

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on November 18, 2021 at 6:30 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 Dr. 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; James Bonzano, Chief of Fire and Rescue Services; Michael Coffelt, Sanitary District Manager; Rick Farrall, Emergency Coordinator; Caitlin Jordan, Senior Assistant County Attorney; Jane Meadows, Human Resources Director; Joe Petty, Planning Director; Matt Robertson, Finance Director; Alisa Scott, Deputy Finance Director; Sherry Sours, Commissioner of the Revenue; Matt Wendling, Deputy Planning Director; and Emily Ciarrocchi, Deputy Clerk of the Board

Absent: Tony F. Carter (Happy Creek District)

Closed Session – Section 2.2-3711(A)(6) of the Virginia Freedom of Information Act

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Section 2.2-3711(A)(6) of the Virginia Freedom of Information Act for discussion regarding the investing of public funds where competition or bargaining is involved where, if made public initially, the financial interest of the governmental unit would be adversely affected, such investment being related to property located in the North River Magisterial District within the limits of the Town of Front Royal:

Fox, Aye; Mabe, Aye; Cullers, Aye

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711(A)(6) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body:

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

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

Adoption of Agenda – Additions or Deletions

Dr. Daley requested the removal of item J (Closed Session) due to the associated documentation not being ready to present to the Board and requested the closed session be rescheduled to the regular meeting on December 14, 2021.

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

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

Public Comment Period (60 Minute Time Limit)

There were no presentations from the public.

Reports – Board Members, County Administrator, Interim County Attorney

Mr. Fox had nothing to report.

Mr. Mabe had nothing to report.

Mrs. Oates reported the following:

- Thanked everyone in the community for their kind words and messages after the unexpected passing of her brother over a week ago; she cannot say “thank you” enough for the love that has been shown to her family

Mrs. Cullers reported the following:

- Attended the Veteran’s Day ceremony at the Courthouse on November 11th and thanked the veterans in attendance at the meeting for their service
- Attended Virginia Association of Counties (VACo) Annual Conference in Norfolk, Virginia over the weekend
- Thanked Mr. Fox for representing the Board at the groundbreaking ceremony on November 16th for the expansion of Nature’s Touch
- Wished everyone Happy Thanksgiving and expressed her gratitude for the opportunity to be on the Board and her thankfulness for County staff

Dr. Daley reported the following:

- Asked Matt Robertson, Finance Director, to speak, and Mr. Robertson introduced Alisa Scott as the new Deputy Finance Director
- Reminded the Board members of the following dates:
 - Joint tourism meeting with the Town and County on November 29th at 6:00 PM
 - Advance for returning and new Board members on December 1st at 3:00 PM
 - Advance for Department Heads and Constitutional Officers on December 8th beginning at 9:00 AM
 - Work session on December 7th at 6:00 PM

Appropriations and Transfers

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

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

APPROPRIATIONS

Parks and Recreation	To Appropriate Avtex donation check for Avtex Retirees Shelter at Siede Park	\$46,400
Cost Recovery	To appropriate the 2021 EMPG VDEM Grant into the Cost Recovery account	\$7,500

TRANSFERS

<u>FROM:</u> Special Projects <u>TO:</u> Fire and Rescue	To fund start-up cost for 8 paramedics to attend training which will be offset by scholarship reimbursement	\$90,000
<u>FROM:</u> Special Projects <u>TO:</u> Capital Outlay	To renovate bathrooms, install flooring, install HVAC system and a fire alarm system in phase one of the project for Health and Human Services Complex Senior Center	\$250,000

Approval of Accounts

Mrs. Oates noted the updated Sands Anderson spreadsheet the Board received prior to the meeting with the most recent invoice in the amount of \$130,168.18 included. She reiterated the Board's direction for Sands Anderson to reduce costs.

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

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

Check Numbers 298735 to 299133

Total: \$1,708,500.95

Approval of Minutes

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

- Regular Meeting of October 19, 2021
- Special Meeting of October 26, 2021
- Regular Meeting of November 3, 2021

Cullers, Aye; Mabe, Aye; Fox, Aye

Mrs. Oates voted to approve the minutes of the regular meeting of October 19, 2021 but abstained from voting for the October 26, 2021 and November 3, 2021 minutes due to being absent from the meetings.

Consent Agenda

1. Refund Request for Shawn M. and Ellen Prather – Sherry Sours
2. Written Confirmation for the Use of Sands Anderson for Samuels Public Library Amphitheater Project – Ed Daley/ Michelle Ross
3. Citizen Nomination to the Cedar Creek and Belle Grove National Historical Park Federal Advisory Commission – Emily Ciarrocchi/Lee Meyer
4. Use of Courthouse Lawn, Justice for Trey Rally – Emily Ciarrocchi/Heidi Teabo
5. Local Grant Match through the Northern Shenandoah Valley Regional Commission for the FY 2022 Transit Recovery Marketing Initiative – Ed Daley
6. Rescind the Declaration of Local Emergency by the Local Director of Emergency Management due to COVID-19 – Rick Farrall
7. Adoption of the Warren County Emergency Operations Plan – Chief James Bonzano
8. Proposed Naming of Unnamed Stream Parallel to Buck Mountain Road and in Front of Hidden Springs Senior Living as “Hidden Creek” – Ed Daley
9. Coyote Bounties – \$50.00 Each – Animal Control
 - Timothy Fristoe (1)
 - Charles Woodard (1)

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the Consent Agenda as presented:

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

At this time, Mrs. Cullers recessed the meeting for fifteen minutes, and the meeting was reconvened at 7:30 PM for the public hearings.

Public Hearing – Ordinance to Add and Ordain Section 30-7 of the Warren County Code to add a one-time Bonus for Compensation Board-Funded Sheriff and Sheriff's Deputies in FY 2021-2022 – Ed Daley

Dr. Daley reported the 2021 Special Session of the Virginia Legislature included an appropriation of funding for a one-time \$3,000 bonus payment prior to November 30, 2021 for Compensation Board-funded sworn positions in Sheriff's offices, including the Sheriff and Sheriff's deputies. If adopted, this ordinance would authorize the payment of this bonus, contingent upon the deputies meeting criteria.

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

On a motion by Mr. Fox, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors adopted the proposed ordinance amending Warren County Code Section 30, Officers and Employees, to add Section 30-7, Payment of One-Time Bonus for Compensation Board-Funded Sheriff and Sheriff's Deputies in FY 2021-2022:

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

AN ORDINANCE TO AMEND CHAPTER 30 OF THE WARREN COUNTY CODE (OFFICERS AND EMPLOYEES) AND TO ADD AND ORDAIN SECTION 30-7 (PAYMENT OF ONE-TIME BONUS FOR COMPENSATION BOARD-FUNDED SHERIFF AND SHERIFF'S DEPUTIES IN FY 2021-2022)

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Warren County Code Section 30-7 be added and ordained as follows:

§ 30-7 Payment of one-time bonus for Compensation Board-funded Sheriff and Sheriff's Deputies in FY 2021-2022.

The 2021 Special Session of the Virginia Legislature included an appropriation of funding for a one-time \$3,000 bonus payment prior to November 30, 2021 for Compensation Board-funded sworn positions in Sheriff's offices, including the Sheriff and Sheriff's deputies. This one-time \$3,000 bonus payment shall be paid in November 2021 to eligible Warren County Sheriff's Office employees based on the following criteria:

- (A). Compensation Board-Funded Employees Only. Eligible employees include the Sheriff of Warren County and sworn deputies of the Sheriff as identified in the "Permanent Personnel Detail" Compensation Board record for the Warren County Sheriff's Office at the time of enactment of this amendment; and**
- (B). Active Employment. Employees must be in an active pay status at the time the payment is made.**

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 Add and Ordain Section 30-8 of the Warren County Code to add a one-time Bonus for Non-Compensation Board-Funded Sheriff's Deputies in FY 2021-2022 – Ed Daley

Dr. Daley reported with the adoption of the previous ordinance for Compensation Board-funded Sheriff's deputies, the Board of Supervisors would like to ensure this bonus is given to the non-Compensation Board funded Sheriff's deputies as well. The funding will be from the American Rescue Plan Act (2021) and is allowed for this purpose.

Mr. Fox wanted to ensure no County money would be spent on these bonuses, and Dr. Daley confirmed the funds would not be taken from regular budgetary revenues but rather from the American Rescue Plan Act monies the County received from the Federal government.

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 proposed ordinance amending Warren County Code Section 30, Officers and Employees, to add Section 30-8, Payment of One-Time Bonus for Non-Compensation Board-Funded Sheriff's Deputies in FY 2021-2022:

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

AN ORDINANCE TO AMEND CHAPTER 30 OF THE WARREN COUNTY CODE (OFFICERS AND EMPLOYEES) AND TO ADD AND ORDAIN SECTION 30-8 (PAYMENT OF ONE-TIME BONUS FOR NON-COMPENSATION BOARD-FUNDED SHERIFF'S DEPUTIES IN FY 2021-2022)

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Warren County Code Section 30-8 be added and ordained as follows:

§ 30-8 Payment of one-time bonus for Non-Compensation Board-funded Sheriff's Deputies in FY 2021-2022.

The 2021 Special Session of the Virginia Legislature included an appropriation of funding for a one-time \$3,000 bonus payment prior to November 30, 2021 for Compensation Board-funded sworn positions in Sheriff's offices, including the Sheriff and Sheriff's deputies. The Warren County Board of Supervisors has deemed it

appropriate to authorize the payment of \$3,000 to non-Compensation Board funded Sheriff's deputies based on the following criteria:

- (A). Hazardous Duty Employment. Employees must be Warren County Sheriff's Office (WCSO) performing hazardous duties and in a Virginia Retirement System (VRS) designated "Enhanced Benefits - Sheriff's Deputy" position. The designation of hazardous duty also applies to part-time employees who are performing the same hazardous duties as full-time employees but are not included in the Virginia Retirement System.**
- (B). Active Employment. Employees must be in an active pay status at the time the payment is made.**
- (C). Amount of Payment for Full-Time Employees. \$3,000 for each active full-time employee, except for Compensation Board-funded Sheriff and Sheriff's Deputies who are eligible to receive the one-time bonus (Payment of \$3,000 as authorized by separate ordinance).**
- (D). Amount of Payment for Part-Time Employees. \$1,500 for each active part-time employee who has worked 400 hours or more for the period of January 1, 2021 through November 30, 2021.**

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 Amend and Re-Ordain Chapter 160, Article XIX of the Warren County Code, "Transient Occupancy Tax" - Caitlin Jordan

Caitlin Jordan, Senior Assistant County Attorney, reported Virginia Code Section 58.1-3819 through Section 58.1-3926 authorizes counties to collect transient occupancy tax on the gross proceeds of room rentals of hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. The 2021 General Assembly passed Senate Bill 1398 amending the Virginia Code to revise transient occupancy taxes to provide for tax reporting when a room is booked through an accommodation's intermediary (e.g. AirBnB, VRBO, Expedia, etc.). The transient occupancy tax will now be computed upon the basis of the total charges, or the total price paid for use or possession of the room, which includes fees imposed by the accommodation intermediary. Additionally, the Virginia Code was amended to provide that for any room rental where an accommodations provider contracts with an intermediary to facilitate the sale of accommodations and the intermediary charges the customer for the room and also an accommodations fee, the intermediary would be deemed the dealer for the transaction and would be required to separately state the taxes on the invoice and to collect the taxes on the entire amount paid for the use or possession of the room.

In light of these changes, Warren County Code Chapter 160, Article XIX “Transient Occupancy Tax” should be amended to conform with the Virginia Code. Namely, Warren County Code Sections 160-80, 160-81, 160-83, 160-84, 160-85, 160-86, 160-88, 160-89, 160-90, 160-91, 160-92, and 160-93 need to be amended to reflect these changes to the Virginia Code.

Additionally, Warren County Code Section 160-93 (Commission for the collection of taxes) provides that when a motel or short-term rental collects the transient occupancy tax, the payor will receive a commission in the form of a 5% deduction from the tax due and remitted to the County. Virginia Code 58.1-3819(D) permits localities to determine whether to award the commission or not. The Commissioner of Revenue is requesting the Board of Supervisors determine whether it wishes to continue to award the commission in light of the participation of accommodation intermediaries (e.g. AirBnB, VRBO, Expedia, etc.) or to repeal Warren County Code 160-93 entirely.

Mr. Mabe asked if there were any exemptions to paying the transient occupancy tax, for instance to a hotel or motel that is providing a room at a discounted rate for a homeless individual or family. Sherry Sours, Commissioner of the Revenue, responded there are no exemptions to the transient occupancy tax, and frequently, the hotel/motel would be providing the room to the individual/family for longer than thirty days, which means it would not fall under this tax anyway.

Despite the participation of accommodation intermediaries, the consensus of the Board was to continue the award of the 5% commission instead of repealing Section 160-93.

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. Mabe, and by the following vote, the Board of Supervisors adopted the proposed ordinance to amend Warren County Code Sections 160-80, 160-81, 160-83, 160-84, 160-85, 160-86, 160-88, 160-89, 160-90, 160-91, 160-92, and 160-93 to conform with the Virginia Code regarding transient occupancy tax:

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

AN ORDINANCE TO AMEND CHAPTER 160, ARTICLE XIX (TRANSIENT OCCUPANCY TAX),
OF THE WARREN COUNTY CODE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WARREN COUNTY, VIRGINIA that Section 160-80 (Definitions) be amended and re-ordained; that Section 160-81 (Tax imposed) be amended and readopted as follows; that Section 160-83 (Collection) be amended and readopted as follows; that Section 160-84 (Collections in trust for County) be amended and readopted as follows; that Section 160-85 (Required reports; remittances) be amended and readopted as follows; that Section 160-86 (Powers and duties of Commissioner of Revenue) be amended and readopted as follows; that Section 160-88 (Failure to collect or remit) be amended and readopted as follows; that Section 160-89

(Preservation of records; examination) be amended and readopted as follows; that Section 160-91 (Enforcement) be amended and readopted as follows; that Section 160-92 (Willful failure to collect and account for tax; penalty) be amended and readopted as follows; and that Section 160-93 (Commission for collection of tax) be amended and re-ordained as follows:

CHAPTER 160. Taxation

ARTICLE XIX. Transient Occupancy Tax

§ 160-80. Definitions

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

COMMISSIONER OF THE REVENUE OR COMMISSIONER

The Commissioner of the Revenue of the County of Warren, Virginia, or any of his duly authorized deputies or agents or successors.

~~MOTEL~~ **ACCOMMODATIONS**

Any public or private hotel, motel, boardinghouse, travel campground, **short-term tourist rentals**, and other facilities offering guest rooms rented out for continuous occupancy for fewer than thirty consecutive days.

ACCOMMODATIONS PROVIDER

Any person who furnishes accommodations to the general public for compensation. The term "furnishes" includes the sale of use or possession, or the sale of the right to use or possess.

ACCOMMODATIONS INTERMEDIARY

Any person other than an accommodations provider who facilitates the sale of an accommodation, charges a room charge to the customer, and charges an accommodations fee, which fee it retains as compensation for facilitating the sale. For the purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

- (1) If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to that person; or**
- (2) Who facilitates the sale of an accommodation if (i) the price paid by the customer to the person is equal to the price paid by the person to the accommodations provider for the accommodations, and (ii) the only compensation received by the person facilitating the sale of the**

accommodation is a commission paid from the accommodations provider to that person.

ACCOMMODATIONS FEE

The amount paid to or retained by the accommodations intermediary for facilitating the sale. The accommodations fee shall be distinctly set out as a separate item.

PERSON

~~Includes individuals, firms, partnerships, associations, corporations, persons acting in representative capacity and combinations of individuals of whatever form and character.~~

ROOM CHARGE

The total **price paid by the customer for the use or possession of the room or space occupied for lodging by a transient** charge made by any such motel or short-term tourist rental for lodging and/or space furnished any such transient. If the **price paid by the customer** charge made to such transient includes any charge for services or accommodations in addition to **the use or possession of the room or** that of lodging and/or use of space **occupied for lodging, the additional price paid** rental or use shall be distinctly set out and billed to such transient by such motel **accommodations** or short-term tourist rental as a separate item.

[Amended 6-19-2012]

SHORT-TERM TOURIST RENTAL

A single-family dwelling not attached to any other dwelling by any means and located on an individual lot that is rented out for continuous occupancy for fewer than 30 consecutive days.

TRANSIENT

Any person who, for any period of **fewer not more** than 30 consecutive days, either at his **or her** own expense or at the expense of another, obtains lodging or the use **or possession** of any space **or room occupied for lodging** in any motel **accommodations** or short-term tourist rental, as hereinabove defined, for which lodging or use of space a **price is** charged ~~is made~~.

[Amended 6-19-2012]

§160-81. Tax imposed.

[Amended 6-19-2012; 4-18-2017^[1]]

In addition to all other taxes of every kind now or hereafter imposed by law, there is hereby imposed and levied on each and every transient a tax equivalent to 5% of the total **price paid by the customer** amount charged for the **use or possession** occupancy of any short-term tourist rental, room or space occupied **for lodging** by any such transient. The excess over 2% shall be designated and spent solely for tourism and travel, marketing of tourism or

initiatives that attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

[1] *Editor's Note: This ordinance provided an effective date of 7-1-2017.*

§ 160-83. Collection.
[Amended 6-19-2012]

- (A). ~~Every person receiving any payment for room charge with respect to which a tax is levied under this article~~ **For sales of accommodations not facilitated by an accommodations intermediary, the accommodations provider** shall collect the amount of **transient occupancy** tax hereby imposed from the ~~transient on whom the same is levied or from the person paying for~~ **the accommodations when the accommodations are paid** such rental or room charge at the time payment for such short term tourist room rental is made, whether payment is made in case or on credit by means of a credit card or otherwise.
- (B). For sales of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall collect the transient occupancy tax computed on the total price paid.**

§ 160-84. Collections in trust for County.

All amounts collected as taxes under this article shall be deemed to be held in trust **for the County** by the **accommodations provider or accommodations intermediary required to** ~~seller~~ **collecting collect** them until remitted to the County as provided by this article.

§ 160-85. Required reports; remittances.

- (A). ~~Every person~~ **accommodations provider and accommodations intermediary** receiving payment for a room charge for which a tax is levied under this article shall make a report for each calendar month, showing the amount of charges collected for room charge and the amount of tax required to be collected.
- (B). The monthly reports shall be made on forms prescribed by the Commissioner. **Each monthly report shall include all information requested on the Commissioner's prescribed form** and shall be signed by the ~~person~~ **accommodations provider or accommodations intermediary** receiving any payment for a room charge. They shall be delivered to the Commissioner on or before the 20th day of the calendar month following the month being reported. Each report shall be accompanied by a remittance of the amount of tax due, made payable to the County Treasurer. The Commissioner shall promptly transmit all taxes received to the County Treasurer.

§ 160-86. Powers and duties of Commissioner of Revenue.

- (A). It shall be the duty of the Commissioner of the Revenue to ascertain the name of every person operating a ~~motel~~ **an accommodation** or short-term tourist rental in the County liable for the collection of the tax levied in this article.
- (B). The Commissioner shall have the power to adopt rules and regulations not inconsistent with the provisions of this article for the purpose of carrying out and enforcing the payment, collection and remittance of the tax herein levied, and a copy of such rules and regulations shall be on file and available for public examination in the County Administrator's office. Failure or refusal to comply with any rules and regulations promulgated under this section by any ~~person~~ **accommodations provider or accommodations intermediary** receiving payment for a room charge shall be deemed a violation of this article.

§ 160-88. Failure to collect or remit.

- (A). If any ~~person~~ **accommodations provider or accommodations intermediary** whose duty it is to do so shall fail or refuse to collect the tax imposed under this article and make timely report and remittance thereof or if the Commissioner of the Revenue has reasonable cause to believe that an erroneous statement has been filed, the Commissioner shall proceed in such manner as is practicable to obtain facts and information on which to base an estimate of the tax due the County and, in connection therewith, shall make such investigations and take such testimony and other evidence as may be necessary; provided, however, that notice and opportunity to be heard shall be given any ~~person~~ **accommodations provider or accommodations intermediary** who may become liable for the amount owing prior to any determination by the Commissioner of Revenue.
- (B). As soon as the Commissioner has procured whatever facts and information may be obtainable upon which to base the assessment on any tax payable by any ~~person~~ **accommodations provider or accommodations intermediary** who has failed to collect, report or remit such tax, the Commissioner shall proceed to determine and assess against such ~~person~~ **accommodations provider or accommodations intermediary** the tax, penalty and interest provided in this article and shall notify the ~~person~~ **accommodations provider or accommodations intermediary** by certified or registered mail, sent to his or her ~~the~~ last known address, of the amount of such tax, penalty and interest. The total amount thereof shall be payable 10 days after the date such notice is sent.

§ 160-89. Preservation of records; examination

- (A). It shall be the duty of every ~~person~~ **accommodations provider and accommodations intermediary** liable for collection and remittance of the taxes

imposed by this article to keep and preserve for a period of ~~two~~**three** years records showing all short-terms tourist rentals or room rentals taxable under this article, the amount charged for each short-term tourist rental or room charged, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. [Amended 6-19-2012]

- (B). The Commissioner shall have the power to examine such records at reasonable times and without unreasonable interference with the business of such ~~person~~**accommodations provider and accommodations intermediary**, for the purpose of administering and enforcing the provisions of this article and to make transcripts of all or any parts thereof.

§ 160-91. Enforcement.

- (A). It shall be the duty of the Commissioner **of the Revenue** to ascertain the name of every ~~person~~**accommodations provider and accommodations intermediary** operating a ~~motel~~**an accommodation** or short-term tourist rental in the County liable for the collection of the tax imposed by this article who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this article. The Commissioner may have issued a summons for such ~~person~~**accommodations provider and accommodations intermediary**, and the summons may be served upon such person ~~by the Sheriff of Warren County~~ in the manner provided by law. One return of the original summons shall be made returnable to the General District Court for the County.
- (B). In the event that any person who has rented or been charged for a ~~room~~**an accommodation** or short-term tourist rental refuses to pay the tax imposed by this article, the ~~motel~~**accommodation** or short-term tourist rental employee on duty may call upon the Sheriff's office for assistance, and the investigating officer may, when probable cause exists, issue the person who has rented the room or short-term tourist rental a summons or warrant returnable to the General District Court as provided by law.

§ 160-92. Willful failure to collect and account for tax; penalty.

Any corporate or partnership officer as defined in § 58.1-3906 of the Code of Virginia, 1950, as amended, or any other ~~person~~**accommodations provider and accommodations intermediary** required to collect, account for and pay over any transient occupancy tax, who willfully fails to collect or truthfully account for and pay over such tax, and any such officer or person who willfully evades or attempts to evade any such tax or the payment thereof, shall, in addition to any other penalties provided by law, be guilty of a Class 1 misdemeanor. Conviction shall not relieve any ~~person~~**accommodations provider and accommodations intermediary** from the payment, collection or remittance of the tax, penalties, or interest as provided in this article. Each violation or willful failure to comply shall be a separate offense.

§ 160-93. Commission for collection of tax.
[Amended 6-19-2012]

Each ~~motel~~ **accommodations** or short-term rental which collects, accounts for and remits to Warren County a transient occupancy tax shall be allowed a commission for such service in the form of a deduction from the tax remitted in the amount of five percent of the amount of the tax due and accounted for.

In all other respects, the provisions of Chapter 160, Article XIX (Transient Occupancy Tax), of the Warren County Code remain the same and are hereby restated, confirmed, and readopted.

THIS ORDINANCE SHALL BE EFFECTIVE JANUARY 1, 2022

Language proposed to be deleted is ~~lined through~~.
Language proposed to be added is **underlined**.

Public Hearing – Additional Appropriation of CARES Act and State Grant Funding to Warren County Public Schools – Dr. Chris Ballenger

Buck Smith, Assistant Superintendent of Warren County Public Schools (WCPS), and Rob Ballentine, Director of Finance, reported at the October 20, 2021 regular meeting of the Warren County School Board, approval was given to request from the Board of Supervisors an additional appropriation to the FY 2021-2022 School Operating Budget in the amount of \$4,062,240. Most of this additional funding, \$4,012,255, is from various CARES Act grants. The remainder, \$49,985, is from two state grants. No additional local funding is required to receive and spend this additional State and Federal revenue. The total additional funding of \$4,062,240 will be appropriated as follows:

- \$2,907,875 to 61000 (Instruction)
- \$9,721 to 64000 (Operations and Maintenance)
- \$1,042,644 to 66000 (Facilities)
- \$102,000 to 68000 (Technology)

Mrs. Cullers said it would be better to see a more detailed breakdown of where exactly the funding for the Instruction category will go, more detailed than the spreadsheet provided. She also wanted to be sure the funding would be used for the category indicated and not shifted to a different category. Mr. Ballentine replied that since the Board funded WCPS categorically for FY 2021-2022, any change in funding category must come before the Board of Supervisors for a transfer approval. All funds must be spent in the category to which they were appropriated.

Mr. Mabe questioned why architectural fees for LFK Elementary School and Blue Ridge Technical Center totaled over \$1 million and wondered what the student support assistants were doing for over \$1.2 million. He wondered what WCPS was actually doing with the money and asked what the support assistants did to warrant this amount. Mr. Smith replied that the support assistants help with remediation programs for returning to in-person learning from virtual learning; deal with student learning loss or unfinished learning due to the pandemic; and work with emotional and behavioral issues in the classroom.

Mr. Mabe also questioned the \$163,600 amount for elementary teacher and supplements, and Mr. Smith said this funding is to compensate teachers who are working with students beyond the regular day in a virtual academy.

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

Mr. Mabe made a motion to postpone this request to the work session on December 7, 2021 for further discussion, which failed due to lack of second.

Mrs. Oates believes tabling the request is not in the best interest of the Board. The funds are available, and the Federal government has provided them to WCPS. It would be prudent to appropriate the funds and not hesitate.

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors amended the FY 2021-2022 budget and appropriated an additional \$4,062,240 (\$4,012,255 from the CARES Act and \$49,985 from State grants) to Warren County Public Schools pursuant to Section 15.2-2507 of the Code of Virginia:

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

Mrs. Cullers asked for Dr. Ballenger to come to the work session on December 7th to provide a better breakdown for the proposed expenditures.

Public Hearing – Conditional Use Permit 2021-09-01, Terra Site Constructors, LLC for a Contractor’s Storage Yard Located at 6986 Winchester Road and Identified on Tax Map 4, as Lot 43B – Joe Petty

Joe Petty, Planning Director, reported the applicant is requesting a conditional use permit for a Contractor’s Storage Yard. The applicant currently has a location at 900 Shenandoah Shores Road within the limits of the Town of Front Royal, but the business has grown considerably since 2014 and more space is needed. The business operates year-round and will be open Monday through Friday, 8:00 AM to 5:00 PM. The existing single-family dwelling will be used an office and/or housing for the full-time staff. A warehouse storage building is planned to be constructed on the north side of the property.

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 (VDOT), Warren County Building Inspections, Warren County Health Department, Town of Front Royal and applicable environmental regulations and requirements.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a building permit, showing the building, parking, outdoor lighting, trash receptacle, signage, and other applicable zoning requirements.
3. The exterior façade of the building shall meet the County's Highway Corridor Overlay District requirements.
4. The permanent color of building materials shall be earthen tones in compliance with the County's Highway Corridor Overlay District ordinance, and all building facades visible from Route 340/522 shall be constructed of a combination of stone and DriVit/EFIS or similar material as approved by the Warren County Planning Department.
5. All mechanical equipment shall be shielded and screened from the public view and designed to be perceived as an integral part of the building.
6. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
7. The outdoor storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18.

Ed Blackwell, Blackwell Engineering, introduced himself as the representative for the applicant and made himself available for questions from the Board members.

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 Terra Site Constructors, LLC for a Contractor's Storage Yard 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 Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Health Department, Town of Front Royal and applicable environmental regulations and requirements.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a building permit, showing the building, parking, outdoor lighting, trash receptacle, signage, and other applicable zoning requirements.

3. The exterior façade of the building shall meet the County's Highway Corridor Overlay District requirements.
4. The permanent color of building materials shall be earthen tones in compliance with the County's Highway Corridor Overlay District ordinance, and all building facades visible from Route 340/522 shall be constructed of a combination of stone and DriVit/EFIS or similar material as approved by the Warren County Planning Department.
5. All mechanical equipment shall be shielded and screened from the public view and designed to be perceived as an integral part of the building.
6. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
7. The outdoor storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18.

Public Hearing – Conditional Use Permit 2021-09-02, Gordon Lee Birkhimer for a Short-Term Tourist Rental Located at 52 Forest View Drive and Identified on Tax Map 18G, Section 2, as Lot 15 – 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 his single-family dwelling for fewer than thirty days as a time. In the statement of justification, the applicant states he will be circumnavigating the world in a sailboat, which will take at least two years. He would like to rent the property on a short-term basis for the two-year period and will have a professional property management and vacation rental company manage the property. A local resident will be maintaining the grounds and security of the property. The property is located off a private road and in a subdivision, Massanutten Farms, which does have a Property Owners Association (POA)/Homeowners Association (HOA) which maintains the roads. Mr. Wendling reached out to the POA, and they had no concerns or comments about this application. Since the Planning Commission public hearing, the Planning Department received two letters in opposition to this application as well as two letters in support.

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

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 eight (8) as determined according to the Health Department operational permit for a four-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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Gordon Birkhimer introduced himself as applicant and expressed his hope that the Board will approve his permit request.

Mrs. Cullers opened the public hearing.

Pamela Rhodes, 3141 Mountain Road, said she is the owner and resident of the property adjacent to Mr. Birkhimer's dwelling. She is totally against this application and does not want to have strange people making a ruckus next to her. She wants privacy and to live on five acres without worrying about strange people, excessive noise, and lights. She is also concerned about the potential of the renters bringing dogs that may wander onto her property and add to the noise.

At the allowance of the Board, Mr. Birkhimer returned to the podium to respond to these concerns. He is open to allowing pets at this rental because families travel with pets sometimes, and he does not want to exclude them. He has marked his property's boundary line with purple paint, and there is a strict "No Trespassing" clause written in his property management plan. He is also willing to add increased measures in his plan in response to Ms. Rhodes' concerns.

Mr. Fox asked what the process is for making a complaint about a short-term tourist rental, and Mr. Wendling said anyone who has a complaint can contact the property manager/owner directly, the Planning Department, or the non-emergency line of the Warren County Sheriff's Office. After a complaint is received, the Department would contact the property manager/owner and conduct a review of the complaint. Mr. Wendling did note the Department has not received complaints on any short-term rental properties to-date.

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

On a motion by Mr. Fox, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of Gordon Lee Birkhimer 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 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 eight (8) as determined according to the Health Department operational permit for a four-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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Public Hearing – Conditional Use Permit 2021-10-03, Michael and Leslie Hofbauer for a Short-Term Tourist Rental Located at 223 Chapel View Drive and Identified on Tax Map 21N, as Lot 4 – Matt Wendling

Mr. Wendling reported applicants are requesting this conditional use permit for a short-term tourist rental to rent their home and property during certain times of the year while they are traveling and away from their home. They stated the property is conducive to this use due to its location off a private road and the views of their pond and the mountains from their home. This property is located a short distance away from Christendom College and could be a resource for family and friends visiting the students at the college. The property's principal use is a single-family dwelling, but it has woodland, a creek and pond, and some pastureland. The west side of the property abuts land that is under a conservation easement held by the County. The applicants plan to manage the property themselves since they have experience with rental properties, but they do intend to have a handyman to contact in case of emergencies when they are out of town.

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

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 eight (8) as determined according to the Health Department operational permit for a four-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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Mr. Fox asked if there was an HOA or POA in this subdivision, and Mr. Wendling said there was not; there are only three or four property owners on this private road, and they share the maintenance responsibilities.

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 Michael and Leslie Hofbauer 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 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 eight (8) as determined according to the Health Department operational permit for a four-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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Public Hearing – Z2021-10-01, Lorne Cooper – Ordinance to Amend and Re-Ordain Warren County Code Sections 180-8 (Definitions) and 180-22 (Residential One (R-1) District) Regarding the Definition of and Allowance for Gunsmithing Services in the Residential One (R-1) Zoning District and to Add and Ordain Section 180-47.1 of the Warren County Code to Add Supplementary Regulations for Gunsmithing Services – Joe Petty

Mr. Petty reported the applicant, who is also requesting a separate conditional use permit, is first requesting a text amendment to certain Sections of Warren County Code Chapter 180 (Zoning) to allow for gunsmithing services as a use allowed by conditional use permit in the Residential One (R-1) zoning district. This is an existing use in the Agricultural (A) zoning district, but there currently is no definition or supplemental regulations for the use. This text amendment will add both a definition for gunsmithing services as well as supplemental regulations.

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, finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, and general welfare and good zoning practice, approved the proposed amendments to Warren County Code Sections 180-8, 180-22, and 180-47.1:

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

AN ORDINANCE TO AMEND SECTION 180-22 OF THE WARREN COUNTY CODE TO PERMIT THE USE OF GUNSMITHING SERVICES BY CONDITIONAL USE PERMIT WITHIN THE RESIDENTIAL ONE (R-1) ZONING DISTRICT. IN ADDITION, ADD THE DEFINITION OF GUNSMITHING SERVICES TO SECTION 180-8, AND ADD SUPPLEMENTAL REGULATIONS PERTAINING TO GUNSMITHING SERVICES.

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 180-8, 180-22, 180-47.1 & 180-47.2 of the Warren County Code (Zoning) be amended, added, and re-ordained as follows:

Chapter 180. Zoning

§ 180-22. Residential - 1 (R-1) District.

[Amended 12-20-1994; 1-16-1996; 12-17-1996; 5-20-1997; 8-17-1999; 3-21-2006]

A. Statement of intent. This district is intended for family living in safe and suitable surroundings in areas where low-density residential development may be situated without degrading the environment. Such areas shall be developed in a manner that will protect and preserve natural resources, watersheds and topographic features and protect and enhance the natural beauty of the land.

...

- D. Uses allowed by conditional use permit. The following named uses may be permitted upon issuance of a conditional use permit by the Board of Supervisors:

...

(15) Gunsmithing services

Chapter 180. Zoning
Article II. Application
§ 180-8. Definitions.

GUNSMITHING SERVICES:

A commercial enterprise, activity, or profession where a gunsmith performs repairs, renovations, safety inspections, modifications, alterations for special uses, and appraisals of firearms. The sale of firearms is permitted with proper local, state, and federal licensing and regulations. Gunsmithing Services shall not be deemed as a home occupation or home enterprise.

Chapter 180. Zoning
Article V. Supplementary Regulations

§ 180-47.1. GUNSMITHING SERVICES

- A. **Statement of intent. The regulations for gunsmithing services are intended to protect the residential integrity of the surrounding community and the health and safety of the residents.**
- B. **Where allowed, Gunsmithing Services shall meet the following requirements:**
- (1) **Areas used for the shooting and/or discharge of firearms shall be reviewed and approved by the Warren County Sheriff's Office to ensure safety precautions are met. However, properties located in locations defined in Warren County Code § 177-3 shall be prohibited from shooting of firearms.**
 - (2) **Storage of hazardous, toxic, explosive, flammable materials shall meet Local, State, and Federal requirements.**
 - (3) **Business owner shall obtain all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.**
 - (4) **Property shall meet the screening and buffering requirements of §180-18; lighting requirements of §180-49.2; and sign requirements of §180-14.**
 - (5) **On-site parking shall be provided for customers.**
 - (6) **The hours of operation shall be specified in the conditional use permit.**
 - (7) **When combined with a residential dwelling the following additional regulations shall apply:**

- (a) No person other than members of the family residing on the premises shall be engaged in such activity.
- (b) All customer service and sales shall be on an appointment-only basis.
- (c) Activity may be conducted in dwelling or in accessory structure; however, the business shall only occupy an area equal to, or less than, 25% of the floor area of the principal dwelling, regardless of structure containing the business.
- (d) There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such activity other than one nonilluminated sign. Maximum sign area: two square feet.
- (e) If the property is located within a subdivision governed by a HOA/POA, the Owner and the Planning Department shall notify the HOA/POA of the request to operate the commercial gunsmithing services. If the Planning Department receives no written response from the HOA/POA within 30 days of the date of sending the letter, the request for HOA/POA comments shall be considered complete.

~~180-47.1~~ **180-47.2** Home enterprises. [Added 10-17-1995]

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

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

Language proposed to be added is **underlined**.

Public Hearing – Conditional Use Permit 2021-10-05, Lorne Cooper for Gunsmithing Services in Conjunction with a Single-Family Residential Dwelling Unit Located at 49 Wild Cherry Way and Identified on Tax Map 24A, Section 2, Block 7, as Lot 306 – Joe Petty

Mr. Petty reported the applicant is requesting a conditional use permit for gunsmithing services for his property in the Residential One (R-1) zoning district. The property is located at 49 Wild Cherry Way in the Blue Mountain subdivision within the Shenandoah Magisterial District. Given the State and Federal regulations related to firearms and services, this is not considered a Home Occupation, and the proposed operation would be conducted in an accessory structure. The supplemental regulations and conditions are consistent with those of a Home Occupation to preserve the character of a residential neighborhood by no change in the outside appearance of the building or premises or other visible evidence of the conduct of such activity. Due to the nature of the operation, the accessory structure provides a safe space to work outside of the residential dwelling. Per the application, supplemental regulations, and Warren County Code Section 177-3, there will be no discharging of firearms at the property.

The Blue Mountain HOA is in support of the application provided there is no discharging or firing of firearms on the property related to the gunsmithing services.

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 applicant shall all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.
3. There shall be no discharge/shooting of firearms on the property associated with the gunsmithing services.
4. Appointments for customers shall be permitted the during the hours of 10:00 AM to 6:00 PM, Monday through Saturday. Only one customer at any given time, and off-street parking shall be provided.
5. Natural vegetation buffer between neighboring parcels shall remain intact and replaced when necessary.

Lorne Cooper introduced himself as the applicant and extended his condolences for Mrs. Oates' loss of her brother. He also thanked Mr. Petty for his diligence and professionalism through the application process.

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 Lorne Cooper for Gunsmithing Services 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 applicant shall all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.
3. There shall be no discharge/shooting of firearms on the property associated with the gunsmithing services.
4. Appointments for customers shall be permitted the during the hours of 10:00 AM to 6:00 PM, Monday through Saturday. Only one customer at any given time, and off-street parking shall be provided.

5. Natural vegetation buffer between neighboring parcels shall remain intact and replaced when necessary.

Public Hearing – Conditional Use Permit 2021-10-06, Michael Blevins for a Short-Term Tourist Rental Located at 267 Trillium Trail Road and Identified on Tax Map 24B, Section 3, Block 13, as Lot 481 – Matt Wendling

Mr. Wendling reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he recently purchased with the intent to use partly as a second home but primarily to lease on a short-term basis. He has retained a property management company, “Be Still Getaways”, to manage the property. He also says that while the dwelling is on four acres of wooded area in a secluded location of the property, he plans to carefully review the potential guests so that no large and loud parties take place and for the sake of the neighbors. The POA for this subdivision is supportive short-term tourist rentals as long as they remain compliant to the conditions and supplemental regulations.

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

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 (6) 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision 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. Fox, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of Michael Blevins 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 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 (6) 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.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Adjournment

Mrs. Cullers adjourned the meeting at 9:00 PM.