

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on February 15, 2022 at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Delores R. Oates, Vice Chair (North 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; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; Mike Berry, Public Works Director; Mark Butler, Sheriff; Caitlin Jordan, Senior Assistant County Attorney; Jon Martz, Director of Social Services; Joe Petty, Director of Economic Development/Interim Planning Director; Matt Robertson, Finance Director; Alisa Scott, Deputy Finance Director; Carol Tobin, Voter Registrar; Matt Wendling, Deputy Planning Director; Emily M. Ciarrocchi, Deputy Clerk of the Board; Roger Bianchini, Royal Examiner; and Alex Bridges, Northern Virginia Daily

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

Adoption of Agenda – Additions or Deletions

Mrs. Oates requested the addition of an item for the adoption of a Resolution of Appreciation for the Town of Chincoteague, Virginia, the County of Accomack, Virginia, and the City of Virginia Beach, Virginia, and Mr. Ham noted the removal of item I-3 (CUP) due to Katherine Stallings withdrawing her conditional use permit application.

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

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

Resolution of Appreciation

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors adopted the Resolution of Appreciation for the Town of Chincoteague, Virginia, the County of Accomack, Virginia, and the City of Virginia Beach, Virginia as presented:

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY IN APPRECIATION OF THE EFFORTS OF THE COMMUNITIES OF THE TOWN OF CHINCOTEAGUE, VIRGINIA, THE COUNTY OF ACCOMACK, VIRGINIA, AND THE CITY OF VIRGINIA BEACH, VIRGINIA

WHEREAS on January 22, 2022, four young men from the Front Royal/Warren County community were involved in a boating accident in Chincoteague Bay; and

WHEREAS two of the young men were rescued by a good Samaritan; and

WHEREAS Corey Lawrence Alles, son of Devin Lynn and Michelle Neda Alles, tragically lost his life in the accident; and

WHEREAS an extensive search was conducted for Nathan Jenkins, son of Jamie and Susan Jenkins, by the Virginia Marine Police, Virginia Port Authority, U.S. Fish and Wildlife, Virginia Beach Police, Virginia Beach Fire, Chesapeake Police, Chincoteague Police, Accomack County Sheriff's Office, and countless volunteers from the Chincoteague community; and

WHEREAS members of the Chincoteague business community and individual residents donated and provided food, lodging, and assistance to the family members of the missing young man and the volunteers from the Front Royal/Warren County community who aided in the search.

NOW, THEREFORE, BE IT RESOLVED that the Warren County Board of Supervisors expresses its deepest condolences to Devin Lynn and Michelle Neda Alles for the loss of their son as well as its hope and prayers to Jamie and Susan Jenkins for their son, who is still missing; and

BE IT FURTHER RESOLVED that the Board of Supervisors extends heartfelt appreciation to the law enforcement and rescue agencies who participated in the search, and the kindness shown by the business community and residents of the Town of Chincoteague and Accomack County; and

BE IT FINALLY RESOLVED that copies of this Resolution of Appreciation shall be prepared for the Chincoteague Town Council, Accomack County Board of Supervisors, and the Virginia Beach City Council.

Public Comment Period (60 Minute Time Limit)

Matt Tederick, 21 Edgewood Street, said he had sent an email to Supervisor Cook on February 4th and has not received a response. He did not want to presume he was being ignored, so he approached the dais and handed printed copies of the email to the Board members. He highlighted the five (5) main questions he posed in the email because these are the tough questions the press refuses to ask. He wants to hold public officials accountable for their actions.

There were no further presentations from the public.

Reports – Board Members, County Administrator, Interim County Attorney

Mr. Butler reported the following:

- Interviewed two individuals for the vacancies on the Front Royal-Warren County Airport Commission and is recommending the Board appoint Sean Roe

Mrs. Cook reported the following:

- Attended the budget work session on February 8th and listened to presentations from all Department Heads and Constitutional Officers for their FY 2022-2023 budget requests

Mr. Mabe reported the following:

- Also attended the budget work session on February 8th as well as the budget work session on February 1st with partner agencies
- Attended the Warren County School Board meeting on February 2nd
- Has held various meetings with staff and constituents throughout the month so far
- Attended the Drug Prevention Committee meeting on February 10th

Mrs. Oates reported the following:

- Highlighted Sanitary District Manager Michael Coffelt, who helped with a recent constituent concern from constituent; she had sent an email to Dr. Daley on Wednesday, and Mr. Coffelt was on the property doing a site visit on Thursday
- Attended the Virginia Association of Counties' (VACo's) Local Government Day on February 3rd and spoke with various legislators
- Has been working hard with the Drug Prevention Committee to establish Drug Court in Warren County

Mrs. Cullers reported the following:

- Thanked Public Works and Parks and Recreation Maintenance staff for their continued snow removal efforts throughout this winter
- Also attended Local Government Day on February 3rd and had a discussion with CenturyLink regarding broadband; Albemarle County, Virginia has submitted a filing with the State Corporation Commission (SCC), and she has signed up to provide comments and questions during the hearing
- Read a prepared statement regarding the attorney-client memorandum about which Mr. Tederick has raised concerns; the Board forwarded the matter to the County Attorney, and she reported the County Attorney confirmed no illegal acts were committed by Mr. Mabe. She further encouraged Mr. Tederick to raise his concerns with the Town Council, as this matter originated from a Town official

Dr. Daley reported the following:

- Revenue Updates for January

Sales Tax		
2022	2021	Difference
\$475,076.15	\$416,225.94	\$58,850.20 (14.12%)

Calendar Year 2021 – January through December

Meals Tax	\$1,229,429.63
Lodging Tax	\$344,230.28

Year-to-Date for 2022

Business License Tax	\$197,681.56
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- Wayfinding Signage – VDOT is reviewing the final sign locations and the revised Traffic Engineering (TE). Public Works has been assisting in staking out the proposed locations.
- Shenandoah Valley Rail Trail – The Department of Conservation and Recreation (DCR) has released the final feasibility study for the linear park.
<https://rga.lis.virginia.gov/Published/2021/RD844/PDF>
- Building Inspections Statistics for January

New Home Starts

County	Town	Total	January 2021
11	0	11	23

Permits Issued

2022	2021	Difference
168	219	-51 (-30.36%)

Inspections Completed

2022	2021	Difference
820	1,282	-462 (-56.34%)

- Parks and Recreation
 - Current/Upcoming Programs and Activities:
 - Father-Daughter Dance: The dance will be on Saturday, February 19, 2022 from 6:30 PM – 8:30 PM at the Warren County Community Center.
 - Park Facility Projects:
 - Community Shelter Project Update: The contractor completed laying the wire and materials to the floor on January 13th and 14th. The concrete floor is (32' x 54'). The concrete pour was completed on February 10th. Projected completion 30-60 days.
 - Winter Park Maintenance Projects: Park Maintenance Supervisor Brad Kresge has had maintenance staff complete various projects in preparation of the upcoming spring 2022 season.
- Department of Social Services – In the month of January, DSS received:
 - 137 SNAP Applications
 - 188 Medicaid Applications
 - 29 TANF Applications
 - 14 Child Care Applications

- 1,047 Lobby Visits
- 1,638 Phone Calls

On the Services side, for the month of January, DSS received:

- 53 CPS referrals
- 17 APS referrals

Services rendered:

- Through the Community Development Block Grant Motel voucher program, the Department assisted 12 people and spent \$2,528.81
- Used \$508.16 from the Ministerial Fund
- Took in \$5,900.88 to the Ministerial Fund
- Provided food to 14 individuals
- 111 EBT cards given

Job development:

- New client/referrals in January – 12
- Total clients to-date – 56
- Clients actively participating in job search in January – 7
- Jobs offered/accepted – 3

Thermal Shelter:

- Housed 35 individuals nightly in January

- Department of Fire and Rescue Services

- The Department has ordered the Fire Apparatus (Tanker/Pumper) as approved by the Board of Supervisors at its meeting on February 1, 2022.
- Staff continues to develop the Strategic Plan and Needs Assessment for the Department that also includes revisiting the 2019 Staffing and Implementation Plan. A working copy of the document will be presented and discussed with the Fire Chiefs Advisory Staff and Board of Supervisors throughout the development phase.
- Staff continues to evaluate the impacts of COVID-19 and impacts to staffing. Pleased to report that at this time, the Department has no staff positives and/or exposures.

- Planning and Development

- Tourism Committee – County staff has been working on a timeline for its American Rescue Plan Act (ARPA) funding to submit back to the State and has also been working on a revised Memorandum of Agreement with the Town.
- Development Review Committee – The Development Review Committee met on January 26, 2022 and discussed the following projects:
 - Planning Commission/Board of Supervisors Applications
 - Outdoor Commercial Recreation Facility – 650 Water Plant Road
 - Cluster Housing Development (47 lots) – Reliance Road
 - Short-Term Tourist Rentals

- Update on ongoing projects
 - Comprehensive Plan Review Underway
 - Sheetz Site Plan Review (Linden)
- Route 340/522 Corridor Projects
 - Proposed Warehouse Facility – Corner of Baugh Drive and Fairground Road
 - Enclosed Storage Facilities – Winchester Road (2)
 - Equus Warehouse Facility – Winchester Road
 - McKay Springs – Corner of Winchester Road and Reliance Road
 - Interchange Phase II – Toray Drive

The Committee will meet again on February 23, 2022, at 10:00 AM.

- Commercial/Industrial Projects – Work continues on the following projects:
 - The new Warren Memorial Hospital has received a full Certificate of Occupancy at this time. They are still in the process of completing their maintenance building. This was applied for at the County.
 - Equus Warehouse facility – The site work continues and building permits have been approved. Tilt-up walls have been completed, and the exterior fire line is underway.
 - Review for Erosion and Sediment Control (ESC) for storage facilities on 340/522 has an approval status on the plans, and the owner is in the process of obtaining his Construction General Permit from DEQ.
 - New trucking facility will begin shortly on Winners Court with its approval having been issued.

Mrs. Oates asked if the Board will be able to review the FY 2022-2023 budget request of Warren County Public Schools (WCPS) prior to the work session on February 22nd. Dr. Daley replied he and Finance Director Matt Robertson have seen a few preliminary draft sheets from WCPS, but he did not know if the proposed budget has been presented to the School Board yet. Mrs. Oates wondered if it was premature to have a budget work session if there has not been time to evaluate the budget proposal, and Dr. Daley said he will submit a request to Superintendent Dr. Ballenger that the proposed WCPS budget be provided to the Board by Friday.

Appropriations and Transfers

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below for February 2022:

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

APPROPRIATIONS

Finance	Funding from Special Projects to pay for the FY 2020-2021 Audit	\$51,500
Sheriff	Reimbursement towards cost of new call handling equipment (CHE)	\$203,250

TRANSFERS

Sheriff	To cover the Year Two cost of upgraded radio equipment	\$513,229
Commonwealth's Attorney	To pay for the Courthouse Wi-Fi	\$1,800

Approval of Accounts

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the list of February 2022 accounts as presented:

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

Approval of Minutes

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the minutes of its special meeting of January 11, 2022:

Butler, Aye; Oates, Abstain; Cullers, Aye; Cook, Aye; Mabe, Aye

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the minutes of its regular meetings of January 18, 2022 and February 1, 2022:

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

Consent Agenda

1. Adoption of Resolution Endorsing DuPont – Waynesboro Natural Resource Damage Assessment and Restoration Settlement Recreational Fishing Access Grant Application – Lisa Salomon
2. Citizen Appointments to the Warren County Parks and Recreation Commission – Ed Daley/Dan Lenz
3. Nomination to the Warren County Board of Zoning Appeals – Ed Daley/Joe Petty
4. Agreement with Shenandoah County, Virginia for Joint Funding of a Law Clerk Position – Ed Daley/Jason Ham
5. Conditional Use Permit 2005-04-01, Two-Year Extension Request of Cedarville, LLC – Matt Wendling

6. Modification Request for Conditional Use Permit 2017-05-02 to Change the Name from "Robert & Linda Poe" to "Landing 29 LLC – Kelly Walker" – Matt Wendling
7. Authorization to Advertise for Public Hearing – Ordinance to Repeal Section 66-34 (Bounties for coyotes) of the Warren County Code – Cheryl Cullers/Ed Daley
8. Coyote Bounty – William Atwood (1) – \$50.00 Each – Animal Control

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

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

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY ENDORSING THE
DUPONT-WAYNESBORO NATURAL RESOURCE DAMAGE ASSESSMENT AND
RESTORATION SETTLEMENT RECREATIONAL FISHING ACCESS GRANT APPLICATION

WHEREAS, in accordance with the terms of the DuPont - Waynesboro Natural Resource Damage Assessment and Restoration (NRDAR) settlement, the Commonwealth of Virginia, acting through the Virginia Department of Environmental Quality and the United States Department of the Interior acting through the U.S. Fish and Wildlife Service comprise the Trustee Council; and

WHEREAS, the Trustee Council is responsible for the identification, selection, and implementation of projects pursuant to the *DuPont-Waynesboro South River/South Fork Shenandoah River/Shenandoah River Restoration Plan/Environmental Assessment (RP/EA)*; and

WHEREAS, the Trustee Council has asked for project nominations for the portion of the settlement funds set aside for recreational fishing access.

NOW, THEREFORE, BE IT RESOLVED, that Warren County, requests the Trustee Council to provide project funding for improvements to a public boating access facility located off of Indian Hollow Road (Route 613) in Warren County that provides access to the South Fork of the Shenandoah River; and

BE IT FURTHER RESOLVED, that Warren County hereby agrees to enter into a project administration agreement with the Trustee Council and provide the necessary oversight to ensure the project is developed in accordance with all applicable state and federal requirements for design, property acquisition, and construction; and

BE IT FURTHER RESOLVED, that Warren County will be responsible for maintenance and operating costs of any improvement/facility constructed with NRDAR funds unless other arrangements have been made with the Trustee Council; and

BE IT FINALLY RESOLVED, that the Warren County Board of Supervisors hereby grants authority for the County Administrator to execute project agreements for an approved NRDAR project.

At this time, Mrs. Cullers recessed the meeting for four minutes until the public hearings began at 7:30 PM.

Public Hearing – Sale of County-Owned Property Located at 30 E Jackson Street, Front Royal – Alisa Scott

Alisa Scott, Deputy Finance Director, reported the County has determined that its property located at 30 E. Jackson Street, Front Royal, further identified on Tax Map 20A7, Section 4, as Lot 39A is surplus property, or of excess need. The potential revenue to be derived from the sale of the property is better use of public funds than to maintain or improve the property. The County has ordered a commercial real estate appraisal and is listing the property for sale. The commercial appraisal, which will be completed within 55 days, will determine the value of the property and assist in the identification of the highest sales offer. Once the value of the property is determined, all offers shall be considered. The County shall sign the purchase agreement that is the highest sale.

Mrs. Oates asked how the bidding process will work, and Ms. Scott said the process will be through Adams Nelson, the County's real estate broker for this property. There have been a few offers received, but once the appraisal is complete, the broker will return to the prospective purchasers and ask if they want to increase their offer based on the appraised value.

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

There was no action taken by the Board following this public hearing.

Public Hearing – An Ordinance to Repeal Warren County Code Sections 16-3.1, 16-6.1, and 16-7.1; and to Adopt and Ordain Warren County Code Sections 16-3.2, 16-6.2, and 16-7.2, to Change the Election Districts and Precinct Boundaries of the County of Warren Pursuant to the Decennial Census; and to Change the Polling Places for the Otterburn and Central Absentee Precincts – Joe Petty

Joe Petty, Director of Economic Development/Interim Planning Director, reported the 2020 Census states that Warren County's population increased from 37,439 to 40,572, which is an additional 3,133 persons (8.37%). Based on this population, each of the County's five local election districts should have an ideal population of 8,114 or be within $\pm 5\%$, which ranges from 7,708 to 8,520 persons.

Additionally, the location of the polling places has changed over the years, primarily due to the need to meet handicapped accessibility requirements including paved parking spaces. For these reasons, public facilities generally served as the best locations when available. There are two polling places slated to be changed: the Otterburn Precinct of the Fork District and the Central Absentee Precinct. The Otterburn Precinct polling location was relocated from the Rivermont Fire Station to the Front Royal-Warren County Airport

Terminal Building in 2015 due to structural concerns with the Fire Station. However, now that a new Rivermont Fire Station has been constructed, the Otterburn Precinct polling location will be moved back to the Fire Station. Also, the Central Absentee Precinct is currently the Warren County Government Center, but due to the Voter Registrar's Office moving to the Health and Human Services Complex in 2019, the Central Absentee Precinct will be moved to the Complex.

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

Mr. Ham noted the provision included in the Ordinance stating, "The provisions of these sections ... shall not be given effect until the Attorney General has issued a certification of no objection..." If the Attorney General has an objection to this Ordinance, a new draft will come back to the Board, but Mr. Ham does not anticipate any issues.

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors adopted the Ordinance to Repeal Warren County Code Sections 16-3.1, 16-6.1, and 16-7.1 and to Adopt and Ordain Warren County Code Sections 16-3.2, 16-6.2, and 16-7.2, as proposed:

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

AN ORDINANCE TO REPEAL WARREN COUNTY CODE SECTIONS 16-3.1, 16-6.1, AND 16-7.1; AND TO ADOPT AND ORDAIN WARREN COUNTY CODE SECTIONS 16-3.2, 16-6.2, AND 16-7.2, TO CHANGE THE ELECTION DISTRICTS AND PRECINCT BOUNDARIES OF THE COUNTY OF WARREN PURSUANT TO THE DECENNIAL CENSUS; AND TO CHANGE THE POLLING PLACE FOR THE OTTERBURN AND CENTRAL ABSENTEE PRECINCTS

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 16-3.1, 16-6.1, and 16-7.1 of the Warren County Code are hereby repealed, and Sections 16-3.2, 16-6.2, and 16-7.2 are adopted and ordained to change the Election District and Precinct Boundaries of the County of Warren; and to change the polling place for the Otterburn and Central Absentee Precincts, pursuant to the Decennial Census, and to read as follows:

Chapter 16. Elections

Article I. Districts

~~§ 16-3.1: Boundaries. [REPEALED]~~

§ 16-3.2: Boundaries. [ADOPTED AND ORDAINED]

The boundaries of the respective election districts are as set forth below:

- A. Fork Election District: Beginning at the point of intersection of Manassas Avenue and 6th Street, such point being at the point of intersection of the Fork Election District, the North River Election District and the Shenandoah Election**

District, thence with the Shenandoah Election District and the center line of Manassas Avenue due south to the center of Happy Creek Road, thence west with the center of Happy Creek Road to its intersection with Commerce Avenue, thence south along the center line of Commerce Avenue to its intersection with East Main Street, thence westerly along the center line of East Main Street to its intersection with Royal Avenue, thence with the center of South Royal Avenue and the South River Election District south-southwest to the intersection of South Royal Avenue and Criser Road, thence with the center of West Criser Road west-northwest to the intersection of Luray Avenue and West Criser Road, thence with the South River Election District and the center line of Luray Avenue and Luray Avenue extended west to the center of the South Fork of the Shenandoah River, thence with the center line of the meanders of the South Fork of the Shenandoah River up said river southwest for a distance of ten miles to the westernmost point of the third western bend of said river, thence around such bend in a southeasterly direction for a distance of approximately one thousand three hundred feet to a point due north of an unnamed run, thence south to the point where said run enters the South Fork of the Shenandoah River and with the center of said run south then west to the point where it is crossed by Panhandle Road (such point being approximately two and one-tenth road miles north from the center of the Route 613 low-water bridge), thence continuing with the center of said run to the point of its beginning which lies within the George Washington National Forest, thence continuing in a northwesterly direction up the slope of the Massanutten Mountain to the intersection of the Shenandoah County line, thence with the Shenandoah County line northeast and then northwest and over the Massanutten Mountain to the center of State Route 55 (Strasburg Road), at its intersection with the Shenandoah County/Warren County line, thence east-southeastward along the center of State Route 55 (Strasburg Road) to the intersection of State Route 55 (Strasburg Road) and the Town of Front Royal boundary, thence southwesterly with the Town of Front Royal boundary to the center of Punch Run, thence downstream with the center of Punch Run to its confluence with the South Fork of the Shenandoah River, thence westerly with the center line of the South Fork of the Shenandoah River to a point in the center line of Kendrick Lane extended, thence southeasterly with the center line of Kendrick Lane extended and then with the center line of Kendrick Lane southeasterly to its intersection with 6th Street, thence with 6th Street easterly to its intersection with Manassas Avenue, the point of beginning.

- B. Shenandoah Election District: Beginning at the point of intersection of the center lines of Manassas Avenue and Happy Creek Road, such point being at the point of intersection of the Fork Election District and the Shenandoah Election District, thence northerly with the center line of Manassas Avenue and with the lines of the Fork Election District and the North River Election District to its crossing of the Norfolk Southern Railroad, thence with the North River Election District and with the center line of the Norfolk Southern Railroad in a northern and northeast direction to the Clarke County line, thence with the Clarke County line east to the Fauquier County line, thence with the Fauquier County line

southwest to a point where the center line of Freezeland Road crosses the Fauquier County line, such point being approximately one thousand feet southwest of the intersection of Freezeland Road and a subdivision road currently named High Top Road, thence with Freezeland Road and the Happy Creek Election District northeasterly to its intersection with High Top Road, thence with the center line of High Top Road to its intersection with a subdivision road currently known as Crossway Lane, thence westerly with the center line of Crossway Lane, to its intersection with a subdivision road currently known as High Top Road, thence with the center of High Top Road southwesterly to its intersection with a subdivision road currently known as Cappy Road, thence west with the center of Cappy Road approximately three hundred seventy-five feet where it crosses an unnamed stream and drainageway, thence north with the center of the unnamed stream to its confluence with Howellsville Branch, thence westerly with the center of Howellsville Branch to where it is crossed by Howellsville Road, thence southwesterly with the center of Howellsville Road until Howellsville Road connects with Morgan Ford Road, thence southerly with the center of Morgan Ford Road to where Interstate 66 crosses over Morgan Ford Road / Happy Creek Road, thence westerly with the center of Happy Creek Road to its intersection with Polk Avenue, thence southerly with the center of Polk Avenue to its intersection with Braxton Road, thence easterly with the center line of Braxton Road to its intersection with Leach Street, thence southerly with the center line of Leach Street to its intersection with Horseshoe Drive, thence east, south and west around the curve of Horseshoe Drive and along its center line to its intersection with North Easterly Street, thence south along the center line of North Easterly Street to its intersection with East Stonewall Drive, thence west along the center line of East Stonewall Drive to its intersection with Commerce Avenue, thence north along the center line of Commerce Avenue to its intersection with Happy Creek Road, thence east and north along the center line of Happy Creek Road to its intersection with Manassas Avenue, the point of beginning.

- C. Happy Creek Election District: Beginning at a point in the center of Commerce Avenue at its intersection with East Stonewall Drive, thence with the South River Election District south with the center line of Commerce Avenue to its intersection with John Marshall Highway, thence east along the center line of John Marshall Highway to its intersection with ESA Lane, thence south along the center line of ESA Lane and ESA Lane extended to the center line of Longhill Road extended, thence south and southeasterly along the center line of Longhill Road extended and Longhill Road to its intersection with Rivinus Road, thence southeasterly along the center line of Rivinus Road to its intersection with Intake Road, thence east along the center line of Intake Road and Intake Road extended to the Fauquier County line, thence northerly along the Fauquier County line to a point where the center line of Freezeland Road crosses the Fauquier County line, such point being approximately one thousand feet southwest of the intersection of Freezeland Road and a subdivision road currently named High Top Road, thence with Freezeland Road and the

Shenandoah Election District northeasterly to its intersection with High Top Road, thence with the center of High Top Road to its intersection with a subdivision road currently known as Crossway Lane, thence westerly with the center of Crossway Lane, to its intersection with a subdivision road currently known as High Top Road, thence with the center of High Top Road southwesterly to its intersection with a subdivision road currently known as Cappy Road, thence west with the center of Cappy Road approximately three hundred seventy-five feet where it crosses an unnamed stream and drainageway, thence north with the center of the unnamed stream to its confluence with Howellsville Branch, thence westerly with the center of Howellsville Branch to where it is crossed by Howellsville Road, thence southwesterly with the center of Howellsville Road until Howellsville Road connects with Morgan Ford Road, thence southerly with the center of Morgan Ford Road to where Interstate 66 crosses over Morgan Ford Road/ Happy Creek Road, thence westerly with the center of Happy Creek Road to its intersection with Polk Avenue, thence southerly with the center of Polk Avenue to its intersection with Braxton Road, thence easterly with the center line of Braxton Road to its intersection with Leach Street, thence southerly with the center line of Leach Street to its intersection with Horseshoe Drive, thence east, south and west around the curve of Horseshoe Drive and along its center line to its intersection with North Easterly Street, thence south along the center line of North Easterly Street to its intersection with East Stonewall Drive, thence west along the center line of East Stonewall Drive to its intersection with Commerce Avenue, the point of beginning.

- D. South River Election District: Beginning at a point in the center of Commerce Avenue at its intersection with East Main Street, thence with the center line of Commerce Avenue to its intersection with John Marshall Highway, thence east along the center line of John Marshall Highway to its intersection with ESA Lane, thence south along the center line of ESA Lane and ESA Lane extended to the center line of Longhill Road extended, thence south and southeasterly along the center line of Longhill Road extended and Longhill Road to its intersection with Rivinus Road, thence southeasterly along the center line of Rivinus Road to its intersection with Intake Road, thence east along the center line of Intake Road and Intake Road extended to the Fauquier County line, thence southwesterly with the Fauquier County line and the Rappahannock County line to the intersection of the Page County line into the Rappahannock County line, thence with the Page County line northwest to the Shenandoah County line, thence with the Shenandoah County line northeast to the Fork Election District, thence with the Fork Election District southeast with the center of an unnamed run to the point where it is crossed by Panhandle Road (such point being approximately two and one-tenth road miles north from the center of the Route 613 low-water bridge), thence continuing with the center of said run east then north to the point where it enters the South Fork of the Shenandoah River, thence due north to the center of the South Fork of the Shenandoah River, thence with the Fork Election District down the center of the meanders of the South Fork of the Shenandoah River northeast to the center of Luray Avenue

extended, thence easterly along the center line of Luray Avenue extended and Luray Avenue and the Fork Election District to the center of West Criser Road, thence east-southeast with the center of West Criser Road and the Fork Election District to the center of South Royal Avenue, thence with the center of South Royal Avenue and with the Fork Election District north-northwest to the center of East Main Street, thence with the center of East Main Street and the Fork Election District east to the intersection of East Main Street and Commerce Avenue, the point of beginning.

- E. North River Election District: Beginning at the point of intersection of the center lines of 6th Street and Manassas Avenue, such point being at the point of intersection of the Fork Election District, the North River Election District and the Shenandoah Election District, thence northerly with the center line of Manassas Avenue to the crossing of the Norfolk Southern Railroad, thence with the Shenandoah Election District and with the center line of the Norfolk Southern Railroad in a northeast direction to the Clarke County line, thence with the Clarke County line west-northwest to the intersection of the Clarke County line into the Frederick County line, thence with the Frederick County line south-southwest to a point near Nineveh, thence with the Frederick County line west to the intersection of the Frederick County line with the Shenandoah County line, thence with the Shenandoah County line to the center line of Strasburg Road, thence east with the center line of Strasburg Road to the overhead electric transmission lines that are the boundary line of the Town of Front Royal, thence southwesterly along the Town of Front Royal boundary line to the center of Punch Run, thence downstream with Punch Run to its confluence with the South Fork of the Shenandoah River, thence westerly with the center line of the South Fork of the Shenandoah River to a point in the center line of Kendrick Lane extended, thence southeasterly with the center line of Kendrick Lane extended, and then with the center line of Kendrick Lane southeasterly to its intersection with Sixth Street, thence with Sixth Street easterly to its intersection with Manassas Avenue, the point of beginning.

Article II. Precincts

~~§ 16-6.1: Enumeration; polling places. [REPEALED]~~

§ 16-6.2: Enumeration; polling places. [ADOPTED AND ORDAINED]

The precincts for each election district and the polling place for each precinct shall be as set forth below:

A. Fork Election District:

Precinct
Town - Fork
Otterburn

Polling Place
Warren County Government Center
Rivermont Fire Department

B. Happy Creek Election District:

Precinct

**Happy Creek and Town - Happy Creek
Linden**

Polling Place

**Warren County High School
Linden Volunteer Fire Co. Fire Hall**

C. North River Election District:

Precinct

**Town - North River
Riverton**

Polling Place

**Health and Human Services Complex
North Warren Volunteer Fire Department**

D. Shenandoah Election District:

Precinct

**West Shenandoah and Town - West Shenandoah

East Shenandoah**

Polling Place

**Front Royal Volunteer
Fire Department
Raymond E. Santmyers
Youth Center**

E. South River Election District:

Precinct

Bentonville

Browntown

South River and Town - South River

Polling Place

**South Warren Volunteer Fire
Department**

**Browntown Baptist Church Fellowship
Hall**

Skyline High School

F. Central Absentee Precinct. The Central Absentee Voting Precinct, for the purpose of receiving, counting, and recording absentee ballots cast in Warren County for all elections, is established and is to be held at the Warren County Health and Human Services Complex, 465 West 15th Street, Town of Front Royal, County of Warren, Virginia.

§ 16-7.1: Boundaries. [REPEALED]

§ 16-7.2: Boundaries. [ADOPTED AND ORDAINED]

The boundaries of the respective precincts are as set forth:

A. Fork Election District.

- 1. Town - Fork Precinct: All that portion of the Fork Election District that lies within the corporate limits of the Town of Front Royal.**
- 2. Otterburn Precinct: All that portion of the Fork Election District that lies outside the corporate limits of the Town of Front Royal.**

B. Happy Creek Election District.

1. Happy Creek Precinct: All that portion of the Happy Creek Election District lying within the corporate limits of the Town of Front Royal, together with the following portion of the Happy Creek Election District lying outside of the corporate limits of the Town of Front Royal: Beginning at a point on the Fauquier County line where it is intersected by the Town - Happy Creek Election Precinct line being a line extended southeasterly from the southern terminus of Shenandoah Valley Drive, then with the Fauquier County line generally southwestward to a point where Intake Road extended intersects with the Fauquier County line, thence west along the center of Intake Road extended and Intake Road to its intersection with Rivinus Road, thence northwesterly along the center of Rivinus Road to Longhill Road extended, thence northwesterly along the center of Longhill Road extended and Longhill Road to ESA Lane, thence north along the center of ESA Lane and the eastern boundary of the Town of Front Royal to Happy Creek Road, thence east along the center of Happy Creek Road to the point where Interstate 66 passes over Happy Creek Road, thence south and east along the center of Interstate 66 to Dismal Hollow Road, thence easterly with the center of Dismal Hollow Road to Gore Road, thence southwest along the center of Gore Road to its intersection with John Marshall Highway, thence along the center of John Marshall Highway west to its intersection with Massanutten Mountain Drive, thence along the center of Massanutten Mountain Drive southeast and south then southwest to its intersection with Club House Drive, then south along the center of Club House Drive to its intersection with Skyline View Drive, then south along the center of Skyline View Drive to its intersection with the Short Piece Lane, thence east-northeast along the center of Short Piece Lane to its intersection with Shenandoah Valley Drive, then south then southeast along the center of Shenandoah Valley Drive and Shenandoah Valley Drive extended to the Fauquier County line, the point of beginning.

For town elections, there shall be an election precinct to be known as the Town of Front Royal - Happy Creek Precinct, which shall consist of that portion of the Happy Creek Election District lying within the corporate limits of the Town of Front Royal.

2. Linden Precinct: Beginning at a point on the Fauquier County line where it is intersected by the Town - Happy Creek Election Precinct line being a line extended southeasterly from the southern terminus of Shenandoah Valley Drive, then with the Fauquier County line generally eastward and northward to a point where the center line of Freezeland Road crosses the Fauquier County line, such point being approximately one thousand feet southwest of the intersection of Freezeland Road and a subdivision road currently named High Top Road, thence with the Shenandoah Election District as follows: along the center of Freezeland Road northeasterly to its intersection with High Top Road, thence with the

center of High Top Road to its intersection with a subdivision road currently known as Crossway Lane, thence westerly with the center of Crossway Lane to its intersection with a subdivision road currently known as Cappy Road, thence west with the center of Cappy Road approximately three hundred seventy-five feet where it crosses an unnamed stream and drainageway, thence north with the center of the unnamed stream to its confluence with Howellsville Branch, thence westerly with the center of Howellsville Branch to where it is crossed by Howellsville Road, thence southwesterly with the center of Howellsville Road until Howellsville Road connects with Morgan Ford Road, thence southerly with the center of Morgan Ford/Happy Creek Road to where it is crossed by Interstate 66, thence along the Town - Happy Creek Election Precinct line as follows: south and east along the center of Interstate 66 to Dismal Hollow Road, thence easterly with the center of Dismal Hollow Road to its intersection with Gore Road, thence southwest along the center of Gore Road to its intersection with John Marshall Highway, thence along the center of John Marshall Highway west to its intersection with Massanutten Mountain Drive, thence along the center of Massanutten Mountain Drive southeast and south then southwest to its intersection with Club House Drive, then south along the center of Club House Drive to its intersection with Skyline View Drive, then south along the center of Skyline View Drive to its intersection with the Short Piece Lane, thence east-northeast along the center of Short Piece Lane to its intersection with Shenandoah Valley Drive, then south then southeast along the center of Shenandoah Valley Drive and Shenandoah Valley Drive extended to the Fauquier County line, the point of beginning.

C. North River Election District.

1. Town - North River Precinct: All that portion of the North River Election District that lies within the boundary of the Town of Front Royal.
2. Riverton Precinct: All that portion of the North River Election District that lies outside the boundary of the Town of Front Royal.

D. Shenandoah Election District.

1. West Shenandoah Precinct: All that portion of the Shenandoah Election District lying within the corporate limits of the Town of Front Royal, together with all that portion of the Shenandoah Election District lying outside of the corporate limits of the Town of Front Royal which is west of the Shenandoah River.

For Town elections, there shall be an election precinct to be known as the Town - West Shenandoah Precinct, which shall consist of that portion of the Shenandoah Election District lying within the corporate limits of the Town of Front Royal.

2. East Shenandoah Precinct: All that portion of the Shenandoah Election District lying outside the corporate limits of the Town of Front Royal which is east of the Shenandoah River.

E. South River Election District:

1. Bentonville Precinct: Beginning at a point on the South Fork of the Shenandoah River at its intersection with Gooney Creek, thence with the meanders of the Shenandoah River westerly for a distance of three and six-tenths miles to the westernmost point of the first western bend of said river, thence around such bend in a southeasterly direction for a distance of approximately one thousand three hundred feet to a point due north of an unnamed run, thence south to the point where said run enters the South Fork of the Shenandoah River and with the center of said run and the Fork Election District south then west to the point where it is crossed by Panhandle Road (such point being approximately two and one-tenth road miles north from the center of the Route 613 low-water bridge), thence continuing with the center of said run to the point of its beginning which lies within the George Washington National Forest, thence continuing in a northwesterly direction up the slope of the Massanutten Mountain to the intersection of the Shenandoah County line, thence with the Shenandoah County line southwest to the point of intersection of the Page County - Warren County boundary line with the Shenandoah County - Warren County boundary line, thence southeasterly with the Page County line to its intersection with Mathews Arm Road, thence northerly with Mathews Arm Road to its intersection with Gimlet Ridge Trail, thence northerly with Gimlet Ridge Trail to the boundary of Shenandoah National Park, thence northerly along an unnamed trail to a point on Bentonville Road approximately 2,000 feet east of its intersection with Jennings Lane, thence easterly on Bentonville Road to its intersection with William Vincent Road, thence northerly with William Vincent Road to its intersection with Buck Mountain Road, thence westerly, then northerly along Buck Mountain Road approximately 4,000 feet to its intersection with Forest Court, thence northerly with Forest Court to its end and then continuing with an unnamed trail to Gooney Creek, thence along Gooney Creek to the South Fork of the Shenandoah River and the place of beginning.
2. Browntown Precinct: Beginning at a point on Stonewall Jackson Highway (U. S. Route 340) where it crosses over Gooney Creek, a corner to the Bentonville Precinct, thence north along the center line of Stonewall Jackson Highway (U. S. Route 340) to where it crosses Dry Run, thence with Dry Run to a point on Skyline Drive, thence with the line of Skyline Drive in a southerly direction to the Rappahannock County line, thence with the Rappahannock County line southwesterly to the intersection of the Page County line and Rappahannock County line, thence northerly

along the Page County line to its intersection with Mathews Arm Road, thence northerly with Mathews Arm Road to its intersection with Gimlet Ridge Trail, thence northerly with Gimlet Ridge Trail to the boundary of Shenandoah National Park, thence northerly along an unnamed trail to a point on Bentonville Road approximately 2,000 feet east of its intersection with Jennings Lane, thence easterly on Bentonville Road to its intersection with William Vincent Road, thence northerly with William Vincent Road to its intersection with Buck Mountain Road, thence westerly, then northerly along Buck Mountain approximately 4,000 feet to its intersection with Forest Court, thence northerly with Forest Court to its end and then continuing with an unnamed trail to Gooney Creek, thence along Gooney Creek to where it crosses Stonewall Jackson Highway (U. S. Route 340), the place of beginning.

3. South River Precinct: Beginning at a point in the center of Commerce Avenue at its intersection with East Main Street, thence with the center line of Commerce Avenue to its intersection with John Marshall Highway, thence east along the center line of John Marshall Highway to its intersection with ESA Lane, thence south along the center line of ESA Lane and ESA Lane extended to the center line of Longhill Road extended, thence south and southeasterly along the center line of Longhill Road extended and Longhill Road to its intersection with Rivinus Road, thence southeasterly along the center line of Rivinus Road to its intersection with Intake Road, thence east along the center line of Intake Road and Intake Road extended to the Fauquier County line, thence southwesterly with the Fauquier County line and the Rappahannock County line southwest to its intersection with Skyline Drive, thence northwards along the centerline of Skyline Drive to Dry Run, thence northeasterly downstream along Dry Run to where it crosses under Stonewall Jackson Highway (U. S. Route 340), thence south along the center of Stonewall Jackson Highway (U. S. Route 340) to where it crosses over Gooney Creek, thence west along the center of Gooney Creek to the center of the South Fork of the South Fork of the Shenandoah River, thence down the center of the meanders of the South Fork of the Shenandoah River northeast to the center of Luray Avenue extended, thence easterly along the center line of Luray Avenue extended and Luray Avenue and the Fork Election District to the center of West Criser Road, thence east-southeast with the center of West Criser Road and the Fork Election District to the center of South Royal Avenue, thence with the center of South Royal Avenue and with the Fork Election District north-northwest to the center of East Main Street, thence with the center of East Main Street and the Fork Election District east to the intersection of East Main Street and Commerce Avenue, the point of beginning.

For Town elections, there shall be an election precinct to be known as the Town - South River Precinct, which shall consist of that portion of the

**South River Election District lying within the corporate limits of the
Town of Front Royal.**

The provisions of these Sections 16-3.2, 16-6.2, and 16-7.2 shall not be given effect until the Attorney General has issued a certification of no objection as defined in Va. Code § 24.2-129(D).

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

Public Hearing – Conditional Use Permit 2021-11-02, Dennis Flynn for a Short-Term Tourist Rental Located at 484 Creek Road and Identified on Tax Map 39C, Block B, as Lot 27 – 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 this single-family dwelling for fewer than thirty (30) days. The applicant has stated he would like to rent the lower portion of his house as a short-term tourist rental from the Spring through the Fall from Thursday through Sunday. He is primarily targeting users of the Appalachian Trail and those wanting to visit Shenandoah National Park and Skyline Drive. He plans to shuttle guests to Town, if necessary, when they have no other options for transportation.

Mr. Wendling noted the property is within the Lake Front Royal Sanitary District, and the Planning Department received comments from the Lake Front Royal Property Owners Association (LFRPOA). The LFRPOA had concerns about speeding on the road by renters, increased well water usage, and about the precedent this application may set being the first short-term tourist rental in the Sanitary District. The LFRPOA is 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 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 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.

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 Mrs. Cook, seconded by Mr. Butler, and by the following vote, the Board of Supervisors approved the conditional use permit request of Dennis Flynn for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant 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 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.
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 2021-11-05, David Kondner for a Short-Term Tourist Rental Located at 153 Beckwith Drive and Identified on Tax Map 21B, Section 1, Block 1, as Lot R – Joe Petty

Mr. Petty reported the applicant is requesting a conditional use permit for a short-term tourist rental for individuals who will be visiting the Warren County area as the applicant believes his property is ideal for tourism given its access to the Shenandoah River. The owner/applicant currently lives in Warren County and plans to clean and maintain the property in between reservations. He also owns the adjoining property to the east located at 167 Beckwith Drive.

The subject property does not meet the required setback of 100' from the neighboring dwelling (owned by the applicant) which is approximately 30' away. The subject property also does not meet the required setback of 100' from the dwelling two parcels east, which is approximately 88' away. After the initial adoption of the short-term tourist rental ordinance, the Board of Supervisor granted very few waivers to the 100' setback, however most recently the Board has not approved any waivers to the setback regulation.

The Planning Commission forwarded this application to the Board recommending denial and, given the recent amount of short-term rental applications and approvals that are able to meet Warren County Code Section 180-56.4(O) requiring a setback of 100-feet, staff cannot support approval of this application with the Code as written and possible precedent that may be created.

David Kondner introduced himself as the applicant and made note of the concerns raised during the Planning Commission public hearing, such as inadequate parking and the failure to comply with the 100' setback requirement. He referred the Board members to the letter he submitted prior to the public hearing that included pictures of the property clearly showing there is room for adequate parking. He also believes the 100' setback requirement is an arbitrary number established by the Planning Commission and Board of Supervisors with no consideration for unique, individual subdivisions. This property is in a prime area along the Shenandoah River for people to enjoy, and it would be in the County's best interest to make an exception to the setback requirement.

Mr. Butler asked about the residence that is 30' away from the subject property, and Mr. Kondner replied he owns both properties. Due to the terrain in the area, one residence is further up the hillside and the other is closer to the river. Mr. Butler then asked what the plan is for the other property, and Mr. Kondner said he would like to sell the subject property (153 Beckwith Drive) with the short-term tourist rental permit in place and retain ownership of 167 Beckwith Drive for a long-term rental.

Mrs. Oates sought confirmation that property owners can rent their home long-term by-right, and Mr. Petty confirmed rentals longer than thirty (30) days are by-right.

Mr. Mabe inquired about the timeframe of the sale of the property, and Mr. Kondner said he would hopefully be putting the property on the market this spring.

Mrs. Cullers opened the public hearing.

Joe Comstock introduced himself as Mr. Kondner's real estate agent based out of Winchester who has had the opportunity to work with Mr. Kondner for a few years since he originally purchased the Beckwith Drive properties. Mr. Comstock has seen the work Mr. Kondner has put into the property for the short-term rental opportunity and commended him for it. Mr. Comstock also noted many of the rental platforms, such as AirBnB, have vetting procedures in place for the guests. He believes Mr. Kondner will do a good job in taking care of any issues that may arise.

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

Mr. Butler asked what the implications would be for approving this permit with other residences so close to the home, and Mr. Petty said the setback requirement was established to ensure peace of mind among the neighboring residences to a potential rental property as well as additional separation. Mr. Butler wondered if it would be possible to add a condition to the permit that both properties (153 and 167 Beckwith Drive) must be owned by same person, and Mr. Petty replied that the permit runs with the property, not with the owner, and the conditions must relate to the property itself.

Mrs. Oates asked if a conditional use permit for a short-term tourist rental has ever been approved granting a waiver to the setback requirement. Mr. Petty stated one was approved and granted in 2016 that had a 38' setback, but the use was never established. There was also one approved with a 40' setback and, similar to this situation, the same person owned both. Most recently, a permit was approved in 2019 on Rocky Lane with a setback of 63'. Mrs. Oates then asked if any objection for this proposed use had been received from the owner of the next nearest property, which is 88' away, and Mr. Petty said the Planning Department had not received any comments from this owner.

On a motion by Mrs. Cook, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of David Kondner for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

Butler, No; Oates, Aye; Cullers, No; Cook, Aye; Mabe, 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 two as determined according to the Health Department operational permit for a one-bedroom dwelling.
3. The applicants shall have the well/drinking 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.

7. A waiver to the required setback of 100' to the adjacent property dwelling shall be granted for the existing 30' and 88' setback to the dwellings east of the subject property.

Public Hearing – Conditional Use Permit 2021-11-07, Danielle and David Kibiloski for a Bed-and-Breakfast Located at 990 Hillandale Road and Identified on Tax Map 30C, Section 1, Block 5, as Lot 50 – Matt Wendling

Mr. Wendling reported the applicants are requesting a conditional use permit for a Bed and Breakfast for rental of rooms in their single-family dwelling for fourteen (14) days or fewer. In their statement of justification, the applicants state that their B&B will serve the through hikers on the Appalachian Trail from April through July. They plan to have a transport service to pick up the hikers at the trailhead and bring them to both the residence and the downtown area for shopping and dining at some of the local eateries. This would allow their guests to replenish their supplies and food for the continuation of their journey. They will offer hot showers, a warm bed, and a hearty breakfast to get them on their way. The applicants feel that the Appalachian Trail is an important resource for both local hikers and through hikers as well as an economic resource for community businesses and tourism venues. They have designated the business as a 401(C)(3) in order to make contributions of some of their profits to the Northern Virginia 4-H Center Endowment Fund to benefit youth campers coming to the 4-H Center.

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 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. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.
6. The property owner shall provide transportation for guests to and from the property.

Mr. Wendling noted the Planning Commission forwarded this application to the Board with an occupancy limit of eight (8) persons, but since the Planning Commission's

recommendation in December, the Kibiloskis have completed a conversion from the existing Conventional Onsite Sewage System (COSS) to an Alternative Onsite Sewage System (AOSS) that would accommodate a five-bedroom dwelling with ten (10) occupants. The Kibiloskis have received their operational permit from the Health Department for this approved AOSS, and they are requesting an increase to the occupancy limit in condition #2 from eight persons to ten persons.

David Kibiloski introduced himself as one of the applicants, along with his wife, who together hiked the Appalachian Trail in 2018. He and his wife are eager to bring this lifelong dream to fruition to be able to give back to hikers. He noted one of the concerns with the Planning Commission regarding this application was the boundaries of the property, and he said he has installed “No Trespassing” signs, and a fence will also be installed making the property line clear. They had the water test completed last month, and both the insurance and financial services are coming along. They also have a 15-passenger van for transporting the hikers, for which there is no Commercial Driver’s License (CDL) needed, nor do they need a taxi license because they do not receive any direct or indirect compensation from the hikers as they offer the transportation service free of charge.

Mrs. Cullers opened the public hearing.

Susan Tschirhart, 327 Skyline Pl., said she had submitted a letter in support of this application as the Chair for the Front Royal-Warren County Appalachian Trail Community. She believes this bed-and-breakfast will be a catalyst to sustain economic development and see the Appalachian Trail as an asset as well as provide the hiking community an opportunity for respite and enjoyment of the area. She also runs a shuttle service for members of the hiking community, and all the guests of the Kibiloskis she has spoken with have provided positive reviews.

Rose Turner, 2032 Marys Shady Lane, stated she is a shuttle driver for the hiking community as well as a through-hiker herself. She hoped the Board saw the immediate and long-term economic and social benefits to supporting this application. Nearly everyone who comes to visit this area is coming to experience the outdoors, and upwards of 1,000 through and section hikers come to town to resupply and rest. She has stayed in about thirty (30) hostel-type accommodations when hiking, and the Kibiloskis’ Stumble Inn is above and beyond the best she has used.

There being no further 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 approved the conditional use permit request of Danielle and David Kibiloski for a Bed and Breakfast with the conditions as recommended by the Planning Commission and staff and listed below with the amendment to condition #2 to increase the occupancy limit to ten (10):

Mabe, Aye; Cook, Aye; Cullers, Aye; Oates, Aye; Butler, 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 ten as determined according to the Health Department operational permit for a five-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. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.
6. The property owner shall provide transportation for guests to and from the property.

Public Hearing – Conditional Use Permit 2021-12-02, John Lavoie for a Short-Term Tourist Rental Located at 1196 Old Oak Lane and Identified on Tax Map 7A, Section 4, as Lot 15 – Matt Wendling

Mr. Wendling reported the applicant is requesting a conditional use permit for a short-term tourist rental for this single-family dwelling for fewer than thirty (30) days. The applicant purchased the property in January 2021 and would like to be able to offset the costs for maintenance, insurance, and mortgage by renting short-term. The applicant states he plans to operate the rental part-time since he and his family will be using it for their own personal use as a second home to enjoy Warren County and the Shenandoah Valley. He intends to have an active role in managing the rental but has retained an experienced management company, "Stay BnB DC" which has managed other local properties. The owner plans to make improvements to the current one-room hunter's cabin to include expanding it to two bedrooms, two bathrooms, and additional living quarters. There also will be improvements to the property grounds with landscaping for screening and privacy fencing.

Mr. Wendling further noted the Property Owners of Shenandoah Farms submitted an email stating it had no objections to this permit.

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 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 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.
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.

John Lavoie introduced himself as the applicant and reiterated how committed he is to ensuring the property is managed in a way that will improve the value of property.

Mrs. Cullers opened the public hearing.

Abdul Khan, 627 Bowling Green Road, said the vacant lot adjacent to this home has been in his family for forty-five (45) years. His concerns regarding the septic system were addressed, and as long as the renters adhere to the “leave no trace” philosophy, he is in support of the vacation rental.

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

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors approved the conditional use permit request of John Lavoie for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

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

1. The applicant 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 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.

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.

Additional New Business – Citizen Appointment to the Front Royal-Warren County Airport Commission

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors amended the agenda to add a citizen appointment to the Front Royal-Warren County Airport Commission:

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

On a motion by Mr. Butler, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors appointed Sean Roe to the Front Royal-Warren County Airport Commission for an unexpired four-year term beginning upon appointment and ending June 30, 2025:

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

Mr. Butler requested that sometime in the near future, the Board discuss the setback requirement of 100' for short-term rentals. If the requirement is something the Planning Commission would recommend keeping in place, the Board should respect this requirement and not grant a waiver unless there are strong mitigating circumstances. The consensus of the Board was to refer this matter to the Planning Commission for analysis and report.

Adjournment

Mrs. Cullers adjourned the meeting at 8:35 PM.