

At a special meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on January 11, 2022 at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Vicky L. Cook (Fork District); Jerome K. Butler (Happy Creek District); and Walter J. Mabe (Shenandoah District); also present Edwin C. Daley, County Administrator; Jason J. Ham, Interim County Attorney; Mark Butler, Sheriff; Caitlin Jordan, Senior Assistant County Attorney; Gerry Maiatico, Fire Marshal; Joe Petty, Planning Director; Matt Wendling, Deputy Planning Director; and Emily M. Ciarrocchi, Deputy Clerk of the Board

Absent: Delores R. Oates, Vice Chair (North River District)

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

Postponement of Conditional Use Permit 2021-10-02, Travis Dodson for a Commercial Outdoor Recreation Operation – Joe Petty

On a motion by Cheryl Cullers, seconded by Walt Mabe, and by the following vote, the Board of Supervisors postponed the public hearing for conditional use permit 2021-10-02, Travis Dodson for a Commercial Outdoor Recreation Operation, from January 18, 2022 to a special meeting on February 22, 2022 beginning at 7:30 PM:

Mabe, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

Public Hearing – Conditional Use Permit 2021-10-01, Carl and Jennifer Ey for a Rural Events Facility Located at 1406 Panhandle Road and Identified on Tax Map 35, as Lots 5-1, 5-2, 5-3, and 5B-1 – Matt Wendling

Matt Wendling, Deputy Planning Director, reported the applicants are requesting a conditional use permit for a Rural Events Facility to allow for events with up to 200 guests. The owners were recently approved for conditional use permits for short-term tourist rentals for their properties located at 1406 Panhandle Road and 1408 Panhandle Road. The properties proposed for the rural events use are currently vacant, approximately 41 acres, located off both Panhandle Road and Oakview Drive, and accessed through 1406 Panhandle Road. The properties are currently used as pastureland and for forestry uses, and the applicants plan to keep the properties in land-use with the Commissioner of the Revenue since only a portion of these lots will be used for the Rural Events Facility. They have discussed the use with the Health Department, had an on-site soil evaluator come to the property, and expect to install a conventional septic system which will serve the Rural Events Facility. The applicants state that they have experience with small event venues for family reunions and business events at short-term tourist rentals they currently own and operate in Page County. They intend to meet all requirements and regulations regarding noise, traffic, outdoor lighting, and any additional supplemental regulations and have retained a local property manager to act as the caretaker of their properties.

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, Virginia Department of Transportation (VDOT), Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
4. All events must be within the hours of 9:00 AM and 10:00 PM.
5. The access to the property for the events facility shall be off of Panhandle Road and shall have an approved VDOT entrance.
6. Any buildings constructed on the property for the Rural Events Facility shall be cohesive with the agricultural/rural nature of the surrounding areas in their appearance.
7. The total number of guests shall be limited to 200 per event.

Carl Ey, applicant, introduced himself and opened himself up to questions from the Board.

Mrs. Cook asked if he anticipated the use of a commercial bus or other large vehicle to transport guests/attendees to and from the event and has made sure the entrance to the property from the road can accommodate such a vehicle. Mr. Ey replied the proposed entrance for the property is directly off Panhandle Road, which is State-maintained, and he will be working with the Virginia Department of Transportation to ensure the entrance meets their requirements. Also, if the number of vehicles anticipated for an event exceeds a certain amount, he plans to hire someone for traffic mitigation.

Mrs. Cullers opened the public hearing.

Philip Vaught, 124 Luray Avenue, said he would like for Mr. Ey's application to be considered alongside Mr. Wright's applications.

Amber Morris, 20 E 4th Street, said she was in support of this application and loves to see preservation and use of outdoor facilities in the community.

William Barnett, 1115 Buck Mountain Road, stated he has been involved in economic development in Warren County in various capacities for decades. The area has wonderful places to visit and things to do, but few places to stay. He supports this application for a Rural Events Facility as it helps to preserve the rural quality of life by not building a subdivision on agricultural land and allows people from outside the community to enjoy the riches the residents of the community enjoy every day.

Angela Keller, 5671 Gooney Manor Loop, urged the Board to view this permit request separately from Mr. Wright's applications despite the comments of previous speakers.

Mrs. Ciarrocchi read an email from Paul and Jennifer Hill urging the Board to consider the residents of the area who cherish the quieter lifestyle and asked the Board to keep the development of the agricultural parts of the County under tight scrutiny. Mr. and Mrs. Hill also noted the possibility that construction in and near this area may disturb archeology artifacts yet discovered and studied, considering there is a historic site fewer than five miles away from this property.

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

Mr. Wendling noted the Thunderbird Archaeological District, which is part of the larger Flint Run Archaeological District, is a significant distance from this property. The property was used for farming purposes for many years prior to this application, and no findings were reported from the farming operations.

Mrs. Cullers asked about the potential for flooding on portions of the land, and Mr. Ey responded any constructed facilities will be above the floodplain areas. He will also be installing a natural septic field for the restrooms that will be able to support the 200-person capacity for the events. Mrs. Cullers voiced concerns regarding impaired driving following any events, and Mr. Ey said there will be onsite staff there for all events who will assist with finding transportation for impaired individuals, should the need arise.

Mrs. Cullers then noted the comments raised in the email from Mr. and Mrs. Hill regarding the potential for historical artifacts and is concerned there has been no archeological study completed. She requested there be a condition added to the permit stipulating comments or a report should be received from the Department of Historic Resources (DHR) prior to the issuance of any building permit. Jason Ham, counsel, said this sort of condition is rather out of the box and seemingly unreasonable considering the County has never required something like this before and the response time from DHR is uncertain. After further discussion, the consensus of the Board was to not include such a condition.

On a motion by Mr. Mabe, seconded by Mr. Butler, and by the following vote, the Board of Supervisors approved the conditional use permit request of Carl and Jennifer Ey for a Rural Events Facility with the conditions as recommended by the Planning Commission and staff and listed below:

Mabe, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation (VDOT), Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.

3. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
4. All events must be within the hours of 9:00 AM and 10:00 PM.
5. The access to the property for the events facility shall be off of Panhandle Road and shall have an approved VDOT entrance.
6. Any buildings constructed on the property for the Rural Events Facility shall be cohesive with the agricultural/rural nature of the surrounding areas in their appearance.
7. The total number of guests shall be limited to 200 per event.

Public Hearing – Conditional Use Permit 2021-10-07, Edwin Wright for a Commercial Campground Located at 2905 Gooney Manor Loop and Identified on Tax Map 47, as Lot 12 – Matt Wendling

Mr. Wendling reported the applicant, Edwin Wright, is requesting a conditional use permit for a Commercial Campground on his family's property in Browntown. The property has been owned by his family since the 1950's, and Mr. Wright will be the acting farm manager of the property and campground. The property is 153+ acres and is currently accessed by Gooney Manor Loop, which is a rural State-maintained road (Route 631). The applicant was originally requesting to have 100 primitive campsites to allow for tents and small campers, but Mr. Wendling met with the applicant on January 10th, and Mr. Wright has requested to reduce his requested number of campsites from 100 to 50. The campers would be owned by the campground and be permanently parked, serviced, and maintained by the property owners. The applicant plans to construct pad sites for camping and to have centrally located portable restrooms and bathing facilities service the campsites with plans to construct a small camping supply store in the future. The applicant is also applying for a Conditional Use Permit for a Rural Events Facility on this property.

Mr. Wendling stated the Warren County Health Department provided the following comments for this application: "All proposed buildings and facilities must be connected to an approved onsite sewage system and water supply. Temporary facilities will not be approved. The applicant should contact Virginia Department of Health Office of Drinking Water, Culpeper Field Office ... to inquire about the requirements for developing a public water supply. The applicant should contact a private Onsite Soil Evaluator (OSE) and/or licensed professional engineer (PE) to design an onsite sewage system(s) that can accommodate the projected sewage flow from all proposed facilities"

David Beahm, Building Official, also provided the following comments: "Prior Electrical Meter Replacement that was issued an Agricultural Exemption cannot be used to serve any portion of this activity unless it is fully permitted, reviewed, inspected and approved through the normal processes that are required."

Mr. Wendling also read the following comments from the Virginia Department of Transportation: "Route 631 is a rural rustic road with poor vertical and horizontal alignment

and narrow roadway geometry that carries an average 80 trips per day. Roadway right-of-way and funding are not available to make any improvements to this environmentally sensitive road... We have no daily traffic data for campgrounds but at full capacity (100 sites) the AM and PM peak hours would generate 21 and 27 trips respectfully [sic].”

Mr. Wendling reported the Planning Commission forwarded this application to the Board recommending denial due to inadequate infrastructure in place for roads and water.

Edwin Wright introduced himself as the applicant and said his family has had this farm in Browntown for three generations. He moved back eleven (11) years ago specifically to find ways to try and protect the land from becoming a residential subdivision, like so many other farms have. He helped to expand the farming operations from only cattle and hay to include pigs, goats, sheep, and honeybees, but mainline agricultural pursuits only get farmers part of the way to saving their land from residential development. Warren County has been an agricultural community and a tourist destination for a long time, and bringing these two features together for agritourism pursuits is a relatively low-impact way to create success stories by resisting housing development in the agricultural district. Mr. Wright also noted he has reduced the number of requested campsites for this application from 100 to 50.

Mrs. Cook asked with the reduction of the number of campsites, if the number of requested recreational vehicle (RV) sites would also be reduced. Mr. Wright said the number of RV sites would remain the same, ten (10) out of the fifty (50) requested sites. These ten sites may also be high-end units, such as yurts, the campground owns and rents. Mrs. Cook also asked about prohibiting visiting RVs from the campground and if trailers would be allowed. Mr. Wright replied that trailers up to a certain size, such as teardrop trailers, may be allowed (fewer than 8’ in length), but he is skeptical of allowing these trailers because of the existing roadway.

Mr. Mabe asked if there would be a check-in/check-out station for the campground and someone there to staff it, and Mr. Wright responded there would be a station in the same location where the pump house is currently with a full-time campground monitor. Mr. Mabe also asked if there would be a full-service restroom; Mr. Wright replied the Health Department stated it does not want a temporary facility to be used for the campground, so a permanent facility will be installed. After a further question regarding electricity to the campsites, Mr. Wright said while there is water and power running through most of the property due to a soil and water conservation project done with the Lord Fairfax Soil and Water Conservation District (LFSWCD), he does not plan on drawing the power to the campsites. However, since water runs throughout the property, it does alleviate some of the concerns regarding potential fire dangers.

Mr. Mabe also asked if Mr. Wright would be prohibiting the use of firearms and fireworks as well as the consumption of alcohol at the campground. Mr. Wright said the use of firearms and fireworks would be prohibited, but he would not prohibit alcohol at the campground, nor would he be monitoring the use of alcohol at the individual sites.

Mr. Butler said the greatest concern he read from the comments submitted by residents is the increase in traffic on Gooney Manor Loop and asked what the mitigation

strategies were. Mr. Wright said traffic was one of the reasons why he reduced the number of requested sites from 100 to 50. Because the property has significant frontage along the road, he would also be able to increase the number of entrances to the property to reduce congestion.

Mrs. Cook asked if the reduction to 50 sites would be permanent or if he plans to come back before the Board and request an increase to the number of sites. Mr. Wright said he would like to leave open the opportunity to expand the number of sites depending on data gathered over time on the usage for the campground.

Mrs. Cullers commented on the water system Mr. Wright mentioned that was installed in order to keep the cattle out of the stream and asked how old the system was. Mr. Wright said the well was installed in 2018, and the fields fed by the water system have to remain in the agricultural system, which means the view from the road will continue to be the cattle and not campsites. Mrs. Cullers thought the water from this type of system could not be used for fifteen (15) years for anything other than watering the cattle, but Mr. Wright said he had checked with the LFSWCD and that water from this system can be used for by-right agricultural uses or by-permit as approved by the County.

Mr. Mabe asked if there would be any sort of concession-type stand at the campground, and Mr. Wright replied that he plans to have a small store at the check-in station for campers to purchase basic supplies or toiletries and other farm products.

Mrs. Cullers opened the public hearing.

The following individuals appeared in person or submitted comments in opposition to Mr. Wright's conditional use permit application:

- Gary Kushner
- Brian and Margie Conley
- Stacie Mikels
- Jonathan Crichfield
- Jonlaya Haines
- Ken Furlong
- Marianne and Mark Thomas
- Angela, James, and Maddie Keller
- James Keller
- Wells Bill
- Maggie O'Brien
- Kelly Campbell
- Stephanie Pearson
- Anne Brown Boyd Earle
- Ellen Irvine
- Alan Thompson
- Steve and Lisa Merz
- Adina Short
- Ben Short
- Lisa Poths
- Mary McLaughlin
- Dan and Christine Gall
- Hugh and Lauren Forrester
- David and Constance Maxwell
- Cheryl and Jim Baker
- Kelli and Tim Sinnett
- Gretchen Provenzano
- Allan Brockway, Linda Arnold
- Jeff and Pam Parsons
- Jake Horowitz
- Tina and Chris Paulisch
- Ann Shulman
- Terry and Sally Berry
- Stephen Colwell
- Martha Buracker
- Ian Fisher

- Dale Thompson
- Deborah Foster
- Jim and Debbie Sylvester
- Paul and Mary Balserak
- Rob Harding
- George and Diana Hodgkiss
- Anna and Adam Sobotka
- Eric and Bonnie McClafferty

- Eric Cook, Warren County Chapter of the Izaak Walton League
- Mindy Barnhart
- Ron and Nell Miller
- Ralph West, Jr.
- Arthur Woods
- Mark Huddleston
- Alfred Paulisch
- Scott and Pauline Reynolds

The following individuals appeared in person or submitted comments in support of Mr. Wright's conditional use permit application:

- Amber Morris
- Shannon Foeller
- Elizabeth Graham
- Mary Chenery
- William Barnett
- Philip Vaught
- Cheryl Langlais
- Maria Darie
- Michael Williams
- Drs. Simon and Linda Russin
- Amber Wills
- Deena Martinson-Davis
- Rebecca Duncan
- Erica Williams

- Chaise Brown
- Jennifer Carter
- Crystal Laing
- Crystal Cook
- Kerry Barnhart
- Meghan Jackson
- Leroy and Ann Shaffer
- Charlie and Marie Manuel
- Dennis and Carol Gorton
- Wayne Kite
- Holly Goode
- Debra Siksay
- Diana Wright
- Elizabeth Wright

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

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors denied the conditional use permit request of Edwin Wright for a Commercial Campground:

Butler, Aye; Cullers, Aye; Cook, Aye; Mabe, Aye

Public Hearing – Conditional Use Permit 2021-10-08, Edwin Wright for a Rural Events Facility Located at 2905 Gooney Manor Loop and Identified on Tax Map 47, as Lot 12 – Matt Wendling

Mr. Wendling reported Mr. Wright is requesting a conditional use permit for a Rural Events Facility for the same subject property as the previously denied permit for the Commercial Campground. In lieu of exercising his rights to subdivide, as a number of owners of agricultural properties have done in the past ten years, Mr. Wright's family would like to

establish this land-use in order to preserve the rural quality of the property through agritourism, wedding, and outdoor educational events. The applicant plans to use the existing barn and may construct an outdoor pavilion with a primitive amphitheater in the future.

Mr. Wendling referred the Board back to the previously noted comments submitted by the Health Department, Building Inspections Department, and VDOT for this property.

The Planning Commission forwarded this application to the Board recommending denial due to inadequate infrastructure in place for roads and concerns about additional traffic.

Mr. Wright returned to the podium and said this permit application is for the same property as the previously denied application. By-right, he can currently host events with up to one hundred (100) attendees, but he would like to be able to have events with up to two hundred (200) attendees. This conditional use permit would be an expansion of what he already does on this property.

Mrs. Cook asked if he anticipates using the property and the proposed facility for concerts or festivals, and Mr. Wright confirmed he was. She also asked about attendees arriving to the property in a commercial bus or similarly large vehicle and whether Gooney Manor Loop would be able to accommodate that. Mr. Wright responded he should be able to prevent the use of such vehicles for the events and would have staffing for every event.

Mrs. Cullers opened the public hearing.

The following individuals appeared in person to voice their opposition to Mr. Wright's conditional use permit application:

- Maggie O'Brien
- Brian and Margie Conley
- Stacie Mikels
- Gary Kushner
- Jonathan Crichfield
- Jonlaya Haines
- Ken Furlong
- Marianne Thomas
- Angela Keller

The following individuals appeared in person to voice their support of Mr. Wright's conditional use permit application:

- Mary Chenery
- William Barnett
- Philip Vaught
- Shannon Foeller
- Cheryl Langlais

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

Mrs. Cullers reported she went out to Gooney Manor Loop and measured the road in multiple locations; the width of the entrance to Mr. Wright's farm is between 10' and 10'4", but there are other areas along the road that are barely 9' wide. She is incredibly concerned about the safety of travelers on the road, which is not to say this application or request cannot be brought back before the Board in the future if the road receives improvements.

On a motion by Mr. Mabe, seconded by Mr. Butler, and by the following vote, the Board of Supervisors denied the conditional use permit request of Edwin Wright for a Rural Events Facility due to concerns about existing road conditions and infrastructure:

Mabe, Aye; Cook, Aye; Cullers, Aye; Butler, Aye

Public Hearing – Conditional Use Permit 2021-10-09, Edwin Wright for a Commercial Campground Located off Wellspring Road and Identified on Tax Map 44, as Lot 25 – Matt Wendling

Mr. Mabe noted the desire of Mr. Wright to table this conditional use permit request, and Mr. Ham said the applicant is welcome to withdraw this application, and the Board can either table it or go ahead and take action tonight. If the application is tabled and brought back before the Board, it would need to be readvertised. Mr. Wendling said the request to table this application and the next application was tied to the comments received from VDOT and the applicant's plans to hire a traffic engineer to address the VDOT comments and perform speed/traffic studies.

Mr. Wright again returned to the podium and thanked the Board for listening to the comments and also thanked the people who came to the meeting. He noted the main problem with this and the next permit applications is that VDOT assumed the speed limit was 35 MPH, but because Wellspring Road does not have a posted speed limit, the speed limit is actually 55 MPH, which doubles the sight distance needed for the proposed entrance. He cannot proceed with what he wants to do on this property without these impact studies.

After additional discussion regarding the best procedure moving forward, Mr. Wright withdrew this conditional use permit request, pending additional information from VDOT.

Public Hearing – Conditional Use Permit 2021-10-10, Edwin Wright for a Rural Events Facility Located off Wellspring Road and Identified on Tax Map 44, as Lot 25 – Matt Wendling

Mr. Wright also withdrew this conditional use permit request, pending additional information from VDOT.

Adjournment

Mrs. Cullers adjourned the meeting at 10:35 PM.