicant is requesting that the conditional use permit be modified to change their hours of operation, allow for dogs to be groomed on site that aren't currently being boarded and to allow for additional dogs to use the three outside run areas.

Below are the existing conditions. Staff is recommending the changes shown in bold and underlined text.

1. The applicant shall be limited to the 32 kennels.
2. The kennel shall be used for boarding and grooming services **on a by-appointment basis only.** ~~solely for client's pets that are being boarded. Grooming Services shall not be available to the general public on a walk-in basis.~~
3. The applicant shall meet all Virginia Department of Transportation, Warren County Health Department, Warren County Animal Control and Warren County Humane Society requirements.
4. The applicant shall comply with section 180-49 (B), (C) & (D) of the Warren County Zoning Ordinance.
5. Any structure or area occupied by animals shall be no closer than 47 feet to the rear property line, 50 to the west property line and no closer than 100 feet to the front and east property lines.
6. The applicant shall allow agents of Warren County and the Warren County Humane Society to inspect the property upon request and report the findings to the Planning Commission.
7. Removed.
8. All animal waste shall be disposed of properly at all times.
9. The property shall be kept clean of debris at all times.
10. The permit shall be reviewed annually by the Warren County Planning Department.
11. The building used to house the dogs shall be soundproofed.
12. The hours of operation shall be **daily from 9:00 AM to 7:00 PM.** ~~Monday through Friday 9:00 AM to 6:00 PM and Saturdays from 8:00 AM to 12:00 PM.~~
13. ~~There shall be only two dogs outside at any one time.~~ **The three outside pens shall be limited to a maximum total of twelve dogs at any one time and not limited to the number of dogs per each pen as long as the total is not exceeded.**
14. The applicant shall plant a landscape buffer along the rear property line consisting of two (2) Leyland Cypress trees per ten (10) feet and screen the existing dumpster area with a board-on-board fence as required by the County's landscaping ordinance.
15. All building permits issued to the property must receive final inspections.

Section 180-8 of the County Code defines a Boarding Kennel as, *"Any commercial kennel available to the general public where the operator takes control of an animal(s) from the animal owner; and, where the animal(s) may be provided individual confinement accommodations, fed, exercised and/or provided general care on a short-term basis, usually by the day, week or a specified length of time not to exceed 30 days for compensation, trade, barter or other commercial gain. Further, boarding kennels shall comply with the supplementary regulations in § 180-48.3 of this chapter."*

The Warren County Zoning Ordinance §180-63 states that the Board of Supervisors may modify previously imposed conditions or permitted uses on conditional use permits. No material changes in permit conditions or uses shall be approved until a public hearing is held on the proposal. Such hearing shall be advertised and adjacent property owners notified. A material change is defined as any change which could reasonably be expected to result in a substantial change in the appearance, operation or general character of the permitted use or its effects upon other persons or properties.

If the Board of Supervisors determines that the proposed change in permitted use is of such a nature that it should appropriately be treated as a new application, the request will be returned to the applicant for submission to the County as a new application.

It is my opinion the request is not of such a nature that it should be treated as a new application since it is a modification to the conditions of the existing use. I do recommend a public hearing be held by the Board of Supervisors, so the public and adjoining property owners are notified of the request.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed request for modification to the conditions of Conditional Use Permit 2007-11-02 for advertisement for a public hearing.

OR

I move the Board of Supervisors send this application back to the Planning Commission for further review.

SUBMITTED BY: Matt Wendling, Deputy Planning Director County Floodplain Manager	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (Describe)	PROCESSED BY:
---	---	----------------------

August 18, 2021

To whom it may concern:

My name is Amy Cavalier and I am the owner/operator of Cavalier Kennels, LLC located at 799 Fairground Road Front Royal, VA 22630. We have been operational since 2008 and have always complied with our CUP and never had any issues.

Recently our kennel insurance company did a review of our policy and questioned why we could only have 2 dogs out at once in our yards per the CUP # 13. I would like to modify this to allow for families with multiple dogs per household to be outside at the same time. We do not do playgroups and dogs only go outside with dogs from the same family but we need to utilize all three yards simultaneously. We have three huge yards each surrounded by a six foot solid fence with a mature tree line separating the fence from any surrounding neighbors and we have never had a noise issue.

We would also like to modify CUP #2 that only allows grooming services for dogs while boarding with us. We have many customers who would like to utilize our grooming services as needed when not boarding with us. We would like to offer grooming to the general public during our regular business hours by appointment only.

We would also like to modify CUP #12 to change our business hours to daily 9am to 7pm. This is to better accommodate our clients.

Your consideration is appreciated.

A handwritten signature in blue ink, appearing to be 'Amy Cavalier', enclosed within a large, loopy blue oval.

Amy Cavalier

Cavalier Kennels. LLC



COUNTY OF WARREN

County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630

Phone: (540) 636-4600

FAX: (540) 636-6066

Email: admin@warrencountyva.net

CONDITIONAL USE PERMIT 2007-11-02

Douglas P. Stanley
County Administrator

NAME: Amy Cavalier
ADDRESS: 799 Fairground Road, Front Royal, VA 22630

PROPERTY DESCRIPTION: Located in the Shenandoah District, identified on Tax Map 5 as Parcel 15B and is zoned Agricultural.

Board of
Supervisors

Chairman
Archie A. Fox
Fork
District

Vice-Chairman
Linda P. Glavis
South River
District

Tony F. Carter
Happy Creek
District

Daniel J. Murray, Jr.
North River
District

Richard H. Traczyk
Shenandoah
District

AUTHORIZED USE: Kennel

CONDITIONS: (Condition 5 modified March 18, 2008)
(Condition 2 modified September 7, 2010)
(Conditions 1, 5, 7, and 14 modified July 17, 2012)

1. The applicant shall be limited to the 32 kennels.
2. The kennel shall be used for boarding and grooming services solely for client's pets that are being boarded. Grooming services shall not be available to the general public on a walk-in basis.
3. The applicant shall meet all Virginia Department of Transportation, Warren County Health Department, Warren County Animal Control and Warren County Humane Society requirements.
4. The applicant shall comply with section 180-49 (B) (C) & (D) of the Warren County Zoning Ordinance.
5. Any structure or area occupied by animals shall be no closer than 47 feet to the rear property line, 50 feet to the west property line and no closer than 100 feet to the front and east property lines.
6. The applicant shall allow agents of Warren County and the Warren County Humane Society to inspect the property upon request and report the findings to the Planning Commission.
7. Removed.
8. All animal waste shall be disposed of properly.
9. The property shall be kept clean of debris at all times.
10. This permit shall be reviewed annually by the Warren County Planning Department.
11. The building used to house the dogs shall be soundproofed.
12. The hours of operation shall be Monday through Friday 9:00 AM to 6:00 PM and Saturdays from 8:00 AM to 12:00 PM.
13. There shall only be two dogs outside at any one time.
14. The applicant shall plant a landscape buffer along the rear property line consisting of two (2) Leyland cypress trees per ten (10) feet and screen the existing dumpster area with a board-on-board fence as required by the County's landscaping ordinance.
15. All building permits issued to the property must receive final inspections.

DATE PERMIT EXPIRES: N/A

DATE APPROVED BY BOARD OF SUPERVISORS:

January 15, 2008

DATE MODIFIED BY BOARD OF SUPERVISORS:

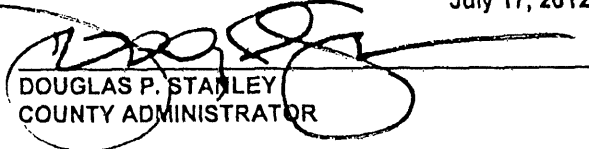
March 18, 2008

DATE MODIFIED BY BOARD OF SUPERVISORS:

September 7, 2010

DATE MODIFIED BY BOARD OF SUPERVISORS:

July 17, 2012


DOUGLAS P. STANLEY
COUNTY ADMINISTRATOR

cc: Commissioner of the Revenue
Planning Director
Zoning Administrator
Planner
GIS Coordinator

*Front Royal-Warren County
Rivers of Opportunity-Mountains of Success*

WARREN COUNTY, VIRGINIA
LAND RECORDS

000145 JAN 15 2

EXHIBIT A - LEGAL DESCRIPTION

Tax Id Number(s): 515b

Land situated in the County of Warren in the State of VA

SITUATE IN NORTH RIVER MAGISTERIAL DISTRICT OF WARREN COUNTY, VIRGINIA, BEING KNOWN AND DESIGNATED AS LOT FIFTEEN 'B' (15B), CONTAINING 5.1408 ACRES MORE OR LESS, AS SHOWN ON PLAT ENTITLED "FAMILY DIVISION SURVEY OF A PORTION OF THE CAVALIER PROPERTY RECORDED IN 432/680", PREPARED BY JOSEPH G. BROGAN, SR., C.L.S., DATED JULY 30, 1996, SAID PLAT OF RECORD IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF WARREN COUNTY, VIRGINIA AS INSTRUMENT #970000348.

Commonly known as: 799 Fairground Road, Front Royal, VA 22630-6745

THE PROPERTY ADDRESS AND TAX PARCEL IDENTIFICATION NUMBER LISTED ARE PROVIDED SOLELY FOR INFORMATIONAL PURPOSES

Being the same property conveyed to Anthony M. Cavalier and Amy L. Cavalier, husband and wife, as tenants by the entirety with the right of survivorship, by deed dated July 17, 2009 of record in Deed Instrument/Case No. 090004728, in the County Clerk's Office.

INSTRUMENT 190000216
RECORDED IN THE CLERK'S OFFICE OF
WARREN COUNTY CIRCUIT ON
JANUARY 15, 2010 AT 02:12 PM

WARREN COUNTY, VIRGINIA
LAND RECORDS

000003 AUG-7 2

This Deed prepared by Hubert Marlow, Jr., Attorney at Law.

The existence of title insurance is unknown to the prepared.

THIS DEED, made and entered into this 17th day of July, 2009, by and between, **ANTHONY M. CAVALIER** and **AMY L. CAVALIER**, husband and wife, parties of the first part, to be indexed as GRANTORS, and **ANTHONY M. CAVALIER** and **AMY L. CAVALIER**, husband and wife, parties of the second part, to be indexed as GRANTEES, whose address is 799 Fairground Road, Front Royal, Virginia 22630.

WITNESSETH: That for and in consideration of their natural love and affection, the parties of the first part do hereby give, grant and convey with General Warranty of Title and the usual English Covenants of Title unto the parties of the second part, as *tenants by the entirety with the right of survivorship*, the following-described real estate, to-wit:

Tax Map Reference No. 5 15B

All that certain lot or parcel of land, together with all appurtenances thereunto belonging or in anywise appertaining, lying and being situate in North River Magisterial District of Warren County, Virginia, being known and designated as LOT FIFTEEN "B" (15B), containing 5.1408 acres more or less, as shown on plat entitled "FAMILY DIVISION SURVEY O9F A PORTION OF THE CAVALIER PROPERTY RECORDED IN 432/680", prepared by Joseph G. Brogan, Sr., C.L.S., dated JULY 30, 1996, said plat of record in the Clerk's Office of the Circuit Court of Warren County, Virginia as Instrument #970000348; **AND BEING** the identical real estate conveyed to Amy L. Cavalier and Anthony M. Cavalier, wife and husband, by deed from Amy L. Cavalier, dated August 4, 2006, recorded September 11, 2006 in the aforesaid Clerk's Office as Instrument

Anthony M. and Amy L. Cavalier - Deed of Gift

Page 1 of 3

EXEMPT FROM RECORDING TAX PURSUANT TO VA. CODE § 58.1-811(D.)

Return to: Hubert H. Marlow, Jr.
Attorney at Law
48 Church Street
Front Royal, Virginia 22630

WARREN COUNTY, VIRGINIA
LAND RECORDS

000004 AUG-7 8

#060009655; **AND BEING** the identical real estate conveyed to Amy L. Cavalier, by Deed from Anthony M. Cavalier, dated June 21, 2005, recorded June 21, 2005 in the aforesaid Clerk's Office as Instrument #050007239; **AND BEING** the identical real estate conveyed to Anthony M. Cavalier by Deed from Seneca M. Cavalier and Mary Cavalier, husband and wife, dated November 29, 1996, recorded January 22, 1997 in the aforesaid Clerk's Office as Instrument # 970000340.

Reference to which said plat and deed and the references therein contained is hereby made for a more particular description of the property hereby conveyed and for further derivation of title thereto.

PROVIDED, HOWEVER, that this conveyance is made subject to restrictions, reservations, easements, and agreements of record to the extent that they may lawfully apply to the property hereby conveyed.

WITNESS the following signatures and seals:

[Signature Page to Follow:]

WARREN COUNTY, VIRGINIA
LAND RECORDS
000005 AUG-78

GRANTORS:

Anthony M. Cavalier (SEAL)
Anthony M. Cavalier

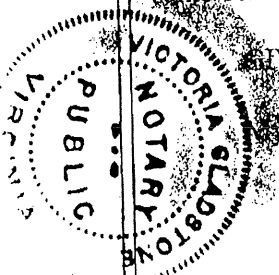
Amy L. Cavalier (SEAL)
Amy L. Cavalier

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, to-wit:

I, Victoria Gladstone, a Notary Public in and for the Commonwealth of Virginia at Large, do certify that Anthony M. Cavalier, whose name is signed to the foregoing Deed bearing date of July 17, 2009, have this day personally appeared and acknowledged the same before me in the State and County aforesaid.

GIVEN under my hand this 21st day of July, 2009.

Commission expires: 9-30-2009



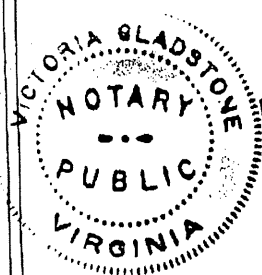
Victoria Gladstone (SEAL)
Notary Public
Victoria Gladstone
NOTARY PUBLIC
Commonwealth of Virginia
ID number 365132
My Commission Expires: Sept 30, 2009

COMMONWEALTH OF VIRGINIA
COUNTY OF WARREN, to-wit:

I, Victoria Gladstone, a Notary Public in and for the Commonwealth of Virginia at Large, do certify that Amy L. Cavalier, whose name is signed to the foregoing Deed bearing date of July 17, 2009, have this day personally appeared and acknowledged the same before me in the State and County aforesaid.

GIVEN under my hand this 21st day of July, 2009.

My Commission expires: 9-30-2009



Victoria Gladstone
NOTARY PUBLIC
Commonwealth of Virginia
ID number 365132
My Commission Expires: Sept 30, 2009

Victoria Gladstone (SEAL)
Notary Public

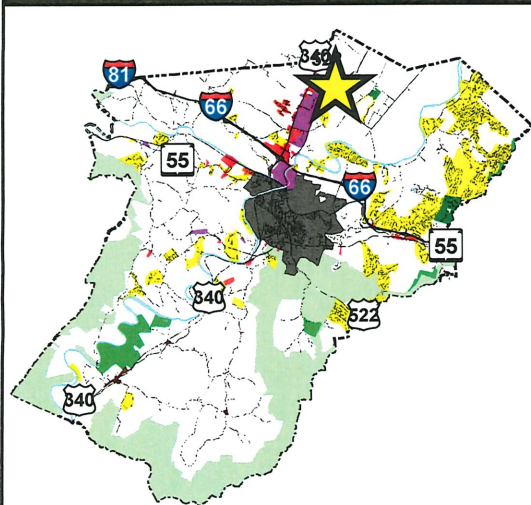
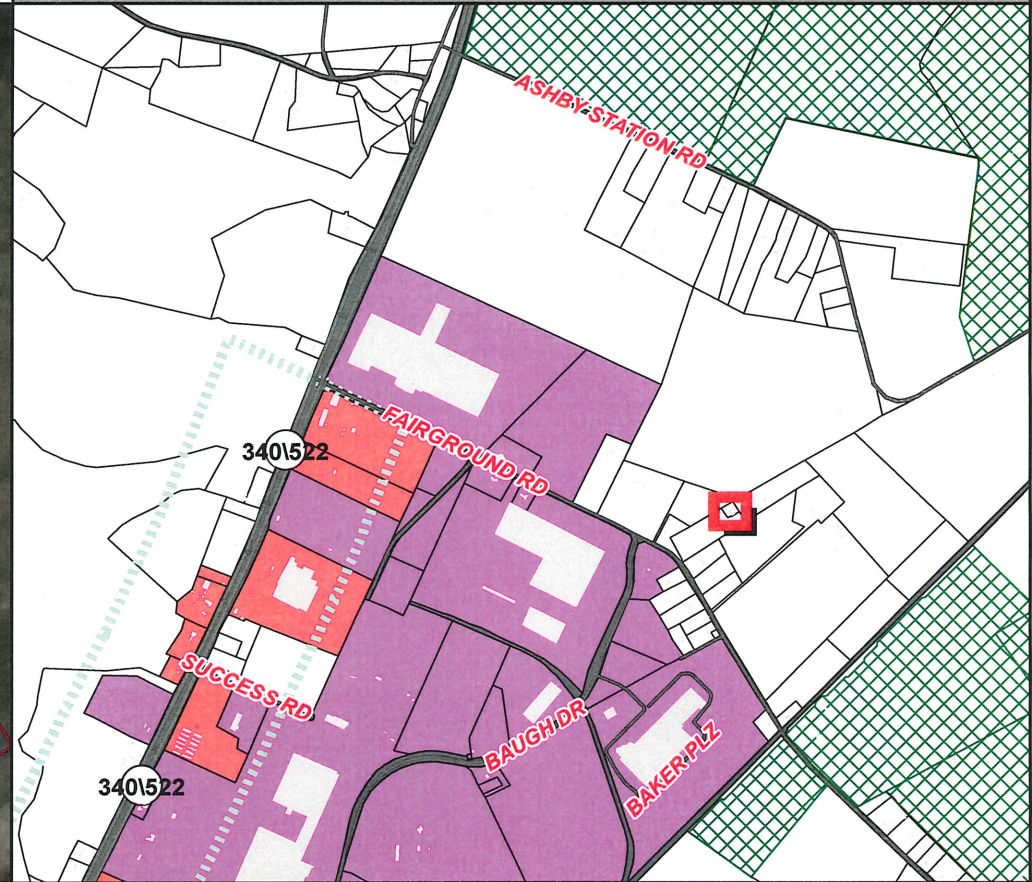
INSTRUMENT #090004728
RECORDED IN THE CLERK'S OFFICE OF
WARREN COUNTY ON
AUGUST 7, 2009 AT 10:42AM

JENNIFER R. SIMS, CLERK
RECORDED BY: SFK



CUP Condition Modification
[Kennel]
Applicants: Amy Cavalier

TM 5-----15BBO
797 Fairground Road



Zoning

- | | | | |
|---|----------------------|---|----------------------------|
|  | Agricultural |  | Rural Residential |
|  | Commercial |  | Right of Way |
|  | Industrial |  | Front Royal |
|  | Residential One |  | Federal Land |
|  | Residential Two |  | State Land |
|  | Suburban Residential |  | Water |
|  | Village Residential |  | VOF Conservation Easements |
| | |  | WC Conservation Easements |

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
9/07/2021	H-8	Conditional Use Permit #2021-07-02 Hilda Dorothea Keister <i>Short-Term Tourist Rental</i>	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

- (1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.
- (2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- (3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- (4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.
- (5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
- (6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:
 - (a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
 - (b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
 - (c) Provide for adequate parking and ingress and egress to public streets or roads.
 - (d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.
 - (e) Prevent such use from changing the character and established pattern of development of the community.

Planning Commission Move to Approve:

Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Longo and approved by the Planning Commission by a vote of 5 - 0.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed 10 as determined according to the supplemental regulations and Health Department operational permit.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

BOARD OF SUPERVISORS PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed conditional use permit request for a Short-term Tourist Rental for advertisement of a public hearing.

SUBMITTED BY:

Matt Wendling, CFM 
Deputy Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ **APPROVED** ☐ **OTHER (Describe)**

PROCESSED BY:



Conditional Use Permit: 2021-07-02/ Short Term Tourist Rental

Hilda Dorothea Keister, Applicant/ Owner

Staff Report for the Planning Commission

Prepared: June 29, 2021 Revised: July 20, 2021

Staff: Matt Wendling, Deputy Planning Director/County Floodplain Manager

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a Short-term Tourist Rental for a structure historically referred to as Signal Knob Retreat Center Buttonwood Lodge. This retreat center was established in the early 1980's on the Keister family farm for use by the Evangelical Lutheran Church in America and leased to the Caroline Furnace Lutheran Camp and Retreat Center until 2020. The property has 10 bedrooms and six and one-half baths which allows for up to 20 persons at any one time. ~~The applicants are requested a waiver to the supplemental regulations which allow for a maximum of 10 per dwelling if approved by the Health Department.~~ The applicants are requesting that they be allowed the maximum occupancy of 10 persons as per the supplemental regulations and Health Department approval for that number of guests. The use as a retreat center was grandfathered and would no longer be utilized for that use if the conditional use permit is approved. The applicants would like to establish this land-use as a secondary use to their working farm in order to provide additional income in lieu of renting the property full-time. Mr. Dennis Baker, a relative of Mrs. Keister lives across the road (Rt.55W) and would be the acting property manager since that is his permanent residence.

PROPERTY INFORMATION

Property Location: 7610 Strasburg Rd.

Tax Map ID: # 9---52A

Magisterial District: North River

Subdivision: Signal Knob Farm - Keister

Special Flood Hazard Area: The property and dwelling are partially in Floodzone "A" 1% Annual Chance.

Town/Village: Strasburg

Zoning: Agricultural (A)

Acres: 1.5

Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

South: Agricultural (A)

East: Agricultural (A)

West: Agricultural (A)

Use: Pastures/ Shenandoah River

Use: SFD with Pastures/Woodlands

Use: Pastures

Use: Shenandoah County/North Fork River

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district and has no previous zoning violations. **The use as a retreat center was grandfathered and had never been issued a conditional use permit since it was established, and the applicants do not intend to continue the grandfathered use.**

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-21. This property is located in an isolated Agricultural area composed of pasture and woodland areas, is off a private road and has views of the river. Short-term Tourist Rentals provide transient-lodging taxes

to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V, and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

A Short-Term Tourist Rental is defined by the Warren County Zoning Ordinance as, *"A single-family dwelling not attached to any other dwelling by any means and located on an individual lot that is rented for compensation for periods of less than 30 days. See § 180-56.4 for supplementary regulations pertaining to short-term tourist rentals."*

SUPPLEMENTARY REGULATIONS FOR SHORT-TERM TOURIST RENTAL (Section 180-56.4 of the Warren County Zoning Ordinance):

These regulations are as follows:

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. We received comments from the Warren County Health Department which states the sewage disposal system was designed to serve a 10-bedroom lodge with 20 occupants maximum. The applicant is requesting a waiver to this regulation to allow for a twenty person occupancy of the dwelling.
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. There will be sufficient parking for five vehicles in the driveway in front of the dwelling.
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. The boundary lines shall be adequately marked according to location shown on the survey. This property has fencing around the yard of the dwelling and pastureland in which they raise cattle and guests will have a gate and shown a path that they can access the river.
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. A change of use for a transient boarding facility for the property dwelling and an inspection will be required to verify if it meets all Building Code requirements for fire/smoke protection and a fire extinguisher. This inspection may be scheduled after Board of Supervisor approval and in conjunction with the final for the certificate of occupancy.
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.

- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **A Property Management Plan needs to be submitted and will be reviewed and approved by staff and all other requirements shall need to be met prior to a certificate of zoning for the business being issued.**
- I. If the property is located within a subdivision governed by a Homeowners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is not located within a subdivision.**
- J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.
- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The applicants shall have this posted in the bedrooms and in their guest registration packet.**
- L. A copy of Chapter §123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of this in their guest registration packet and have it posted in a common area of the dwelling.**
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in Warren County Code Section §180-63.
- N. All outdoor burning shall be in compliance with Chapter §92 of the Warren County Code.
- O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences. **This dwelling meets the setback requirements to adjacent single-family dwellings which is 431' to the closest dwelling located to the south.**

RECOMMENDED CONDITIONS:

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

Staff recommends that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed 10 as determined according to the supplemental regulations and Health Department operational permit.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

Cc: Hilda Dorothea Keister and Dennis Baker, Applicant



Statement of Purpose

Dear Warren County Planning Commissioners,

Signal Knob Retreat Center's Buttonwood Lodge was built by the Rev. Dr. John D. Keister in the 1980s on the family farm for religious retreats. After retiring as chaplain of Roanoke College in Salem, the Rev. Keister managed and directed Buttonwood Lodge for 13 years as a ministry for ecumenical adult groups with ties to the Virginia Synod of the Evangelical Lutheran Church in America. Caroline Furnace Lutheran Camp & Retreat Center then leased the building until their contract ended this year. The family is now proposing to use the facility as a short-term tourist rental, allowing guests to experience a special place to stay and enjoy the natural beauty of the Signal Knob Farm and the Shenandoah River. We are requesting a 10-person occupancy. This business will serve as a secondary income for our property and working farm. Dennis Baker will be managing the short-term tourist rental. Dennis lives full-time in the dwelling across state Route 55 from the property. This is his primary residence.

Sincerely,

H. Dorothea Keister

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2021-07-02Date Received: 6-16-2021Fee Amount: \$ 500.00Date Paid: 6-16-21 CK# 776**Applicant Information:**Hilda Dorothea Keister
Applicant Name170 N. Holiday St. Strasburg VA. 22657
Address City State Zip7610 Strasburg Road, Strasburg VA 22657
Property Location for conditional use permit if Different than Applicant's Addresshdkjdk@gmail.com 540-465-8722/mason465@shentel.net
Primary Contact Number Email Dennis Baker 571-245-8509
703-926-5993

Property Owner (if same as applicant, leave blank)

Address City State Zip

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 7610 Strasburg Road, Strasburg VA. 22657
- (2) Election District: NORTH RIVER
- (3) Tax Map Number: 9 52-A
- (4) Subdivision Name: SIGNAL KNOB FARM - KEISTER FAMILY
- (5) Total Area of Property (acres): 1.5
- (6) Total Area to be Used (acres): 1.5
- (7) Total Road Frontage (feet): 0
- (8) Depth of Property (feet): 270' x 307' Drive 50' x 700' easement to Rt 55
- (9) Present Zoning: Agricultural

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Short-term tourist rental
- (2) Current land use and condition of site: _____
- (3) Zoning of surrounding land/property: Agricultural
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: NA
- (6) Season, days, and hours of operation: all season
- (7) Will there be a sign? ☒ Yes ☐ No current sign
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) NA
- (9) Number of full time employees: 1
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 20
- (12) Number of parking spaces to be provided: Regular ☒ Handicap ☒
- (13) What is the proposed landscaping and buffering for this property? Property is landscaped

C. Plans Prepared By

Name: _____

Address: _____

Telephone Number: _____

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) No

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) yes, General household garbage. Garbage will be put into cans and then taken to dumpsters.
- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) NO
- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. Building has a fireplace and wood stove. They are being used during winter months for heating. Building has septic system to treat waste. Tanks pumped on a yearly basis
- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) NO
- (6) What will be the impact on traffic? None. Will continue to use same access off Strasburg Rd. (Rt 55 west). Will use same entrance that has been used for last 30 years
- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. Only exterior light used is Current Flood lights around Building. 4 flood lights are located at 4 corners of the building. There are 3 porch lights, 1 front entrance light, one deck wall light and 1 patio wall light.

**The following documents and/or information are required
to be submitted with the application:**

☒ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 1/2 x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☐ **Environmental and Community Impact Statements**

NA

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

☐ **List of chemicals stored on the site**

NA

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☒ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☐ **Directions to your property from the Warren County Government Center.**

Route 55 West from Route 522 Riverton. Travel 9.5 miles to Signal Knob farm on Right. Turn into Barnyard. Go around Barn & down hill to Buttonwood Tree Lined Drive.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

Hilda Dorothea Keuthe

Applicant Signature

6/16/21

Date

John D. Keuthe - Hilda D. Keuthe/POA

Property Owner Signature

6/16/21

Date

Accepted by: _____

Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



July 15, 2021

Mr. Matt Wendling, Deputy Planning Director / County Floodplain Manager
Warren County Planning and Zoning
220 N Commerce Avenue, Suite 400
Front Royal, Virginia 22630

RE: Request for comments; 2021-07-02
Owner: Hilda Dorothea Keister

Dear Mr. Wendling,

I have reviewed the request for comments regarding the property at 7610 Strasburg Rd, Strasburg, Virginia, in Warren County, (property identified on tax map # 9-52A), and I offer the following comments:

1. The permit for a sewage disposal system was issued on August 10, 1981 with a record of inspection dated October 27, 1983. The system is designed to serve a 10 bedroom lodge with 20 occupants maximum.
2. The property is served by a private well. The well water should be tested for bacteria. If the sample result is positive, steps must be taken to correct the problem and the water should be re-tested.
3. All trash and garbage shall be placed in containers with tight-fitting lids.
4. There shall be no food service provided unless the Virginia Department of Health Food Regulations are met.
5. All Virginia Department of Health Tourist Establishment Regulations shall be met as necessary. The owners can contact our office for further information.
6. The sewage disposal system should be pumped if this has not been done in the last three to five years.
7. Do not connect any hot tub discharge to the sewage disposal system.

Please call me at (540) 635-3159 if you have any questions.

Sincerely,

Greg Smith
Environmental Health Specialist

Natalie Lentz

From: David Beahm
Sent: Thursday, July 15, 2021 1:49 PM
To: Natalie Lentz
Cc: Paula Fristoe
Subject: Request for Comments 2021-07-02 – Hilda Dorothea Keister – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000119-2021

Comments 2021-07-02 – Hilda Dorothea Keister – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000119-2021:

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing dwelling for a “short-term rental” would require a building permit for a complete Change of Use and Occupancy due to the request to allow twenty (20) occupants. The Virginia Uniform Statewide Building Code (USBC) allows for this type of Use and Occupancy to remain as an R-5 (one- and two-family dwelling) as long as the occupants do not exceed ten (10). Once this number is exceeded it would then require a Change of Use and Occupancy to an R-1. Without performing a complete review of the structure and the initiation of a building permit, the full impact of these changes cannot be determined. However, the USBC requirements would be the installation of an approved sprinkler (fire suppression) system.

If anything should change in the scope additional requirements may be required.

Respectfully,



Warren County Building Inspection

David C. Beahm, CBO
Building Official

220 North Commerce
St
Front Royal, VA

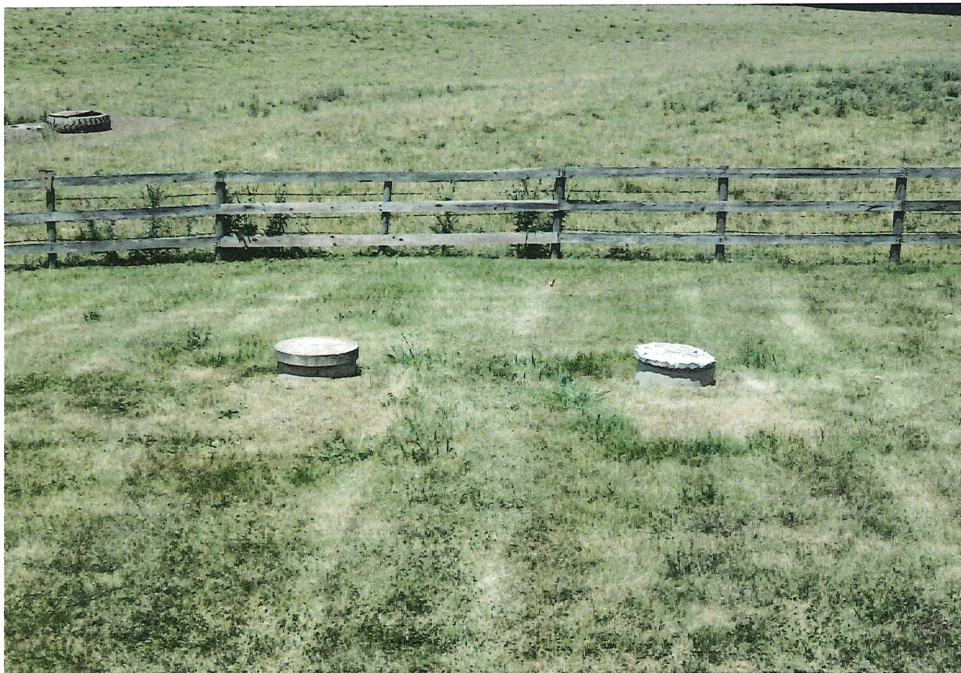
dbeahm@warrencountyva.net

www.warrencountyva.net

540/63
FAX 540/63

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

VI-B: COP2021-07-02





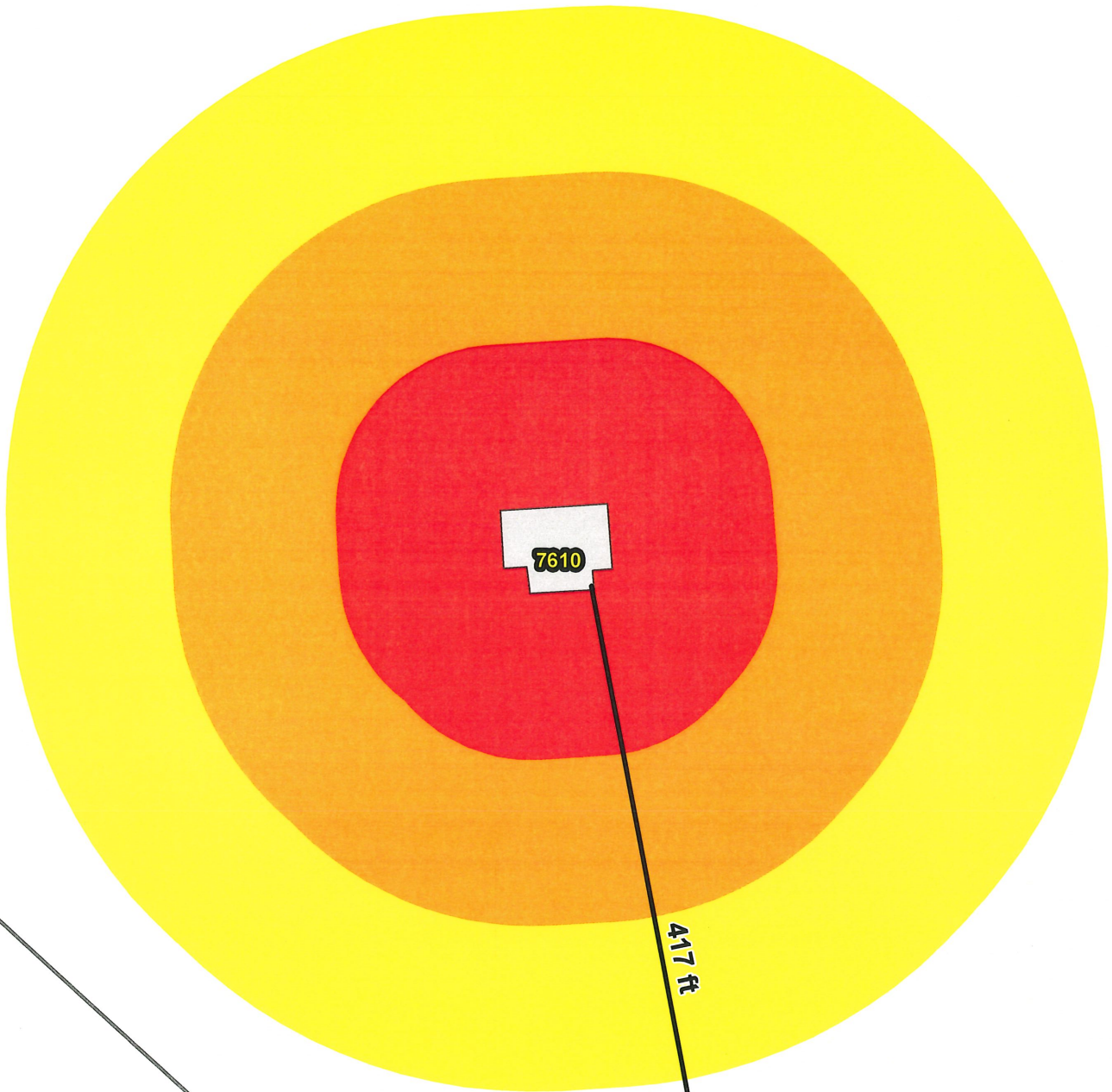
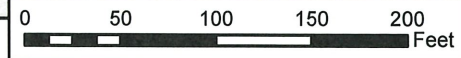


Warren County, VA 2021

7610 Strasburg Road
9-----52A

Distance to Surrounding Homes

1 inch = 100 feet



Legend

- 100 ft buffer
- 200 ft buffer
- 300 ft buffer
- Parcels
- County Address
- Roads



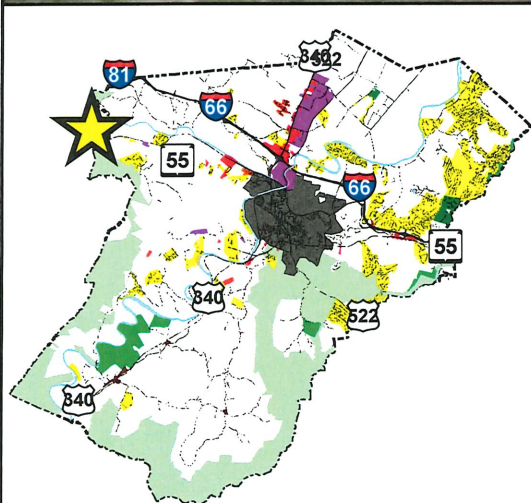
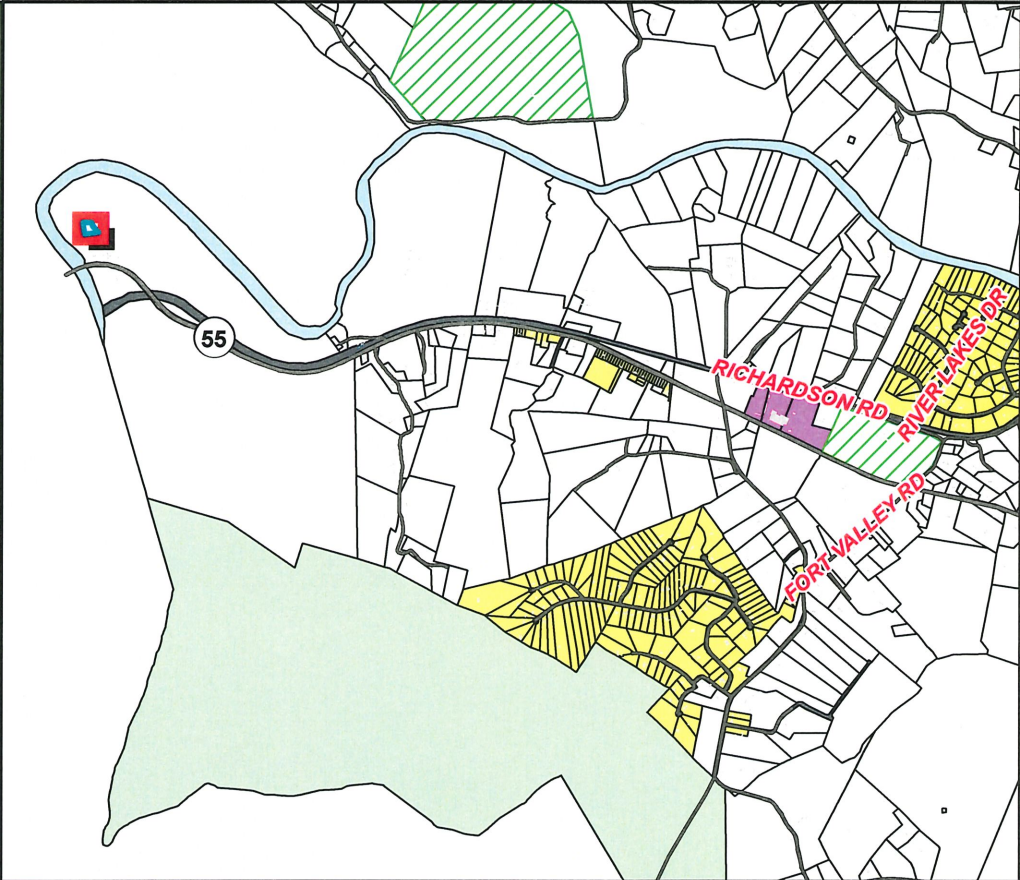
Warren County VA

CUP Location Map



CUP: Short Term Tourist Rental
Applicant: Hilda Keister

TM 9---52A
7610 Strasburg Rd



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2021
Department of Planning

04/09/2014



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
09/07/2021	H-9	Conditional Use Permit #2021-07-03 2Mexico, LLC & B. Allen Richards, LLC <i>Short-Term Tourist Rental</i>
EXPLANATION & SUMMARY: See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties. b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. e) Prevent such use from changing the character and established pattern of development of the community.		

PLANNING COMMISSION STATUS:

On Wednesday, August 11, 2021, Mr. Longo moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mrs. Richardson and approved by the Planning Commission by a vote of 5-0.

RECOMMENDED CONDITIONS:

The Planning Commission and staff is recommending the following conditions be added to this conditional use permit.

- 1) The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
- 2) The maximum number of occupants shall not exceed four as determined according to the Health Department permit for a two-bedroom dwelling.
- 3) The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
- 4) The applicants shall have the well water tested annually for e- coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of the calendar year.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed Conditional Use Permit request for a Short-Term Tourist Rental for advertisement of a public hearing.

SUBMITTED BY:
Joseph Petty, 
Planning Director

DISPOSITION OF COMMISSION:
☐ APPROVED ☐ OTHER (Describe)

**PROCESSED
BY:**



Conditional Use Permit: 2021-07-03 / Short-Term Tourist Rental
2Mexico, LLC & B. Allen Richards, LLC, Current Owners/Applicants

Prepared: July 6, 2021

Staff Contact: Joseph Petty, Planning Director

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area. The owners currently live in Winchester, VA and will have the home professionally cleaned and maintained in between reservations. They have years of experience owning / operating short-term rentals in the Shenandoah Valley area.

PROPERTY INFORMATION

Property Location: 1115 Riverview Shores Drive
Tax Map ID: 13C--4-4-612
Magisterial District: Shenandoah
Subdivision: Shenandoah Shores

City: Front Royal
Zoning: Residential-One (R-1)
Acres: 0.23 Acres
Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Shenandoah River
South: Residential-One (R-1)
East: Residential-One (R-1)
West: Residential-One (R-1)

Use: Shenandoah River
Use: Vacant Lot
Use: Vacant Lot
Use: Single Family Dwelling

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The house was constructed in 1980 and does not have a record of any previous zoning violations.



COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Residential-One zoning district and is compatible with the current Warren County Zoning Ordinance.

ATTACHMENTS

☒ Agency Comments
☒ Location Map

☒ Application
☒ Public Comments

☒ Health Permit
☐ Submitted Plans

☒ Letter from Applicant
☐ Other: _____

SUPPLEMENTARY REGULATIONS

Warren County Zoning Ordinance: § 180-56.4: Short-term tourist rentals.

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. **Our office is awaiting the response from the Health Department. The applicants have provided documents requesting a two-bedroom with a four-person maximum.**
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There is sufficient parking for at least four vehicles in the driveway.**
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The property is situated on an interior lot, with three sides bordering adjacent properties; one of which contains a single-family dwelling. Most of the surrounding area is vacant, wooded land, the area to the north borders the Shenandoah River; however, they are small residential lots.**
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **The applicant shall obtain building permits to ensure the dwelling meets the current code requirements for fire protection systems.**
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.
- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **The PMP will be provided.**
- I. If the property is located within a subdivision governed by a Home Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located within the Shenandoah Shores POA; comments have been requested.**
- J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The property shall have the evacuation plan posted in each bedroom and in the guest registration packet.**
- L. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of the ordinance in their guest registration packet and posted in a common area of the dwelling.**
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in §180-63 of the Warren County Zoning Ordinance.
- N. All outdoor burning shall be in compliance with Chapter 92 of the Warren County Code.
- O. There shall be a minimum of 100' from the short-term tourist rental to all neighboring residences. **This short-term tourist dwelling does meet the setback requirement to adjacent single family dwellings. The closest dwelling is 110' to the northwest.**

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. *Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.*

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four as determined according to the Health Department permit for a two-bedroom dwelling.
3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. The applicants shall have the well water tested annually for e- coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of the calendar year.

Cc: 2Mexico, LLC & B. Allen Richards, LLC – Owner/ Applicant

June 4, 2021

Warren County Planning Dept.
220 North Commerce Ave
Suite 400
Front Royal, VA 22630

RE: Applicant's Letter Supporting Conditional Use Application

Dear Planning Commission:

Our names are Gillian Greenfield and Richard Butcher, the managers of 2Mexico, LLC, and B Allen Richards, LLC, respectively. We are the joint owners of 1115 Riverview Shores Drive, and are the applicants for a Conditional Use Permit which would permit us to use our property as a short-term tourist rental.

We are Shenandoah Valley natives and have lived in this area our whole life; our passion is to rehab and revive properties like this one on 1115 Riverview Shores Drive. We purchased this property which was a vacation home that had not been lived in for several years and was in much need of rehab and love. After ten months of hard labor and long nights, we are proud to own this special house we love. What enables us to support the costs of renovation, utilities, mortgage payments, and all expenses to maintain this property is the ability to have supplemental income from short term guest. The permit would allow us to continue maintaining this special property we love and hopefully enable us to find another project to fix up and take care of so it could last another 40 years too.

I have well-researched the short term rental process and have an existing short term rental property in Winchester; my personal experience has proven, when strict restrictions are identified up front, such as no pets, parties, smoking, noise, young children, or groups over four, are permitted, this ensures only guests who will be respectful of the property are attracted. Additionally, as a member of the community, I believe in supporting local businesses and provide a guide book for guests to shop local, dine local, and enjoy local attractions. This provides a win-win-win, for me, the guests and local businesses!

What I have found in my experience with short term rentals, in addition to retirees and young couples interested in exploring the area, traveling nurses and professionals, folks needing a safe, Covid escape with family or loved ones, or an individual who telecommutes but needs a change of scenery from working at home, these short term rental opportunities are their very best solution.

The evidence to the graciousness of my guests are in their feedback which exclaim repeatedly their appreciation to stay in a clean, sanitized, safe and private space, where they can enjoy peace and quiet or go out to explore the local businesses using the guide book provided.

In conclusion, what makes me an ideal applicant for this permit:

- *my necessity to keep the community quiet and respected
- *my strict prequalification standards before approving any guests' requests, including 3rd party verification of identification
- *my strict House Rules including limit of all guests to a maximum of four, no parties, no loud music, no pets, no young children, no smoking
- *my commitment to keep the property well maintained
- *my immediate accessibility to the property in the event of any issue by providing before, during and after contact information
- *my thorough inspection of the property before and after every guest's stay

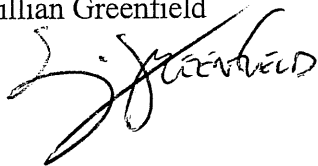
Thank you in advance for your review of our application and the anticipated consideration that you will give it. We look forward to answering any further questions that you may have.

Very Truly Yours,

2Mexico, LLC

B Allen Richards, LLC

Jillian Greenfield



Richard Butcher



WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2021-07-03Date Received: 6-21-21Fee Amount: \$ 500.00Date Paid: 6-21-21 CK# 2314**Applicant Information:**2Mexico, LLC and B. Allen Richards, LLC*Applicant Name*14 E. Piccadilly StreetWinchesterVA22601*Address**City**State**Zip*1115 Riverview Shores Drive, Front Royal, VA 22630*Property Location for conditional use permit if Different than Applicant's Address*540-974-3927Gillian.Greenfield@greenfieldandcraun.com*Primary Contact Number**Email**Property Owner (if same as applicant, leave blank)**Address**City**State**Zip**Primary Contact Number*

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:(1) Address/Location: 1115 Riverview Shores Drive(2) Election District: Shenandoah(3) Tax Map Number: 13C 4 4 612(4) Subdivision Name: Shenandoah Shores(5) Total Area of Property (acres): 0.23 acres(6) Total Area to be Used (acres): 0.23 acres(7) Total Road Frontage (feet): 80 feet(8) Depth of Property (feet): 145 feet(9) Present Zoning: Residential One

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: short-term tourist rental
- (2) Current land use and condition of site: home (built and in good condition)
- (3) Zoning of surrounding land/property: Residential One
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: N/A
- (6) Season, days, and hours of operation: year round
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) no
- (9) Number of full time employees: Richard Allen and Gillian Greenfield will be available 24/7
and will provide contact
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 5 note: 4 guest limit
- (12) Number of parking spaces to be provided: Regular 4+ Handicap N/A
- (13) What is the proposed landscaping and buffering for this property? _____
It will continue to present as a single-family residence.

C. Plans Prepared By

Name: _____

Address: _____

Telephone Number: _____

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) no
- _____
- _____
- _____

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) Minimal, less than average residential due to fluctuation of vacancy. Owner will be providing proper trash disposal for guests and will be responsible for all trash removal.
- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) no
- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. N/A
- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) no
- (6) What will be the impact on traffic? Minimal, less than average residential due to fluctuation of vacancy and limit on guests.
- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. no

**The following documents and/or information are required
to be submitted with the application:**

☒ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 1/2 x 11 size paper.

☒ **A Site Plan/Survey. *Plot of Subdivision***

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

N/A ☐ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

N/A ☐ **List of chemicals stored on the site**

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

N/A ☐ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☐ **Directions to your property from the Warren County Government Center.**

Proceed NE on E 2nd Street toward Hillidge Street; turn left onto N. Commerce Ave; turn right onto E 6th Street until it becomes Happy Creek Road; turn left onto Shenandoah Shores Road; turn right onto Rollason Drive; turn left onto Pine Shores Drive; turn right onto Riverview Shores Drive; property is on the left; if you reach Paw Paw Drive, you've gone too far.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

T. C. C. B.
Applicant Signature

6/11/2021
Date

[Signature]
Property Owner Signature

Date

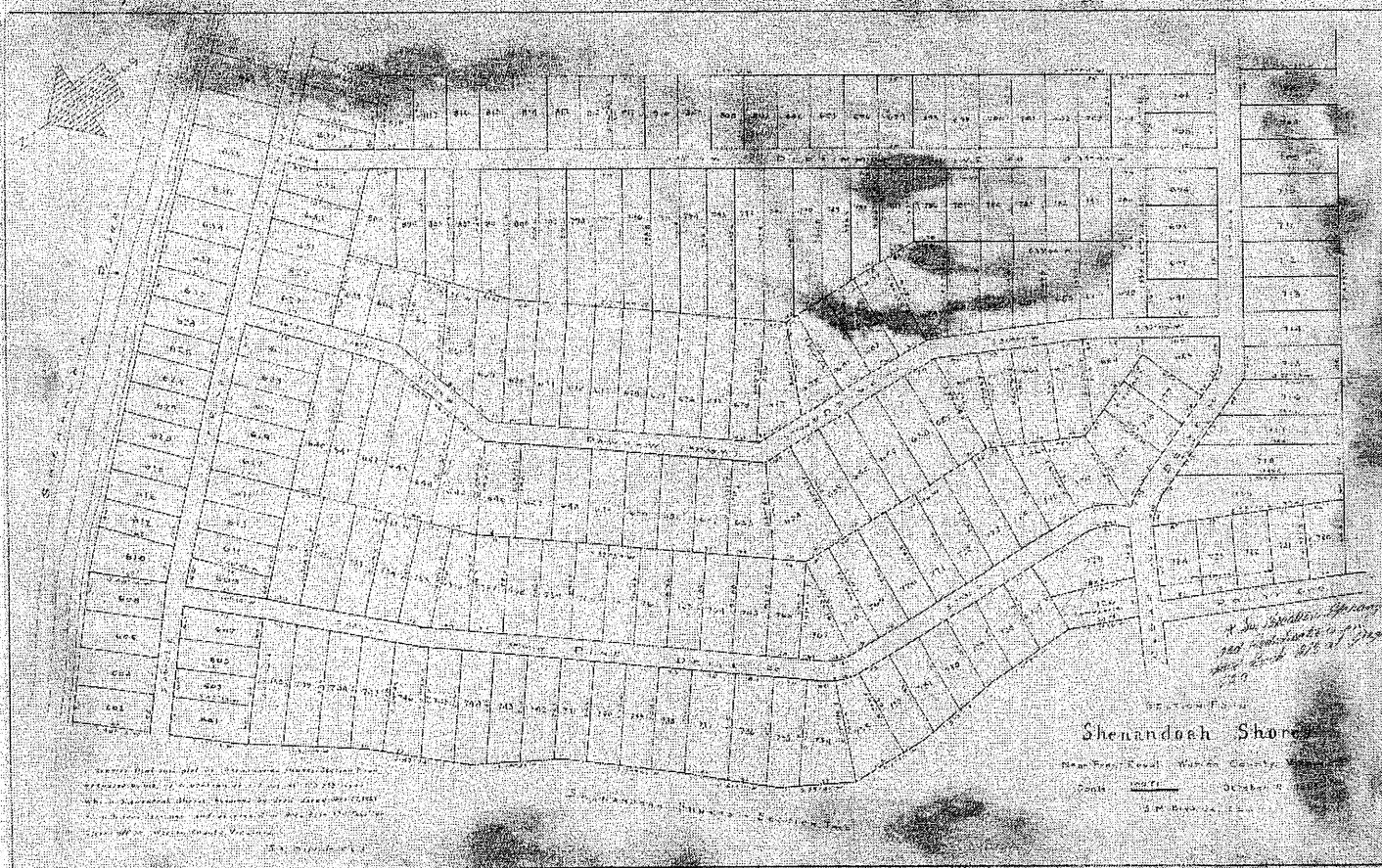
Accepted by: _____

Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Reduction of Plot Red Book 1st Page



July 8, 2021

Joseph "Joe" Petty
Planning Director/Zoning Administrator
Warren County Planning Department
220 North Commerce Ave., Suite 400
Front Royal, VA 22630

RE: CUP Application for Short Term Rental, 1115 Riverview Shores Drive

Mr. Petty and Respective Members of the Warren County Board of Supervisors,

Thank you for your consideration of my CUP for the opportunity of peer to peer homesharing of my property located at 1115 Riverview Shores Drive. I understand your job is to make decisions that benefit the community as a whole and not just the applicant so I wanted to cite some important points that highlight why approval of this CUP achieves the common goals and objectives identified in the Warren County Comprehensive Plan:

Promote the interests of the community as a whole.

Enhance and promote the County's physical environment.

Enhance and promote the County's small business sector.

Provide localized jobs at fair wages.

Assist in the funding of public services.

Supports the long-term goals of Warren County's economic stability and tourism industry.

Recognize the natural resources, historical, and architectural significance of Warren County and the surrounding area so that they can be more effectively preserved, protected, and integrated into an orderly pattern of development.

Peer to Peer Homeshare complements these goals and objectives in the following ways;

....County Tourism:

Data shows peer to peer homesharing attract new visitors to locations never before traveled; these guests stay longer than traditional tourists, spend more on local businesses, and are more likely to be return guests to the market as a result of their experience.

Not only does the privately-funded marketing by individuals like myself through sites like Airbnb and VRBO strengthen and increase tourism revenue, it does so without requiring new investment or infrastructure on the part of the municipality.

Further, though fair laws that allow peer to peer homesharing to operate legally, municipalities and benefit from an important source of new, additional lodging revenue which can be reinvested into important community development, public services, and the preservation of Warren County's natural resources, and historical and architectural assets.

As an important part of the Sharing Economy, like Uber, Turo, or Etsy, peer to peer business models like Airbnb and VBRO represent a significant turn in consumer travel demands; for City Planners and community decision-makers, sustainable economic growth means shifting with this new economy.

....Front Royal small businesses:

Is a micro-economy for service providers such as the employment of local cleaning companies, and landscaping and handyman services.

Is a primary contributor to supporting local businesses, directly steering guests through personal recommendations to local downtown shops, restaurants, and activities.

Ensures fair wages to individuals and small business, paying 2x the average wages for similar services the hospitality industry pays their employees.

....The Shenandoah Shores community:

Maintains or improves community character by affording homeowners to make improvements to properties and maintain them at a high standard.

Maintains the safety of a community with all 3rd party verification of guests, and occupancy rules that include strict no-party policies, no loud noise, no loose pets, no smoking, etc.

....a traveler:

Ensures superior health and safety standards requiring hosts to undergo strict cleaning and sanitation protocols and required training modules.

Contributes to maintaining social distancing and hygiene protocols that allow for safe travel

Provides more-affordable and alternative methods of travel and lodging outside of a traditional hotel model.

...a host:

Provides supplemental income for retirees, plus opportunity for social connection and a sense of continued professional value.

Provides homeowners extra income necessary to maintain and improve properties.

Further, I'd like to stress my personal commitment to maintaining community integrity, safety of my guests, my qualifications as an owner to properly service this peer to peer homesharing opportunity, and debunk any concern the approval of this CUP may be a reduction of 'affordable housing' inventory in our market.

Community Integrity

As with other peer to peer homesharing properties I own in the Winchester and Frederick County area, to ensure no disruption to the community, I would have a strict guide book and policy procedures identified before guests make reservations; these include limiting guests to a maximum of four, disallowing parties, outdoor noise past 10pm, no pets, no children, no smoking, no unattended campfires, no campfires past 10p, no ATV or watercrafts, etc; these rules are further emphasized after bookings and then reiterated again in the guild book on premise. Further, I reserve the right to immediately terminate a guest's reservation if they are found in violation of these rules. This ensures a strict code of behavior, not otherwise immediately enforceable through traditional rental or home occupancy scenarios.

My partner and I are accessible 24/7 to guests in the event of issues or questions and own a residence only a few doors down that would allow us to safely and consistently monitor the property.

In addition to my routine inspection of the property, my cleaning professionals would provide additional oversight and would be instructed to notify me if anything was out of the ordinary and/or the property needed maintenance.

I commit to keeping my property in superior condition, inside and out, to stay desirable to the peer to peer marketplace, protect my investment, and contribute to maintaining a high value of real estate in the community.

My Commitment to the Health & Safety of My Guests & the Shenandoah Shores Community

I appreciate homesharing is a centuries-old practice, and platforms like Airbnb modernize this tradition as a 3rd party booking platform, focusing on the health and safety for hosts, guests, and the community with the following criteria:

- *3-party ID verification on all guests prior to host approval of reservation request
- *committing to training and certification on health, sanitation and safety standards required for hosts to participate on peer to peer homesharing platforms
- *a peer to peer feedback loop that demands parties be held accountable for maintaining the highest level of standards of safety procedures and conduct
- *keeping in touch with neighbors to ensure their rights to peaceful and quiet enjoyment of their property.

Why 2MEXICO LLC and B. Allen Richards LLC

My partner and I own multiple properties in the Shenandoah Shores community and are doing some level of maintenance, landscaping care, or enjoying them for recreational use, on a weekly basis; sometimes on a daily basis so we are extremely accessible to guests and neighbors as needed; further, our full-time residence is only 30 minutes away in the City of Winchester so can also come to the property almost immediately at any time;

Additionally we are experienced commercial and residential property owners; Richard Butcher is principal owner of Can Do Property Management Company, a professional, licensed property management company located in Winchester, VA. For over 20 years, both partners have been involved personally in all aspects of property management, maintenance, renovation and remodel, tenant interaction, and proper accounting and record keeping. Our focus is to take derelict properties and renovating them back into excellent condition for long term investment purposes, offering quality housing and professional spaces to commercial and residential users. We are 'hands on' property owners that keep vigilant watch over the protection of our property and the integrity of the communities we invest in; we would continue this pledge in the peer to peer homesharing marketplace.

Why 1115 Riverview Shores Drive is not 'Affordable Housing Inventory'

Typical of many of the riverfront properties on Shenandoah Shores Drive, 1115 Riverview Shores was derelict at the time of sale; the condition of the property would not qualify it for any type of financing and REQUIRED a cash buyer. Therefore no one requiring 'affordable housing' could have bought this property as they would have required financing and would not have had cash to buy the property.

Additionally, 1115 Riverview Shores required \$75K (+/-) in full renovation in addition to the purchase price of property and is located in a flood zone therefore adding significant flood insurance costs; in combination with the costly renovations, these additional expenses would not be suited for an individual on a low income or fixed budget.

In general, Shenandoah Shores does not offer 'affordable housing' inventory in Warren County, averaging 27.9% more expensive than the average price per home in Warren County, VA¹

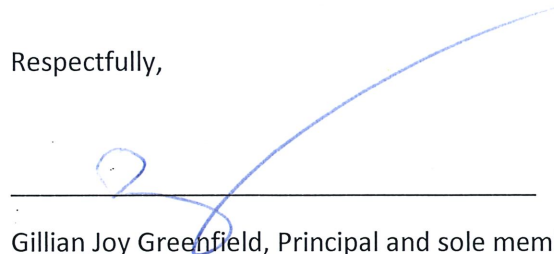
And in conclusion, 1115 Riverview Shores Drive is located in a community originally planned and built for vacation homes and short term stays, many built from garage kits dating back to 1963, with limited plumbing and electrical, and without insulation or heating systems. These properties were never intended to be full time residences, let alone first time home buyer or 'affordable' housing options.

¹www.bestplaces.net/cost_of_living/county/virginia/warren & BRIGHT MLS Data, 180 Days from 7/1/21)

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Thank you for your consideration for 1115 Riverview Shores Drive to provide peer to peer homesharing and why an approval of this CUP would support the objectives identified in the Warren County Comprehensive Plan and complement the goals of the representatives of the Board of Supervisors.

Respectfully,



Gillian Joy Greenfield, Principal and sole member of 2MEXICO LLC



Richard Allen Butcher, Principal and sole member of B. Allen Richards LLC

CC:

Tony Carter, Happy Creek District: tcarter@warrencountyva.net

Cheryl Cullers, South River District: ccullers@warrencountyva.net

Archie Fox, Fork District: afox@warrencountyva.net

Walter Mabe, Shenandoah District: wmabe@warrencountyva.net

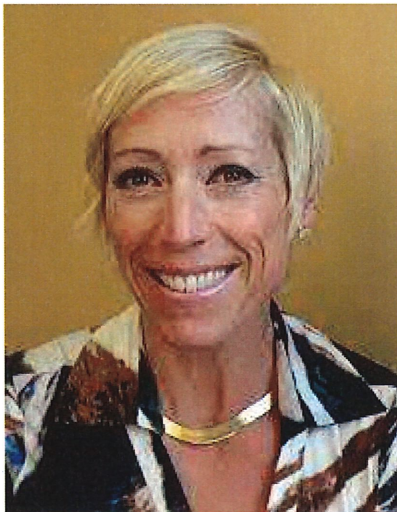
Delores Oates, North River District: doates@warrencountyva.net

Richard Butcher



Richard Butcher is the owner of Can Do LLC, a licensed and insured property management company with strong skill sets in all aspects of the MEP trades, focusing on residential and commercial renovation projects. Richard is on call to his tenants 24/7 and owns multiple single family, multifamily, and commercial properties in the Winchester/Frederick County markets in addition to his properties in Warren County. Richard also is co-owner with Gillian on legally-permitted Airbnbs in Winchester City.

Gillian Greenfield



Gillian Greenfield is the owner of Greenfield & Craun Commercial and Greenfield & Behr Residential, real estate brokerage firms located in Winchester City. As a practiced real estate professional, Gillian owns multiple single family, commercial and mixed-use business in Winchester City and co-owns several properties with Richard in Shenandoah Shores. Gillian also handles all the day to day coorspondance with the legally permitted Airbnbs she and Richard own in Winchester City.

The Property



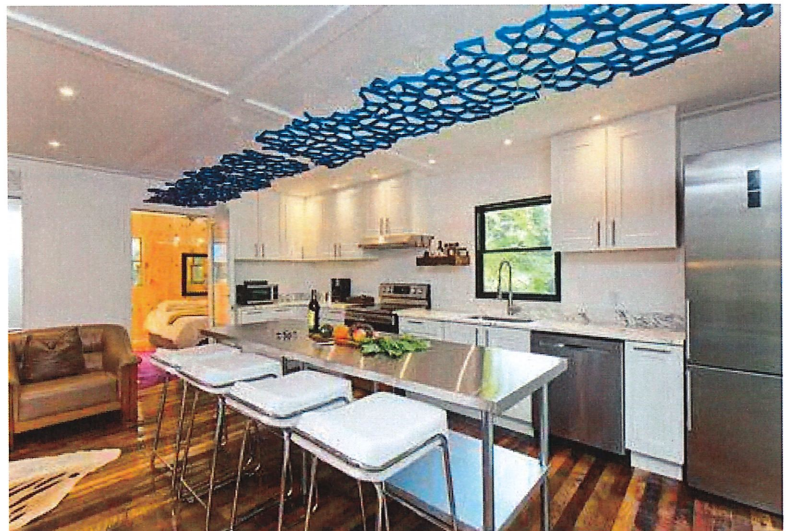
1115 Riverview Shores Drive was purchased in October 2019 by Gillian and Richard looking for a project by the river and interested in improving property by their existing house a few doors down.

Serving as a vacation house to the previous owners, the property had been left vacant for several years and required a lot of work before it could be used.

Both partners worked together on all the improvements themselves, mainly late evenings and weekends, and were able to enjoy the property when all the work was finally completed spring of 2020.

The property has two bedrooms, one bathroom and an open living/kitchen area with a large deck that overlooks the river.

Total square footage is less than 650 SF.



PROPERTY MANAGEMENT PLAN
(2MEXICO LLC and B. Allen Richards LLC)
(1115 Riverview Shores Drive, Front Royal, VA 22601)
(540-974-3927 and 540-336-8270)
(gillian.greenfield@greenfieldandcraun.com and Richard.butcher@greenfieldandcraun.com)

IN CASE OF AN EMERGENCY

If there is an emergency, or there are questions in regards to the property, please contact Gillian Greenfield at 540-974-3927 or Richard Butcher at 540-336-8270. If the emergency requires immediate assistance place call the following or 911. An example of Host Contact Page is attached. Note, Richard Butcher is principal owner in Can Do Property Management, a professional property management company located in Winchester, VA. Both Principals own multiple residential and commercial properties in Winchester and Front Royal and are experienced commercial and residential property owners and landlords.

Warren County Sheriff's Department: 540-636-7100 or 911, 200 Skyline Vista Drive, Front Royal, VA 22630

Warren County Fire & Rescue: 540-636-3830 or 911, 200 Skyline Vista Drive, Front Royal, VA 22630.

Neighboring Fire Department: Shenandoah Shores Fire Department, 540-635-7897, located at 533 Mountain View Drive, Front Royal, VA; .06 miles from Subject Property.

Warren Memorial Hospital: 540-636-0300 or 911, 1000 N. Shenandoah Ave, Front Royal, VA 22630

Electrical Outage: Rappahannock Electric Cooperative at 800.552.3904.

Emergency Evacuation:

Head northwest on Riverview Shores Dr toward Pine Shores Dr
Turn left onto Pine Shores Dr
Turn right onto Rollason Dr
Turn left onto State Rte 606/Shenandoah Shores Rd
Turn right on Happy Creek Road
Turn left on Leach Run Pkwy
Turn left onto VA-55 E to interstate 66 (Linden, Exit 13)

OCCUPANCY

The Conditional Use Permit and Health Department records limit the occupancy for this short-term rental at **Four (4) People and Two (2) Bedrooms**.

NOISE

It shall be a violation of the Warren County Code for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such person's lawful and peaceful enjoyment of property owned or rented by him.

PARKING

Parking is limited to **Two (2)** cars in the driveway. Under no circumstances should cars park along the roadway.

TRASH AND RECYCLING

All trash and recycling shall be placed in containers provided by the owner. **Owner and cleaning team to pick up guests' trash on a routine basis; no outdoor trash will be permitted.**

CHECK-IN & CHECK-OUT

An online platform will be used which prescreens all guests through 3rd party ID verification; host may further qualify guests with minimum age requirements, previous host feedback, limit number of guests, and notice of Host Rules which detail expected behavior and care of Property during a guest's occupancy; once a host accepts

a reservation, guests are sent a greeting that includes host's full contact detail, property address, and reiterates Host Rules. A second welcome message is sent just prior to the day of check in with lockbox code instructions and reiterates Host's Rules and instructs guests to review Property Guide Book at Property immediately upon access. Property Guide Book includes Host Rules, emergency contact info, area detail, local business recommendations, internet access, neighborhood rules and detail, and multiple, local, travel brochures and area guides and maps (and example of House Rules is attached).

WIFI/PHONE/ETC

Property will have free internet for all guests; Property Guide Book will provide log in information. Wifi and cell service is good at Property.

SPECIFIC PROPERTY DETAILS

Outside: In advance of bookings, Property shall cite all of the Specific Property Regulations identified below. This would be reiterated at actual time of booking and in Property Guide Book located on premises too.

Property corners are clearly identifiable and I also own the property adjacent which is wooded (and property corners marked); on the other side, the lot is also vacant. All railings on single deck are to code; deck and all improvements are in good, well-maintained condition.

Inside: In advance of bookings, Property shall cite all of the Specific Property Regulations identified below. This would be reiterated at actual time of booking and in Property Guide Book located on premises too.

House amenities would include a fully-stocked kitchen, beds with fresh linen service, a washer/dryer, and fully-furnished living spaces. HVAC, electric and all plumbing in good, well-maintained condition. All windows are in working order and are sized according to code for emergency ingress/egress. House is equipped with smoke detectors, Carbon monoxide alarm, and two fire extinguishers.

Property inspections would be completed after every stay by trained cleaning team and Ownership; inspections include interior and exterior review of Property for general upkeep and routine MEP maintenance as needed to keep Property in excellent condition.

AREA ATTRACTIONS

List area attractions and distance to location. Example provided below.

- Listing and Guild Book shall promote the Property being a short drive to the Shenandoah National Park, Golf Courses, Canoe Companies, downtown shopping and restaurants, grocery stores, drug stores, etc. Additionally, Host will also stock the Guild Book with brochures, maps and guides from Front Royal Visitor's Center.
- An example of Host's Recommendations in the Guild Books, promoting local attractions, restaurants, wineries & breweries, is attached.

SPECIFIC PROPERTY REGULATIONS

May be dictated by approved conditions or owner preference, examples below

- No firearms permitted
- No fireworks
- No ATVs
- No pets
- No loud or amplified music
- Parking in designated areas only
- No unattended fires
- No outdoor trash storage
- No candles
- No smoking indoors
- No unauthorized guests
- No children

ATTACHMENTS

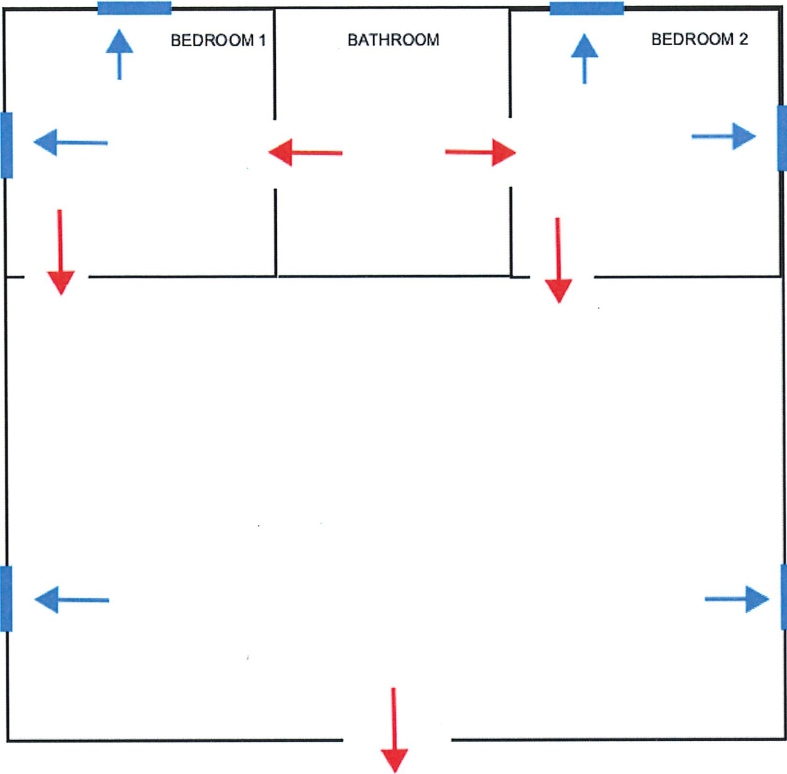
- Property Map
- Dwelling Evacuation Plan

Google Maps 1115 Riverview Shores Dr



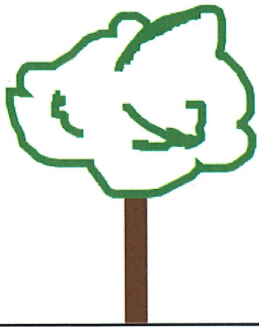
Map data ©2021 1000 ft

EVACUATION PLAN, 1115 RIVERVIEW SHORES DRIVE, FRONT ROYAL, VA



Primary Route (doors) →
Secondary Route (windows) →

meet at
tree by
driveway



RIVERHOUSE RULES & REQUESTS -----

Welcome to Riverhouse! We hope this is a first of many more amazing stays here!

Please contact your Host right away if there are any issues so I can fix these for you ASAP and you can get back to enjoying your stay! Everything is new at Riverhouse so rest assured, it should be amazing!

To keep it that way for all our guests, we offer the following **tips**:

**Top Priority: Please be careful with any outdoor campfires and NEVER leave a campfire unattended.

*If you break or damage something, please let me know and arrange for its replacement or repair.

*Do not leave any food out that will attract uninvited pests (inside or out)

*We kindly request shoes to be removed within the house.

*Please use the dishwasher.

*Occasionally, we may leave consumables such as condiments or snacks left behind by previous guests. Help yourself to these!

*We respectfully request guests not rearrange the furniture at Riverhouse. Please do not take outdoor furniture off the deck.

*Please let us know immediately if something is malfunctioning so it can be fixed or replaced and you can enjoy your stay without interruption!

*Please lock up and turn off lights at Riverhouse when away.

*There is no garbage disposal; please do not put anything down the drain.

*There is no public trash pick-up; if you need trash removed during your stay, please contact the Host and we can come by and remove it. Otherwise all trash will be collected at the end of your stay. Excess trash may be subject to fees (\$25 minimum).

*No parties, unregistered guests, or events without receiving pre approval by Host. Discovery of unauthorized parties, additional guests or events could result in extra cleaning fees, and potential immediate termination of stay (\$250 minimum).

*No pets allowed without receiving pre approval by Host. Discovery of a pet could result in an extra cleaning fee (\$150 minimum).

*There shall not be smoking inside the home. An ozone generator cleaning fee to remove odor and stains may be applied (\$250 minimum).

*Riverhouse will be very clean on your arrival, please help our cleaning staff with a general tidying up on your departure; if a greater cleaning service is required, an extra fee may be charged (\$50 minimum).

DRAFT-EXAMPLE

RIVERHOUSE Host Contact

Primary Contact:

Gillian Greenfield (Host)

540-974-3927

Gillian.greenfield@greenfieldandcraun.com

Note: Always try to text me first for a prompt reply!

Secondary Contact:

Richard Butcher

540-336-8270

Richard.butcher@greenfieldandcraun.com

Note: Richard's also an owner! Please reach out to him if you don't reach me first 😊

Please feel free to reach us for any reason!

We hope you enjoy your stay at Riverhouse and become a repeat guest for every season!

If the emergency requires immediate assistance,
call 911 or Shenandoah Shores Fire Department at (540) 635-7897.

About this space

Break free and lift your soul at Riverhouse, only a one hour scenic drive from Washington, DC and northern VA. Richness and fulfillment in life, well-being, and meaning are all found at Riverhouse, a place you must experience in person to understand.

Whether your escape is to energize, decompress, release your inner creativity, or fall in love ~for the first time or over again, Riverhouse is your impetus.

Currently offered with 30 night minimums; contact host for special reservation requests.

The space

From the moment you arrive the sound of rushing rapids lures you past Riverhouse to the views of the amazing Shenandoah River below..

River sirens draw you down the steps to waters edge where you'll experience all the beauty and serenity beyond the greatest expectations..

Located at one of the widest parts of the river, Riverhouse uniquely sits on over 150' linear feet of frontage with private dock access and the perfect area to wade right in;

Even more unique, exactly here, the rolling rapids are the pinnacle location for attracting wildlife, fly fishing, and whitewater fun!

But don't let Riverhouse's exterior cabin façade fool you, when you're ready to move inside, a warm feeling will envelop you ... this is The Riverhouse Magic.. a mix of eclectic mid century treasures and modern convenience, you'll find so many cozy spots to sit, relax, and take in the views; her full size kitchen celebrates cooking with waterfall edge, spacious custom marble countertops, full size, new stainless steel appliances, a 5' prep table, and roundtable seating for all ~

Hand selected vintage finds, photos and art from California to Virginia are carefully curated throughout and the open concept living space with exposed vaulted ceilings and multiple gathering areas will encourage conversation, inspiration, and great memories to be made!

When you're ready to turn in, past the wall of windows with direct views of the Shenandoah, a king size bed with a 14" memory foam mattress will seduce you to sleep; in the second bedroom, a queen size bed with a double memory foam topper will provide no compromise to comfort either.

New air conditioning plus ceiling fans in each bedroom and two in the living space, keeps summers comfortable and a fresh breeze circulating throughout.

Ready to relax and have all your troubles slide away? Sit for hours and watch time stand still on the massive rap-around deck, perfect for tranquil hours of repose or dining al fresco;

Riverhouse is perfect for individuals seeking eutierria, couples looking for solitude, or friends looking to reconnect..

River fun, moonlit evenings, yoga at sunrise, wineries or hiking all day, Indulge yourself in life, indulge yourself at Riverhouse.

****Currently offered with 30 night minimums; contact Host for special date requests. Ideal for commuting and telecommuting; enjoy a river-side lifestyle for a whole month while still being 100% accessible to the Northern VA and DC markets.****

*****Fee includes weekly cleaning service*****

Guest access

Your stay at Riverhouse will be exclusive to you and your guests only! No shared spaces. Private river access, dock, firepit and all!

Other things to note

Thank you for your booking request!

Riverhouse is currently offered with 30 night minimums.

This monthly vacation rental opportunity is ideal for combining with family and friends, commuting and telecommuting, and enjoy a river-side lifestyle for a whole month while still being 100% accessible to the Northern VA and DC area.

Weekly cleaning and linen service, trash pick up, and landscaping services are all provided during your stay!

As a reminder, Riverhouse is NOT suitable for:

- a) parties (over 4)
- b) smokers (inside)
- c) kids (under 14)
- d) guests with pets

Please contact your host with your planned arrival time & if you have any special check in needs. I will always try to accommodate guests whenever possible!

Riverhouse also provides a full kitchen, washer/dryer, and campfire wood, fire starter and charcoal for its guests.

During winter weather, guests are provided shovels and assistance whenever possible for help keeping steps, deck and drive clear :)

(Note, given booking in the winter months has foreseeable seasonal weather and natural conditions like winter storms, the Airbnb cancellation policy will stay in effect without exception, therefore guests do book with a known risk of inclement weather.)

For the Epicurean Aficionado..

Front Royal, located in Warren County, offers a ton of awesome stuff to do for the nature and foodie enthusiast!

Though I'm sure you've got your plan made, in the event you want some ideas, I thought I'd share a few of my favorites!

Beverage_____

Wineries (I love em'!)

Glen Manor, named one of the Best Wineries in VA! (20+ minutes away)

Rappahannock Winery, awesome 3rd floor outdoor seating! (20+ minutes away)

Linden Winery, a beautifully-scenic drive! (25+ minutes away)

RdV Winery, must make reservations for these tastings, also considered one of the Best Wineries in VA! (25+ minutes away)

*check out the Wine Maps provided for a million more winery options!!

Breweries (Gotta have em'!)

Front Royal Brewing Company, EXCELLENT FOR HOP HEADS! Awesome new brewer, featured in Washington Post and original brewer for Ocelot Brewing in Sterling (tell Mike, Gillian sent you!) PS Great food too! (10 minutes away)

Pen Druid Brewing, a longer drive away but an AMAZING ONE through Rappahannock County! (35 minutes away)

Back Room Brewery, not familiar with these guys but they're new so I like to support them! (20 minutes away)

More Places to Get Drinks.. ('cause, why not?)

Copper Fox Distillery, a beautiful drive to Sperryville with an amazing porch overlooking a babbling brook! (seriously, it's totally babbling) (35+ minutes away and adjacent to Pen Druid)

Filibuster Distillery, what it lacks in ambiance, it makes up for in top quality spirits!

Food

Front Royal Brewing Company, (also in the aforementioned page ;) Main Street, Front Royal – Awesome food! Healthy options like grain bowls but also amazing burgers and a killer Rueben sandwich! Pair it with a phenomenal beer ~ their IPAs are my fav.. (10 minutes away)

Truss'd, Main Street, Front Royal - open for lunch only, 10a - 2p. Beautiful but affordable farm to table dining!

ViNoVA Tapas & Wine Bar, Main Street, Front Royal - the name says it all! Great for late night drinks too!

PaveMint Smokin' Taphouse, Commerce Ave, Front Royal - cool outdoor dining scene, great BBQ!

Melting Pot Pizza, 14th Street, Front Royal. Just cause you eat square pizza, doesn't mean you're a square!!! A Front Royal favorite!

Blue Wing Frog, Chester Street, Front Royal. The owner is right behind the counter, making amazing HUMMUS (my fav) and globally eclectic food plus a good WINE selection ;)

Manor Line Market, Main Street, Front Royal. This hip spot is new, is a great lunch or snack spot and I love their happy hour starting at 4p!

Element, Main Street, Front Royal. A poppin' local fav for cocktails and great dinner! Someone say, martinis???

L'Dees Pancake House, Main Street, Front Royal. Best. Pancakes. Ever. Nuff said.

The Inn at Little Washington, Washington, Virginia. There is nothing little about this place (including the bill ;) but you'll have a fine dining experience of a lifetime at this 5 star, 5 diamond restaurant, recognized as one of the top restaurants in the world! Only 35 minutes away!

L'Auberge Provencale, Boyce. Lil' fancy, super romantic + great cocktails! Only 30 minutes away.

For the Chef in You_____

Local Butcher, **Two Fat Butchers** on South Street in Front Royal! Perhaps the most amazing butchery in the Valley! Huge, gorgeous, steaks, sausages, whole duck, buffalo and elk (best buffalo steak I ever bought!). Plus they do amazing sandwiches and BBQ too (pick up a four-pack at Front Royal Brewing and go on a picnic or take it riverside!

Bakery, **Down Home Country Bakery** on Main Street in Front Royal. whoopie pies, pecan sticky bun, old fashion Coke, you name it, they've got your sweet tooth covered!

Farmers Market, **Downtown Front Royal Farmers Market**, Saturdays 8a – 2p, May 7th and running until October 29th. Enjoy fresh produce, baked goods, gluten free items, Kettle corn, flowers, plants, herbs, soy candles, aromatherapy soups and lotions and more!!

Natalie Lentz

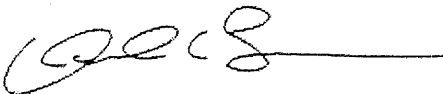
From: David Beahm
Sent: Wednesday, July 14, 2021 9:25 AM
To: Natalie Lentz
Cc: Paula Fristoe
Subject: Request for Comments 2021-07-03 – 2Mexico, LLC and Allen Richards, LLC – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000120-2021

Comments 2021-07-03 – 2Mexico, LLC and Allen Richards, LLC – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000120-2021:

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing dwelling for a “short-term rental” would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating it as a short-term rental.
 - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
 - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

If anything should change in the scope additional requirements may be required.

Respectfully,



Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce /

Sui
Front Royal, VA

540/636

FAX 540/636

dbeahm@warrencountyva.net

www.warrencountyva.net

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

RECORD OF INSPECTION-SEWAGE DISPOSAL SYSTEM

TM# 13C2-④-612-2

Date 24 Oct 75 Case No.

Owner Dale Ball Address Hwy 26 Phone

Occupant Address Ocean View, Del. 19970 Phone

Exact Location of Premises Lot 612 Sec IV Shew. Shores Subd (Subdivision, Street or Road Name, Section or Lot No.)

WATER SUPPLY INSPECTION

Central Water

Installed according to Permit Design ☐ Yes ☐ No. Distance to nearest House Sewer feet. Distance to nearest Sewage Disposal System feet. (Use Form LHS-143 for Detailed inspection of Water Supply Reference Materials.)

SEWAGE DISPOSAL SYSTEM INSPECTION

- (1) LOCATION

Allotted Area adequate ☒ Yes ☐ No. Distance from nearest lot lines feet. Trees feet. Water Supplies Central feet. Buildings 10 feet.
- (2) INSTALLATION AND DESIGN

Installed according to Permit Design ☒ Yes ☐ No. Have additional Household Appliances been added NOT on Permit: ☐ Automatic Washer ☐ Garbage Disposal ☐ Other No (Describe)
- (3) SOIL CONDITION

Are there soil conditions now evident which indicate system may be unsatisfactory as designed: ☐ Yes ☒ No. If Yes, show adjustments required under "Remarks" below.
- (4) HOUSE SEWER LINE

Installed ☐ Yes ☒ No. Type of material Size Inches.
- (5) SEPTIC TANK

Constructed of pre cast concrete (Kind of Material). Inside Dimensions Length 8 feet Width 4 feet. Liquid Depth 4 1/4 feet. Depth of Air Space 12 inches. Inside Fittings comply with requirements ☒ Yes ☐ No.
- (6) DISTRIBUTION BOX

Watertight and equal surcharge to each line by Water Test ☒ Yes ☐ No. Distribution Box provided with 3 (Number) extra outlets for future use.
- (7) SUBSURFACE ABSORPTION FIELD

Total Area in bottom of ditches 900 square feet. Number of ditches 4 Length of ditches 25 feet. Grade of ditches Minimum 4 inches per 100 feet. Maximum 6 inches per 100 feet. Has system been checked by instruments (Level) ☒ Yes ☐ No. Type aggregate used # 5 stone. Depth of aggregate under Tile 6 inches. Total depth of aggregate 13 inches. Depth of backfill over aggregate 12-16 inches.
- (8) SURFACE DRAINAGE

Storm Drains from House and Basement flowing away from Surface Drainage Field: ☒ Yes ☐ No. Was Surface Drainage required ☒ Yes ☐ No. If Yes, has this been provided ☐ Yes ☐ No. Has area been drained by lowering Ground Water Table: ☐ Yes ☐ No. ☒ Not required.
- (9) Are follow-up inspections necessary ☐ Yes ☒ No.

Septic Tank Contractor: Albert Wines Address RFD 1 Box 11 Phone

This Sewage Disposal System (Is) (Is Not) Approved by Wagoner County Health Department.

Date 24 Oct 75 Signed James V. DeBurchin (Sanitarian) Date Approved (Health Director)

Date Approved (Advisory Sanitarian) Date Approved (Reviewing Authority - Other Agency)

With proper maintenance, approved Sewage Disposal systems may be expected to function satisfactorily, provided no overloading or physical damage occurs to the system. Remarks: Septic tank should be pumped every three to five years

- PERMIT TO INSTALL ☒ REPAIR, ☐ REASONS FOR REJECTION ☐
WATER SUPPLY ☐ SEWAGE DISPOSAL SYSTEM ☒

- (1) Void after (12) twelve months. (2) Automatically cancelled when site conditions are changed from those shown on permit.
 (3) Automatically cancelled should facts later become known that a potential hazard would be created by continuing installation.

Owner Dale Ball FHA/VA ☐ Yes ☐ No Date 20 Mar 75 Case No. 13C
 Occupant Hyway 26 Address Ocean View, Del. 19970 Phone 2
 Exact Location Lot 612 Sec. IV Shen Shores Subd.
 (Subdivision, Street or Road Name, Section or Lot No.)

FOR: ☐ Dwelling ☐ Other ☐ Automatic Washing Machine ☒ Yes ☐ No Consumption 400 gal. per day
 Actual ☒ Potential ☐ Bedrooms 2 Garbage Disposal Unit ☐ Yes ☒ No (☐ Actual ☒ Estimated Water)
 Additional wastes _____

(1) WATER SUPPLY (Existing) Class _____ Approved ☐ Yes ☐ No Other Central Water
 (To be installed) Class _____ Cased _____ ft. to be grouted _____ ft.

(Unless supported by positive evidence Class III is to be considered as to be installed.)

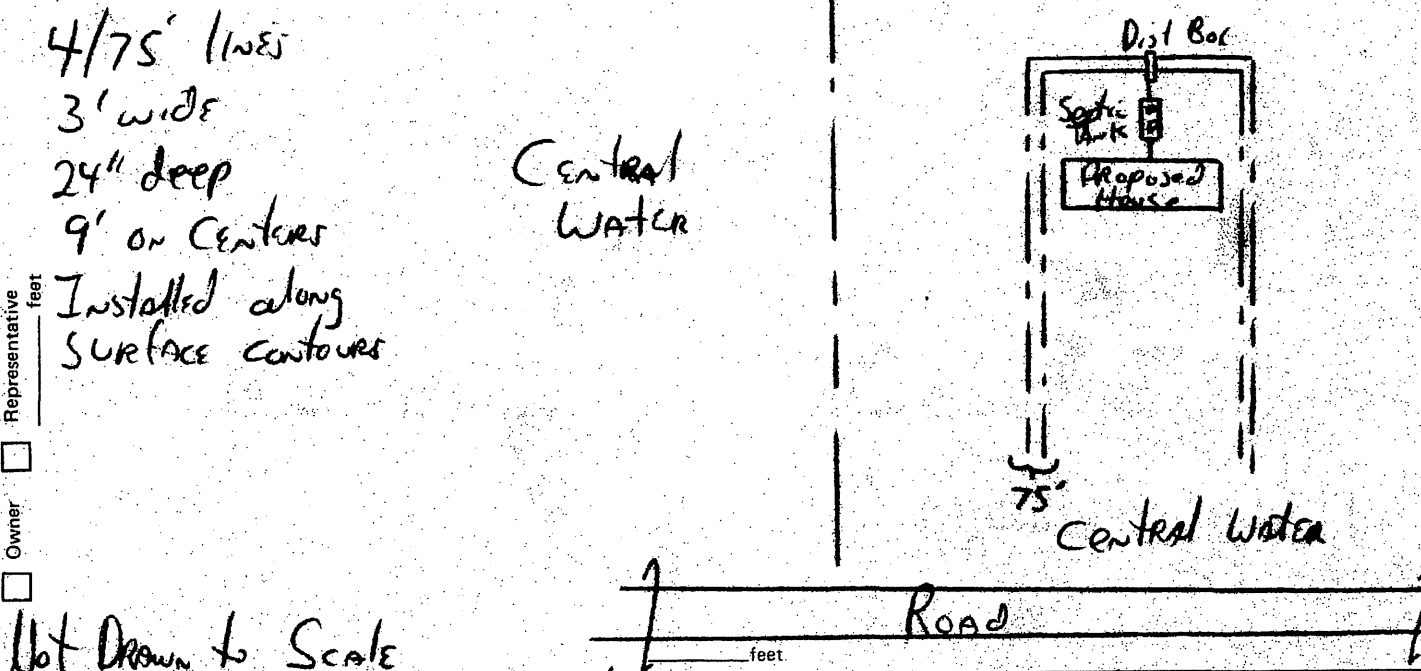
(2) SOIL STUDY Naturally drained, suitable by sight ☒ Yes ☐ No Technical Classification RIVER bottom
 (If Known)
 Estimated Percolation Rate 1-10 ☐ 11-25 ☐ 26-50 ☒ > 51 ☐ Percolation Test Required ☐ Yes ☒ No
 (Minutes per inch) (Minutes per inch to nearest 10 minutes)
 Depth to Grey Mottles > 30 inches (estimate over 4 ft.) OTHER _____
 Surface drainage required ☐ Yes ☒ No OTHER DRAINAGE _____

(3) HOUSE SEWER LINE Size 4 inches. Type of material required cast on comparable material
 Distance from Water Supply _____ feet.

(4) DETAILS OF CONSTRUCTION Watertight Septic Tank of pre-cast concrete material Liquid Capacity 1000 gallons.
 Inside Dimensions Length 8 feet Width 4 feet Liquid Depth 4 1/4 feet Depth of Air Space 1 feet.

SUBSURFACE ABSORPTION FIELD Number of square feet required 900 Type aggregate required 5 stone
 (5) Depth of aggregate from base of tile to bottom of ditches 6 inches. Allowable fall 2 to 4 inches.
 Total aggregate minimum depth 13 inches or more. Depth of drainfield to be 24 inches from surface of original ground.
 Distance from well to septic tank 50 feet; distance from well to drainfield 100 feet.

Rough Sketch of Premises (including adjacent properties if pertinent, Showing Location of Lot Line, Buildings, Water Supplies, Sewage Disposal Systems, Trees, and Other Possible Sources of Contamination of Water Supplies, by Indicating Distances and Slope with regard to lot corner.



Note: Owner or his agent must notify Worcester County Health Department, Phone 635-2725 when installation is ready for inspection. If any Sewage Disposal System, or part thereof, is covered before being inspected by the Health Department, it shall be uncovered at the direction of the Health Director or his agent. CONDITIONS DISCOVERED DURING INSTALLATION MAY REQUIRE ADJUSTMENTS OF SYSTEM DESIGN. Changes from above specifications require Health Department approval before being made.

Based on the above information, the undersigned recommends that this permit be issued.
 Date _____ Approved _____ (Reviewing Authority)
 Date 20 Mar 75 Signed James V. DeBoer, Jr. (Sanitarian or Health Director)

PERMIT TO INSTALL ☒ REPAIR, ☐ REASONS FOR REJECTION ☐ WATER SUPPLY ☐ SEWAGE DISPOSAL SYSTEM ☒

- (1) Void after (12) twelve months. (2) Automatically cancelled when site conditions are changed from those shown on permit.
 (3) Automatically cancelled should facts later become known that a potential hazard would be created by continuing installation.

FHA/VA ☐ Yes ☒ No Date 10/18/73 Case No. _____

Owner DALE BALL Address AT 26, OCEAN VIEW DEL.
 (Mailing Address)

Occupant SAME Address _____ Phone _____
 (Mailing Address)

Exact Location of premises SHEN. SHORES LOT # 612 SEC 4
 (Subdivision, Street or Road Name, Section or Lot No.)

FOR: ☒ Dwelling ☐ Other _____ Automatic Washing Machine ☒ Yes ☐ No Consumption 400 gal. per day
 Actual ☐ Potential ☒ Bedrooms 2 Garbage Disposal Unit ☐ Yes ☒ No (☐ Actual ☒ estimated Water)
 Additional wastes NONE

(1) WATER SUPPLY (Existing) Class PUBLIC Approved WATER
 (To be installed) Class _____ Cased _____ ft. to be grouted _____ ft.

(Unless supported by positive evidence Class III is to be considered as to be installed.)

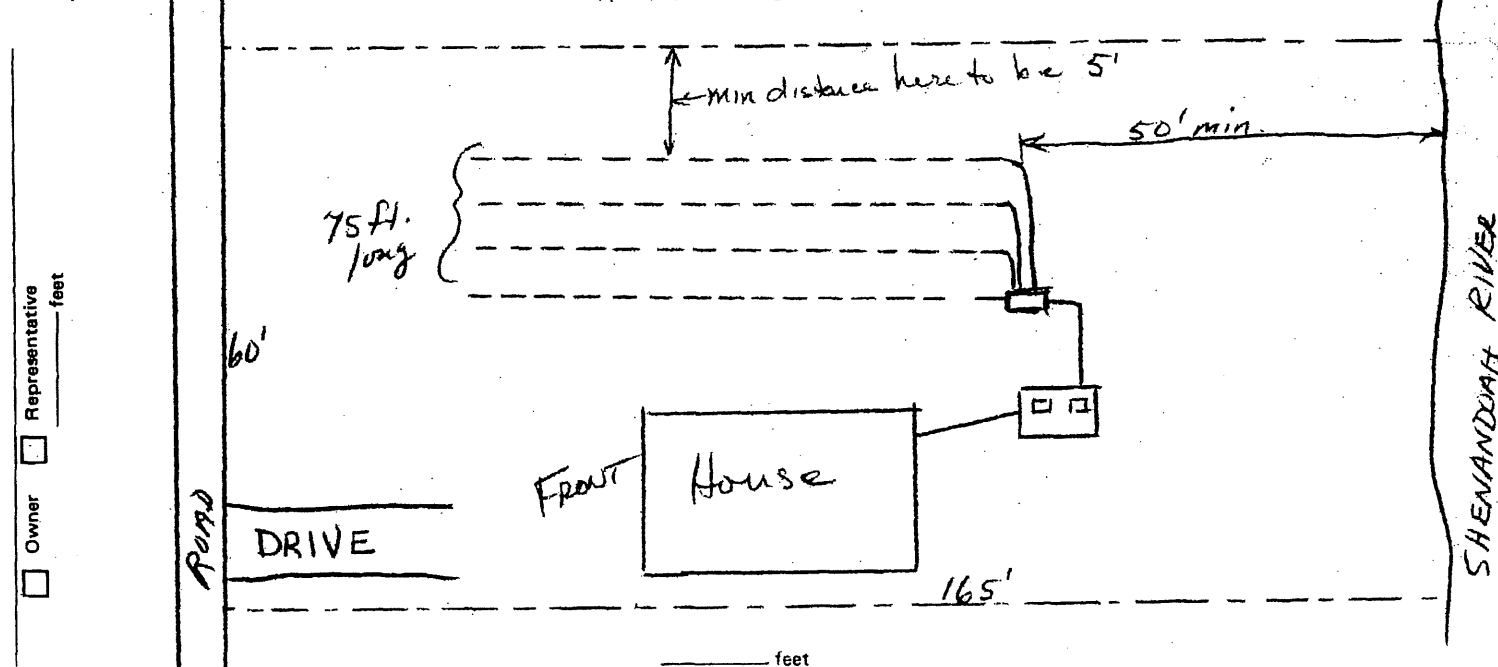
(2) SOIL STUDY Naturally drained, suitable by sight ☒ Yes ☐ No Technical Classification _____ (If Known)
 Estimated Percolation Rate 1-10 ☐ 11-25 ☐ 26-50 ☐ > 51 ☐ Percolation Test Required ☐ Yes ☒ No ☒ Rate _____
 (Minutes per inch) (Minutes per inch to nearest 10 minutes)
 Depth to Grey Mottles _____ inches (estimate over 4 ft.) OTHER _____
 Surface drainage required ☐ Yes ☒ No OTHER DRAINAGE _____

(3) HOUSE SEWER LINE Size 4 inches. Type of material required CI CC EQUIVALENT Distance from Water Supply 50 feet.

(4) DETAILS OF CONSTRUCTION Watertight Septic Tank of CONCRETE Material Liquid Capacity 960 gallons.
 Inside Dimensions Length 8 feet. Width 4 feet. Liquid Depth 4 feet. Depth of Air Space 1 feet.

SUBSURFACE ABSORPTION FIELD Number of square feet required 600 Type aggregate required crushed stone #5
 Depth of aggregate from base of tile to bottom of ditches 6 inches. Allowable fall 2 to 4 inches per 100'
 (5) Total aggregate minimum depth 13 inches or more. Depth of drainfield to be 24 inches from surface of original ground.
 Distance from well to septic tank 50 feet; distance from well to drainfield 100 feet.

Rough Sketch of Premises (including adjacent properties if pertinent, Showing Location of Lot Line, Buildings, Water Supplies, Sewage Disposal Systems, Trees, and Other Possible Sources of Contamination of Water Supplies, by Indicating Distances and Slope with regard to one another.



Note: Owner or his agent must notify WARREN COUNTY Health Department, Phone 635-2775 when installation is ready for inspection. If any Sewage Disposal System, or part thereof, is covered before being inspected by the Health Department, it shall be uncovered at the direction of the Health Director or his agent. CONDITIONS DISCOVERED DURING INSTALLATION MAY REQUIRE ADJUSTMENTS OF SYSTEM DESIGN. Changes from above specifications require Health Department approval before being made.

Based on the above information, the undersigned recommends that this permit be issued.

Date _____ Approved _____ Date 10/18/73 Signed James L. McDaniel
 (Reviewing Authority) (Sanitation or Health Director)

*SHENANDOAH SHORES SSPOA & SSCWA
3290 Shenandoah Shores Road
Front Royal, VA. 22630*

July 10, 2021

County of Warren
Department of Planning
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Re: Short Term Tourist Rental, 2 Mexico, LLC & B. Allen Richards, LLC

Dear Mr. Petty, Planning Director,

In response to your letter dated 6/28/2021, the Board of Directors for Shenandoah Shores would like to submit the following response.

Upon being informed by some of the full-time residents that there was a lot of different traffic in and out of the properties weekly owned by 2Mexico and that it appeared to them that the properties were being used as Short-Term Rentals, the Board investigated the situation. We found that the property owners were probably correct. After searching the internet, we found that the properties were listed on the AirBNB web site for weekly rental. On May 10th of this year the Board sent a letter, by USPS and registered mail (copy of letter and proof of return receipt attached) informing 2 Mexico, LLC, Mr. Richards and Ms. Greenfield that they were in violation of the Protective Covenants, Conditions, Reservations and Restrictions. The Board received a letter from their attorney (copy attached) which we turned over to our attorney, Daniel Pond, for a response. Along with that letter we provided Mr. Pond with the back-up documentation from the vote to amend the Articles of Incorporation, Bylaws and Protective Covenants, Conditions, Reservations and Restrictions that were voted on by the members in 2017 (copies attached). Mr. Pond has since notified the Board that he will not be able to address this matter as it is a conflict of interest for his firm. The Board is in the process of obtaining other legal counsel.

The Board finds the letter you received from 2Mexico, LLC and Richard Butcher to be very inviting to the County but we ask you to remember that a letter can be very misleading. We ask you to take into consideration that this is a residential subdivision and not a resort, that the property owners deserve to enjoy the property they own without this type of business going on around them, that 2Mexico, LLC has been operating their short-term rentals in the Shores for some time without applying for their special use permit, that to date 2Mexico owns seven (7) pieces of property in the Shores and should have gone to closing on two (2) others by now. One of which, the property owners evicted their long-term renter in order to sell the property. Also, the removal of the other properties for rent from the AirBNB website is suspicious since they are still rented. Although their list that makes them, in their words, the ideal applicant for the permit we

have already received complaints from the residents that live close to their properties. The Board feels that they are applying for a permit for the property know as 1115 Riverview Shores Drive but will continue to rent the other properties without a permit and we have concern that the two (2) properties that do not have houses will be used for camping or RV parking.

In closing, the Board of Directors for the Shenandoah Shores Sanitary District request you decline their request for a Special Use Permit to operate a Short-Term Tourist Rental business of less than 30 days as stated in our Protective Covenants, Conditions, Reservations and Restrictions and allow us to continue to provide our property owners with the community environment that brought them here to begin with.

Respectfully,

The Shenandoah Shores Board of Directors

Joe Petty

From: SANDRA THOMAS <sm.thomas@comcast.net>
Sent: Monday, August 2, 2021 11:25 AM
To: Joe Petty
Subject: RE: Shenandoah Shores
Attachments: DOC080120.pdf

Good morning Joe,

I have attached some facebook post that were posted by property owners in the Shores. Would you please include them in the package you put together for us to be submitted to the Planning Commission.

Thank you,
Sandy Thomas

On 07/21/2021 10:42 AM Joe Petty <jpetty@warrencountyva.net> wrote:

Hi Sandy:

The Planning Commission only approved the advertisement at the July 14th meeting. A public hearing on the application will be held at the August 11 Planning Commission meeting. They will then forward their recommendation on to the Board of Supervisors for a public hearing on September 21. Below is the standard process for any conditional use permit application.

After the application is accepted, the following will take place:

- Process is a minimum of 3 months before a decision can be made.
 - Month 1: Planning Commission Request for Advertisement, the PC is an advisory committee to the Board of Supervisors and review the use.
 - Month 2: Planning Commission Public Hearing, this is the first of two public hearings held on the application, written letters or e-mails for support should be submitted a week prior to scheduled public hearing in order for them to be included in PC packets.
 - Month 3: Board of Supervisors Request for Advertisement & Public Hearing, the BOS makes the final decision on approval or denial of the use.
- If Planning Commission approves the advertisement, a sign is posted at the property, adjoining property owners are notified via mail, and the public hearing is advertised in the local newspaper, the sign will remain posted until after the BOS public hearing date.
- Comments may be requested from other departments/agencies such as Building Inspections, Health Department, Fire Marshall, VDOT, etc.

Please let me know if you have any questions.

Best,

Joseph "Joe" Petty

Planning Director/Zoning Administrator

Phone: (540) 636-3354

From: SANDRA THOMAS <sm.thomas@comcast.net>

Sent: Wednesday, July 21, 2021 7:34 AM

To: Joe Petty <jpetty@warrencountyva.net>

Subject: RE: Shenandoah Shores

Good morning Joe,

Has the Planning Commission reviewed the information I sent over yet and have they made a decision. The annual Board Meeting is coming up and I would like to supply the Board with any information you might have.

Thank you,

Sandy Thomas

On 07/12/2021 9:04 AM Joe Petty <jpetty@warrencountyva.net> wrote:

Good morning Sandy:

Thank you for your quick response to our comment response. I will get this to the Planning Commission.

Best,

Joseph "Joe" Petty

Planning Director/Zoning Administrator

Phone: (540) 636-3354

From: SANDRA THOMAS <sm.thomas@comcast.net>

Sent: Monday, July 12, 2021 7:31 AM

To: Joe Petty <jpetty@warrencountyva.net>

Subject: RE: Shenandoah Shores

Good morning Mr. Petty,

I have attached a full package of information regarding the Shenandoah Shores response to the 2Mexico's request for a short-term rental permit. Please pass the information on to the planning commission for their review and let us know if you have any questions regarding the information.

Thank you,

Sandy Thomas, Sec/Treas.

On 07/06/2021 3:54 PM Joe Petty <jpetty@warrencountyva.net> wrote:

Good afternoon Sandy:

Thank you for sending these over. I will include this planning commission packet.

Joseph "Joe" Petty

Planning Director/Zoning Administrator

Phone: (540) 636-3354

From: SANDRA THOMAS <sm.thomas@comcast.net>

Sent: Tuesday, July 6, 2021 3:32 PM

To: Joe Petty <jpetty@warrencountyva.net>

Cc: mburr6812@gmail.com

Subject: Shenandoah Shores

Good afternoon,

Please find attached a copy of the "Protective Covenants, Conditions, Reservations and Restrictions" that you requested from Mike Burroughs. Note that item #2 refers to the short-term rental issue. Our homeowners feel that this is a residential community and bought there to enjoy the quiet we offer. We have found in the past that short-term renters do not appreciate or respect the full time residents. If you have any questions please let us know.

Thank you,

Sandy Thomas, Sec/Treas.



Sam Preston replied · 2 replies



Kris Haines

So let make sure I get this right..someone is buying up river lots in our private community and turning them into tourist Airbnb?? Well isn't that so effing thoughtful of them. I mean why else would anyone move to a private community if they didn't want to be surrounded by tourists. Guess it's time to start a coup



3 mos Like Reply More



Sam Preston replied · 1 reply



Kris Haines

And who is "she"? I mean we can't even pitch a tent, but it's ok to do the hotel Airbnb crap? No, don't think so.



3 mos Like Reply More



Emily Butorac replied · 3 replies



Colleen Barry

\$244 a night 🤔

3 mos Like Reply More



Sam Preston

She has evicted to people i know family of 4 and a family of two the family of was trying to buy the house so she over bid on it

3 mos Like Reply More



Sam Preston

She's trying to buy every river lot on the river in the shores and turn them all into bed and breakfast



Sue Cornett

Amber I noticed that also.

1 wk Like Reply More



Jessica Morley

Just wondering where y'all have the time to be so nosey.... A day job will keep you from staring out the window all day

1 wk Like Reply More



Jessica Morley replied · 5 replies



Karen Frantz

We also had a person doing this, where we live. County turned down the permit, license, everything; however, it went on for 10 years. Nothing done

last Sun Like Reply More



Karen Frantz replied · 1 reply



Sam Preston

It is still being rented

<https://www.airbnb.com/room...>



★ 4.86 · 111 reviews

Search reviews

July 2021

We had an amazing stay at the Skyhouse! The house itself is lovely - so comfortable and clean. The kitchen and rooms are great, but the location and view really makes this place spectacular! We spent most of our time having coffee and reading on the dock or hanging out on the floating dock watching for different birds. The grill and firepit are so

Show more

Candice
July 2021

Beautiful little house in a lovely



last Sun Like Reply More



Sam Preston shared a post.



July 24 at 8:15 PM · Facebook for Android ·

<https://www.facebook.com/groups/1303658749664783/permalink/4209286599101969/>



AIRBNB.COM

**Welcome to Skyhouse! A Modern Riverfront Retreat -
Cabins for Rent in Front Royal, Virginia, United States**



Sam Preston shared a link.

May 8 at 12:26 PM · Facebook for Android ·

Isn't this against the the bylaws of the shores
seen another of out of town traffic in the
shores lately



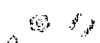
13 Comments



Like



Comment



Michael shared a post

SHENANDOAH SHORES SSPOA & SSCWA
3290 Shenandoah Shores Road
Front Royal, VA. 22630

May 10, 2021

2Mexico LLC
Attn: B. Allen Richards LLC
Gillian Greenfield, CCIM
14 E. Piccadilly Street
Winchester, VA 22601

Re: Violation of Restrictive Covenants

Dear Mr. Richards and Ms. Greenfield:

This letter is to inform you that you are in violation of Covenant number 2 of Shenandoah Shores Property Owner's Association, which reads in pertinent part:

No Business, occupation of any kind or short term tourist rental (anything less than thirty (30) days) [emphasis added] may at any time be carried on or permitted upon subject lot(s) except as approved by the Warren County zoning ordinance. Any short term rental found to be operating within the Shores may be subject to a fine equal to or greater than the rent received. [emphasis added]"

This letter serves as notice to cease and desist from operating a short-term rental business within the subdivision. The Board has set fines for violations of this covenant at \$500 per night. If you do not immediately cease and desist from use of your residence, we will have no choice but to refer this matter to our attorney to seek an injunction against you. We will also subpoena your rental records to ascertain the actual number of nights you have rented your residence and we will impose the \$500 per night fine for all days that you were in violation of our covenants.

Please be advised that your covenants and the Code of Virginia also contain language that allows us to recover our costs and attorney's fees from you if we are forced to bring an action to enforce the covenants.

I would request that you contact me in writing advising that you have ceased all unlawful activities on your property and acknowledging that you have removed your listings from all online short term rental websites. If I have not heard from you by the close of business on May 17, 2021, we will take steps so as to protect our interests and enforce the covenants.

Thank you for your anticipated compliance with the covenants.

Sincerely,

The Board of Directors
Shenandoah Shores POA/CWA

Exhibit B

"SHENANDOAH SHORES"
PROTECTIVE COVENANTS, CONDITIONS, RESERVATIONS AND RESTRICTIONS

Amended and adopted August 7, 1994, Amended August 6, 2017

The following covenants, conditions, reservations and restrictions are imposed upon any and all lots included in the subdivision known as "Shenandoah Shores", Warren County, Virginia, and shall be included specifically or by reference, in all deeds conveying any of said lots, and shall run with the land and be binding upon present and future owners of all said lots.

1. All rules, regulations, restriction and conditions applying to Warren County, Virginia, shall apply to the subdivision known as "Shenandoah Shores" unless superseded by this document.
2. No Business, occupation of any kind or short term tourist rental (anything less than thirty (30) days) may at any time be carried on or permitted upon subject lot(s) except as approved by the Warren County zoning ordinance. Any short term rental found to be operating within the Shores may be subject to a fine equal to or greater than the rent received.
3. No temporary structure to include tents, motor homes or trailers shall be used as lodging other than in emergency conditions and without the approval of the Board of Directors of the Shenandoah Shores Property Owners Association, Inc.
4. No sewage or refuse shall be emptied into the Shenandoah River bounding said premises or any lands adjacent thereto, or into any cove or inlet, stream or waterway connected therewith; and any sewage disposal or water supply system installed by property owners shall be of a type approved or recommended by State or local departments of health. All bathroom and toilet facilities shall be incorporated within the main structure on each lot. No dumping of trash in the community.
5. All dwelling including porches or bay windows attached thereto shall be built according to Warren County zoning regulations. All set-backs shall follow Warren County zoning regulations.
6. Any dwelling placed upon a lot must contain a minimum floor area per floor of nine hundred (900) square feet exclusive of porches, patios or carports and any said dwelling facing a street must be at least twenty (20) feet wide.
7. Unattended open fires are prohibited on any part of the property. Outdoor fireplaces, grills and all chimneys must be provided with fire screen of sufficient design to prevent scattering or sparks or burning embers.
8. Excavation or removal of sand or earth or cutting or trimming of trees shall be allowed for beautification or construction purposes only as long as it has no effect on the Chesapeake Bay Water Shed. Cutting of trees for commercial purposes is prohibited. In the grading of lots for

Exhibit B

building a home all the proper precautions as required by Warren County regulations regarding erosion of mud or drainage of water across adjoining lots or across roads. Failure to do this will be the responsibility of the contractor and he will be charged for damages by the Corporation.

9. No unattended boats shall be anchored offshore in the Shenandoah River. When not in use, boats shall be pulled back or moored as closely adjacent to the bank as safety allows, in order that navigation will not be impeded. It is specifically understood that the use of the Shenandoah River for boating, fishing, swimming and anchorage is to be at the person's own risk and Shenandoah Shores Property Owners Association, Inc., its successors or assigns shall not be liable for damage or injury resulting.

10. Dogs are not allowed to run "at large" in compliance with the Warren County running at-large Law.

11. A speed limit of 15 miles per hour observed for safety and less wear and tear on road surfaces. There will be no all-terrain vehicles or dirt bikes allowed on public roads. Only golf carts are permitted. Parking on the roads is prohibited within the subdivision and on the 5' utility easement. Vehicles will be towed at the owner's expense. Residents are required to comply with the Warren County noise ordinance.

12. Each property owner shall promptly remove or otherwise dispose of any accumulation of trash, garbage or rubbish and at all times maintain said property in a neat, mowed and sanitary condition.

13. Hunting of any kind is prohibited in Shenandoah Shores; except for hunting with the limited purpose of thinning the herd of deer roaming the subdivision by a recognized wildlife management organization. The discharge of firearms, pellet guns and BB guns is prohibited.

14. The lot(s) shall be subject to a semi-annual road maintenance fee as approved by the Warren County Board of Supervisors for the Sanitary District for the Shenandoah Shores Property Owners Association, Inc.

15. An easement over the five (5) foot width adjoining the front, sides and rear lines of any lot is specifically reserved for public utility and drainage purposes.

16. The provisions contained herein shall run with and bind the land and inure to the benefit of all property owners and shall be enforceable by the Shenandoah Shores Property Owners Association, Inc. There will be a certified letter from the President of the Board of Directors requesting cooperation from the property owner to rectify whatever the infraction is. If the President's letter is not responded to within ten (10) days there will be a visit from a minimum of not less than two board members to discuss the problem and an amiable solution for all concerned. Lastly if the covenants are still not complied with the Board will levy a suitable fine. If fines are not paid the Board will take legal action and attorney fees and court cost will be the responsibility of the property owner.

Exhibit B

17. All of the aforesaid covenants, conditions, reservations, or restrictions shall remain in force until amended by a written majority vote of the members of the Shenandoah Shores Property Owners Association, Inc. and such amendments shall be recorded among the land records of Warren County, Virginia.



MCCARTHY & AKERS PLC
ATTORNEYS AND COUNSELLORS AT LAW

apahl@mccarthyakers.com

May 14, 2021

Shenandoah Shores SSPOA & SSCWA
3290 Shenandoah Shores Road
Front Royal, VA 22630

RE: 2Mexico, LLC
Response to Letter Dated May 10, 2021

Dear Association:

This firm represents 2Mexico, LLC ("2Mexico"). We are in receipt of your letter to 2Mexico dated May 10, 2021. Shenandoah Shores SSPOA & SSCWA ("the Association") neither possesses the authority to limit short-term rentals nor the ability to levy the fines outlined by your May 10, 2021 letter.

The purported August 5, 2017, Amendment (recorded September 23, 2019), appearing to restrict 2Mexico's property rights relating to short-term rentals is not valid. The original "Protective Covenants, Conditions, Reservations and Restrictions" ("the Covenants") recorded on March 13, 1996, as Instrument No. 9601053, explains the process by which the Association may amend the Covenants.

16. All of the aforesaid covenants, conditions, reservations or restrictions shall remain in force until amended by a written majority vote of the members of Shenandoah Shores Property Owners Association, Inc. voting and such amendments are recorded among the land records of Warren County, Virginia.

The Association did not follow this procedure. Indeed, the August 5, 2017, amendment is simply recorded with the signature of the Association's President and no evidence of the required written majority vote is evidenced. Further, while the purported amendment to the Bylaws, also dated August 5, 2017, but not recorded until September 23, 2019, as Instrument No. 190004953, seems to state that the Covenants were approved by a majority vote of the property owners, it does contain any language or evidence of the required written majority. Even if this language were appropriately placed in the purported amendment, the Association still has not complied with the plain requirements for amending the Covenants.

Furthermore, such an amendment is governed by Va. Code § 55.1-1829. Subsection D of the statute states that: "Except as otherwise provided in the declaration, a declaration may be amended by a two-thirds vote of the lot owners." Here, the Covenants provide for a simple majority. But Subsection F of the statute states:



Agreement of the required majority of lot owners to any amendment of the declaration adopted pursuant to subsection D shall be evidenced by their execution of the amendment, or ratifications of such amendment, and the same shall become effective when a copy of the amendment is recorded together with a certification, signed by the principal officer of the association or by such other officer or officers as the declaration may specify, that the requisite majority of the lot owners signed the amendment or ratifications of such amendment.

In this circumstance, we can find no evidence of record that the members of the Association executed the Amendment, nor can we find any evidence that a principal officer of the Association certified that the majority of the members signed or ratified the amendment.

These omissions are material and render the purported amendment null. Because of the failure to follow the dictates of the Covenants and the statute, the purported amendment fails and was never effective. Because the amendment was never effective, the one-year statute of limitations on challenging the validity of the amendment under Va. Code § 55.1-1829(E) never began to run. For a more fulsome discussion on both the statute of limitations and also the strict requirements for amending the Covenants, please refer to Tvardek v. Powhatan Village Homeowners Ass'n, Inc., 291 Va. 269 (2016).

The Association similarly does not possess the authority to levy the fines outlined in your May 10, 2021 letter. Even if the Covenants had been properly amended as discussed above, the Association does not possess the power to assess said fines because the Association's fine paradigm does not comply with Va. Code § 55.1-1819.

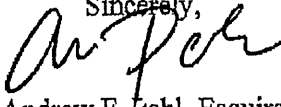
First, before a fine can be levied, the member must be given the opportunity "to be heard and to be represented by counsel before the board of directors or other tribunal specified in the documents." The statute requires the opportunity to be represented and to be heard by the Board of Directors. Two members of the Board of Directors showing up to "discuss the problem and an amiable solution" does not meet the basic standard required by the statute and doesn't satisfy the basic notions of due process.

Second, Va. Code § 55.1-1819 limits the dollar amount of the fine. The Association's purported fines clearly violate these limits. Such a fine cannot exceed \$50 for a single violation or \$10 for a continuing violation. Given the nature of the alleged violation, the alleged violation, if proven, would constitute a continuing violation. The statute caps a continuing violation at 90 days. Therefore, \$900 is the maximum fine that can accrue before legal action must be taken. Your letter suggests a \$500/day violation. By day two of the alleged violation, the purported fine plainly exceeds the statutory limit.

For these reasons, the Association neither possesses the authority to limit short-term rentals nor the ability to levy the fines outlined by your May 10, 2021 letter.



Finally, please let this letter serve as our request pursuant to Va. Code § 55.1-1815 to access the records of the Association for the purpose of reviewing all records relating to the purported passage of the 2017 Bylaw and Covenant Amendments. Please contact me within ten (10) days to make arrangements for my inspection of said records.

Sincerely,

Andrew F. Fahl, Esquire

By Natalie White
with permission

CC: 2Mexico, LLC



NOMINEES	NOMINEES	NOMINEES	NOMINEES
☐ William (Denny) Blake	☐ William (Denny) Blake	☐ William (Denny) Blake	☐ William (Denny) Blake
☐ Eileen Corbin	☐ Eileen Corbin	☐ Eileen Corbin	☐ Eileen Corbin
☐ Donald Daniel	☐ Donald Daniel	☐ Donald Daniel	☐ Donald Daniel
☐ Jeanne Fisher-Thompson	☐ Jeanne Fisher-Thompson	☐ Jeanne Fisher-Thompson	☐ Jeanne Fisher-Thompson
☐ (Write In)	☐ (Write In)	☐ (Write In)	☐ (Write In)
☐ (Write In)	☐ (Write In)	☐ (Write In)	☐ (Write In)
By-law, Covenants, Water	By-law, Covenants, Water	By-law, Covenants, Water	By-law, Covenants, Water
Please check three (3) from the above list for board seat & vote for the changes in the By-laws etc. and return in the enclosed envelope to be received by 8/4.	Please check three (3) from the above list for board seat & vote for the changes in the By-laws etc. and return in the enclosed envelope to be received by 8/4.	Please check three (3) from the above list for board seat & vote for the changes in the By-laws etc. and return in the enclosed envelope to be received by 8/4.	Please check three (3) from the above list for board seat & vote for the changes in the By-laws etc. and return in the enclosed envelope to be received by 8/4.
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☐ William (Denny) Blake	☐ William (Denny) Blake	☐ William (Denny) Blake	☐ William (Denny) Blake
☐ Eileen Corbin	☐ Eileen Corbin	☐ Eileen Corbin	☐ Eileen Corbin
☐ Donald Daniel	☐ Donald Daniel	☐ Donald Daniel	☐ Donald Daniel
☐ Jeanne Fisher-Thompson	☐ Jeanne Fisher-Thompson	☐ Jeanne Fisher-Thompson	☐ Jeanne Fisher-Thompson
☐ (Write In)	☐ (Write In)	☐ (Write In)	☐ (Write In)
☐ (Write In)	☐ (Write In)	☐ (Write In)	☐ (Write In)
By-law, Covenants, Water	By-law, Covenants, Water	By-law, Covenants, Water	By-law, Covenants, Water
Please check three (3) from the above list for board seat & vote for the changes in the By-laws etc. and return in the enclosed envelope to be received by 8/4.	Please check three (3) from the above list for board seat & vote for the changes in the By-laws etc. and return in the enclosed envelope to be received by 8/4.	Please check three (3) from the above list for board seat & vote for the changes in the By-laws etc. and return in the enclosed envelope to be received by 8/4.	Please check three (3) from the above list for board seat & vote for the changes in the By-laws etc. and return in the enclosed envelope to be received by 8/4.

Ballot

Minutes for August 6, 2017 Board Meeting

The President, Denny Blake, called the meeting to order.

Roll call was taken and all board members were present except Christopher Black, and Pam Nicholson.

Motion to approve the minutes as read was made by Charles Rowland and seconded by Sonia Rowland. Motion passed.

Motion to approve the financials was made by Eileen Corbin and seconded by Mike Burroughs. Motion passed.

Officers Reports:

Wyatt of the Shenandoah Shores Fire Department requested the floor to present the Board with a proposal. The fire department would like the Board to entertain contributing money to purchase a snow plow that would be installed on the mini pumper. They would also like the Board to post on the web site a request for volunteer fire fighters to join our department.

Eileen Corbin, Vice President POA reported that things had been good during the last quarter.

Mike Burroughs, Vice President CWA reported that things had been quite during the quarter.

Pam Nicholson, Articles, Covenants & Bylaws was absent.

Gene Black, Roads, Grounds and Safety reported that Sifer had riff raft installed. The material was free. The Shores needs another two (2) loads of riff raft to install on Mulberry. There is a lot being sold on Wilson so the road needs attention. Lake is working on the chip & tar project for this year and the mowing. Gene stated he was not in favor of the install of a plow on the mini pumper belonging to the fire department. Gene feels our snow removal contractor should take care of the snow removal.

Sonia Rowland, Sunshine Chairman had nothing to report.

Donald Daniel, Back-up Articles, Covenants & Bylaws asked about the information on the web site.

Charles Rowland, Back-up SSCWA reported there is a ditch that has formed across from Beech. Also, there are small children playing in the road. He feels it may be necessary to obtain "children @ play" signs.

Christopher Black, back-up Roads, Grounds & Safety was absent.

Unfinished Business:

Storage lot – Gene needs survey of lots and the Board needs to get state entrance approval from VDOT. He is to proceed with the survey.

Paving is to be done on Riverview over the rock ledge at the bottom of Shenandoah Shores Road and Riverview. An estimate is needed.

New Business:

A property owner across from Popular View where the Board installed a culvert has requested it be extended due to water runoff. They have also requested the removal of the abandoned culverts.

Mr. Lal, a property owner on Overbrook, wants a variance on the road that runs in front of his property. When the property was purchased from Petrine Construction the setback was 35'. Since that time the County has changed the setback to 50'. He has had his perk test performed and it has passed. Due to the house plan he wishes to build he needs additional front footage. The Board is not willing to give away ownership of our road due to water lines. The County needs to provide the original 35' setback. The Board will support the County decision.

There will be no water rate increase for the upcoming year.

The Board wishes to thank Eleanor and Elaine Collins for their donation of the property they own. The Board will maintain the property in its present condition.

The floor was opened to the membership in attendance.

A property owner in attendance has requested the cleaning of the ditches. It was explained the cleaning would take place after all the leaves have fallen.

The results of this years elections are:

Denny Blake	66
Eileen Corbin	63
Donald Daniels	42
Jeanne Fisher-Thompson	37

Changes to the Bylaws, Covenants, Water 53 approved 3 disapproved

Mike Burroughs made a motion to adjourn. Second by Donald Daniel. Motion passed.

July 10, 2021

To: Joe Perry and Warren County Board of Supervisors

I am the owner of 1085 Riverview Shores Drive, a residence in the Shenandoah Shores community and member of the Shenandoah Shores Home Owner's Association;

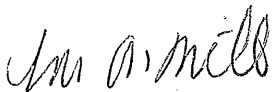
My house is directly in between Ms. Greenfield's properties on Riverview Shores Drive.

Both of the properties she has bought and fixed up were previously vacation homes that had been left in bad condition. She fixed them both up and does a good job maintaining them.

She and Richard have been good neighbors and definitely helped the community by improving these properties.

I'm confident she would continue to maintain them in good condition and would uphold strict rules for guests to follow to ensure protecting her investment of her property and continued curtesy of her neighbors. For these reasons I support her application for short term rental.

Respectfully,

A handwritten signature in black ink that reads "Aaron A. Mills". The signature is written in a cursive, flowing style.

Aaron A. Mills

(540) 631-9663

July 10, 2021

To: Joe Perry and Warren County Board of Supervisors

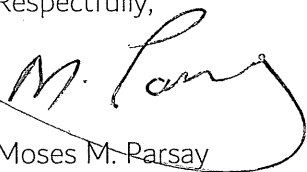
I am the owner of 1157 Riverview Shores Drive, a residence in the Shenandoah Shores community and member of the Shenandoah Shores Home Owner's Association;

Richard Butcher had done a good job fixing up 1115 Riverview Shores Drive, located next to mine.

I support property rights and believe the residents of Shenandoah Shores should be able to be considered for short term rental use of their properties provided they maintain strict rules for guest to be considerate of the neighborhood and it is approved by the County.

For this reason I am in support of his application.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Parsay", written over a horizontal line.

Moses M. Parsay

703-477-1926

July 19, 2021

To: Joe Perry and Warren County Board of Supervisors

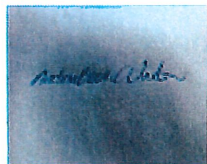
I am the owner of 1164 Riverview Shores Drive and 353 Paw Paw Drive, two residences in the Shenandoah Shores community and member of the Shenandoah Shores Home Owner's Association;

One of my properties is across the street from Ms. Greenfield's and the other is just around the corner;

Gillian has always treated me respectfully and I can tell she is very watchful of her properties and prioritizes the safety of the Shenandoah Shores community. She is also very mindful of maintaining and improving property values in the community.

Having known Gillian, she would be a responsible manager of short term rentals and I support her application.

Respectfully,

A rectangular area containing a handwritten signature in blue ink, which appears to read "Andrea Brooke Winter".

Andrea Brooke Winter
303-870-3221

July 12, 2021

To: Joe Perry and Warren County Board of Supervisors

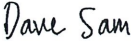
I am the owner of 1255 Riverview Shores Drive, a residence in the Shenandoah Shores community and member of the Shenandoah Shores Home Owner's Association;

I have met Gillian several times and we have both shared stories of the cost and effort to fix up our properties and the importance to maintain them to protect our investments and keep property values high.

I have no doubt she would continue to take great care of her property and enforce rules with her guests that are respectful of the neighbors' privacy and peaceful enjoyment of the community.

For these reasons I am in support of her application.

Respectfully,

DocuSigned by:

795CF1CD7173435...

Dave Sam
Phone: 703-615-3062

July 12, 2021

To: Joe Perry and Warren County Board of Supervisors

I am the owner of 1538 Riverview Shores Drive, a residence in the Shenandoah Shores community and member of the Shenandoah Shores Home Owner's Association;

I drive by Gillian and Richard's properties regularly and frequently see them out there doing work and taking care of them.

They've done a good job fixing up the properties and adding value to the neighborhood; I'm sure they would continue to keep sharp oversight on their properties and be responsible Airbnb owners.

Richard and Gillian are also easily accessible and if I had any issues, I know they would be quick to respond

For this reason I am in support of her application.

Respectfully,

A handwritten signature in black ink, appearing to read "Terry Hartson".

571-469-1555

Terry Hartson

Mark Sanei
147 Beech Rd
Front Royal, VA

Dear members of Warren county planning commission and Board of Supervisors,

My name is Mark Sanei, owner of 147 Beech Road in the Shenandoah Shores subdivision and member of the Shenandoah Shores Property Owners Association.

Under proper property management plans, I have no objection to allowing short term rentals. In fact, the probability of them being maintained in better condition and with higher levels of control owners have over the occupancy and care of property, can make them better neighbors than long term rentals and sometimes homeowners.

I personally have stayed at Airbnbs and they've always been clean and well maintained and I've taken care of them responsibly.

Because of the peer to peer platform model, guests and hosts are held to the highest standard of care.

<i>Mark Sanei</i>	dotloop verified 08/09/21 1:55 PM EDT ML12-6AW4-NHOJ-HGCE
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Mark Sanei
703-303-3773



Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

Recommendation

Kerry Barnhart <kbarnhart@vibeprop.com>

Wed, Jul 28, 2021 at 1:35 PM

To: Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

My name is Kerry Barnhart, Owner and President of Vibe Properties, and Owner and President of Front Royal Brewing Company. Vibe Properties is focused on Main Street revitalization and has developed several commercial properties in downtown Front Royal that house multiple small, locally-owned businesses. Front Royal Brewing Company is one of Shenandoah Valley's premier restaurants and full production breweries located on Main Street in Front Royal.

I am in full support of Gillian Greenfield's CUP application for short term rentals and recognize them as vehicles for the County to grow its tourism base.

I personally know Gillian and can vouch that she is a very responsible property owner and that her property is an ideal vacation rental for tourists to build a long weekend around while enjoying the rural beauty of the area, shopping and dining locally, and then returning home to their respective cities. Marketing of properties like hers attract tourists seeking an authentic cultural experience who would not be satisfied with traditional hotel lodging; therefore lodging like Gillian's attract a demographic that may not otherwise consider vacationing in our area.

For towns and communities with limited tourism budgets, responsible individuals like Gillian who are willing to open up their private residences to tourists should be taken advantage of and supported by our community and those who represent it. Rentals like Gillian's, directly fuel the local small business community, create supplemental tax revenue to the municipality, and from both of these benefits, allow small towns to stay small, rather than necessitate residential and industrial growth to generate additional tax revenue and Main Street revitalization.

Once again, having worked with Gillian on other matters of real estate, she consistently exemplifies an unwavering commitment to the communities she invests in and maintains the highest standard of care with her properties; for this reason, I am confident Gillian would make a responsible and ideal short term rental property owner.

Kerry Barnhart, President

Vibe Properties, LLC

Front Royal Brewing Company, LLC

610-389-0731

kbarnhart@vibeprop.com



Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

Airbnb

Katelyn Poulin <poulin.katelyn@gmail.com>

Thu, Jul 22, 2021 at 6:40 AM

To: Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

Warren County Board of Supervisors,

I have been living above an AirBnB for several months. In that time, there have been no guests who were disruptive, rude, or showed any kind of poor behavior. Many guests have made use of communal areas (laundry, entrance way, parking), but leave everything in great condition and when I have met any of them face to face they have been very pleasant.

Thank you,
Katelyn Poulin

July 26, 2021

To: Joe Perry, Warren County Planning Commission, and Warren County Board of Supervisors

I am the owner of Clean & Serene LLC, a locally-owned small business that cleans residential and commercial properties in and around Frederick and Warren County.

I have been cleaning Gillian's Airbnbs in Winchester for over a year and am writing this letter to you to emphasize how important Gillian's business has been in the growth of my company over the last year.

Her business has allowed me to add additional employees and continue to offer them fair working wages.

Her ability to add another property to my business directly impacts my bottom line and my ability to continue growing my small business.

With Gillian, we are in constant communication with her about her properties, before, during and after each cleaning, and my team is instructed to notify Gillian immediately of any issues after each guest's stay. She is also regularly on site to inspect her properties.

Strict standards of care and cleanliness are #1 priority for Gillian and the team at Clean & Serene.

Respectfully,

DocuSigned by:


2C921994C4104F5...
Tiffani Braun, Owner

Clean & Serene LLC

509 Whitacre St, Winchester, VA 22601

Phone: (540) 492-5002



Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

Following Up on Shenandoah Shores Meeting; 7/12/21

Fed Family <fedfamily@gmail.com>

Fri, Jul 16, 2021 at 10:08 AM

To: Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

Hi Gillian, It was great to meet you too! It felt like a "small world" moment. :) Yes, it is important to me that property rights be vigilantly protected! Thank you for your support in our difficulties. That means a lot **I am ready to stand with you as well if ssipoa threatens your rights.** This election may turn things around. Samantha Ruibal is the third candidate that I have found to be open-minded and generally for serving people rather than controlling them. Were you able to get registered and obtain ballots for the election? And thank you for the copy of the legit C&R's.

Take care,

Katie

[Quoted text hidden]

Fri, Jul 30, 2021

To Whom it May Concern:

My name is Evan Bowman; I have been employed by United Bank in Winchester for 14 years and have lived in the area my entire life. Having recently come back from my family's summer vacation, I can attest, using booking platforms like VRBO and Airbnb make these trips so much more memorable, enjoyable, and POSSIBLE for a family like mine.

The opportunity to rent someone's personal home for our vacation creates an opportunity for my children to bring friends and have living spaces for them to share, it creates opportunities for us to cook and dine as a family, and personalized an experience that staying at a traditional hotel cannot provide; further, it allows me to provide a quality of vacationing my family wants and deserves.

For those who have never used a home sharing platform for vacationing, it should be clear this type of vacation does cost more than a traditional hotel; further unlike hotels, there are rules and regulations guests must be mindful of, including staying in communication with the Host, keeping noise down, being respectful of neighbors, and cleaning up after ourselves at the end of each stay, however the experience is definitely worth the extra cost and effort. My family finds these accommodations to be more personal, comfortable, warm, and a less stressful way to vacation. Some homes even allow visitors to bring family pets.

Using such a platform holds both the owner of the property and the guest accountable. If a guest were to damage a property, throw a massive party, or otherwise disturb the peace the owner could evict them on the spot and blacklist them to prevent future rentals. We appreciate, one bad review could cause us to lose our guest privileges entirely on these platforms so my family is always very respectful of the properties where we've stayed.

Whether for family trips, long weekends with my wife, or for extended business travel, I'll always make it a priority to only stay where these home sharing opportunities are possible.

Respectfully,

A handwritten signature in black ink that reads "Evan Bowman". The signature is written in a cursive, flowing style.

Evan Bowman

540-335-1672



Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

Introduction; Greenfield CUP

Shawn Hershberger <Shawn.Hershberger@winchesterva.gov>
To: Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>
Cc: Joe Petty <jpetty@warrencountyva.net>

Mon, Jul 12, 2021 at 4:41 PM

Hi Joe and Gillian,

Sorry for the delay in response to this email. Without knowing what the process is in Warren County, I can only speak to what I've seen here in Winchester. I can definitely say that my interactions with Gillian as a property owner has always been positive and she was one of the first people to voluntarily come into compliance with our STR rules. Over the past few years I can definitely say I've observed Gillian to be a responsible property owner who routinely has high quality tenants.

Feel free to call if you'd like any additional info

Thanks,

Shawn

Sent from my iPhone

On Jul 9, 2021, at 1:45 PM, Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com> wrote:

[Quoted text hidden]



Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

116 W. Piccadilly Street, Apt 2; pictures for ZUP

Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>
To: Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

----- Forwarded message -----

From: **Frank Hopkins** <Frank.Hopkins@winchesterva.gov>
Date: Mon, Jun 21, 2021 at 11:36 AM
Subject: RE: 116 W. Piccadilly Street, Apt 2; pictures for ZUP
To: Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>

Gillian,

I appreciate this proactive step. I will look into why you were not contacted. I have forwarded the images to the inspector. I will personally ensure this gets turned around quickly.

Frank

Frank Hopkins
City of Winchester Zoning Administrator
540-667-2394 ext. 1492
Frank.Hopkins@Winchesterva.gov

From: Gillian Greenfield <gillian.greenfield@greenfieldandcraun.com>
Sent: Sunday, June 20, 2021 9:07 AM
To: Frank Hopkins <Frank.Hopkins@winchesterva.gov>
Subject: 116 W. Piccadilly Street, Apt 2; pictures for ZUP

Frank, good morning; I didn't hear from anyone to schedule a walk through so I took some pictures of the apartments to complete the short term rental application/ZUP application.

Please see below and in a separate email, I'll send the pics for Apt. 1.

Note, if you want me to forward these to someone else, just point me in the right direction :)

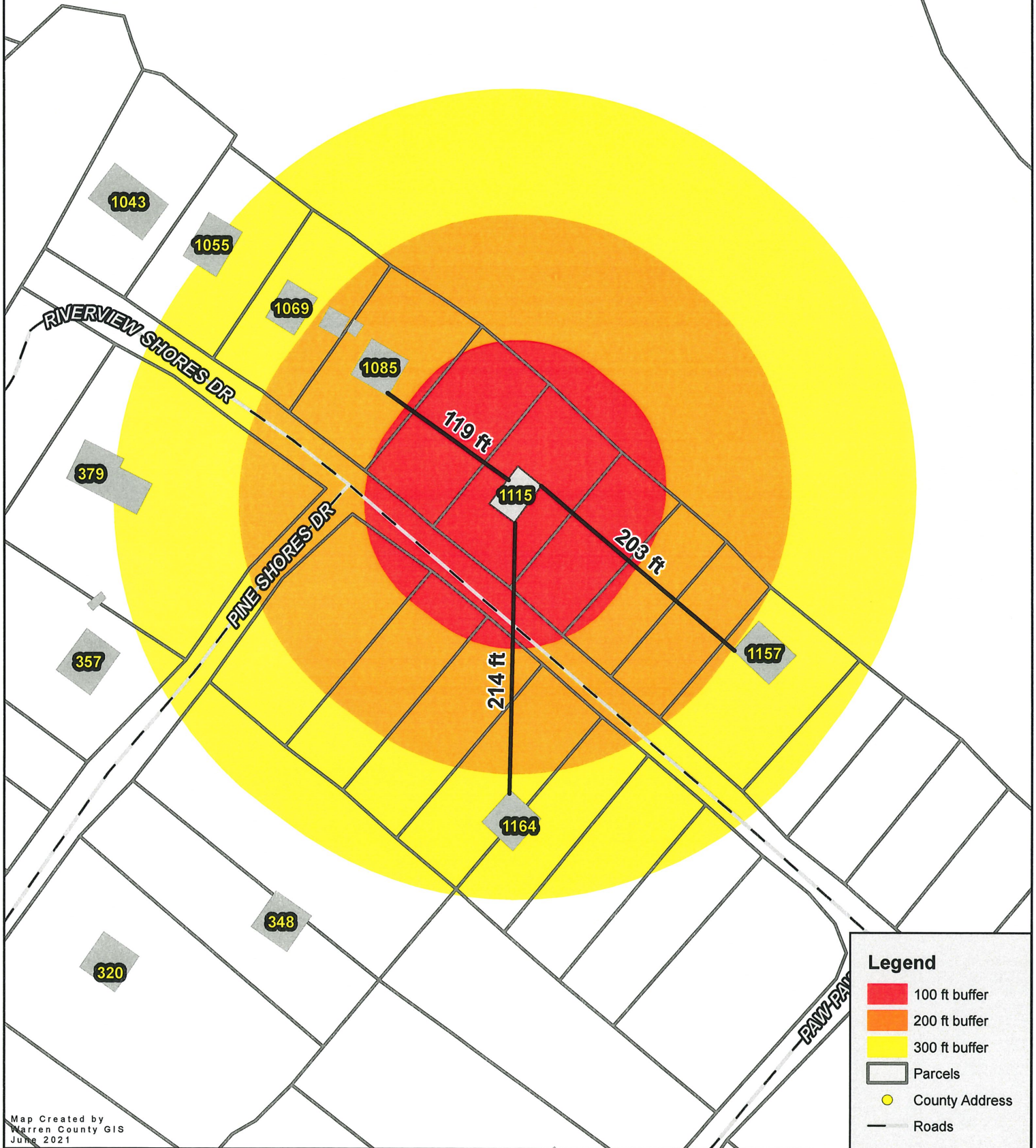
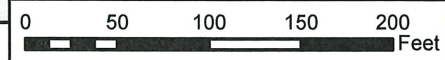


Warren County, VA 2021

1115 Riverview Shores Dr
13C-4-4-612

Distance to Surrounding Homes

1 inch = 104 feet





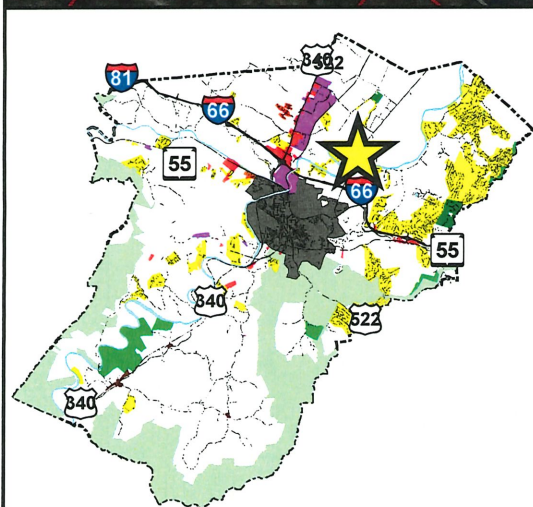
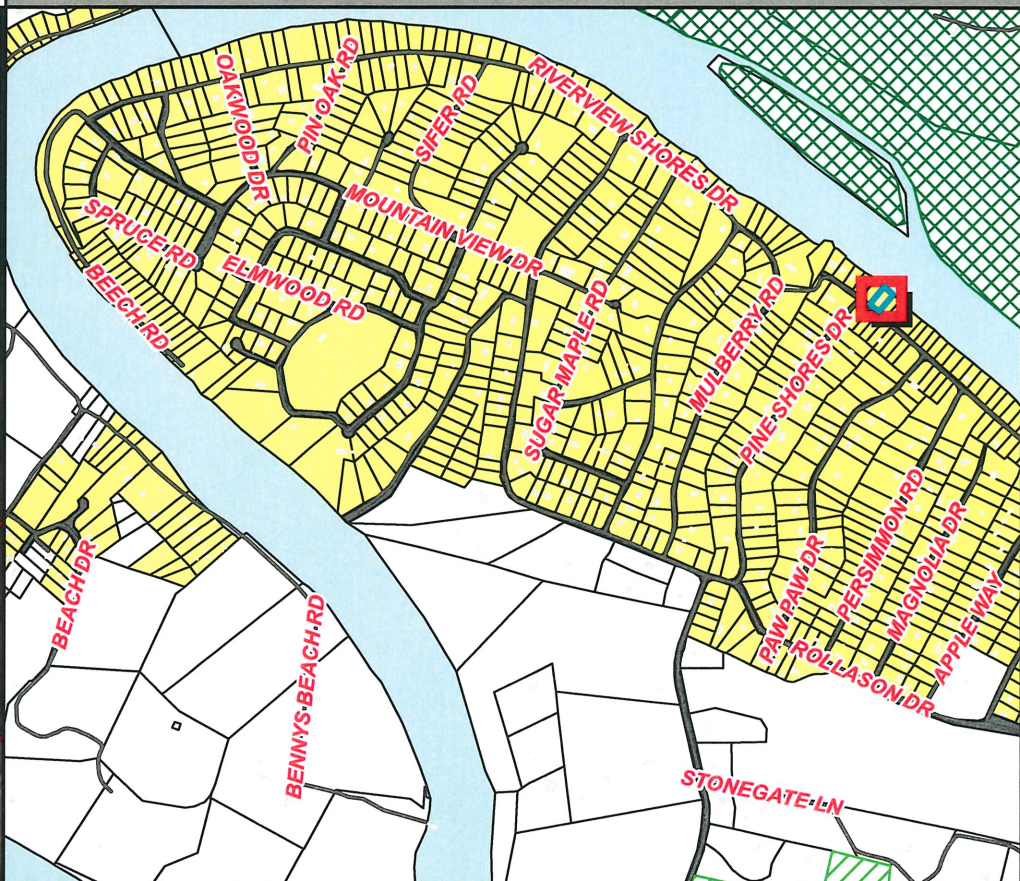
Warren County VA

CUP Location Map



CUP: Short Term Tourist Rental
Applicant: 2 Mexico, LLCC &
B. Allen Richards, LLC

TM 13C-4-4-612
1115 Riverview Shores Dr
Shenandoah Shores



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
09/07/2021	H-10	Conditional Use Permit #2021-07-04 Rachelle Hill & Don Beavers <i>Short-Term Tourist Rental</i>
EXPLANATION & SUMMARY: See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties. b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. e) Prevent such use from changing the character and established pattern of development of the community.		

PLANNING COMMISSION STATUS:

On Wednesday, August 11, 2021, Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Longo and approved by the Planning Commission by a vote of 5-0.

RECOMMENDED CONDITIONS:

The Planning Commission and staff is recommending the following conditions be added to this conditional use permit.

- 1) The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
- 2) The maximum number of occupants shall not exceed four as determined according to the Health Department permit for a two-bedroom dwelling.
- 3) The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
- 4) The applicants shall have the well water tested annually for e- coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of the calendar year.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed Conditional Use Permit request for a Short-Term Tourist Rental for advertisement of a public hearing.

SUBMITTED BY:

Joseph Petty, 
Planning Director

DISPOSITION OF COMMISSION:

☐

APPROVED

☐

OTHER (Describe)

**PROCESSED
BY:**



SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area. The owners currently live in Reston, VA and plan to clean and maintain the property in between reservations. They also currently own the adjoining property to the west located 153 Rocky Spring Lane.

PROPERTY INFORMATION

Property Location: 185 Rocky Spring Lane
Tax Map ID: 24B--122-636
Magisterial District: Shenandoah
Subdivision: Blue Mountain

City: Linden
Zoning: Residential-One (R-1)
Acres: 0.92 Acres
Existing Land Use: Single-Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Residential-One (R-1)
South: Residential-One (R-1)
East: Residential-One (R-1)
West: Residential-One (R-1)

Use: Vacant Lot, Forest
Use: Vacant Lot, Forest
Use: Vacant Lot, Forest
Use: Single-Family Dwelling

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The property does not have a record of any previous zoning violations.



COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Residential-One zoning district and is compatible with the current Warren County Zoning Ordinance.

ATTACHMENTS

☒ Agency Comments
☒ Location Map

☒ Application
☒ Public Comments

☒ Health Permit
☐ Submitted Plans

☒ Letter from Applicant
☐ Other: _____

SUPPLEMENTARY REGULATIONS

Warren County Zoning Ordinance: § 180-56.4: Short-term tourist rentals.

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. **Our office is awaiting the response from the Health Department. The applicants have provided documents requesting a two-bedroom with a four-person maximum.**
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There is sufficient parking for at least three vehicles in the driveway.**
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The property is situated on an interior lot, with three sides bordering adjacent properties; one of which contains a single-family dwelling. Most of the surrounding area is vacant, wooded land.**
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **The applicant shall obtain building permits to ensure the dwelling meets the current code requirements for fire protection systems.**
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.
- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **The PMP will be provided.**
- I. If the property is located within a subdivision governed by a Home Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located within the Blue Mountain POA; comments have been requested.**
- J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The property shall have the evacuation plan posted in each bedroom and in the guest registration packet.**
- L. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of the ordinance in their guest registration packet and posted in a common area of the dwelling.**
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in §180-63 of the Warren County Zoning Ordinance.
- N. All outdoor burning shall be in compliance with Chapter 92 of the Warren County Code.
- O. There shall be a minimum of 100' from the short-term tourist rental to all neighboring residences. **This short-term tourist dwelling does meet the setback requirement to adjacent single family dwellings. The closest dwelling is 175' to the west.**

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. *Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.*

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four as determined according to the Health Department permit for a two-bedroom dwelling.
3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
4. The applicants shall have the well water tested annually for e- coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of the calendar year.

Cc: Rachelle Hill & Don Beavers – Owner/Applicant

June 21, 2021

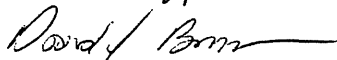
Dear Warren County Planning Commission,

This statement of justification is for 185 Rocky Spring Ln Linden, VA. We would like to offer our home as a short term vacation rental to promote tourism, to bring a positive economic impact to the county and to share the beauty of the area with others.

We currently own 153 Rocky Spring Ln Linden, VA which is adjacent to 185 Rocky Spring Ln. The adjacent property on the other side of 185 Rocky Spring Ln is an empty lot.

We are only allowing a maximum of 4 guests and as of right now we would like to only offer it on the weekends. It will not be rented for more than 29 consecutive days. We will be managing the property ourselves.

Thank you for your consideration,



Rachelle Hill and Don Beavers

WCLUP - 000121-2021

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2021-07-04

Date Received: 6-22-21

Fee Amount: \$ 500.00

Date Paid: 6-25-2021 CK#479

Applicant Information:

RACHELLE HILL AND DON BEAVERS
Applicant Name

1229 RESTON AVE HERNDON VA 20170
Address City State Zip

185 ROCKY SPRING LN LINDEN VA 22642
Property Location for conditional use permit if Different than Applicant's Address

703-362-7104 BEAVERS PROPERTIES @ EMAIL.COM
Primary Contact Number Email

Property Owner (if same as applicant, leave blank)

Address City State Zip

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 185 ROCKY SPRING LN LINDEN VA 22642
- (2) Election District: _____
- (3) Tax Map Number: 24B 122 636
- (4) Subdivision Name: BLUE MOUNTAIN SUBDIVISION
- (5) Total Area of Property (acres): 0.92
- (6) Total Area to be Used (acres): _____
- (7) Total Road Frontage (feet): 126.09'
- (8) Depth of Property (feet): 317.90'
- (9) Present Zoning: RESIDENTIAL ONE

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: SHORT TERM VACATION RENTAL
- (2) Current land use and condition of site: RESIDENTIAL 320 Sqft HOUSE IS ON THE PROPERTY
- (3) Zoning of surrounding land/property: RESIDENTIAL ONE
- (4) Will development be staged? ☐ Yes ☐ No (NA)
- (5) Construction Time: NO CONSTRUCTION NEEDED
- (6) Season, days, and hours of operation: ALL SEASONS
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) NO
- (9) Number of full time employees: 0
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 4
- (12) Number of parking spaces to be provided: Regular DRIVEWAY (3) Handicap _____
- (13) What is the proposed landscaping and buffering for this property? THE HOUSE IS LOCATED ON A HEAVILY WOODED LOT AND THE NEIGHBORING HOMES CANNOT BE SEEN FOR MOST OF THE YEAR.

(NA)

C. Plans Prepared By

Name: _____

Address: _____

Telephone Number: _____

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?)
NO ADVERSE IMPACT. THE HOUSE WILL BE USED LESS THAN A NORMAL FULL TIME RESIDENT.

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) NORMAL HOUSEHOLD TRASH AND THIS WILL BE STORED IN A ANIMAL RESISTANT TRASH CAN. THE TRASH WILL BE REMOVED AND DISPOSED OF BY THE PROPERTY OWNERS AFTER OUR GUEST CHECKS OUT.
- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) NO
- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. NONE
- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) NO
- (6) What will be the impact on traffic? THE IMPACT ON TRAFFIC WILL BE NO MORE THAN A NORMAL FULLTIME RESIDENT.
- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. 2 RESIDENTIAL EXTERIOR LIGHTS ARE INSTALLED ON THE HOUSE. ONE FOR THE DRIVEWAY AND ONE ON THE DECK/FRONT DOOR.

**The following documents and/or information are required
to be submitted with the application:**

☐ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☐ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

(NA)

☐ **List of chemicals stored on the site**

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☒ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☒ **Directions to your property from the Warren County Government Center.**

1. HEAD SOUTH ON COMMERCE AVE. 2. TURN LEFT ON VA-55 (6.1mi)
3. TURN LEFT ON FREEBELAND RD. 4. TURN LEFT ON BLUE MOUNTAIN RD.
5. TURN RIGHT ON SPRING HILL RD. 6. TURN RIGHT ON ROCKY
SPRING RD. HOUSE IS SECOND DRIVEWAY ON THE LEFT.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

Donald Bowers
Applicant Signature

6-21-21
Date

Rachelle Ann
Property Owner Signature

6/21/21
Date

Accepted by: _____

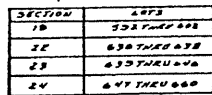
Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

WE CONTACTED THE HEALTH DEPT ON JUNE 11th 2021 AND
RECEIVED AN EMAIL THAT SOME DAY THAT SAID THEY HAVE NOTHING
ON FILE. WE KNOW THE SEPTIC TANK AND DRAIN FIELD WERE INSPECTED
AND REPAIRED BY PREVIOUS OWNER JULY OF 2020. WELL WATER TESTED
ON 11-3-2020. COPIES ATTACHED.

BACK 144 PAGE 456



SURVEYORS CERTIFICATE

- I HEREBY CERTIFY THAT THE LOTS DELINEATED ON THIS PLAT ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THEY LIE ENTIRELY WITHIN THE BOUNDS AS FURNISHED BY THE OWNER

Asst. of Western P.
CERTIFIED LAND SURVEYOR

FLAT SNOWING
BLUE MOUNTAIN SUBDIVISION
SECTIONS 18, 22, 23, 24
NEAR HONELLVILLE, WARTEN COUNTY, VIRGINIA
SCALE: 1"=200' JANUARY 10, 1966

ROBERT W. WATSON
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

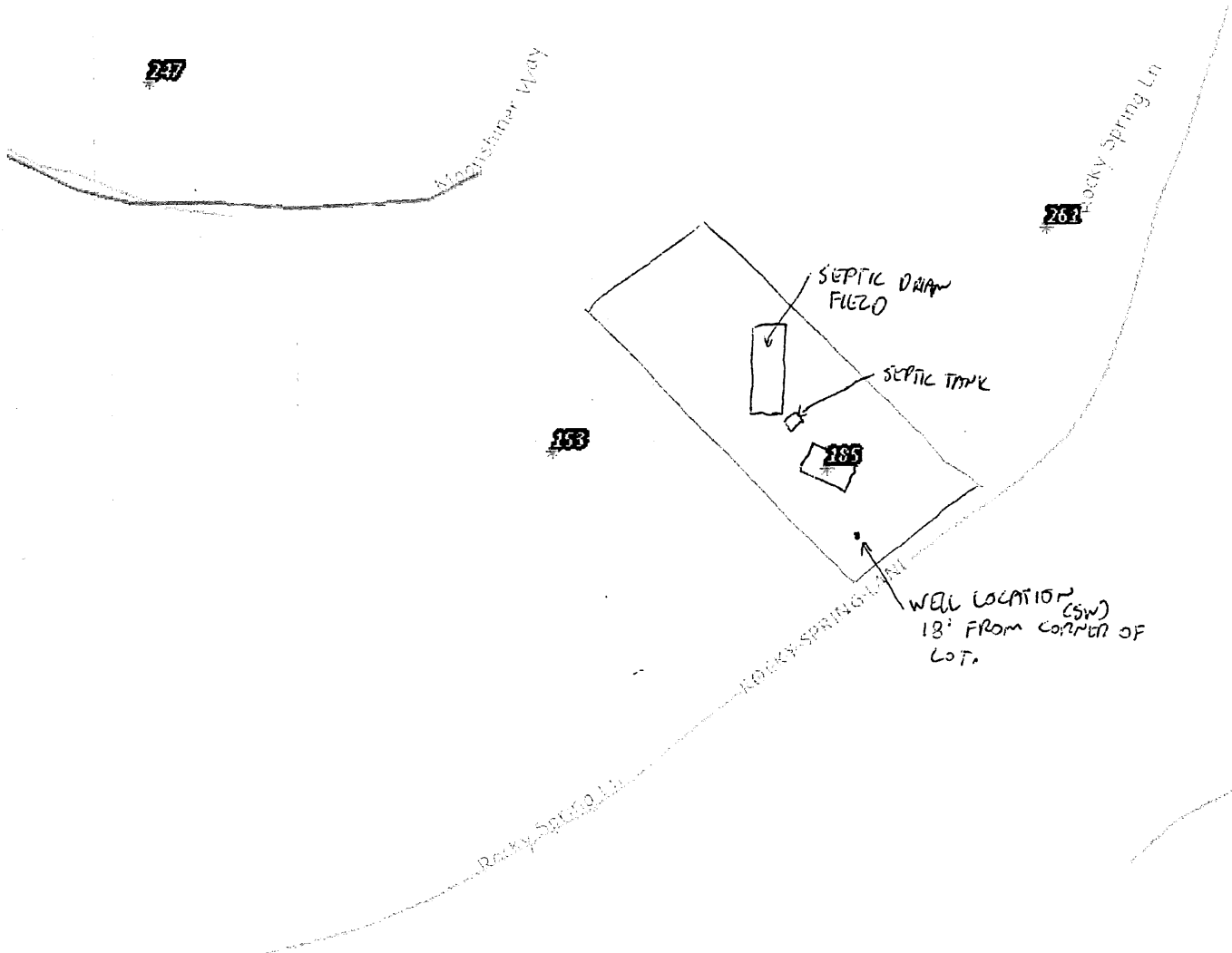
The filing and recording of this plat and the sale of lots with reference thereto is not intended to be and shall not constitute a dedication or an offer of dedication to the Commonwealth of Virginia or the County of Warren or any other public authority, to the streets shown thereon.

SEWAGE DISPOSAL AND WELL SITE



(http://www.loudouncountyva.net/)

- 135 ROCKY SPRING LN
WELL AND SEPTIC LOCATION



X,Y -78.027954, 38.963198

Lord Fairfax Health District

Warren County Health Department

465 West 15th Street, Suite 200

Front Royal, Virginia 22630

Tel. (540) 635-3159 ~ Fax (540) 635-9698

www.vdh.virginia.gov



July 14, 2021

Mr. Joe Petty, Planning Director
Warren County Planning and Zoning
220 N Commerce Avenue, Suite 400
Front Royal, Virginia 22630

RE: Request for comments; 2021-07-04
Owner: Rachelle Hill and Donald Beavers

Dear Mr. Petty,

I have reviewed the request for comments regarding the property at 185 Rocky Spring Ln, Linden, Virginia, in Warren County, (property identified on tax map # 24B-1-22-636.), and I offer the following comments:

1. The permit for a sewage disposal system was issued on July 10, 1973 with a record of inspection dated March 5, 1974. The system is designed to serve a 2 bedroom home with 4 occupants maximum and a 300 gallons per day design flow.
2. The property is served by an existing well. The well water should be tested for bacteria. If the sample result is positive, steps must be taken to correct the problem and the water should be re-tested.
3. All trash and garbage shall be placed in containers with tight-fitting lids.
4. There shall be no food service provided unless the Virginia Department of Health Food Regulations are met.
5. All Virginia Department of Health Tourist Establishment Regulations shall be met as necessary. The owners can contact our office for further information.
6. The sewage disposal system should be pumped if this has not been done in the last three to five years.
7. Do not connect any hot tub discharge to the sewage disposal system.

Lord Fairfax Health District

Warren County Health Department

465 West 15th Street, Suite 200

Front Royal, Virginia 22630

Tel. (540) 635-3159 ~ Fax (540) 635-9698

www.vdh.virginia.gov



Rachelle Hill and Donald Beavers

July 14, 2021

Page 2

Please call me at (540) 635-3159 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "G. Smith".

Greg Smith

Environmental Health Specialist |

SITE
WASTEWATER
SERVICE, LLC

July 13 2020
185 Rocky Spring Lane
Front Royal

To whom it may concern,



Summary

This system has been restored to functionality. All work has been completed and it has been paid in full.

Septic Tank

The septic tank is located in the backyard right before the tree line to the right of the yard if one has there back to the house on the deck. The tank is in great shape and the conveyance line was replaced to the distribution box.

Distribution Box

The distribution box was is like new and is fine working order.

Drain Field

The drain field is deep and covered with large boulders. The headers were replaced and all lines take water evenly and willingly.

Thank you for choosing us for your septic needs,

Matt Ferrell
Owner
703-201-4100

Matthew Ferrell
Operator license #1942001223

Report of Analysis



Lab Sample ID: 20110321-01

Client

Culligan Water Conditioning
467 Remount Road
Front Royal, VA 22630

Project

Don Beavers
185 Rocky Spring Lane
Linden VA 22642

Lab Sample ID: 20110321-01

Subdivision; Lot

Health Dept. ID #

Map Ref. #

Client Sample ID: 185 Rocky Spring Lane

Source: Well

Sample Location: Outside Tap

Collected By: Jay Jordan

Collection Date/Time: 11/3/2020 8:53 AM

Received Date/Time: 11/3/2020 2:11:00 PM

Received From: JML (IL)

<u>Analyte</u>	<u>Method</u>	<u>Sample Result</u>	<u>Units</u>	<u>Analyst</u>	<u>Analysis Date/Time</u>
Total Coliform	SM 9223 Colilert-18 P/A	ABSENT	P/A	FRW	11/3/2020 2:49:00 PM
E.coli	SM 9223 Colilert-18 P/A	ABSENT	P/A	FRW	11/3/2020 2:49:00 PM
Chlorine Screen	HACH screen	ND		FRW	11/3/2020 2:49:00 PM

ND = not detected

NA = not analyzed

< = less than

This water sample **HAS PASSED** the bacteriological standard for safe drinking water established by the Virginia Department of Health and US Environmental Protection Agency (US EPA).

Laboratory Director:

A handwritten signature in black ink, appearing to read 'Daryl Burton', written over a horizontal line.

Daryl Burton

Issue Date: November 04, 2020

Reported results relate only to the items tested, as received by the laboratory.

The test results in this report meet all NELAP requirements for accredited parameters, unless otherwise noted in this report.

Pursuant to NELAC, this report may not be reproduced except in full, without written consent from Joiner Micro Laboratories.

For questions please contact the laboratory at the email address listed on this page.

Joiner Micro Laboratories, Inc.
77 West Lee Street # 202
Warrenton, Virginia 20186
540-347-7212
info@joinermicrolab.com



Natalie Lentz

From: David Beahm
Sent: Tuesday, July 13, 2021 4:36 PM
To: Natalie Lentz
Cc: Paula Fristoe
Subject: Request for Comments 2021-07-04 – Rachele Hill and Don Beavers – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000121-2021

Comments 2021-07-04 – Rachele Hill and Don Beavers – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000121-2021:

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing dwelling for a “short-term rental” would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating it as a short-term rental.
 - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
 - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

If anything should change in the scope additional requirements may be required.

Respectfully,



Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce /

Sui
Front Royal, VA

540/636

dbeahm@warrencountyva.net

www.warrencountyva.net

FAX 540/636

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.



Property Management Plan

Rachelle Hill and Donnie Beavers

Address: 185 Rocky Spring Ln Linden, VA 22642

Phone: 540-252-5373

Email: infowhiskeyhillcabin@gmail.com

In Case of Emergency:

- If the emergency requires immediate assistance call Warren County 911
- Warren Memorial Hospital
 - 1000 M Shenandoah Ave. Front Royal, VA 22630
 - 540-636-0300
- Linden Volunteer Fire Department
 - 4561 John Marshall Hwy, Linden, VA 22642
 - 540-636-3473
- Warren County Fire & Rescue
 - 200 Skyline Vista Dr
 - Front Royal, VA 22630
 - 540-636-3830
- Warren County Sheriff's Office
 - Non-Emergency Phone: 540-635-4128
- Hendersons Towing & Recovery (Open 24 hours)
 - 311 N Commerce Ave, Front Royal, VA 22630
 - 540-660-1959
- Electrical Outage
 - Rappahannock Electric
 - 1-800-552-3904
- Whiskey Hill Cabin owners contact info: Email is the best way to contact us:
infowhiskeyhillcabin@gmail.com. In the case of emergency you can contact us via phone at 540-252-5373

Emergency Evacuation Directions:

1. From Whiskey Hill Cabin; 185 Rocky Spring Ln. Linden, VA 22642
2. Make a Right onto ROCKY SPRING LN. go about 0.2 miles
3. Make a left onto Mockingbird Lane.
4. Make a left onto BLUE MOUNTAIN RD. go 0.8 miles and veer to the right. The road changes name to Freezeland Road. Continue on this road for 6 miles.
5. Turn right on VA-55 go 1.3 miles to the first traffic light. Turn right at this traffic light for access to 66 East and West.

Rental Agreement:

Please have all people staying read carefully.

OWNER: Rachelle Hill and Don Beavers; Whiskey Hill Cabin

RENTER: You (the person reading this), the credit card holder and any party in association with you, including anyone occupying or visiting the PREMISES during your occupancy.

PREMISES: The properties named: Whiskey Hill Cabin

CANCELLATION POLICY:

RENTER may cancel or change the dates of their reservation up to 30 days prior to your check-in date (100% refund). If RENTER cancels or changes the dates of their reservation within 30 to 14 days prior to their check-in date (50% refund). If a cancellation occurs less than 14 days prior to their check-in date (no refund). No exceptions. Cancellations must be made by 12:00pm (Eastern Standard Time) on the appropriate day.

SECURITY DEPOSIT:

We expect all guests to leave the cabin in the same way that it was found. We will charge a \$250 security deposit for any damage or if the following occur:

- a) The number of people exceeds 4 people (maximum amount of people). **Occupancy: The Conditional Use Permit and Health Department records limit the occupancy for this short-term rental at 4 People and 2 bedrooms and 1 loft.**
- b) You smoke during your stay (inside or outside).
- c) Excessive cleaning is necessary after your stay that is above and beyond the normal cleaning.

ROAD CONDITIONS/INCLEMENT WEATHER POLICY:

Please know, to reach the PREMISES you will have to drive on approximately 1 mile of gravel roads that are not OWNER or State maintained and our gravel driveway. The gravel roads and the driveway may not be suitable for extra large vehicles Ex: Horse trailers, RVs, etc.

Be aware that weather conditions and road conditions can change quickly and drastically on the mountain. In the winter, tire cables or tire chains may be required to reach the PREMISES in the case of snow covered roads.

(Tire cables are sold at most auto part stores). In the summer thunderstorms can cause power outages for a number of days. It will be the RENTER'S responsibility to get to and from the PREMISES in adverse weather or driving conditions. RENTER deciding to travel in adverse

weather or driving conditions do so at their own risk. If you get stuck at Whiskey Hill Cabin for whatever reason (winter weather, etc.) and you are unable to check-out by the check-out date and time, you will be charged for any additional nights you stay.

OWNER does not give refunds for bad weather. Whether RENTER has to call to say they cannot get out of their hometown because of bad weather or if OWNER has to call RENTER and tell them that the mountain on which the PREMISES are located is too dangerous to travel on. RENTER will be issued a credit for the total payment to be used towards the cost of a future stay. No exceptions.

Noise: It shall be a violation of the Warren County Code for any person, without compelling reason, to make noise that by reason of its volume, pitch, duration or repetition, considering the time of day, is likely to disturb the rest of any person of ordinary sensibilities or interfere with such person's lawful and peaceful enjoyment of property owned or rented by him/her.

RENTER AGREES TO:

RENTER will comply with all local, state, and federal laws applicable to the PROPERTY including, but not limited to; the laws banning open air fires, banning ATV use, No shooting of fire arms, no fireworks and noise ordinances on Blue Mountain.

The RENTER understands that there is a security camera on the exterior of the cabin to assess the weather conditions of our driveway and for security purposes.

RENTER understands that the mountain on which PREMISES are located is a community. RENTER agrees to keep the noise down at night understanding that if it is late neighbors will be sleeping and that neighbors are to be respected. If RENTER violates noise ordinances it is likely that either OWNER will be notified by other members of the Blue Mountain community or the police called.

PARKING:

Parking is limited to 2 vehicles in the driveway. Under no circumstances should vehicles park on the roadway or on the side of the main roadway.

TRASH AND RECYCLING:

All trash and recycling shall be placed in containers provided by the owner. The trash bags are located under the kitchen sink and the outdoor trash can is located next to the shed. Please make sure the lid is secure with the provided cables.

WIFI:

Wifi is available at the cabin at no additional charge.

The RENTER must be at least twenty-one years of age and assumes responsibility and liability for any and all Guests and/or any minor(s) occupying the PREMISES during RENTER'S

occupancy. RENTER will: conserve water and electric; leave the PREMISES in the same order as found. A list of emergency numbers are located at Whiskey Hill Cabin.

RENTER agrees to return keys to lockbox upon departure - if key is not left in the lockbox RENTER will be charged a key replacement fee of \$25.

RENTER is expected to leave at the designated check-out time of 11:00 AM. If the RENTER stays beyond their check-out time they may be charged a \$50 expedited cleaning fee for the time the OWNER will have lost in order to clean the cabin before the next guest's check-in. Check-in time is any time after 4:00 PM.

RENTER is not to exceed the maximum number of people (4 people) for sleeping accommodations provided. If excessive cleaning is required or repair is needed for damage done to the PREMISES during RENTER'S occupancy, then additional charges or actual cost will be levied against the RENTER and the RENTER will be sent an invoice via email to be paid. Such determination will be reasonable and made at the discretion of the OWNER.

OWNER will make reasonable efforts to provide amenities (such as internet, internet TV, etc.) in good working order and, if needed, repair them during the RENTER'S occupancy upon adequate notice from RENTER. Given the nature and difficulty of some repairs, RENTER understands that OWNER can make no guarantees that all amenities will be working during the entire occupancy, and that the RENTER will not be entitled to any refund or discount if they are not.

Be aware that the weather conditions can change drastically on the mountain. It will be your responsibility to get to and from the PREMISES in case of snow or bad weather. OWNER does not give refunds or discounts due to bad weather for circumstances other than what is described in the "Inclement Weather Policy" above. The PREMISES is located on a mountain. Please know, to reach the PREMISES you will have to drive on gravel roads that are not OWNER or State maintained.

LIABILITY AND INDEMNIFICATION AGREEMENT:

RENTER (you, the credit card holder, and any party in association with you, including anyone occupying or visiting the PREMISES during your occupancy) assumes full responsibility for themselves, their family, including minor children, for bodily injury, death, loss of personal property, and any expenses as a result of the RENTER'S negligence, negligence of RENTER'S family, or negligence of the OWNER. RENTER acknowledges and understands that no warranty, either expressed or implied, is made by the OWNER as to the

condition of the PREMISES. RENTER acknowledges that certain activities on rural property have unknown hazards and risks that can result in injury to the person doing these activities. The many possibilities and sources of injury or damage are acknowledged by the RENTER and the RENTER occupies the PREMISES with full knowledge that hazards and risks exist. The RENTER agrees to indemnify and hold harmless OWNER, their agents and employees from all claims, damages, losses, injuries and expenses arising out of or resulting from RENTER'S stay at Whiskey Hill Cabin. RENTER further agrees to release, acquit and covenant not to sue OWNER, their agents and employees for all actions, causes or actions, claims or damages, damages in

law or remedies in equity of whatever kind, including negligence of OWNER or RENTER'S family, RENTER'S self or heirs, against OWNER arising from RENTER'S stay at Whiskey Hill Cabin. In short, RENTER cannot sue Whiskey Hill Cabin or its owners Don Beavers and Rachelle Hill known as OWNER or PREMISES title holder. Any conflict arising out of this rental agreement will be subject to private mediation. If the parties cannot agree on which agency shall administer the mediation, OWNER'S choice shall govern.

Area Attractions:

- Skyline Drive
- Shenandoah National Park
- Shenandoah State Park
- Appalachian Trail in the GR Thompson State Wildlife Management area is about 5 minutes from the cabin
- Antique stores in downtown Front Royal
- Front Royal Outdoors (canoeing, kayaking)- 8567 Stonewall Jackson Hwy Front Royal, VA
- Horse back riding at Marriott Ranch- 5305 Marriott Ln, Hume, VA

Recommended Restaurants:

- Castiglia's Italian Restaurant and Pizza- 328 Remount Rd. Front Royal, VA
- Spelunker's- Fast food.... they have really good burgers; 116 South St. Front Royal, VA
- Front Royal Brewing Company; 122 East Main Street Front Royal, VA
- Happy Creek Coffee & Tea- 18 High Street Front Royal, VA

Recommended Wineries and Breweries:

- Fox Meadow Winery- 3310 Freezeland Rd Linden, VA. 10 min from the cottage, one of our favorites, they have the best view in the area.
- Arterra Wines- 1808 Leeds Manor Rd Delaplane, VA;
- Rappahannock Cellars- 14437 Co Rd 635 Huntly, VA.
- Linden Vineyards- 3708 Harrels Corner Rd Linden, VA. Another one of our favorites.
- Front Royal Brewing Company; 122 East Main Street Front Royal, VA

Grocery Stores:

- Martins- 409 South St. Front Royal, VA
- ALDI- 134 Riverton Commons Dr Front Royal, VA
- Walmart Super Center- 10 Riverton Commons Dr Front Royal, VA
- The Giving Tree- 13485 John Marshall Hwy Linden, VA; A local market at the bottom of the mountain. They own a farm and grow a lot of their own produce, etc.

Joe Petty

From: Mike Veasey <mike_veasey@yahoo.com>
Sent: Tuesday, July 20, 2021 1:10 PM
To: Joe Petty
Cc: Mike Veasey
Subject: Short Term Rental 185 Rocky Spring Lane

Mr Petty

Re: your letter dated June 28, 2021 requesting comments for short term rental at subject location.

The Blue Mountain executive board met and considered this request on July 12th and the board recommends approval of this request provided the property complies with all county requirements now and in the future.

Mike Veasey
Treasurer, BMPOA
703 927 0459

Sent from Yahoo Mail on Android

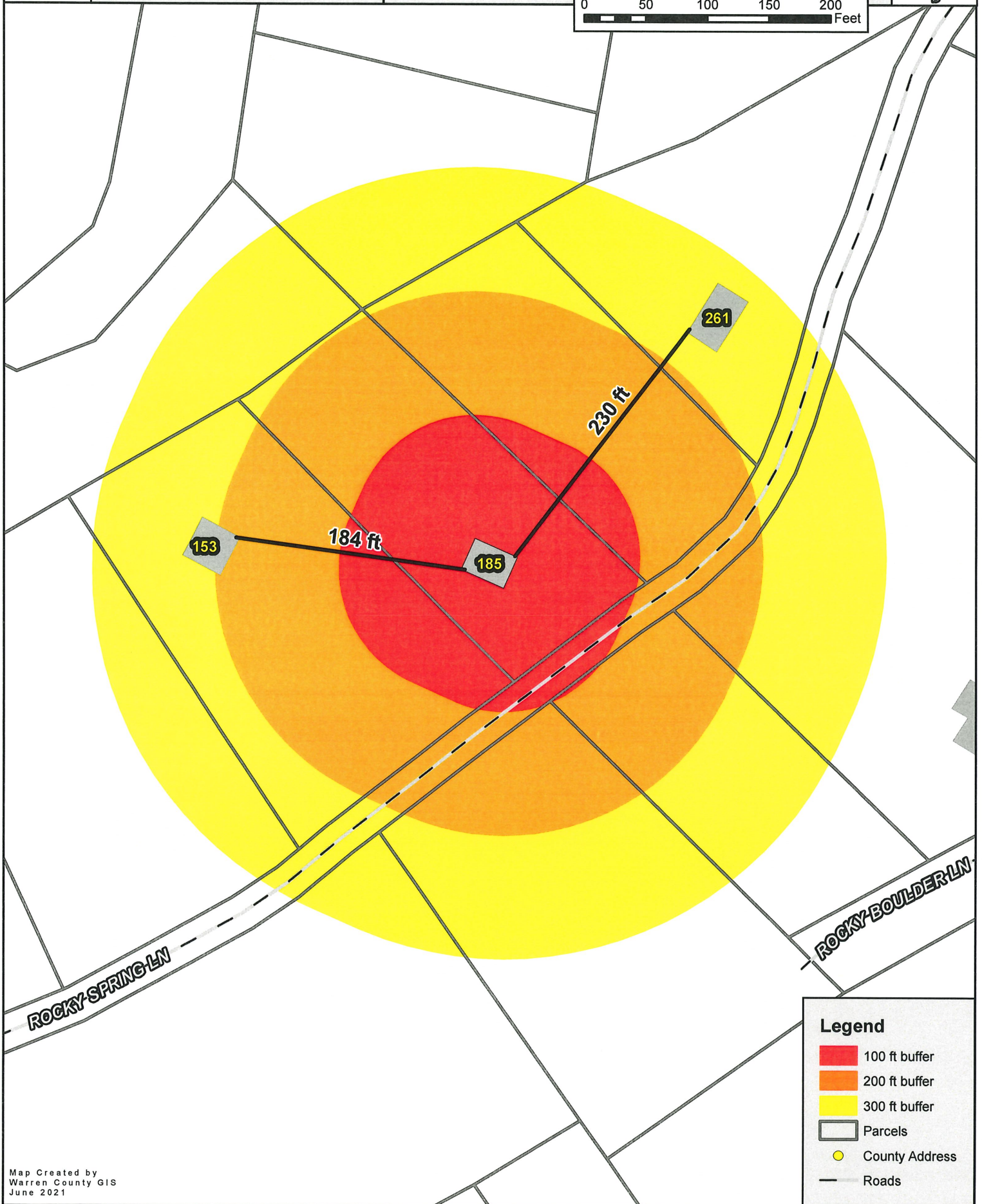
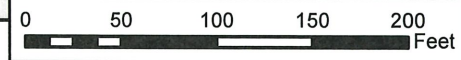


Warren County, VA 2021

185 Rocky Spring Road
24B--122-636

Distance to Surrounding Homes

1 inch = 100 feet



Legend

- 100 ft buffer
- 200 ft buffer
- 300 ft buffer
- Parcels
- County Address
- Roads



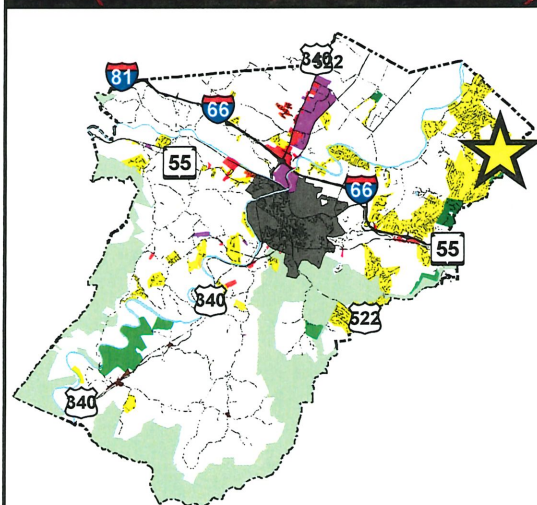
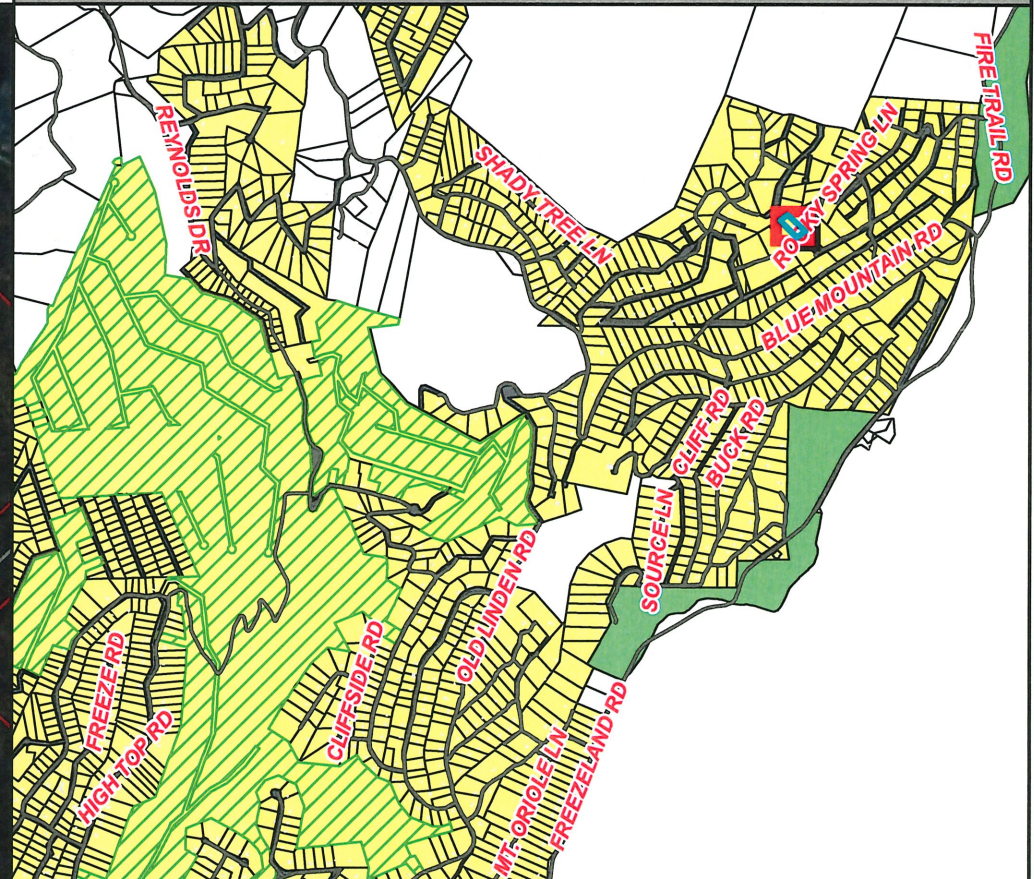
Warren County VA

CUP Location Map



CUP: Short Term Tourist Rental
Applicants: Rachelle Hill and Don Beavers

TM 24B-122-636
185 Rocky Spring Ln
Blue Mountain Subdivision



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
9/07/2021	H-11	Conditional Use Permit #2021-07-05 George & Michele Kopcsak <i>Short-Term Tourist Rental</i>	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

- (1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.
- (2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- (3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- (4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.
- (5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
- (6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:
 - (a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
 - (b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
 - (c) Provide for adequate parking and ingress and egress to public streets or roads.
 - (d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.
 - (e) Prevent such use from changing the character and established pattern of development of the community.

Planning Commission Move to Approve:

Ms. Richardson moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Kersjes and approved by the Planning Commission by a vote of 5 - 0.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed two as determined according to the Health Department operational permit for a one bedroom for the studio dwelling unit.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

BOARD OF SUPERVISORS PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed conditional use permit request for a Short-term Tourist Rental for advertisement of a public hearing.

SUBMITTED BY:

Matt Wendling, CFM 
Deputy Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ **APPROVED** ☐ **OTHER (Describe)**

PROCESSED BY:



Conditional Use Permit: 2021-07-05/ Short Term Tourist Rental

George & Michele Kopcsak, Applicants/ Owners

Staff Report for the Planning Commission

Prepared: July 14, 2021

Staff: Matt Wendling, Deputy Planning Director/County Floodplain Manager

SUMMARY OF REQUEST

The applicants are requesting a conditional use permit for a Short-term Tourist Rental for rental of an accessory studio apartment for less than thirty days. The applicants renovated a barn on their property into a one-bedroom studio apartment after they experienced a devastating fire to the main dwelling on the property in February of 2018. They lived in the dwelling during the restoration for sixteen months which was approved by Zoning and Building inspections through the permitting process. The applicant's initial intent was not to use it for a Short-Term Tourist Rental but after moving back into the principle dwelling thought it would be something that they could do to recoup their costs and generate supplemental income for the maintenance of their property. The owner's live in the principle structure full-time and will be the property managers.

PROPERTY INFORMATION

Property Location: 3609 Buck Mountain Rd.

Town/Village: Browntown

Tax Map ID: # 37---66A

Zoning: Agricultural (A)

Magisterial District: South River

Acres: 6.47

Subdivision: N/A

Existing Land Use: Single Family Dwelling

Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

Use: SFD with Woodlands

South: Agricultural (A)

Use: Single Family Dwellings

East: Agricultural (A)

Use: Vacant Lot with Woodlands/Creek

West: Agricultural (A)

Use: Vacant Lot with Woodlands/Pasture

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district and has no previous zoning violations.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-21. This property is located in an isolated Agricultural area composed of pasture and woodland areas, is off a private road and has views of the river. Short-term Tourist Rentals provide transient-lodging taxes to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V, and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

A Short-Term Tourist Rental is defined by the Warren County Zoning Ordinance as, "A single-family dwelling not attached to any other dwelling by any means and located on an individual lot that is rented for compensation for periods of less than 30 days. See § [180-56.4](#) for supplementary regulations pertaining to short-term tourist rentals."

SUPPLEMENTARY REGULATIONS FOR SHORT-TERM TOURIST RENTAL (Section 180-56.4 of the Warren County Zoning Ordinance):

These regulations are as follows:

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however, the maximum number of occupants shall not exceed 10. **Staff has submitted a request for septic system information for the property for the septic system operational permit to WCHD. The applicant submitted the VDH OSE Construction Permit Report which allows for 2 bedrooms, 4 persons maximum occupancy for both the studio and single-family dwelling to be connected. The applicants are the only residents in the dwelling at this time and shall limit occupancy to studio to 2 persons.**
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards. **There is sufficient parking for one (1) vehicle in the driveway in front of the studio dwelling.**
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The boundary lines shall be marked according to location shown on the survey.**
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **A change of use for a transient boarding facility for the property dwelling and an inspection will be required to verify if it meets all Building Code requirements for fire/smoke protection and a fire extinguisher.**
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24-hour notice.
- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and

approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **A Property Management Plan needs to be submitted and will be reviewed and approved by staff and all other requirements shall need to be met prior to a certificate of zoning for the business being issued. Mr. and Mrs. Kopcsak will be the acting property managers.**

- I. If the property is located within a subdivision governed by a Homeowners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located within a subdivision that is *not* served by a POA/HOA.**
- J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.
- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The applicants shall have this posted in the bedrooms and in their guest registration packet.**
- L. A copy of Chapter §123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of this in their guest registration packet and have it posted in a common area of the dwelling.**
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in Warren County Code Section §180-63.
- N. All outdoor burning shall be in compliance with Chapter §92 of the Warren County Code.
- O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences. **This dwelling meets the setback requirements to adjacent single-family dwellings which is 483' to the closest neighboring dwelling located to the south.**

RECOMMENDED CONDITIONS:

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

Staff recommends that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed two as determined according to the Health Department operational permit for a one bedroom for the studio dwelling unit.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

Cc: George and Michele Kopcsak, Applicants



STATEMENT OF JUSTIFICATION

My name is George Kopcsak. I am a retired Army Colonel residing at our "Full Circle Farm", 3609 Buck Mountain Road, Browntown, VA. Our home on the property was built in 1861. My wife, Michele, and I have lived here for the past 27 years. We are active members of the Warren County community. In the past we have sold produce at the Farmers Market in town. Michele has been a substitute teacher in Warren County schools. She has volunteered within our community at St. Luke Medical Clinic, taught ESL at Samuels Public Library for four years and has delivered meals to the needy. I am an officer in our local Knights of Columbus Council.

When our home burned in February of 2018 we had a small studio built in an existing barn located a few hundred feet from the burned structure. The studio was permitted to include a permit to tie into the existing septic and drain field. We lived there for the sixteen months required for the full restoration of our home. We moved back in our home in June 2019.

We have decided to offer the studio as a short term rental to singles and couples wishing to visit the Warren County area. I have developed a "Property Management Plan" that fully describes the studio and explains just how it will be managed.

We recently had the entire driveway to the studio and its adjacent parking area paved.

A Conditional Use Permit will allow us to advertise the studio and host guests. It will provide Michele & I with some supplemental income. We believe it will also benefit our local merchants and dining establishments. We have accumulated a number of brochures and advertisements for prospective guests to consider while visiting.

We ask that you please rule in favor of our permit application.
Thank You.

A handwritten signature in cursive script, reading "G Kopcsak". The signature is written in black ink and is positioned at the bottom left of the page.

**WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION**

Application Number: 2021-07-05
Date Received: 6-23-21
Fee Amount: \$ 500.00
Date Paid: 6-23-21 CK# 358

Applicant Information:

George and Michele Kopcsak
Applicant Name

3609 BUCK MOUNTAIN ROAD BROWNTOWN, VA 22610
Address City State Zip

Property Location for conditional use permit if Different than Applicant's Address

540-622-3308 gkopcsak@gmail.com
Primary Contact Number Email

Property Owner (if same as applicant, leave blank)

Address City State Zip

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

- (1) Address/Location: 3609 BUCK MOUNTAIN ROAD BROWNTOWN, VA 22610
- (2) Election District: South River
- (3) Tax Map Number: 37-66A
- (4) Subdivision Name: N/A
- (5) Total Area of Property (acres): 6.4713
- (6) Total Area to be Used (acres): 0.25
- (7) Total Road Frontage (feet): 314
- (8) Depth of Property (feet): 783
- (9) Present Zoning: Agricultural

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Short Term Tourist Rental
- (2) Current land use and condition of site: Residential
- (3) Zoning of surrounding land/property: Agricultural
- (4) Will development be staged? ☐ Yes ☒ No
- (5) Construction Time: N/A
- (6) Season, days, and hours of operation: Periodic Weekend Tourist Occupancy
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) NO
- (9) Number of full time employees: N/A
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 4
- (12) Number of parking spaces to be provided: Regular 2 Handicap
- (13) What is the proposed landscaping and buffering for this property? This is a previous modification in a barn on the property. It was modified into a studio while the original home was restored. The studio lies 200 feet from the original home. The driveway to the studio was recently paved.

C. Plans Prepared By

Name: George C Kopcsak

Address: 3609 BUCK MOUNTAIN ROAD BROWNTOWN, VA 22610

Telephone Number: 540-622-3308

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) No
- _____
- _____
- _____

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) Minor trash created by guests. To be combined with owners trash and disposed of at the county transfer station.
- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) No
- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. None
- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) No
- (6) What will be the impact on traffic? Maybe an additional vehicle on some weekends. It should have minimal impact on local traffic.
- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. No exterior lighting

**The following documents and/or information are required
to be submitted with the application:**

☐ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☐ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

☐ **List of chemicals stored on the site**

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☒ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☒ **Directions to your property from the Warren County Government Center.**

South on Commerce to South Street. West on South Street to US 340 South.

South on 340 to a left on Browntown Road. Go 5 miles on Browntown Road to a
Right on Buck Mountain Road. It's the second driveway on the right.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

MC Kopersak
Applicant Signature

6/23/21
Date

MC Kopersak Michael C. Kopersak
Property Owner Signature

6/23/21
Date

Accepted by: _____

Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

FULL CIRCLE FARM SHORT TERM TOURIST RENTAL PROPERTY MANAGEMENT PLAN

Background/Overview:

- George & Michele Kopcsak have owned this small farm at 3609 Buck Mountain Road since 1994. Their home, built in 1831, was lost to a fire in February 2018. Rather than plow it down they opted to restore it to its original condition. They built a small two room studio in the barn and lived there during the 16 month restoration period.
- They are now back in their restored home and desire a short term rental permit to offer the studio to singles and couples wanting to visit Warren County and enjoy the many amenities offered. Only two people are permitted to stay during a visit. A “NO CHILDREN” policy is strictly enforced.
- The studio has one bedroom and one bath. It has a small deck with a clear view of Skyline Drive. The entire driveway and studio parking area is paved. It is located over 100 yards from Buck Mountain Road and 50 yards from the restored home.
- The studio is equipped with a fire extinguisher, smoke and carbon monoxide alarms, an auxiliary generator, a first aid kit and a battery powered lantern as well as flashlights.
- The studio is furnished with a Comcast (XFINITY) internet cable modem allowing full telephone capability. A desk in the Studio displays brochures of most of the eating establishments and Pubs in Warren County. There are also brochures and advertisements for additional “tourist attracting” adventures such as horseback riding, rafting and canoeing. Directions to the Tourist Information Center on Main Street in Front Royal is provided along with pertinent information on the Shenandoah National Park and Skyline Drive.
- A permit was obtained allowing the studio bath to tie into the existing septic and drain field.

Operations:

- George & Michele Kopcsak, owners, intend to be available for tenants 24/7 to handle any issues, emergency or non-emergency.
- Full Circle Farm Short Term Rental will be advertised on Airbnb.
- The property is deeded to George & Michele Kopcsak.

- Emergency information for the new Warren County Hospital, local “Urgent Care”, our Sheriff, evacuation route, power outage procedures, and trash disposal will be provided in a binder displayed on the table when guest arrive at the studio.
- Contact Information:
 - George Kopcsak: Cell (540) 622-3308. Email: gkopcsak@gmail.com.
 - Michele Kopcsak: Cell (540)631-7648. Email: mkopcsak59@gmail.com.

GENERAL INFORMATION

George & Michele Kopcsak are the rental hosts.

CHECK-IN: 3:00 PM
CHECK-OUT: 11: AM

Studio Rental Keys are located on the table next to the “Binder”. Guests are responsible for returning the keys to this table when checking out.

WiFi:
Router: Netgear 87
Password: tinyhat068

There is no local TV service. All TV programing is served through the internet service provide by the WiFi.

Guests may use the contact information for all questions.

Studio cleaning, trash removal/recycling is serviced by the owners.

Guests are required to remain within the immediate vicinity of the studio unless they are given permission to explore the property.

Unless specifically authorized by the owners, no other individuals are permitted in the studio while the guests are in residence. This restriction is **STRICTLY ENFORCED**.

PETS:

Small dogs are permitted on the property understanding that a “Pet Fee” is required. Guests must affirm that a pet is up to date on all immunizations required. Pets must be leashed at all times. There are “farm animals” present on the property. Guests are liable for any problems their pets create in this regard.

THIS IS A “NO SMOKING” SHORT TERM RENTAL!

Full Circle Farm Short Term Rental is a small studio nestled along the side of Skyline Drive. From the deck of the rental one can watch the traffic up on Skyline drive and see people looking down from "Gooney Manor Overlook". The nights are dark and starry and there is little noise to disturb the ambiance. The owners offer celestial binoculars for guests to better enjoy the night scenes. A short five mile drive north on Browntown Road brings one to the entrance to Skyline Drive. Hiking entrance from the studio is much closer. The owners also provide specific directions to other great hikes in the immediate area.

Amenities:

- BBQ Grill with a full tank of propane
- Metal Chiminea to enjoy (Owner provides the wood.) No other fires are permitted,
- Daiken Room Air Conditioner/Heater in each room. (Operation Manual provided.)
- WiFi: Comcast XFINITY
- Washer & Dryer for laundry
- Bath Towels, Hand Towels, Kitchen Towels
- Sheets, Blankets and Pillow Cases
- Vacuum Cleaner
- Smoke Alarm and Carbon Monoxide Alarm

Kitchen:

- Refrigerator (A dozen farm fresh eggs inside!)
- Electric stove/oven
- Microwave
- Coffee Maker (Fresh ground coffee provided.)
- Toaster
- Full Circle Farm Honey
- Dishes, glasses, wine glasses, flatware, pots and pans

EMERGENCY INFORMATION:

In case of emergency: Dial 911

Directions from Full Circle Farm to Warren Memorial Hospital (351 Valley Health Way, Front Royal, VA 22630)

9.5 Miles. 18 Minutes

From Driveway, turn left onto Buck Mountain Road

Turn Left onto Browntown Road (Go 5 Miles)

Turn Right onto US 340 North (Go to second light)

Turn Right onto South Street (Proceed to 3rd light)

Turn Left onto Leach Run Parkway (Go .9 miles)

Hospital will be on the Right.

Urgent Care:

VALLEY HEALTH URGENT CARE
65 RIVERTON COMMONS DRIVE FRONT ROYAL, VA
540-635-0700

WARREN COUNTY SHERIFF

200 Skyline Vista Dr
Front Royal, VA
540-636-7100

POWER OUTAGE:

Immediately contact the owner. He will start the auxiliary generator and monitor the situation until power is restored to the studio.

Water to the studio is spring fed coming right from the tap. In the event of an extended power outage spring water will be hand delivered by the owner.

EMERGENCY EVACUATION:

The studio is but two rooms. In case of an emergency exit the main room through the double entry doors to the parking area. The bedroom has two windows. The window next to the bed can be used to exit safely with a short drop to the exterior ground. Then proceed to the driveway.

From: [David Beahm](#)
To: [Natalie Lentz](#)
Cc: [Paula Fristoe](#)
Subject: Request for Comments 2021-07-05 – George and Michele Kopcsak – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000122-2021
Date: Tuesday, July 13, 2021 3:10:00 PM
Attachments: [image001.png](#)
[image004.png](#)

Comments 2021-07-05 – George and Michele Kopcsak – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000122-2021:

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing structure for a “short-term rental” would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The structure would receive a new Final Inspection designating it as a short-term rental.
 - Given the timeframe that the structure was altered, it will meet the building code requirements for this change.

If anything should change in the scope additional requirements may be required.

Respectfully,

		Warren County Building Inspections Office
David C. Beahm, CBO Building Official	<u>220 North Commerce Avenue</u> <u>Suite 400</u> <u>Front Royal, VA 22630</u>	
dbeahm@warrencountyva.net	www.warrencountyva.net	540/636-9973 FAX 540/636-4698

THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

Matt Wendling

From: Smith, Gregory <gregory.smith@vdh.virginia.gov>
Sent: Wednesday, August 11, 2021 4:12 PM
To: Matt Wendling
Subject: Re: Kopcsak CUP Application for STTR

Matt,

So if I read that right, it sounds like the building department is fine with people living in that building. In that case if the CUP is approved then Mr. Kopcsak will just need to come down here and fill out an application and pay the fee and we will get the new permit.

Thank you,

Greg Smith

Environmental Health Specialist
Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, VA 22630
Direct: 540-551-8435
Office: 540-635-3159

On Wed, Aug 11, 2021 at 3:27 PM Matt Wendling <Mwendling@warrencountyva.net> wrote:

Hey Greg,

Here are the comments from David Beahm regarding the application for Mr. Kopcsak, the studio building permit was finalized by building inspections and will require a change of use as a transient lodging facility for the Short Term Tourist Rental if approved by the BOS. This will require the Health Department paperwork and an inspection by the BI department. Let me know if there is anything else you need to revise your documents.

Thanks,

Matt

Matt Wendling

Warren County Planning Department

Deputy Planning Director / County Floodplain Manager

220 N. Commerce Ave., Suite 400

Front Royal, VA 22630

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



August 6, 2021

Mr. Matt Wendling, Deputy Planning Director / County Floodplain Manager
Warren County Planning and Zoning
220 N Commerce Avenue, Suite 400
Front Royal, Virginia 22630

RE: Request for comments; 2021-07-05
Owner: George and Michele Kopcsak

Dear Mr. Wendling,

I have reviewed the request for comments regarding the property at 3609 Buck Mountain Rd, Bentonville, Virginia, in Warren County, (property identified on tax map # 37-66A), and I offer the following comments:

1. The original permit for a sewage disposal system could not be located. There is a repair permit on file issued August 6, 2007. There is a Conditional Permit on file issued March 01, 2018 which specifies a 2 bedroom house with a separate studio with a bathroom allowing 4 occupants in the house but there is to be NO occupancy in the studio.
2. The property is served by a private water source. The water should be tested for bacteria. If the sample result is positive, steps must be taken to correct the problem and the water should be re-tested.
3. All trash and garbage shall be placed in containers with tight-fitting lids.
4. There shall be no food service provided unless the Virginia Department of Health Food Regulations are met.
5. All Virginia Department of Health Tourist Establishment Regulations shall be met as necessary. The owners can contact our office for further information.
6. The sewage disposal system should be pumped if this has not been done in the last three to five years.
7. Do not connect any hot tub discharge to the sewage disposal system.

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



Kopcsak
August 6, 2021
Page 2

The applicant has requested no more than four occupants total between the house and the studio. This will **NOT** be possible. The conditional permit for the system states there are to be no more than 4 occupants in the house and NO occupancy in the studio. The Warren County Health Department would have no objection to this request as long as the comments above are complied with, and a new conditional permit is issued. The owner will need to reach out to the Warren County Health Department to apply for a new conditional permit that will allow occupancy in the studio as long as the Building Department and Planning and Zoning Department of Warren County verify that the studio is a habitable structure. If the system malfunctions, immediate pump and haul will be required, and the system will need to be repaired or replaced if possible.

Please call me at (540) 635-3159 if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "G. Smith".

Greg Smith
Environmental Health Specialist

Sewage System Construction Inspection Report

Health Department ID Number: **187-18-0060**

Tax Map/GPIN: 37-66A

System Location

Owner: George Kopcsak	Subdivision:
Property Address: 3608 Bucks Mountain Rd.	Section Block Lot
County: Warren	

Sewer Line

Diameter: 4 "	Satisfactory: Yes
Material: Sch 40 Plastic	Date Inspected: 4/4/2018
	Comments:

Septic Tank

Volume: gallons	Satisfactory:
Material:	Date Inspected:
Grade on Tees:	Comments:

Conveyance Line

Method:	Satisfactory:
Pipe Size: "	Date Inspected:
Material:	Comments:

Distribution System

Method:	Satisfactory:
Box Material:	Date Inspected:
Number of Ports:	Comments:
Header Material:	

Overall Construction

Overall Construction: Yes
Construction Comments:
Completion Statement Received Date:
Inspected by: Walter P. Bailey, Jr., EHSS





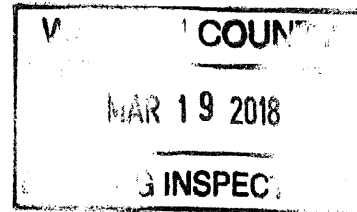
Lord Fairfax Health District

Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



January 5, 2018

Mr. David Beahm, Building Official
County of Warren
220 North Commerce Avenue
Front Royal, Virginia 22630



RE: Tax Map: 37-66A; 3609 Buck Mountain Road

Dear Mr. Beahm:

Pursuant to Section 32.1-165 of the Code of Virginia, and your written request dated February 15, 2018, I have evaluated the relevant items regarding the existing sewage disposal system and water supply serving the aforementioned property.

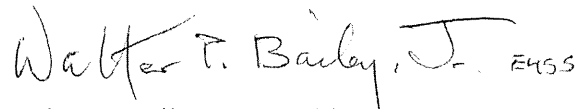
- 1.) We were not able to locate a file for this property. A sewage disposal system installer excavated the distribution box, and I was able to observe three outlet ports. The contractor marked the length of the ditches at fifty-five feet. In addition, the septic tank had a riser installed so the location of the tank is known.
- 2.) The water supply is a spring, which is greater than fifty feet to the house, and is greater than 100 feet to the sewage disposal system.
- 3.) The existing, burned house is greater than twenty feet to the sewage disposal system.
- 4.) The owner has requested to have a bathroom installed in an existing structure not connected to the house. The building would be used as a studio. An application for a conditional permit and a sewer line permit has been submitted to this office.

This report is only intended for the above referenced request. This report is not intended for use as part of a real estate transfer, or any unauthorized use. There is no implied guarantee of future septic system performance based on this report. In the event of any sewage disposal system malfunction, the owner will be responsible for any repairs or other actions deemed necessary to correct the situation.

Kopscak
March 1, 2018
Page 2

The Health Department would not object to the continued use of the sewage disposal system and water supply as long as the structure is replaced, on the original foundation, and there is no change in the size or occupancy of the structure. If you have any questions, please feel free to contact me at (540) 635-3159.

Sincerely,



Walter P. Bailey, Jr., EHSS
Senior Environmental Health Specialist

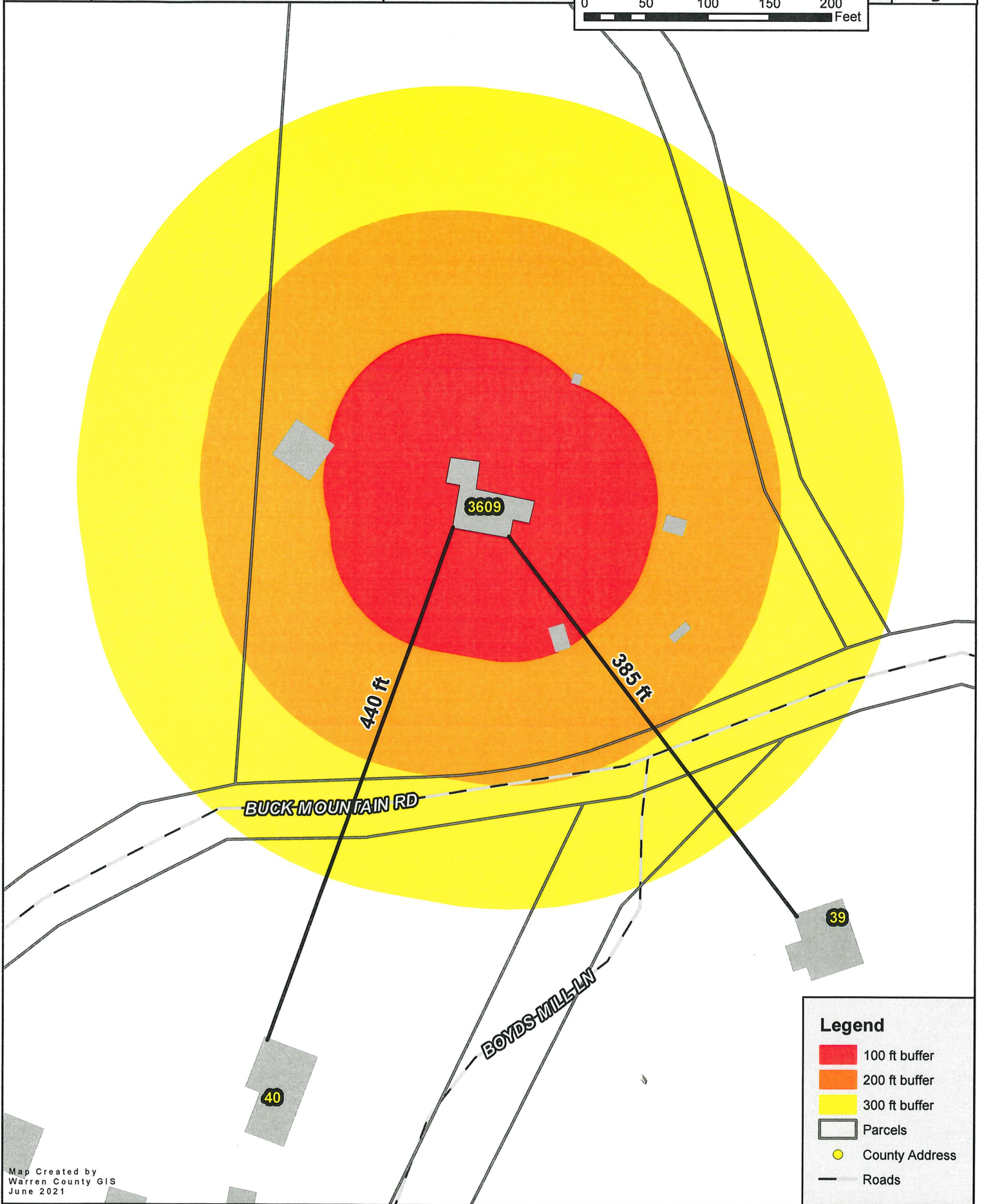
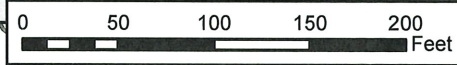
P.c. George Kopscak, Owner
Health Department File



Warren County, VA 2021

3609 Buck Mountain Rd Distance to Surrounding Homes
37-----66A

1 inch = 100 feet





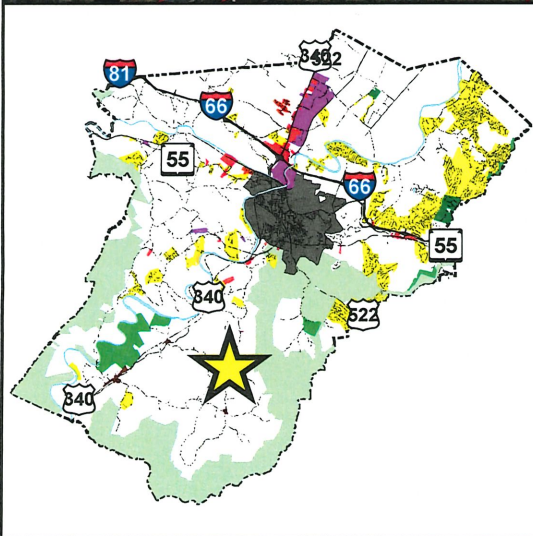
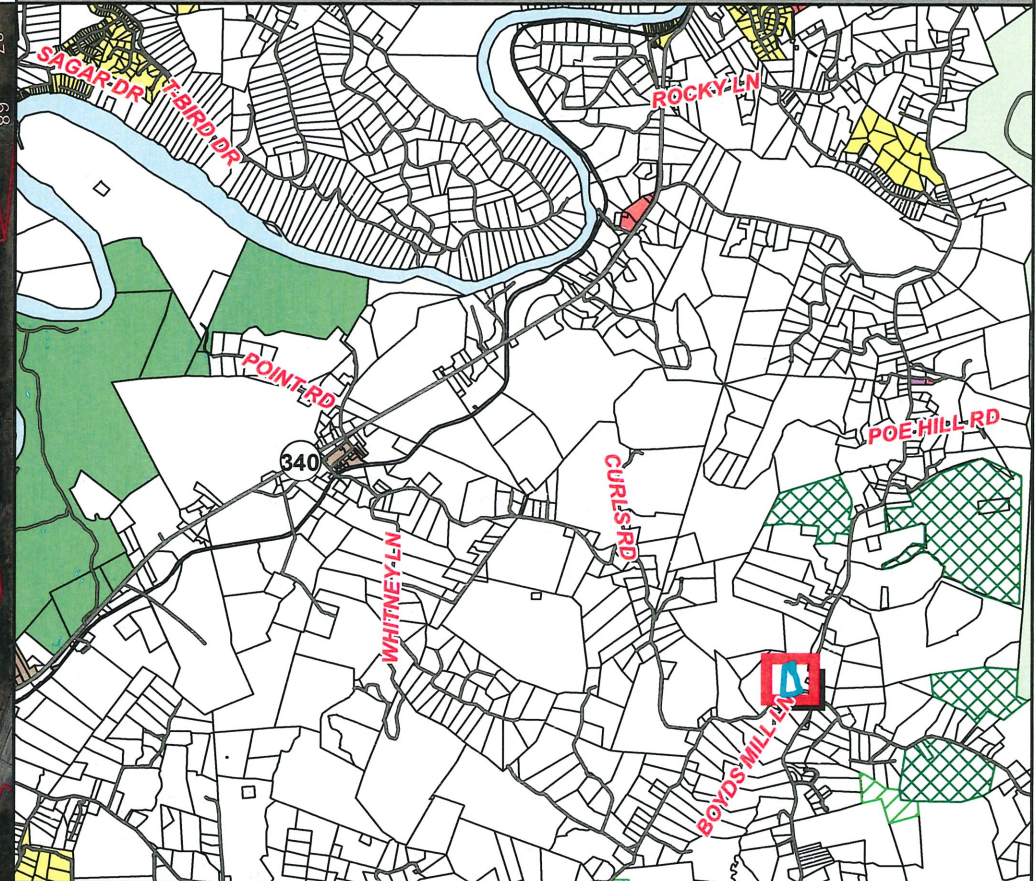
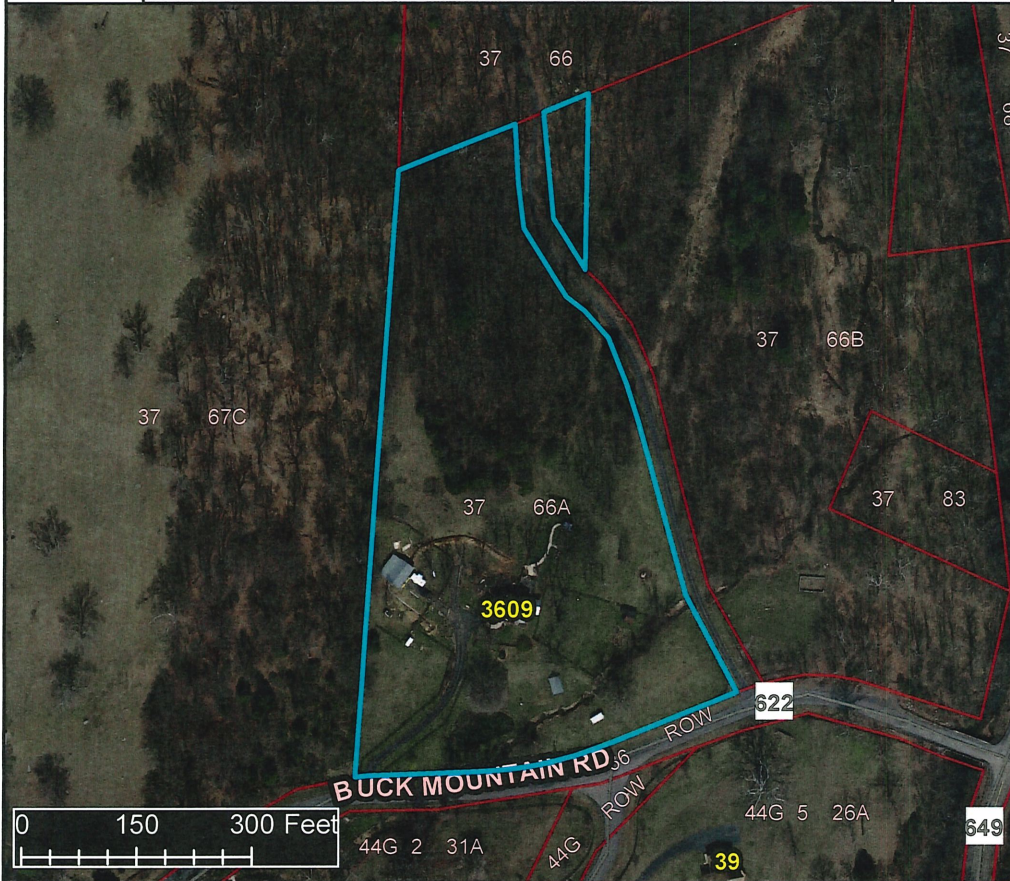
Warren County VA

CUP Location Map



CUP: Short Term Tourist Rental
Applicants: George Kopcsak

TM 37-----66A
3609 Buck Mountain Road



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
9/07/2021	H-12	Conditional Use Permit #2021-07-06 Jesse & Damian McClain <i>Short-Term Tourist Rental</i>	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

- (1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.
- (2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- (3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- (4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.
- (5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.
- (6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:
 - (a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
 - (b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
 - (c) Provide for adequate parking and ingress and egress to public streets or roads.
 - (d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.
 - (e) Prevent such use from changing the character and established pattern of development of the community.

Planning Commission Move to Approve:

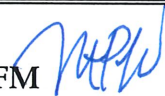
Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Kersjes and approved by the Planning Commission by a vote of 5 - 0.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operational permit for a three-bedroom for the dwelling unit.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

BOARD OF SUPERVISORS PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed conditional use permit request for a Short-term Tourist Rental for advertisement of a public hearing.

SUBMITTED BY:

Matt Wendling, CFM 
Deputy Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ **APPROVED** ☐ **OTHER (Describe)**

PROCESSED BY:



Conditional Use Permit: 2021-07-06/ Short Term Tourist Rental

Jesse McClain, Applicant/ Owner

Staff Report for the Planning Commission

Prepared: June 29, 2021

Staff: Matt Wendling, Deputy Planning Director/County Floodplain Manager

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a Short-term Tourist Rental in order to promote and market Warren County and the Northern Shenandoah Valley's natural resources to visitors to the area. They would like to create an oasis for people to enjoy the outdoors and environmental assets of their property. They also hope to offset costs for their principle dwelling and possibly purchase adjacent lots for conservation and open space preservation. She hopes to provide an alternative to the traditional hotel-motel lodging experience.

PROPERTY INFORMATION

Property Location: 894 Blue Mountain Rd.

Town/Village: Front Royal

Tax Map ID: # 15---35A1

Zoning: Agricultural (A)

Magisterial District: Shenandoah

Acres: 1.883

Subdivision: Kirkland (No POA)

Existing Land Use: Single Family Dwelling

Special Flood Hazard Area: The property is located in a Non-Floodzone Area "X".

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

Use: SFD with Woodlands

South: Agricultural (A)

Use: Vacant Lot with Woodlands

East: Agricultural (A)

Use: SFD with Woodlands

West: Agricultural (A)

Use: SFD with Woodlands

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district and has no previous zoning violations.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-21. This property is located in an Agricultural area composed of woodland areas, is off a State road and has views of a creek and rock formations. Short-term Tourist Rentals provide transient-lodging taxes to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V, and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

A Short-Term Tourist Rental is defined by the Warren County Zoning Ordinance as, "A single-family dwelling not attached to any other dwelling by any means and located on an individual lot that is rented for compensation for periods of less than 30 days. See § [180-56.4](#) for supplementary regulations pertaining to short-term tourist rentals."

SUPPLEMENTARY REGULATIONS FOR SHORT-TERM TOURIST RENTAL (Section 180-56.4 of the Warren County Zoning Ordinance):

These regulations are as follows:

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. **A request for comments has been sent to the Warren County Health Department in order to determine the approved occupancy of the dwelling.**
- C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There will be sufficient parking for two vehicles in the driveway in front of the dwelling.**
- D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The boundary lines shall be adequately marked according to location shown on the survey.**
- E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.
- F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **A change of use for a transient boarding facility for the property dwelling and an inspection will be required to verify if it meets all Building Code requirements for fire/smoke protection and a fire extinguisher. This inspection may be scheduled after Board of Supervisor approval and in conjunction with the final for the certificate of occupancy.**
- G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.
- H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **A Property Management Plan needs to be submitted and will be reviewed and approved by staff and all other requirements shall need to be met prior to a certificate of zoning for the business being issued.**

- I. If the property is located within a subdivision governed by a Homeowners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is not located within a subdivision.**
- J. The short-term tourist rental shall have a “land-line” with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.
- K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The applicants shall have this posted in the bedrooms and in their guest registration packet.**
- L. A copy of Chapter §123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of this in their guest registration packet and have it posted in a common area of the dwelling.**
- M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in Warren County Code Section §180-63.
- N. All outdoor burning shall be in compliance with Chapter §92 of the Warren County Code.
- O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences. **This dwelling meets the setback requirements to adjacent single-family dwellings which is 201’ to the closest dwelling located to the northeast.**

RECOMMENDED CONDITIONS:

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

Staff recommends that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operational permit for a three-bedroom dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

Cc: Jesse McClain, Applicant



Warren County Planning Commission,

The purpose of this project is to share our unique and alluring property with like minded people who value outdoor recreation, agriculture and sustainability. While Front Royal offers numerous activities and reasons to visit, there is a lack of short term rentals to support such tourism. We aim to provide the coziest retreat in the county complete with a cascading creek and 50' rock cliff backdrop. Only a mile off the river, near the Appalachian trail and National Park, our property highlights all that Warren County has to offer while focusing on preserving the quality of our creek water, land, and scenic landscape through eco-friendly practices.

In 2017 alone, Shenandoah National Park had 1.46 million visitors, resulting in a cumulative benefit of \$126 million to the local economy. As the county faces an increasing number of tourists each year, the demand for lodging becomes increasingly apparent. While there are several hotel accommodations in Front Royal, Airbnb provides a more original and provincial experience, allowing guests to get a small glimpse of how locals live. Residing at a private residence provides travelers the opportunity to get off the beaten path, receive more personalized travel recommendations and feel more connected to their destination. As an avid world traveler, I can only speak to the value Airbnb has brought to my excursions and I will honestly never prefer to stay in a traditional hotel again. There is no reason to settle for the cookie cutter hotel experience when you can trade it in for a more authentic, local experience.

An enticing Airbnb can be reason enough alone to take a vacation. With a wealth of natural assets both on our property and in close proximity there is no doubt that our retreat will draw visitors to the area, demonstrating the peaceful, quiet and rural setting that makes Warren County so desirable. The revenue through this project has the potential to allow us to purchase neighboring vacant lots in an effort to preserve them through a conservation easement. In doing so, preventing development of open land, protecting it's natural resources and supporting an outdoor recreational economy. Furthermore, we get to share the quality of life that makes living here so special.

As we get ready to host guests at our secluded, mountain retreat recommendations for local restaurants, leisure and activities are being procured. The recommendations developed through the project will serve to show guests the best of Front Royal to keep them coming back time and time again, establishing Warren County as the destination choice in Virginia. I look forward to continued work with the town and county to aid the growth of our tourism and lodging industry.

Best,

Jesse McClain

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

Application Number: 2021-07-06Date Received: 6-23-21Fee Amount: \$ 500.00Date Paid: 6-23-21**Applicant Information:**Jesse McClain

Applicant Name

894 Blue Mountain Rd

Address

Front Royal

City

VA

State

22630

Zip

Property Location for conditional use permit if Different than Applicant's Address

(540) 818-8587

Primary Contact Number

mcclain.jlh@gmail.com

Email

Damian McClain

Property Owner (if same as applicant, leave blank)

894 Blue Mountain Rd

Address

Front Royal

City

VA

State

22630

Zip

(540) 335-5796

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:(1) Address/Location: 894 Blue Mountain Rd(2) Election District: Shenandoah District (East) Precinct code: 0401(3) Tax Map Number: 15 35A1(4) Subdivision Name: N/A(5) Total Area of Property (acres): 1.883(6) Total Area to be Used (acres): 1.883(7) Total Road Frontage (feet): 20'(8) Depth of Property (feet): 981.33'(9) Present Zoning: Agricultural

B. Proposed Use of Property

- (1) State the proposed use(s) for the Conditional Use Permit: Short-term Rental
- (2) Current land use and condition of site: Residential & beautiful
- (3) Zoning of surrounding land/property: Agricultural
- (4) Will development be staged? ☒ Yes ☒ No
- (5) Construction Time: No construction
- (6) Season, days, and hours of operation: year-round 24/7
- (7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)
- (8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) No
- (9) Number of full time employees: Myself
- (10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public
- (11) Number of persons to be served by the sewage disposal system: 2
- (12) Number of parking spaces to be provided: Regular 5+ Handicap same
- (13) What is the proposed landscaping and buffering for this property? Natural buffering & landscaping provided by creek and ravine. Property is completely private. Neighbors are ~~completely~~ semi-visible during the winter months only.

C. Plans Prepared By

Name: P. M. Brooks Associates Environmental Engineers + Planners
Address: 1480 Anderson Highway Powhatan, VA 23139
Telephone Number: (804) 794-1175

D. Environmental Information

- (1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) No. This project has a strong focus on sustainability & a no trace impact on the environment.

- (2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) Guest's trash & recycling will be deposited at Warren County Refuse Collection & Recycling immediately after guest's departures.
- (3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) ~~No~~ Yes, Chlorine tablets & dechlorination tablets are stored on property for water treatment system. No disposal is necessary as tablets dissolve completely.
- (4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. Our property has an alternative discharge system for wastewater. Treatment includes sand filters, chlorine contact & dechlorination. The system is inspected every year by the county & is completely covered for guests. Proper signage is posted.
- (5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) No.
- (6) What will be the impact on traffic? None.
- (7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. Yes. 48' LED string lights 2200k.

**The following documents and/or information are required
to be submitted with the application:**

☐ **An application fee of \$500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of \$500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 1/2 x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit. *Circuit Court + clerks office (540)-635-2435*

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location. *Health Department (540) 635-3159*

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☐ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center. **Escrow to pay real estate tax*

NA ☒ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and/or the Board of Supervisors reserve the right to ask for an environmental and/or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

NA ☒ **List of chemicals stored on the site**

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☒ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☒ **Directions to your property from the Warren County Government Center.**

- Take E 3rd St to N Commerce Ave (3.48 ft)
- Take Happy Creek and State Rte 624 to State Rte 643 (5.1 miles)
- Follow State Rte 643, State Rte 603 and State Rte 638 to Blue Mountain Rd (4.4 miles)

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

Jane McClain
Applicant Signature

6/22/21
Date

Dominic McClain
Property Owner Signature

6-22-21
Date

Accepted by: _____

Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Matt Wendling

From: Natalie Lentz
Sent: Thursday, July 15, 2021 2:03 PM
To: Matt Wendling
Subject: FW: Request for Comments 2021-07-06 – Jesse McClain – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000123-2021

From: David Beahm <Dbeahm@warrencountyva.net>
Sent: Thursday, July 15, 2021 9:06 AM
To: Natalie Lentz <NLentz@warrencountyva.net>
Cc: Paula Fristoe <Pfristoe@warrencountyva.net>
Subject: Request for Comments 2021-07-06 – Jesse McClain – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000123-2021

Comments 2021-07-06 – Jesse McClain – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000123-2021:

NOTE: Prior to giving approval for this request an outstanding permit that was applied for by the previous owner for a deck that never had inspections will need to be resolved. No inspections were ever requested and the permit was never finaled/completed. Current owner will need to address at this time.

- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.
- Building Inspections Items:
 - The use of the existing dwelling for a “short-term rental” would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating it as a short-term rental.
 - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
 - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

If anything should change in the scope additional requirements may be required.

Respectfully,



David C. Beahm, CBO
Building Official

Warren County Building Inspections

220 North Commerce /
Sui
Front Royal, VA

Lord Fairfax Health District



Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov



July 16, 2021

Mr. Matt Wendling, Deputy Planning Director / County Floodplain Manager
Warren County Planning and Zoning
220 N Commerce Avenue, Suite 400
Front Royal, Virginia 22630

RE: Request for comments; 2021-07-06
Owner: Jesse McClain

Dear Mr. Wendling,

I have reviewed the request for comments regarding the property at 894 Blue Mountain Rd, Front Royal, Virginia, in Warren County, (property identified on tax map # 15-35A1), and I offer the following comments:

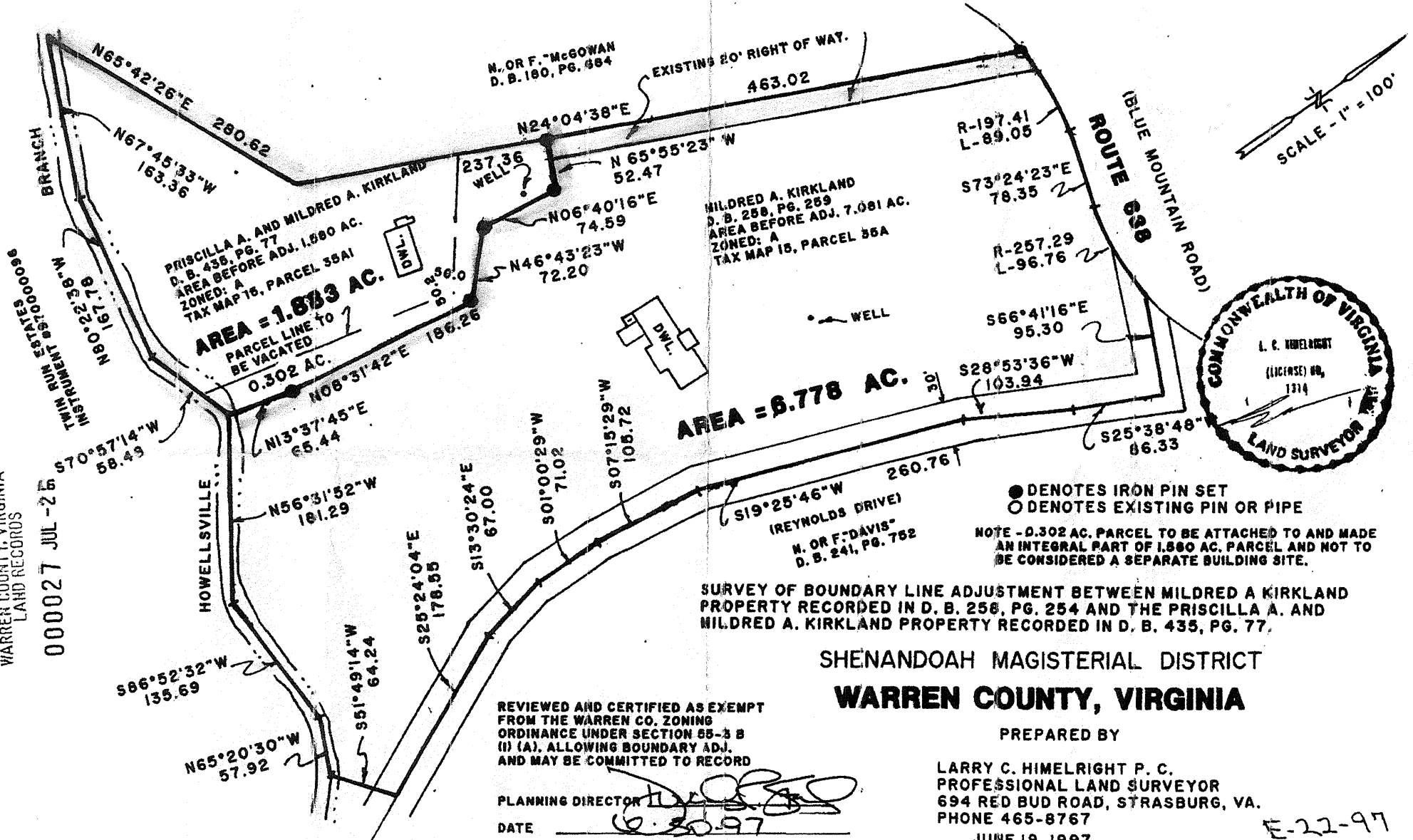
1. This property is served by an alternative discharging sewage system. The General Permit was issued on May 31, 2017. The system is designed to serve a 3 bedroom house with 6 occupants maximum and a daily design flow of 450 gallons.
2. The property is served by a private well. The well water should be tested for bacteria. If the sample result is positive, steps must be taken to correct the problem and the water should be re-tested.
3. All trash and garbage shall be placed in containers with tight-fitting lids.
4. There shall be no food service provided unless the Virginia Department of Health Food Regulations are met.
5. All Virginia Department of Health Tourist Establishment Regulations shall be met as necessary. The owners can contact our office for further information.
6. The sewage disposal system should be pumped if this has not been done in the last three to five years.
7. Do not connect any hot tub discharge to the sewage disposal system.

Please call me at (540) 635-3159 if you have any questions.

Sincerely,

Greg Smith
Environmental Health Specialist

000027 JUL -25



Matt Wendling

From: Bill Hutchinson <bill@gracevalleyproperties.com>
Sent: Friday, August 6, 2021 3:26 PM
To: Matt Wendling; Jesse Hutchinson; Damian McClain
Subject: Damian & Jesse McClain

To whom it may concern,

Jesse McClain was a great addition to our team. Renovating and redesigning properties and homes to spruce up neighborhoods and provide safe and comfortable housing for many people through out the Shenandoah Valley. Jesse and her husband Damian are heartfelt, humble people who add a measure of graciousness to the people in and around their lives. They would both get my highest and most sincere endorsement in any endeavor involving hospitality or just being good neighbors. They seem to always strive to be good people where ever good people are needed.

Bill Hutchinson
Grace Valley Properties LLC
www.gracevalleyproperties.com
540-268-8689

"it's by grace....." (Eph.2-8)

Matt Wendling

From: Damian McClain <mcclain.damian@gmail.com>
Sent: Tuesday, August 3, 2021 6:43 PM
To: Matt Wendling
Cc: Jesse Lynn  
Subject: Fwd: McClain bedroom rental

Hello Matt,

Please find the email from our neighbor's Denny and Jeanne O'Donnell. They are wonderful people and have graciously shared their experience visiting our property.

Best,
Damian McClain

Sent from my iPhone

Begin forwarded message:

From: Denny Odonnell <leapinggnome33@yahoo.com>
Date: August 3, 2021 at 17:43:56 EDT
To: mcclain.damian@gmail.com
Subject: McClain bedroom rental

Concerning Damian and Jessie's bedroom rental

From Denny and Jeanne O'Donnell; owners of neighboring creek property (a couple hundred yards up creek).

We are all in favor of Damian and Jesse opening up one of their bedrooms for rental. When I was younger I hiked all over America and in the last 20 years, all over Warren County. I have never seen such a unique combination of spectacular rock formations and serene babbling brook in such a wonderfully peaceful secluded setting, at the same time so readily accessible.

The property holds maybe the finest example of natural beauty in all of Warren County. It is a wonderful act of civic minded compassion to open up one of their bedrooms to allow their fellow residents to share the property to heal their hearts, minds and souls.

Thank you for your consideration.
Denny and Jeanne O'Donnell

Matt Wendling

From: Joe Petty
Sent: Tuesday, August 3, 2021 3:44 PM
To: Matt Wendling
Subject: FW: Good image
Attachments: FD86FC9C-03DF-4F03-BBD3-AFABF5D90536.jpeg

For your CUP file

Joseph "Joe" Petty
Planning Director/Zoning Administrator
Phone: (540) 636-3354

From: FRED SCHWARTZ <fschwartz73@comcast.net>
Sent: Monday, August 2, 2021 8:10 PM
To: Joe Petty <jpetty@warrencountyva.net>
Subject: Good image

Sir, attached is the image. Open and print it out. Tour around. In that image, there have been three murders, two big drug busts, a monster arson that burned off a great deal of the hill. The home of the Pagans, Warlocks, and for a while MS-13. You guys uncovered a toxic site going into Dry Run Creek, and got rid of a garbage pit- great neighborhood heh?

Joe Petty

From: FRED SCHWARTZ <fschwartz73@comcast.net>
Sent: Wednesday, July 28, 2021 9:00 AM
To: Joe Petty
Cc: walt.mabe@gmail.com
Subject: Could you use this version.

Sir, could you use this version. The group made recommendations. Thank you.

Sir, my name is Fredrick Schwartz. I live at 959 Blue Mtn. Rd., 894 is diagonal from me (1,0831'). Intense shooting began two months ago, usually starting on Friday afternoon, all day Saturday, and most of the day Sunday. Steady, sometimes very heavy caliber gunfire. The Sherriff has been called by numerous times by several surrounding neighbors. Each time, the Deputies say they are shooting safely, have a berm and shooting range, and have the owner's permission.

One day, some very heavy caliber fire started. It rattled my windows and frightened some of the neighbors. I decided to go over and see if I could convince them to tone it down as there are numerous houses surrounding the property. I explained that several weeks ago, a woman was accidentally shot by a stray round by some other shooters. The gunfire continued.

I pulled the location up on Google Earth and found the "Moist Mountain" campground. They also had a website.

I notified the Zoning office and took them on a tour of Google Earth. They stated that the owners had applied for a CUP but never included the shooting range or quad trails. However, you noted that they couldn't operate without a CUP and definitely NOT have a pay gun range.

When I moved up here 40 years ago, there were very few homes. Since then, houses populate up and down the hill. The odds that a fatality caused by an accidental shooting are increasing rapidly. Quads have rapidly become a significant nuisance. In one instance, quad riders did significant damage to a local stream by creating a "mud pit" that had to be repaired to alleviate local flooding. We are in the midst of a severe drought. Forecasts indicate it will last until the fall. The fire warnings are now high. This local area suffered from a first fire many years ago caused by careless campers. Again, with the addition of many homes and a staggering amount of dry tinder debris in the woods, the resultant fire could/ would rapidly overwhelm our meager fire fighting capabilities.

I spent three years in Vietnam, shot three times, and I moved here from DC for peace and quiet and not a weekend firefight. I once had a Deputy explain that they had the "right" to shoot their guns. I gave him a copy of the Bill of Rights and asked him where it said that. He said it was in the Second Amendment and asked him to read that. He stated he did not want to be treated like a schoolboy, so; I read it for him: "the right of the people to keep and bear arms" - nowhere does it say you are given the "right" to shoot weapons all weekend

To be sure, I have many firearms. I do my target practice at the Isaac Walton range. Safe, controlled, and far away from any homes.

In reality, their shooting reduces the value of my property. I attempted to hold an open house in hopes of selling this property. Try convincing potential buyers while gunfire erupts in the background ended all potential sales. Thus invoking the Takings Clause of the Fifth Amendment, "Illegal Taking," prohibits the government from "Nor shall private property be taken for public use, without just compensation." A recent case in Fairfax found that permits granted by the local government that resulted in the reduction of value of a property - was in fact, "an illegal taking."

I vigorously oppose this request for a permit along with the majority of neighbors.

Sincerely,
Fredrick Schwartz



Ringer



Howellsville Branch

Howellsville Branch

Moist Mountain 

Howellsville Branch



3D





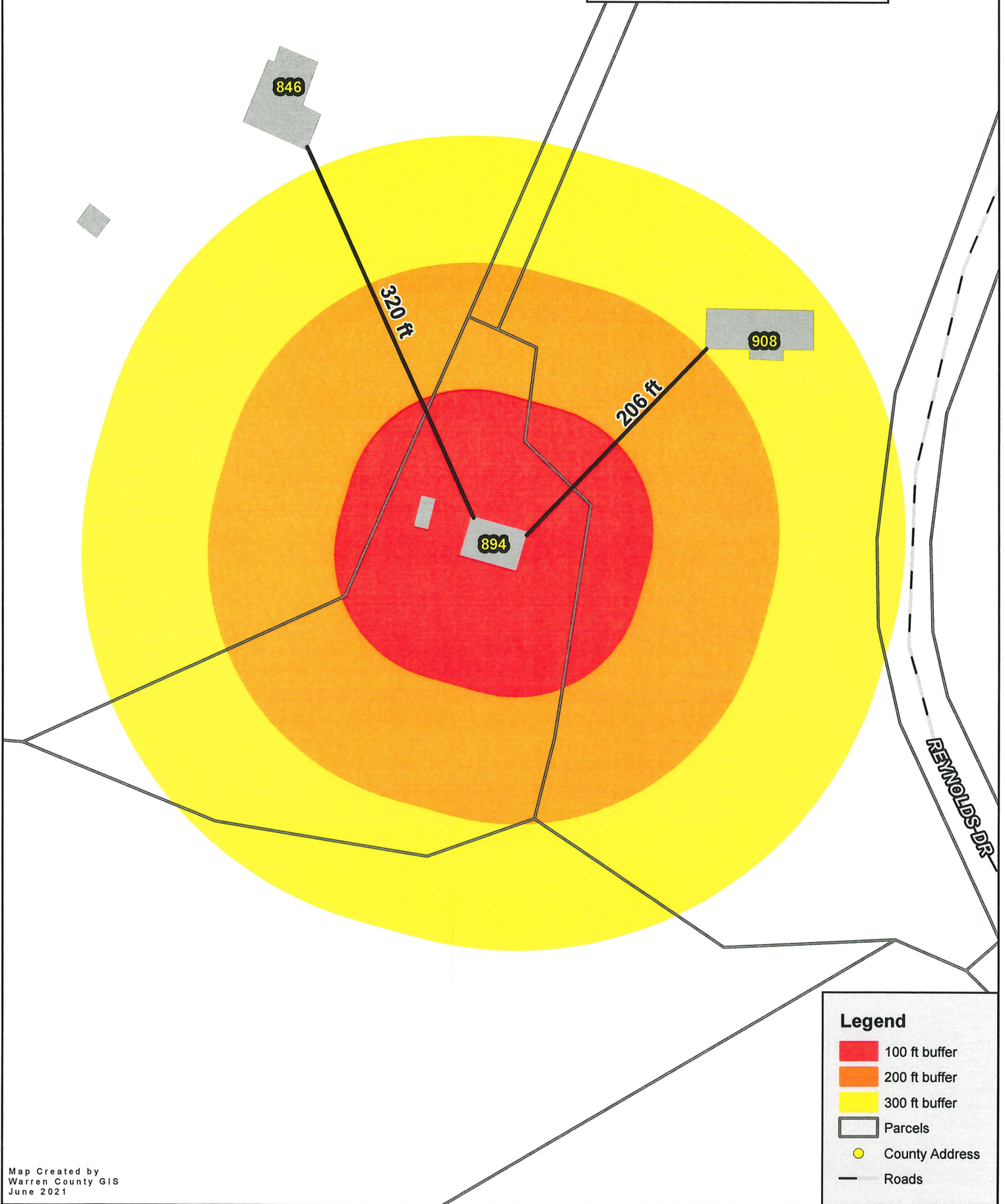
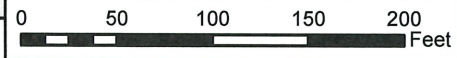




Warren County, VA 2021

894 Blue Mountain Road Distance to Surrounding Homes
15-----35A1

1 inch = 100 feet



Legend

- 100 ft buffer
- 200 ft buffer
- 300 ft buffer
- Parcels
- County Address
- Roads



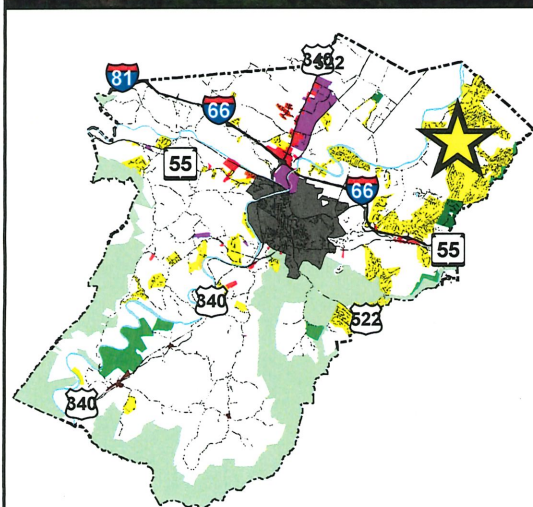
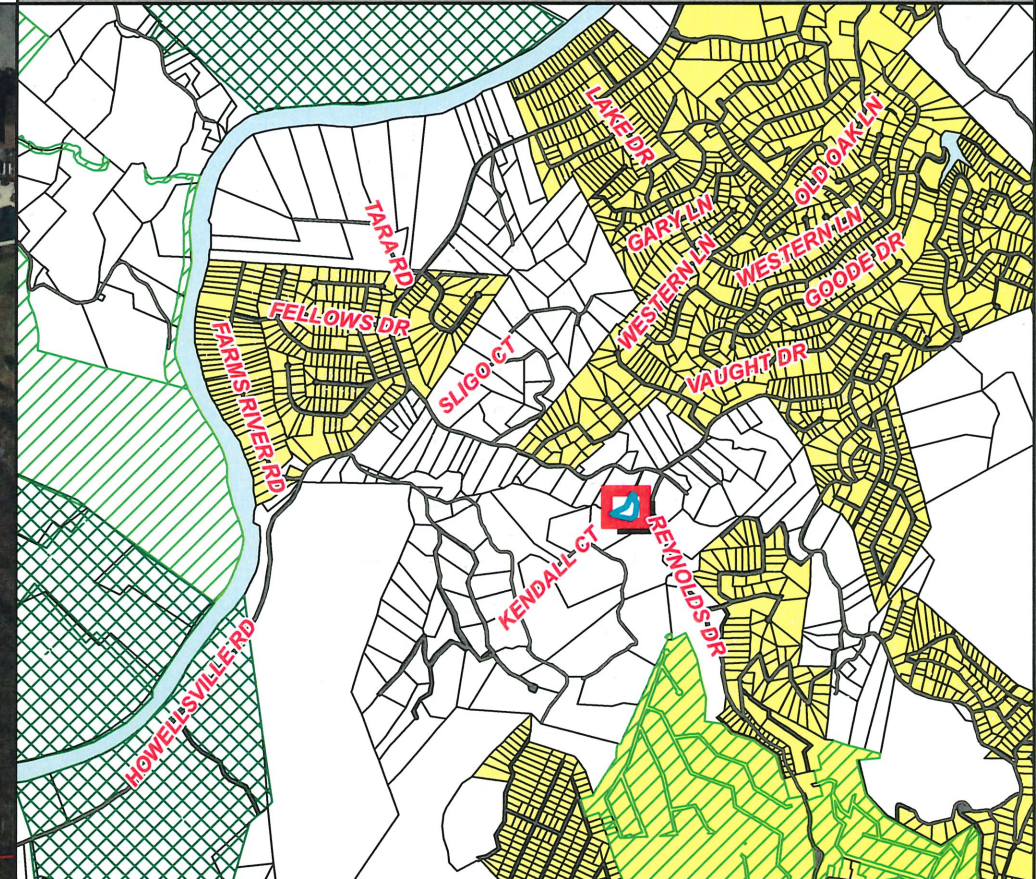
Warren County VA

CUP Location Map



CUP: Short Term Tourist Rental
Applicants: Jesse McClain

TM 15-----35A1
894 Blue Mountain Road



Zoning

Agricultural	Rural Residential
Commercial	Right of Way
Industrial	Front Royal
Residential One	Federal Land
Residential Two	State Land
Suburban Residential	Water
Village Residential	VOF Conservation Easements
	WC Conservation Easements

Map produced by
Warren County GIS 2021
Department of Planning

COUNTY OF WARREN
REPORT OF ANIMAL CONTROL OFFICER
AS TO KILLING OF COYOTES AND BOUNTIES FOR COYOTES

Name of Claimant: David T Jenkins Phone: 540-622-7313

Address: 2915 Bentonville Rd

Date Reported to Animal Control Officer: 8/25/21 Signed: [Signature]

Date Killed	Number	Description/Type of Animal	Bounty Per Head	Total Amt. Claimed
<u>8-25-21</u>	<u>1</u>	<u>Coyote</u>		<u>\$50.00</u>

Total amount requested by claimant:

Amount recommended to be paid by Animal Control Officer:

\$50.00

Remarks:

COUNTY OF WARREN

APPROVAL FOR PAYMENT

Killed on own property

I certify that this expenditure is necessary for the operation of this department, that appropriated funds are available for payment and the goods/services have been received in good order.

Signature: [Signature]

Department: _____

Recm'd Budget Code 35010-5802

Comments: _____

[Signature]
Claimant

[Signature]
Animal Control Officer

8-25-21
Date

8-25-21
Date

The Board, after an examination of the above claim, approves same and allows \$ _____.
Please charge to Animal Control 35010-5802

Board of Supervisors of Warren County

Date of action: _____

By: _____