AGENDA
Board of Supervisors Meeting

March 1, 2022

9:00 AM

Moment of Silence

A. Call to Order and Pledge of Allegiance of the United States of America
B. Adoption of Agenda – Additions or Deletions
C. Public Comment Period (60 Minute Time Limit)
D. Report – Virginia Department of Transportation – Ed Carter
E. Reports – Board Members, County Administrator, Interim County Attorney
F. Approval of Minutes – Regular Meeting of February 15, 2022

NEW BUSINESS

G. Consent Agenda
    1. Donation of Two (2) Warren County Sheriff's Office Vehicles to Warren County Public Schools – Alisa Scott/Sheriff Mark Butler
    2. Proclamation Recognizing National Procurement Month and Professional Buyer's Day – Alisa Scott
    3. Additional Funding Request of the Humane Society of Warren County – Matt Robertson
    4. Citizen Appointment to the Shannon Woods Sanitary District Advisory Committee – Michael Coffelt
    5. Use of Courthouse Grounds for the Sexual Assault Awareness Teal Ribbon Campaign, The Laurel Center – Rachel Bollinger/Emily Ciarrocchi
    6. Use of Courthouse Grounds for the Domestic Violence Awareness Purple Ribbon Campaign, The Phoenix Project – Melanie Stull/Emily Ciarrocchi
    7. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-01, Aaron Hike for a Short-Term Tourist Rental Located off Pineview Drive and Identified on Tax Map 21B, Section 3, Block 6, as Lot U – Matt Wendling
    8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-02, Jana and Aaron Bricco for a Short-Term Tourist Rental Located at 179 Cliff Road and Identified on Tax Map 24A, Section 28A, as Lot 323 – Matt Wendling

9. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-03, Rachel Ward and Simon Booth for a Short-Term Tourist Rental Located at 627 Vesey Drive and Identified on Tax Map 7A, Section 1, as Lot 120A – Matt Wendling
10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-04, Karen Thomson for a Short-Term Tourist Rental Located at 535 Sunset Village Road and Identified on Tax Map 27D, Section 1, Block 53, as Lot 3A – Joe Petty
11. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-05, Michael Ney for a Short-Term Tourist Rental Located at 207 Riverview Shores Drive and Identified on Tax Map 13C, Section 1, Block S, as Lot 15A – Chase Lenz
12. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-06, Alvand Khoshgavar for a Short-Term Tourist Rental Located at 668 Old Dam Road and Identified on Tax Map 13A, Section 5, as Lot 6 – Joe Petty
13. Authorization to Advertise for Public Hearing – Conditional Use Permit 2022-01-07, Jennifer Anderson and Christopher Olszewski for a Short-Term Tourist Rental Located at 1240 Downing Farm Road and Identified on Tax Map 36C, Section 2, Block 4, as Lot 48 – Matt Wendling
14. Authorization to Advertise for Public Hearing – Z2021-10-02, Ordinance to Amend and Re-Ordain Sections 180-8 and 180-16 of the Warren County Code re: Floodplain Overlay District – Matt Wendling
15. Authorization to Advertise for Public Hearing – Z2022-01-01, Ordinance to Amend and Re-Ordain Chapter 180 (Zoning) of the Warren County Code re: Family Day Home – Matt Wendling
16. Coyote Bounties – Marcia Breeden (3) – $50.00 Each – Animal Control

H. Closed Session – Virginia Freedom of Information Act

1. Section 2.2-3711(A)(1) Personnel re: Front Royal-Warren County Economic Development Authority Board of Directors and Northwestern Community Services Board
2. Sections 2.2-3711(A)(7) and (A)(8) Consultation with Legal Counsel Pertaining to Actual or Probable Litigation and for the Provision of Legal Advice Relating to Economic Development Authority Matters
3. Section 2.2-3711(A)(8) Consultation with Legal Counsel for the Provision of Legal Advice Relating to Intergovernmental Agreements

I. Additional New Business (If needed)

J. Adjournment

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WORK SESSION

A. Discussion – Virginia Department of Transportation Secondary Six-Year Plan – Ed Carter

B. Discussion – Rockland Road Project – Taryn Logan

C. Discussion – Proposed FY 2022-2023 Budget – Matt Robertson

D. Adjournment

Maintenance:

- Have been conducting grading operations on stabilized roads and applying stone as weather and conditions allowed; will be continuing this month
- Mobilized for some weather events but not to the extent from January
- Potholes have been frequent with the extreme temperature swings, and VDOT continues to address those as they arise
- Continued with brush and tree trimming on Route 340 South to open up sight distance in the passing zones and along Browntown Road and Guardhill Road; will continue along various other routes in March
- Will also be installing some pipes on various routes in March, weather permitting

Board Issues:

- Completed scaling operations along Route 340 South between the refuse site and the KOA campground last week utilizing the (For Hire) contractor as they still don't have a District contract
- Completed taking speed samples on Panhandle Road as requested by Supervisor Cook. Results indicate that there is no speeding issue as 85% of the drivers were traveling at 31 MPH in the statutory limit of 35 MPH. A copy of the results was shared with the Warren County Sheriff's Office

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

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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:

- <u>Revenue Updates for January</u>

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

- 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

- <u>Department of Fire and Rescue Services</u>
  - 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.
- <u>Planning and Development</u>
  - 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 though 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 ±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 it 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	**Polling Place**
Town - Fork	**Warren County Government Center**
Otterburn	**Rivermont Fire Department**

B. Happy Creek Election District:

Precinct	Polling Place
Happy Creek and Town - Happy Creek	Warren County High School
Linden	Linden Volunteer Fire Co. Fire Hall

C. North River Election District:

Precinct	Polling Place
Town - North River	Health and Human Services Complex
Riverton	North Warren Volunteer Fire Department

D. Shenandoah Election District:

Precinct	Polling Place
West Shenandoah and Town - West Shenandoah	Front Royal Volunteer Fire Department
East Shenandoah	Raymond E. Santmyers Youth Center

E. South River Election District:

Precinct	Polling Place
Bentonville	South Warren Volunteer Fire Department
Browntown	Browntown Baptist Church Fellowship Hall
South River and Town - South River	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 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.

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.

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
March 1, 2022	G-1	Sheriff's Office Vehicle Trade-Ins and Transfers	

EXPLANATION & SUMMARY:

The Finance and Purchasing Department would like to update the Board on two vehicles traded in and two vehicles requested to be transferred. All valuations of vehicles were provided by the Commissioner of the Revenue. This valuation takes the Vehicle Identification Number (VIN) and mileage into consideration.

On February 16th, 2022, the Sheriff purchased a used 2019 Ford Explorer with 38,118 miles from Front Royal Buick/GMC for $35,886.50. This price was offset by the trade-in of a 2011 Dodge Charger with 141,350 miles and a 2011 Chevy Impala with 108,666 miles. The combined value of the trade-ins was $8,500.00. The price of the 2019 Ford was further offset by the total loss payment of $29,600.00 from a recent insurance claim.

In addition, we received a request from the Sheriff's office to transfer a 2013 Ford F150 vehicle #57 (VIN 9491) with 127,635 miles valued between $15,4750.00 - $16,750.00 and a second 2013 Ford F150 vehicle # 92 (VIN 0196) with 112,734 miles valued between $15,950.00 - $17,225.00 to Warren County Public Schools.

Currently, the County does not have procedures for the disposition of surplus materials, however the Department of Finance and Purchasing is finalizing such a procedure through the Procurement Policy it plans to propose in March 2022.

Section 2.2-1124 Disposition of surplus materials of the Virginia Public Procurement Act authorizes the County to permit surplus materials to be transferred between or sold to departments, divisions, institutions, or agencies of the Commonwealth.

Please find (2) letters from Sheriff Mark Butler requesting the transfer.

COST & FINANCING:

Vehicle	Revenue or Loss
Vehicle Purchase	Expenditure of $35,886.50
Total loss of vehicle #30 (VIN 7483)	Revenue $29,600.00
Trade-in of vehicle #53 (VIN 3745) and #40 (VIN 2329)	Revenue $8,500.00
Transfer to Schools vehicle #92 (VIN 0196)	Loss $15,950.00 - $17,225.00
Transfer to Schools vehicle #57 (VIN 9491)	Loss $15,4750.00 - $16,750.00
4 vehicles reduced from fleet	**$31,425 value of assets transferred to school**

PROPOSED OR SUGGESTED MOTION:

I move the Board of Supervisors authorize the transfer of (2) 2013 Ford F-150 vehicles with VINs ending in 0196 and 9491 to the Warren County School Board. I further authorize the County Administrator to sign over the title of these vehicles to the Warren County School Board.

or

I move the Board of Supervisors do not authorize the transfer of (2) 2013 Ford F-150 vehicles with VINs ending in 0196 and 9491 to the Warren County School Board.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Alisa Scott, Deputy Finance Director		

WARREN COUNTY SHERIFF'S OFFICE

200 Skyline Vista Drive, Front Royal, Virginia 22630
(540) 635-4128 (540) 636-4950 (Fax) www.warrencountysheriff.org

Mark A. Butler, Sheriff

TO: Ed Daley, County Administrator

FR: Mark A. Butler, Sheriff

DT: November 12, 2021

RE: Transfer of County Vehicle

I am requesting that you transfer the below listed vehicle from the Sheriff's Office to Warren County Public Schools Transportation Dept. The vehicle has been retired from the Sheriff's Office fleet; however, the appropriate approval of document transaction should take place. Any questions please contact me.

Vehicle #57 2013 Ford F150 Vin #1FTEX1EM2DFB69491

CC: Matt Robertson, Finance Director

WARREN COUNTY SHERIFF'S OFFICE

200 Skyline Vista Drive, Front Royal, Virginia 22630
(540) 635-4128 (540) 636-4950 (Fax) www.warrencountysheriff.org

Mark A. Butler, Sheriff

TO: Ed Daley, County Administrator

FR: Mark A. Butler, Sheriff

DT: November 19, 2021

RE: Transfer of County Vehicle

I am requesting that you transfer the below listed vehicle from the Sheriff's Office to Warren County School Board-Bus Garage. The vehicle has been retired from the Sheriff's Office fleet; however, the appropriate approval of document transaction should take place. Any questions please contact me.

Vehicle **#92** 2013 Ford F150 Vin #1FTEX1EM8DGD70196

CC: Matt Robertson, Finance Director

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT	PAGE 1 OF
March 1, 2022	**G-2**	Proclamation Recognizing National Procurement Month and Professional Buyer's Day	

EXPLANATION & SUMMARY:

This proclamation recognizes March as Governmental Purchasing Month in Virginia and Professional Buyer's Day. Each year, March is set aside as a time to advocate the role of the public procurement profession and acknowledge the professionals that make a difference in governmental efficiency and effectiveness each day.

Did you know…

You can find all of Warren County's solicitations in a central location on the Commonwealth of Virginia's e-procurement portal, eVA!

COST & FINANCING: N/A

CONSENT AGENDA MOTION:

I move that the Board of Supervisors proclaim March 2022 as National Procurement Month and further proclaim Thursday, March 10, 2022 to be Professional Buyer's Day in Warren County.

SUBMITTED BY:	DISPOSITION OF BOARD: □ APPROVED □ OTHER (DESCRIBE)	PROCESSED BY:
Alisa Scott Deputy Finance Director		

PROCLAMATION

of the Board of Supervisors of Warren County Recognizing National Procurement Month and Professional Buyer's Day

WHEREAS, the Public Procurement Profession plays a significant role in the efficiency and efficacy of both government and private business; and

WHEREAS, in addition to the purchase of goods and services, procurement professionals add value to the organization by performing such functions as executing, implementing, and administering contracts, developing strategic procurement initiatives, and cultivating working relationships with the vending community and other departments within the organization; and

WHEREAS, public procurement professionals in Warren County and in other public and private organizations have tremendous influence on the economic conditions in the United States, with accumulative purchasing power running into the billions of dollars; and

WHEREAS, the public procurement professionals in Warren County are committed to providing high-caliber, strategic, logistical and operational support of all departments within Warren County; and

WHEREAS, the public procurement professionals in Warren County recognize, support and practice the Public Procurement Values and Guiding Principles of Accountability, Ethics, Impartiality, Professionalism, Service, and Transparency, established by NIGP - The Institute for Public Procurement (NIGP) as fundamental tenets of the Public Procurement Profession; and

WHEREAS, NIGP has proclaimed the month of March as Procurement Month to further expand the awareness of the public procurement professional's value within an organization to governmental officials, the general public, private businesses and corporate leaders.

NOW, THEREFORE, BE IT RESOLVED THAT, the Warren County Board of Supervisors do hereby recognize the Public Procurement Profession for its impact within business, industry, and government, and proclaim the month of March 2022 as

PROCUREMENT MONTH

and recognize the individual contribution of public procurement professionals proclaiming March 10, 2022, as

PROFESSIONAL BUYER'S DAY

Adopted: March 1, 2022

_____

Deputy Clerk, Board of Supervisors
County of Warren, Virginia

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
March 1, 2022	**G-3**	Humane Society of Warren County Additional Funding Request	

EXPLANATION & SUMMARY:

At the Budget Work Session on February 1st, 2022, the Humane Society of Warren County made a presentation on their current and future funding conditions. Due to the state passing new minimum wage standards, the Humane Society requires additional funding in this fiscal year of $12,815 to increase pay rates for Kennel Attendant positions from January 1, 2022 to June 30, 2022. The attached memo was received by the Finance Department in support of the request from Executive Director Meghan Bowers on February 3rd, 2022.

Funding in the Special Projects Fund exists to support the increase to the contractual FY21-22 payment of $12,815 in order to fully fund the minimum wage increase for all employees of the Humane Society. Future year additions will be considered with the adoption of Warren County's Budget.

COST & FINANCING: $9,093 from the Special Projects Fund. $3,722 of budget is already available in the appropriate line item to fulfill the entire request of $12,815.

CONSENT AGENDA MOTION:

1) I move that the Board of Supervisors approve the request to increase the contract payment to the Humane Society for the amount of $12,815 as outlined.

ALTERNATIVE MOTION:

1) I move that the Board of Supervisors not approve the request to increase the contract payment to the Humane Society for the amount of $12,815 as outlined.

OR

2) I move that the Board of Supervisors postpone the request until _____.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Matt Robertson, Finance Director		

Humane Society of Warren County

Warren County Board of Supervisors

Jay Butler, Vicky Cook, Cheryl Cullers, Walt Mabe & Delores Oates

Dear Supervisors,

The Humane Society of Warren County would be grateful for the Board's consideration of a supplemental financial contribution in the amount of $12,815.00. The funding we are requesting is to cover the increased payroll expenses resulting from the January 1st 2021 minimum wage increase to $11 per hour.

The Humane Society of Warren County holds an existing contract with the County of Warren to operate as the County Pound. This contract signed in 2020 was for a term of 3 years, and did not account for the increase in the minimum wage. With 12 employees of the shelter currently earning minimum wage, the impact has had a dramatic effect on the shelter's operating budget. The $12,815 we have requested is for the 6 month period beginning January 1st, 2021.

We thank you for your service to our community and for your consideration.

Warmest Regards,

Meghan Bowers

Executive Director

Humane Society of Warren County

Employee	Position	Previous Pay Rate	New Minimum Wage	Pay Difference	Weekly Scheduled Hours	Increase in weekly pay	Increase in FICA	Increase in monthly pay	
Kate C.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Taylor E.	Kennel Attendant 1	10	11	1	32	$ 32.00	$ 2.45	$ 137.79	
Brittany G.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Kristy G.	Kennel Attendant 1	10	11	1	32	$ 32.00	$ 2.45	$ 137.79	
Samantha H.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Seth J.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Taylor P.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Katie R.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Jamie S.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Amanda W.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Jacob W.	Kennel Attendant 1	9.5	11	1.5	32	$ 48.00	$ 3.67	$ 206.69	
Totals:						$ 496.00	$ 37.94	$ 2,135.78	**$ 12,814.66 6 month increase**

Warren County Appropriation and Transfer Form

Department: Finance
Contact: Matt Robertson
Fiscal Year: 2022
Date Submitted: 2/18/2022

Type of adjustment: Transfer ☑ Appropriation ☐

Explanation of request (Required):

The purpose of this BAF is to transfer funding from the Special Projects - Contingency account to the Board of Dogs expenditure code within the Sheriff's Office budget. These funds are necessary for the Humane Society to fund the increase in minimum wage effective 1/1/2022 as mandated by the State.

Revenue

Account Title	Account Code (3-xxx-xxxxxx-xxxx)	Current Budget	Adjustment Amount (+/-)	Revised Budget	Finance Use Only
Prior Year Fund Balance - Special Projects	3-42-41900-10	1,048,829	9,093	1,057,922	CR
Transfer from Special Projects	3-1-41050-42	882,329	9,093	891,422	CR
				-	
				-	
				-	
				-	
				-	
	Total Adjustments		18,186		

Expenditure

Account Title	Account Code (4-xxx-xxxxxx-xxxx)	Current Budget	Adjustment Amount (+/-)	Revised Budget	Finance Use Only
Transfer to General Fund	4-42-99010-1	1,048,829	9,093	1,057,922	DR
Board of Dogs	4-1-35010-5604	330,000	9,093	339,093	DR
				-	
				-	
				-	
				-	
				-	
	Total Adjustments		18,186		

APPROVALS

Department (Required)

N/A

Signature **Date**

Finance **Comments:**

Signature **Date**

County Administration **Comments:**

Signature **Date**

Board Approval **Comments:**

Submission Packet: **Date**

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF 1
March 1, 2022	G-4	Citizen Appointment to the Shannon Woods Sanitary District Advisory Committee	

EXPLANATION & SUMMARY:

Please see the attached correspondence from Michael Coffelt, Sanitary District Manager. Pursuant to Section 2-1 of the Advisory Committee Bylaws, "All Directors and the Alternate shall be appointed by the Board of Supervisors."

COST & FINANCING: N/A

CONSENT AGENDA MOTION:

I move that the Board of Supervisors appoint Victoria Thompson to the Shannon Woods Sanitary District Advisory Committee.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Michael Coffelt, Sanitary District Manager		

COUNTY OF WARREN

County Administrator's Office
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630
Phone: (540) 935-7649
FAX: (540) 636-6066
Email: mcoffelt@warrencountyva.net

Michael D. Coffelt
Sanitary District Manager

BOARD OF SUPERVISORS

*****

CHAIR
Cheryl L. Cullers
South River District

VICE CHAIR
Delores R. Oates
North River District

Jerome K. Butler
Happy Creek District

Vicky L. Cook
Fork District

Walter J. Mabe
Shenandoah District

*****

Dr. Edwin C. Daley
County Administrator

TO: Emily Ciarrocchi, Deputy Clerk of the Board

FROM: Michael D. Coffelt, Sanitary District Manager

REFFERENCE: Alternate Advisory Board Application, SWSD

Please see Application for Citizen Appointment for the Shannon Woods Sanitary District Advisory Committee Alternate position. Per By-Laws (Article 2-1) of The Shannon Woods Sanitary District Advisory Committee all Directors and or Alternates shall be appointed by the Warren County Board of Supervisors.

Please have this application on the Consent Agenda for March 1st, 2022, BOS Meeting.

Respectfully,

Michael D. Coffelt
Sanitary District Manager, Warren County Public Works
126 E. 2nd Street, Front Royal, VA 22630
540-935-7649 (CELL)
540636-3783 (OFFICE)
540-636-3517 (FAX)
mcoffelt@warrencountyva.net

BY-LAWS OF THE SHANNON WOODS SANITARY DISTRICT ADVISORY COMMITTEE

ARTICLE 1 - PURPOSE OF COMMITTEE

1-1 The Shannon Woods Sanitary District Advisory Committee (SWSDAC) is hereby created to act as an advisory committee for the Board of Supervisors of the County of Warren (Board of Supervisors). The primary responsibility of the SWSDAC is to give input to the Board of Supervisors and County Administration Staff on the Annual Budget and Tax Rate for the Shannon Woods Sanitary District. Additional responsibilities include providing input on the Road System Capital Improvement Plan and Facility Maintenance for the Shannon Woods Sanitary District.

1-2 SWSDAC's primary responsibility is to give input on the annual budget and per-lot tax rate for the District. No later than January 1 prior to the beginning of each fiscal year, the SWSDAC shall prepare and submit a proposed annual budget and suggested tax rate for its operating expenses to County Administration staff. The County shall collect Sanitary District funds semi-annually and place them in a separate fund and appropriate based on the adopted budget.

1-3 Based on the reports/updates provided by the SWSDAC, County Public Works staff shall work with the SWSDAC to create an annual Road System and Facility Maintenance Capital Improvement Plan (CIP) for the District. Basic maintenance and oversight would be provided by County Public Works staff, for which any associated costs would be back charged to the budget. If outside contractors are needed (hauling, paving, etc.), those costs would also be charged against the budget. Unspent funds at the end of each fiscal year would be set aside for Capital Improvements as identified in the CIP or with District Needs.

ARTICLE 2 - SELECTION OF DIRECTORS

2-1 The SWSDAC shall have three (3) Directors and one (1) Alternate, and all Directors must be property owners within the boundaries of the Shannon Woods Sanitary District. All Directors and the Alternate shall be appointed by the Board of Supervisors.

2-2 The Directors shall hold office for a term of two (2) years each. The initial term shall end on December 31, 2021. Directors shall hold office until the successor has been appointed, which successor shall serve the unexpired remainder of that Director's term.

ARTICLE 3 - SELECTION OF OFFICERS

3-1 Officers of the SWSDAC shall consist of a chairman, vice-chairman, and secretary, who shall be elected by the Directors.

3-2 Nomination of officers shall be made from the floor at the beginning of the initial

meeting of each year for the ensuing year. Election of officers shall follow immediately. However, officers elected at the first meeting of SWSDAC shall serve until December 31, 2021. A candidate receiving a majority vote of the Directors shall be declared elected.

3-3 Vacancies shall be filled for an unexpired term by a majority vote of the SWSDAC.

ARTICLE 4 - DUTIES OF OFFICERS

4-1 The chairman shall:

4-1-1 Preside at meetings.
4-2-2 Rule on procedural questions (subject to reversal by a majority vote of the Directors present).
4-1-3 Report official communications at the next regular meeting.
4-1-4 Certify official documents involving the authority of the SWSDAC.
4-1-5 Certify minutes as true and correct copies.
4-1-6 Carry out other duties as assigned by the SWSDAC.
4-1-7 Shall act as the point of contact for the Sanitary District and County Administration staff for issues and concerns.

4-2 The vice-chair shall:

4-2-1 Assume the full powers of the chairman in the absence or inability of the chairman to act.

4-3 The secretary shall:

4-3-1 Record attendance at all meetings.
4-3-2 Record the minutes of the meetings.
4-3-3 Notify Directors and other persons entitled to notice under the Virginia Freedom of Information Act of all meetings.
4-3-4 Maintain a file of all official records and reports.
4-3-5 Certify maps, records and reports.
4-3-6 Give notice and be responsible for publishing public notices of all SWSDAC public hearings and public meetings.
4-3-7 Attend to the correspondence necessary for the execution of the duties and functions of the SWSDAC.

ARTICLE 5 - MEETINGS

5-1 The SWSDAC shall meet at least once per quarter. Such meeting may be cancelled by the Chairman upon proper notice to the Directors.

5-2 Special meetings may be called by the chairman or by two Directors upon written request to the secretary. The secretary shall email a written notice to all Directors, at least three (3) days before a special meeting, stating the time, place and purpose of the meeting. Written notice of a special meeting shall not be required if the time

of the special meeting has been fixed at a previous regular meeting or if all Directors are present at the special meeting or if they filed a written waiver of the required notice.

5-3 All meetings of the SWSDAC shall be held at the Warren County Government center unless otherwise stated, and all meetings shall be open to the public, except as provided for in the Virginia Freedom of Information Act.

5-4 Any Director who has three (3) unexcused absences in a calendar year shall be removed from the SWSDAC and another Director shall be appointed by the Board of Supervisors to fill the unexpired term of office. Any Director may be removed from the SWSDAC by a majority vote of the Board of Supervisors.

ARTICLE 6 - VOTING

6-1 A majority of the Directors shall constitute a quorum.

6-2 No action of the SWSDAC shall be valid unless authorized by a majority vote of those present and voting.

ARTICLE 7 - ORDER OF BUSINESS

7-1 The order of business for a regular meeting shall be:

7-1-1 Call to Order.
7-1-2 Roll Call.
7-1-3 Adoption of Agenda.
7-1-4 Approval of Minutes.
7-1-5 Committee Matters.
7-1-6 Adjournment.

7-2 Parliamentary procedure in SWSDAC meetings shall be governed by Robert's Rules of Order.

7-3 SWSDAC shall keep minutes of each meeting, and these minutes shall become a public record. The chairman shall sign all minutes and they shall be kept in the official minute book

ARTICLE 8 - AMENDMENTS

8-1 These Bylaws may be amended by a majority vote of the Board of Supervisors after ten (10) days prior notice.

Adopted: December 8, 2020

Deputy Clerk of the Board

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
March 1, 2022	**G-5**	Use of Courthouse Grounds – Sexual Assault Awareness Teal Ribbon Campaign – The Laurel Center	

EXPLANATION & SUMMARY:

Please see attached correspondence from Rachel Bollinger, Therapist with The Laurel Center, requesting to place from April 1st through May 2nd one teal wooden ribbon on one section of the Warren County Courthouse lawn as well as one teal ribbon on each of the posts surrounding the Warren County Courthouse. Additionally, there will be garden flags and signs adjacent to the ribbons and flags explaining what they represent in the community and the unified front that Front Royal-Warren County is presenting to end sexual violence.

COST & FINANCING: N/A

CONSENT AGENDA MOTION:

I move that the Board of Supervisors authorize The Laurel Center from April 1, 2022 through May 2, 2022 to place one teal wooden ribbon on one section of the Warren County Courthouse lawn, one teal ribbon on each of the posts surrounding the Warren County Courthouse, garden flags, and signs adjacent to the ribbon and flags explaining what they represent in the community and the unified front that Front Royal-Warren County is presenting to end sexual violence.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Emily M. Ciarrocchi, Deputy Clerk of the Board		

Emily Ciarrocchi

From: Rachel Bollinger <r.bollinger@tlc.ngo>
Sent: Thursday, February 17, 2022 2:25 PM
To: Emily Ciarrocchi
Subject: Sexual Assault Awareness Month

Hello,

It was a pleasure speaking with you a few weeks ago. I wanted to send over the details on what The Laurel Center would like to display at the courthouse during April.

We were hoping we could display April 1st - May 2nd if possible. If not, we can gather our things April 28th.

We have the large wooden teal ribbon to display on the lawn and we would like to display teal ribbons (like the Phoenix project displays) on the short black posts that surround the courthouse.

That is all that we have for this year!

Look forward to hearing from you,

Rachel Bollinger
Adult & Child Sexual Violence Therapist
The Laurel Center

540-667-6160, x108
r.bollinger@tlc.ngo
www.tlc.ngo
402 N. Cameron St, Winchester, VA 22601

DISLAIMER: This email is for general communication and scheduling purposes only. If at any time you need immediate assistance and/or are in need of an emergency response CALL 911. Using email as a form of communication may decrease The Laurel Center's ability to protect and conserve your right to confidentiality. In choosing to communicate via email you are acknowledging and in agreement with our inability to guarantee your privacy. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the systems manager. If you are not the named addessee you should not disseminate, distribute, or copy this email. Please notify the sender immediately by email if you received this email by mistake and delete this e-mail from your system.

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE:	ITEM	SUBJECT:	PAGE 1 OF
March 1, 2022	**G-6**	Use of Courthouse Grounds – Domestic Violence Awareness Purple Ribbon Campaign – The Phoenix Project	

EXPLANATION & SUMMARY:

Please see attached correspondence from Melanie Stull, Administrative Assistant/Volunteer Coordinator with The Phoenix Project, requesting to place from September 30th through October 31st one purple ribbon on each of the posts surrounding the Warren County Courthouse as well as informational cutouts to help raise domestic violence awareness in the community and the unified front that Front Royal-Warren County is presenting to end domestic violence.

COST & FINANCING: N/A

CONSENT AGENDA MOTION:

I move that the Board of Supervisors authorize The Phoenix Project from September 30, 2022 through October 31, 2022 one purple ribbon on each of the posts surrounding the Warren County Courthouse as well as information cutouts on the Courthouse lawn to help raise domestic violence awareness in the community and the unified front that Front Royal-Warren County is presenting to end domestic violence.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Emily M. Ciarrocchi, Deputy Clerk of the Board		

February 18, 2022

WC Board of Supervisors
220 N Commerce Avenue
Front Royal, VA 22630

Dear WC Board of Supervisors,

As October is National Domestic Violence Awareness month, this is our 5th year placing ribbons and our banners on every light pole on Main Street along with many business displaying the flyer and ribbons in their establishment to show their support. The town also hangs the banners around town to help raise more awareness. They have brackets that remain on the poles. Does the county have brackets on poles that they would be willing to hang a few pole banners in the county?

I am writing to request permission again for Phoenix Project to place a purple ribbon on every pole that surrounds the courthouse along with our cutouts with domestic violence information and stats on the courthouse lawn from Friday September 30th through Monday October 31st. Last year we had the metal poles bend with the wind, so we have increased the strength of the metal support.

Please let me know if you should need any additional information.

Respectfully,

Melanie Stull

Melanie Stull
Admin Assistant /
Volunteer Coordinator
Phoenix-Project
PO Box 1747, Front Royal, VA 22630
540-635-2302
www.phoenix-project.org
"A community's response to domestic violence"

PHOENIX PROJECT

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/01/2022	G-7	Conditional Use Permit #2022-01-01 Aaron Hike *Short-Term Tourist Rental*	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

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

(1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

(2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

(3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

(4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.

(5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

(6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:

(a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.

(b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.

(c) Provide for adequate parking and ingress and egress to public streets or roads.

(d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.

(e) Prevent such use from changing the character and established pattern of development of the community.

Planning Commission Move to Approve:

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six as determined according to the Health Department conditional operational permit for a three-bedroom dwelling.

3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

BOARD OF SUPERVISORS PROPOSED OR SUGGESTED MOTION:

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

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

Conditional Use Permit: 2022-01-01/ Short Term Tourist Rental
Aaron Hike, *Applicant/ Owner*
Staff Report for the Planning Commission
Prepared: January 12th, 2022
Staff: Matt Wendling, *Deputy Planning Director/County Floodplain Manager*

SUMMARY OF REQUEST

In their statement of justification, the applicant states he purchased this property in October 2019 and would like to construct a single-family dwelling to be used for a Short-Term Tourist Rental. The owner does intend to manage the rental himself since he is a general contractor who lives locally and owns a local business. The property is adjacent to a river lot he owns and was issued a conditional use permit for private use camping and is located on Beckwith Drive. The applicant hopes to start construction this Spring and open the rental by the Fall of 2022 if this conditional use permit is approved.

PROPERTY INFORMATION

Property Location: 0 Pineview Drive
Tax Map ID: # 21B-3-6-U
Magisterial District: Shenandoah
Subdivision: Megeath
Town/Village: Front Royal
Zoning: Residential-One (R-1)
Acres: 0.744
Existing Land Use: Vacant Wooded Lot
Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

SURROUNDING ZONING DISTRICTS & USES

North:	Agricultural (A)	Use: SFD with Woodlands
South:	Residential One (R-1)	Use: Vacant River Lot with Shed
East:	Agricultural (A)	Use: SFD with Woodlands
West:	Residential One (R-1)	Use: Vacant Lot with Woodlands

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district and has no previous zoning violations or conditional use permits issued to the property.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for residential land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-22. This property is located in a subdivision with small non-conforming lots which are wooded but and have access to Pineview Drive and Old Dam Road. Short-term Tourist Rentals provide transient-lodging taxes to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

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

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

These regulations are as follows:

A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.

B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however, the maximum number of occupants shall not exceed 10. **The applicant has not provided the County with soil work or permits from the Health Department but does plan to request a 3-bedroom with 6 person occupancy septic system.**

C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There is sufficient parking for four vehicles in the driveway in front of the dwelling.**

D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The boundary lines shall be marked according to location shown on the survey.**

E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **A change of use for a transient boarding facility for the property dwelling and an inspection will be required to verify if it meets all Building Code requirements for fire/smoke protection and a fire extinguisher.**

G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24-hour notice.

H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the

subdivision. The plan must be provided as a part of the rental contract. **A Property Management Plan needs to be submitted and will be reviewed and approved by staff and all other requirements shall need to be met prior to a certificate of zoning for the business being issued. The applicant will be the acting handyman and property manager of the property.**

I. If the property is located within a subdivision governed by a Home-Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located within a subdivision and a copy of the application will been sent to the POA/HOA/Road Maintenance contact.**

J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The applicants shall have this posted in the bedrooms and in their guest registration packet.**

L. A copy of Chapter §123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of this in their guest registration packet and have it posted in a common area of the dwelling.**

M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in Warren County Code Section §180-63.

N. All outdoor burning shall comply with Chapter §92 of the Warren County Code.

O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences. **The proposed dwelling location must meet the setback requirements to adjacent single-family dwellings, which would be approximately 275′ to the closest dwellings located to the southwest and to the east.**

RECOMMENDED CONDITIONS:

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

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional/operational permit which needs to be issued for a three-bedroom dwelling.

3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Cc: Aaron Hike, Applicant

Statement of Justification

To Whom It May Concern:

My name is Aaron Hike and I am proposing to use my property located at 0 Pineview drive as a short-term tourist rental. Currently, adjoining properties at 360 and 190 Beach Road are both AirBnB short term rentals. The property is currently zoned as a residential one and is already partially cleared. The surrounding properties are also zoned residential one and agricultural. I am planning on using this rental year-round. Construction on the building will take 6 months. The proposed landscaping is mostly wooded will add coniferous screening if/as needed. There is no negative impact of the environment as well as no hazardous materials used or stored here. No debris will be generated and no interfering electrical activity. Minimal to no impact on traffic either. Only exterior lighting will be typical outdoor lighting found on homes using 60 watts or less.

Respectfully,

Aaron Hike

WCCUP-000151-2021

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: CUP2022-01-01
Date Received: 11-22-2021
Fee Amount: $ 500.00 CK#1518
Date Paid: 11-22-2021

Applicant Information:

Aaron Hilne
Applicant Name

1516 N. Royal Ave | Front Royal | VA | 22630
Address | *City* | *State* | *Zip*

0 Pineview Drive, Front Royal, VA 22630
Property Location for conditional use permit if Different than Applicant's Address

540-683-1923 | HilneConstruction@gmail.com
Primary Contact Number | *Email*

Property Owner (if same as applicant, leave blank)

Address | *City* | *State* | *Zip*

Primary Contact Number

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

A. Property Information:

(1) Address/Location: 0 Pineview Drive
(2) Election District: Shenandoah - County
(3) Tax Map Number: 21 B 3 6 U
(4) Subdivision Name: Megath
(5) Total Area of Property (acres): ~~1.03~~ 0.744
(6) Total Area to be Used (acres): ~~0.44~~ 0.35
(7) Total Road Frontage (feet): 103
(8) Depth of Property (feet): 328
(9) Present Zoning: Residential one

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: short term tourist Rental

(2) Current land use and condition of site: Residential are, partially cleared

(3) Zoning of surrounding land/property: Residential are & agricultural

(4) Will development be staged? ☐ Yes ☑ No

(5) Construction Time: 6 months

(6) Season, days, and hours of operation: Year Round

(7) Will there be a sign? ☐ Yes ☑ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) NO

(9) Number of full time employees: Ø

(10) What type of sewage disposal system will be used? ☑ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: 6

(12) Number of parking spaces to be provided: Regular 4 Handicap _____

(13) What is the proposed landscaping and buffering for this property? mostly wooded, Coniferous screen

C. Plans Prepared By

Name: Aaron Hive

Address: 1516 N. Royal Ave Front Royal, VA 22630

Telephone Number: 540 683 1923

D. Environmental Information

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

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) NO

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) NO

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. NO

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) NO

(6) What will be the impact on traffic? none

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. Typical outdoor lighting attached to house. 60 watts or less

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

☐ **An application fee of $500.00.**

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

☐ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☑ **A Site Plan/Survey.**

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

☑ **Sewage Disposal and Well Site.**

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

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

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

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

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

☒ **Environmental and Community Impact Statements**

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

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

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

☐ **Location Map**

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

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

Turn left on Bennys Beach Rd
Slight left on Rockland Rd, Left onto Rockland Rd
Left onto Winchester Rd
Left onto 14th St Left onto 522
Right onto E. 2nd St

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

Applicant Signature — Date: 11-22-21

Property Owner Signature — Date: 11-22-21

Accepted by: _____ Date: _____

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

NOTES

133 Pineview Rd. Front Royal VA. 22630
Short term rental management plan

Booking Company & Booking Management
Evolve Full service Vacation Rental management
866-308-0901

1. Complete booking system
2. 24/7 Guest support
3. Marketing
4. Lists on all booking sites
5. Payment processing
6. Dedicated reservation agents
7. Help with taxes and permits

Our Guest Flow

1. Guest books with evolve
2. Evolve sends welcome email to guest 30 days, 7days, and 2days before their reservation and notifies us of booking via hikerentals email.
3. Lauren uploads guest booking and info into Breezeware software
4. Cleaning company sets door code
5. Guests have their stay
6. Guests check out
7. Cleaning company cleans the unit and updates Breezeware software
8. Cleaning company invoices us each month and we pay the cleaning fees and the concierge fee.

Extra Fees

1. Damages and extra cleaning fees must be reported with photo evidence within 48 hours of guests checking out so that the appropriate fees can be sent to evolve.

Local Maintenance & Cleaning services

(Christina Carter license and insured)

We request the following services from Christina Carter and accept to be billed for these each month. We agree to be billed monthly and pay promptly:

- Maid Cleaning- Standard exit clean service for home (3 bed/2.5ba): $120 USD per exit clean (Unseen).
- Deep Cleans- will be quoted as required.
- Guest Call Out- Dependent on reason for call out and take of day (case by case basis) This applies to anything the requires a special trip to the property. Call outs depend on urgency, time of day, and what is required.

Maid Cleaning

- Flushing toilets
- Wiping surfaces
- Changing linens
- Laundering linens
- Laundering towels
- Sweeping
- Vacuuming
- Mopping
- Turning lights off
- Running dishwasher with dishes left by guests
- Taking out trash and removal
- Window washing
- Replenishing guest supplies

Concierge Service

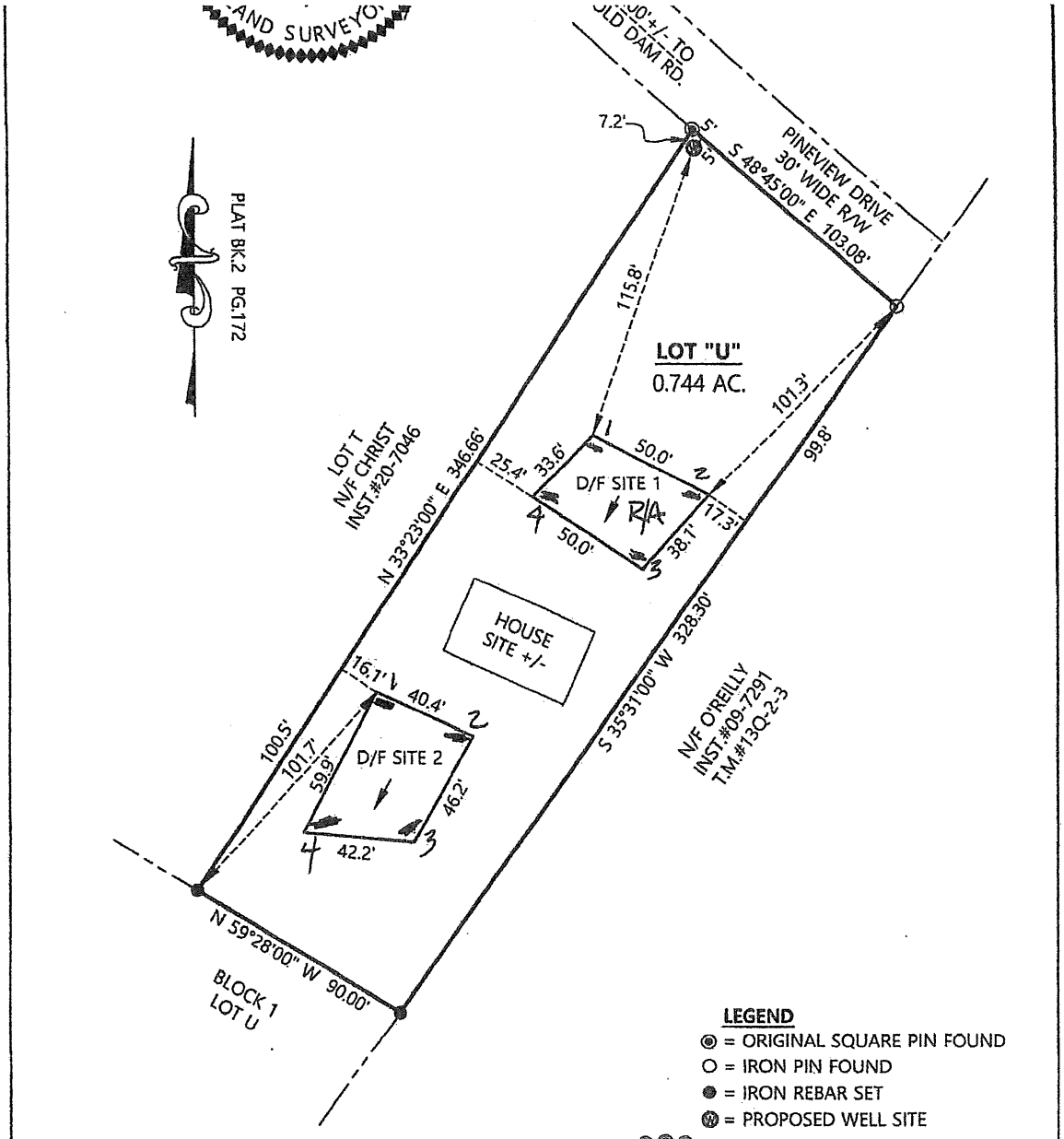
- Answering guest phone calls and questions
- Reporting any damages or maintenance issues immediately
- Smoke detector battery checks and replacements
- Air filter changes
- Maintaining hot tub

Perry Environmental Consulting
495 Cardinal Drive, Front Royal, VA 22630
Tel: 540-635-8292 Web: pecsoiltesting.com

BACKHOE PIT LOCATION

- **Stake Set**
- **Backhoe Pit**

Re: 450 GPD Drainfield **Tax Map:** 21B-3-6-U **Lot:** U



Commonwealth of Virginia
Daniel Perry
DPOR #1940001087
AOSE

Customer: Hike Construction
Subdivision: Benny's Beach
Tax Map: 21B-3-6-U Lot: U
Location: Pineview Drive

Lord Fairfax Health District

LORD FAIRFAX HEALTH DISTRICT

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

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

December 27, 2021

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-01-01)
Owner: Aaron Hike

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 0 Pineview Dr. Front Royal, VA (Tax Map# 21B-3-6-U) and I offer the following comments:

1. **There is a current alternative onsite sewage system (AOSS) and a Class IIIB private well construction permit for the subject property. The permit is for a Four (4) bedroom dwelling Conditional to Six (6) Occupants, 450 gallons per day. The permit expires on 4/06/2023. It appears the COSS and private well has not yet been installed. No Operation Permit has been issued.**
2. **Once installed, the AOSS is to be operated and maintained according to the Operation Permit**
3. **The dwelling is to be served by a private Class IIIB Well. A sample of the water should be collected and tested by a state approved lab at least annually.**
4. **All refuse shall be placed in containers with tight-fitting lids.**
5. **Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.**

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

Jim Davis
Environmental Health Supervisor

Chloe Phillips

From: David Beahm
Sent: Thursday, December 16, 2021 2:58 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-01 – Aaron Hike – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000151-2021

Comments 2022-01-01 – Aaron Hike – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000151-2021:

- Erosion and Sediment Control Items:
  - There does not appear to be any land disturbance at this time, other than what is already permitted for under an existing permit (13993-2021).

- Building Inspections Items:
  - The use of the existing dwelling(s) for a "short-term rental" would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. Since this dwelling has not yet received a Certificate of Occupancy designating it will be provided initially as it was applied for and then a short-term rental Certificate will be issued, at no charge. The inspections and the normal processes that would have taken place will be completed under the initial permit and therefore no costs will be incurred.
  - Given that the structure is currently being built (13992-2021), it will meet the building code requirements for this activity.

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

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce .
Sui
Front Royal, VA
540/63€
FAX 540/63€

dbeahm@warrencountyva.net
www.warrencountyva.net

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



November 22, 2021

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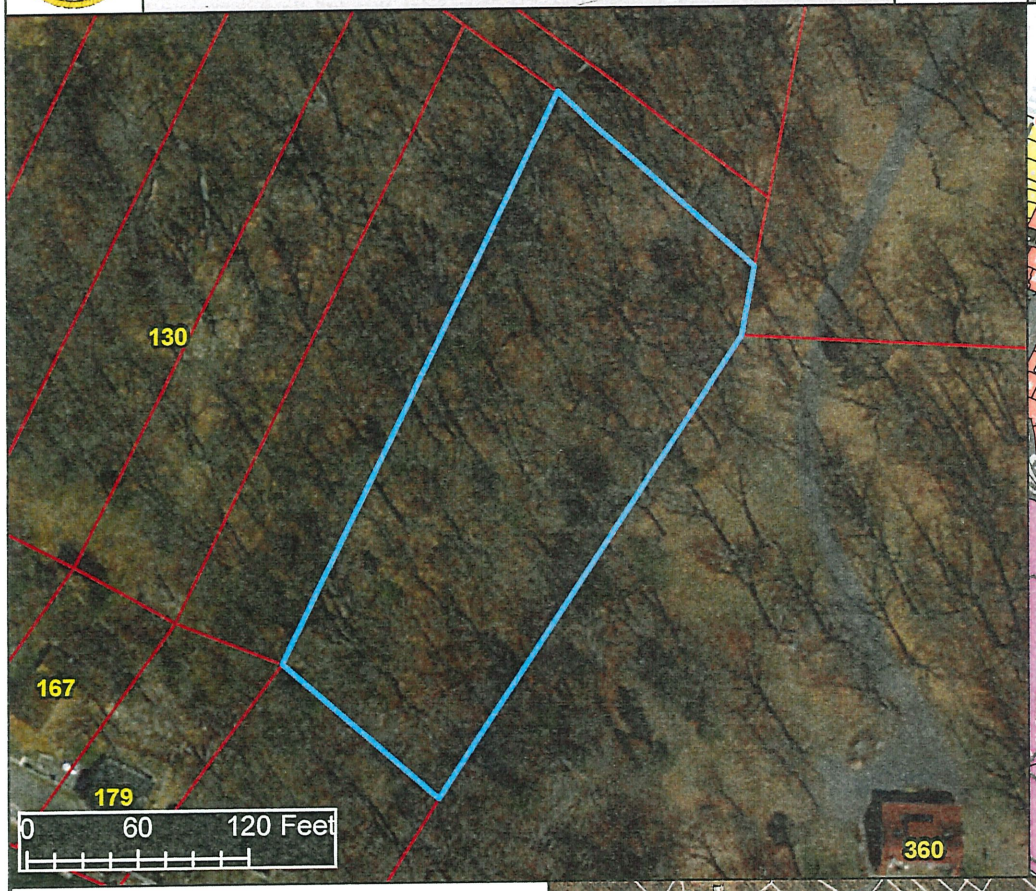
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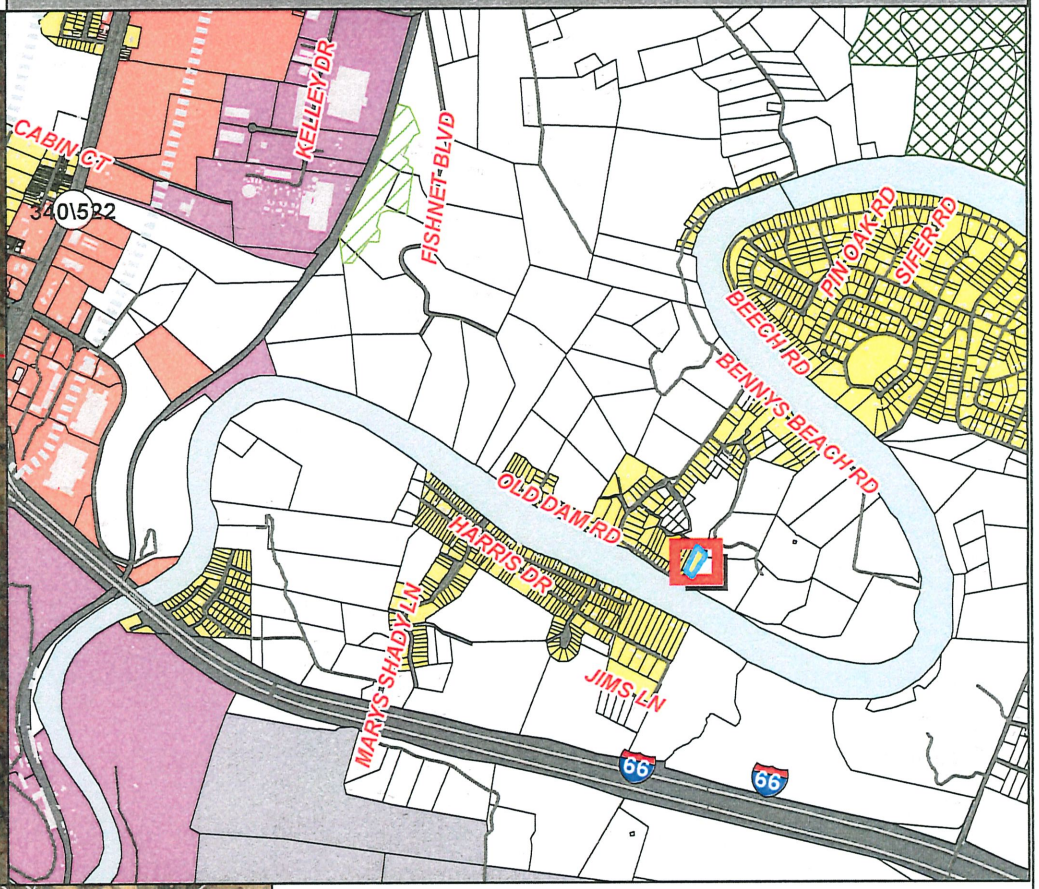
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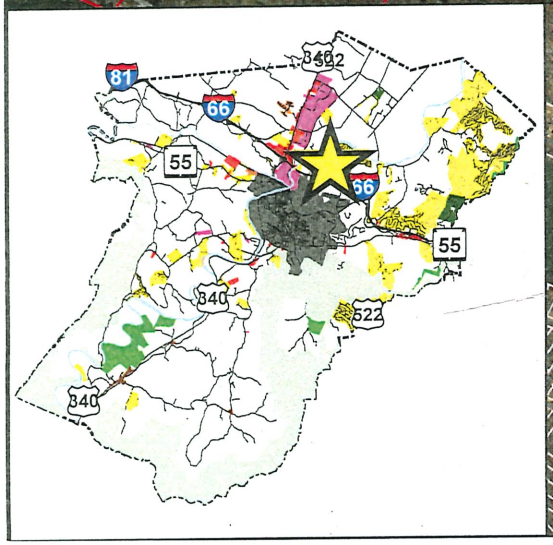
Warren County VA
CUP Location Map

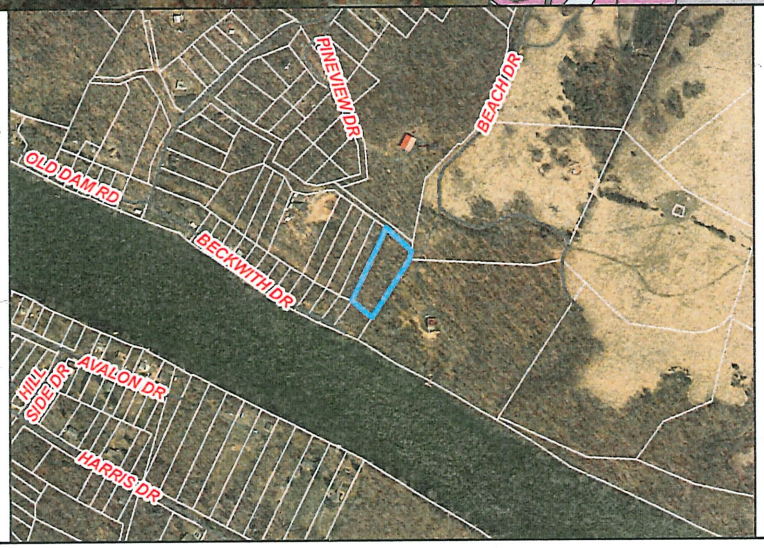
Short Term Tourist Rental
Applicants: Aaron Hike

TM 21B--3-6---U
Megeath Subdivision









Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/01/2022	G-8	Conditional Use Permit #2022-01-02 Jana & Aaron Bricco *Short-Term Tourist Rental*	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

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

(1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

(2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

(3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

(4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.

(5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

(6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:

(a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.

(b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.

(c) Provide for adequate parking and ingress and egress to public streets or roads.

(d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.

(e) Prevent such use from changing the character and established pattern of development of the community.

Planning Commission Move to Approve:

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six as determined according to the Health Department conditional operational permit for a three-bedroom dwelling.

3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

BOARD OF SUPERVISORS PROPOSED OR SUGGESTED MOTION:

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

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

Conditional Use Permit: 2022-01-02/ Short Term Tourist Rental
Jana & Aaron Bricco, *Applicants/ Owners*
Staff Report for the Planning Commission
Prepared: November 29th, 2021
Staff: Matt Wendling, Deputy Planning Director/County Floodplain Manager

SUMMARY OF REQUEST

The applicants are requesting a conditional use permit for a Short-term Tourist Rental for rental of the single-family dwelling for less than thirty days. The applicants recently purchased the property in September 2021 and would like to be able to offset the costs for maintenance, insurance and the mortgage by renting short term. In their statement of justification, the applicants state they plan to operate the rental part-time since their family will be using it for their own personal use as a second home and this allows for them to have flexibility in renting the property. The currently intend to manage the rental themselves since they reside 10 minutes away in Skyland Estates but will retain a management company if they move back to Northern Virginia to be closer to their jobs.

PROPERTY INFORMATION

Property Location: 179 Cliff Rd.
Tax Map ID: # 24A-28A-323
Magisterial District: Shenandoah
Subdivision: Blue Mountain
Town/Village: Front Royal
Zoning: Residential One (R-1)
Acres: 1.18
Existing Land Use: Single Family Dwelling
Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

SURROUNDING ZONING DISTRICTS & USES

North:	Residential One (R-1)	Use: SFD with Woodlands
South:	Residential One (R-1)	Use: SFD with Woodlands
East:	Residential One (R-1)	Use: SFD with Woodlands
West:	Residential One (R-1)	Use: SFD & Vacant Lot with Woodlands

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district and has no previous zoning violations or conditional use permits issued to the property.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for residential land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-22. This property is located in the Blue Mountain subdivision which has a higher density of dwellings than agricultural areas and mostly private roads. Short-term Tourist Rentals provide transient-lodging taxes to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

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

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

These regulations are as follows:

A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.

B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however, the maximum number of occupants shall not exceed 10. **Staff has submitted a request for septic system information for the property for the septic system operational permit to WCHD. The septic permit for the structure was approved for a three-bedroom dwelling allowing for an occupancy of 6 persons. Staff will provide additional comments when they have been received from the Health Department.**

C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There is sufficient parking for five (5) vehicles in the driveway in front of the dwelling.**

D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The boundary lines shall be marked according to location shown on the survey.**

E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **A change of use for a transient boarding facility for the property dwelling and an inspection will be required to verify if it meets all Building Code requirements for fire/smoke protection and a fire extinguisher.**

G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24-hour notice.

H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants,

utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **A Property Management Plan needs to be submitted and will be reviewed and approved by staff and all other requirements shall need to be met prior to a certificate of zoning for the business being issued. The applicants plan to be the property managers since they currently reside in the County.**

I. If the property is located within a subdivision governed by a Home-Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located within a subdivision that is served by Blue Mountain and a copy of the application will be sent to the POA/HOA. The Blue Mountain HOA have supported this land-use in past applications.**

J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The applicants shall have this posted in the bedrooms and in their guest registration packet.**

L. A copy of Chapter §123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicants shall have a copy of this in their guest registration packet and have it posted in a common area of the dwelling.**

M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in Warren County Code Section §180-63.

N. All outdoor burning shall comply with Chapter §92 of the Warren County Code.

O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences. **This dwelling meets the setback requirements to adjacent single-family dwellings which is 131′ to the closest dwelling located to the south.**

RECOMMENDED CONDITIONS:

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

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three-bedroom dwelling.

3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Cc: Jana & Aaron Bricco, Applicants



Short Term Rental: Statement of Justification for

179 Cliff Rd, Front Royal, VA

Background

We are a family of four: My husband, Aaron, is an Iraq veteran and is an essential worker at a water-treatment facility in Arlington, VA. We have a two-year-old son and a six-month-old daughter, and I am working from home for an international organization in D.C.

About five years ago, we stayed at a short-term rental and we fell in love with Front Royal and the surrounding area. Ever since we have been looking for a vacation home in Warren County. We found a great house on 179 Cliff Rd in Front Royal and would like to use it as a vacation home. To help offset the cost of the mortgage, we would like to rent it out on a short-term basis.

We appreciate our neighbors and the Blue Mountain Property Owner Association community and are happy to take on board any suggestions that they have. We made great experiences renting short-term housing ourselves and truly believe that it can be a mutually beneficial experience.

Plan of Action (draft)

We plan to implement the following rules and procedures:

1. **Frequency and Fee.** We plan to rent out the property for about 50 percent of the time for a high fee. This would allow us to cover the bulk of the cost of maintaining the house while renting it out sparingly. We also hope that a high fee will deter potential "noisy" guests that could disturb our neighbors.

2. **Targeted guests.** We are currently renovating the house, so we don't want any damage by renting it out to "irresponsible" people. Thus, we plan to have a rigorous screening process of potential renters and will aim to attract families, the elderly, and renters with great ratings.

3. **Activities that will be forbidden.** We will forbid our guest the following activities:

   - Have outdoor fires
   - Shoot off fireworks
   - Occupy the house with more guest than allowed by the septic system (6 persons)
   - Have large and loud parties
   - Drive ATV's

4. **Property management.** During the pandemic we moved from Fairfax to Linden but will likely move back once the situation normalize. Since we currently live about 10 minutes away from the property, we would like to manage it ourselves, but we are open to hire a local property manager once we have to move back to Fairfax.

5. **Life-threatening Emergency**. In case of a life-threatening emergency (e.g. fire), we will advise our guests to call 911.

6. **Non-life-threatening Emergency.** In case of an emergency that is non-life threatening (e.g. plumbing issues) we will ask our guest to call us first so we may assist them by either coming to the property ourselves or hiring a professional.

7. **Communication.** All these rules and suggestions will be part of the short-term rental contract and there will be a folder at the house with all the necessary information. Our phone numbers will be provided to our guests and to our neighbors, so they can reach us if there is an issue.

Thank you,

Jana and Aaron Bricco

WCCUP-000152-2021

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-01-02
Date Received: 11/23/21
Fee Amount: $ 500.00
Date Paid: 11/23/21 CK# 10917

Applicant Information:

Jana & Aaron Bricco
Applicant Name

103 Luchase Rd, Linden VA 22642
Address *City* *State* *Zip*

179 Cliff Rd, Front Royal, VA 22630
Property Location for conditional use permit if Different than Applicant's Address

202 415 6951 **jana.bricco@yahoo.com**
Primary Contact Number *Email*

Aaron Bricco
Property Owner (if same as applicant, leave blank)

Address *City* *State* *Zip*

Primary Contact Number

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

A. Property Information:

(1) Address/Location: **179 Cliff Rd, Front Royal, 22630**
(2) Election District: Shenandoah
(3) Tax Map Number: **24A 2 0A 323**
(4) Subdivision Name: Blue Mountain
(5) Total Area of Property (acres): **1.18**
(6) Total Area to be Used (acres): **1.18**
(7) Total Road Frontage (feet): 265 Ft.
(8) Depth of Property (feet): 196 Ft.
(9) Present Zoning: **Residential one**

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: Short term rental

(2) Current land use and condition of site: Residential

(3) Zoning of surrounding land/property: Residential one

(4) Will development be staged? ☐ Yes ☒ No

(5) Construction Time: _____

(6) Season, days, and hours of operation: All year round

(7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) No

(9) Number of full time employees: 0

(10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: 6

(12) Number of parking spaces to be provided: Regular 5 Handicap _____

(13) What is the proposed landscaping and buffering for this property? _____

C. Plans Prepared By

Name: Owners (see above)

Address: _____

Telephone Number: _____

D. Environmental Information

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

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) NO

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) No

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. NO

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) NO

(6) What will be the impact on traffic? None

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. NO

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

☒ **An application fee of $500.00.**

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

☐ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☐ **A Site Plan/Survey.**

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

☐ **Sewage Disposal and Well Site.**

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

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

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

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

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

☐ **Environmental and Community Impact Statements**

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

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

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

☐ **Location Map**

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

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

_____

_____

_____

_____

_____

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

21 November, 2021

Applicant Signature — Date

21 November, 2021

Property Owner Signature — Date

Accepted by: _____ Date: _____

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

NOTES

Lord Fairfax Health District

LORD FAIRFAX HEALTH DISTRICT

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

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

December 29, 2021

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-01-02)
Owner: Aaron & Jana Bricco

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 179 Cliff Rd. Linden, VA (Tax Map# 24A-2-8A-323) and I offer the following comments:

1. **There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 10/22/1991, 4/1995 and 7/24/1995 respectively.**
2. **The dwelling is served by a Conventional Onsite Sewage System (COSS). The COSS is designed for Three (3) Bedrooms, Six (6) Occupants and 450 gallons per day.**
3. **The dwelling is served by a private Class IIIB Well. A sample of the water should be collected and tested by a state approved lab at least annually.**
4. **All refuse shall be placed in containers with tight-fitting lids.**
5. **Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.**

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

Jim Davis
Environmental Health Supervisor

Chloe Phillips

From: David Beahm
Sent: Thursday, December 16, 2021 4:04 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-02 – Jana & Aaron Bricco – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000152-2021

Comments 2022-01-02 – Jana & Aaron Bricco – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000152-2021:

- Erosion and Sediment Control Items:
  - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.

- Building Inspections Items:
  - The use of the existing dwelling(s) for a "short-term rental" would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
  - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
    - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

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

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce /
Sui
Front Royal, VA

540/636
FAX 540/636

dbeahm@warrencountyva.net

www.warrencountyva.net

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Matt Wendling

From: Mike Veasey <mike_veasey@yahoo.com>
Sent: Monday, December 20, 2021 3:45 AM
To: Matt Wendling
Subject: Short Term Rental -- Bricco
Attachments: Short Term Rental Request - Bricco 179 Cliff Road.pdf

Mr Wendling

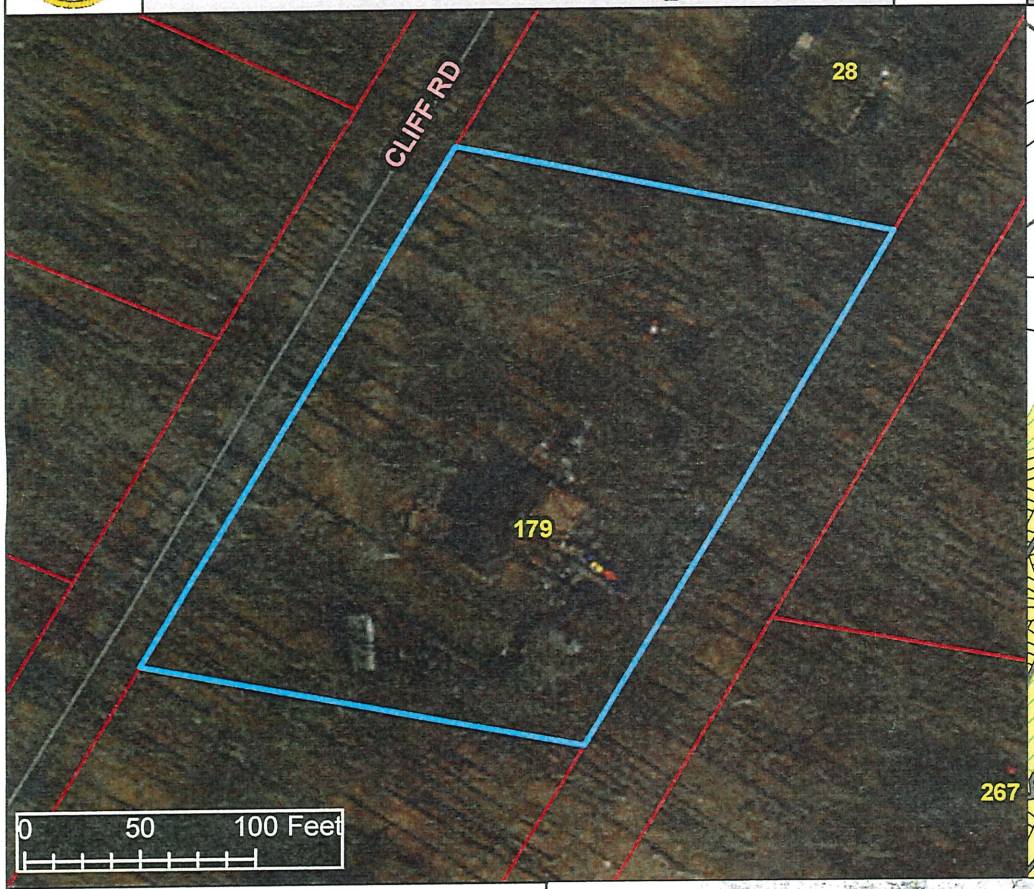
The Blue Mountain Property Owner's Association considered the attached request for Short Term Rental authority at it's Executive Board Meeting on December 13th and recommends approval of the request as submitted to the board with the county recommendations included.

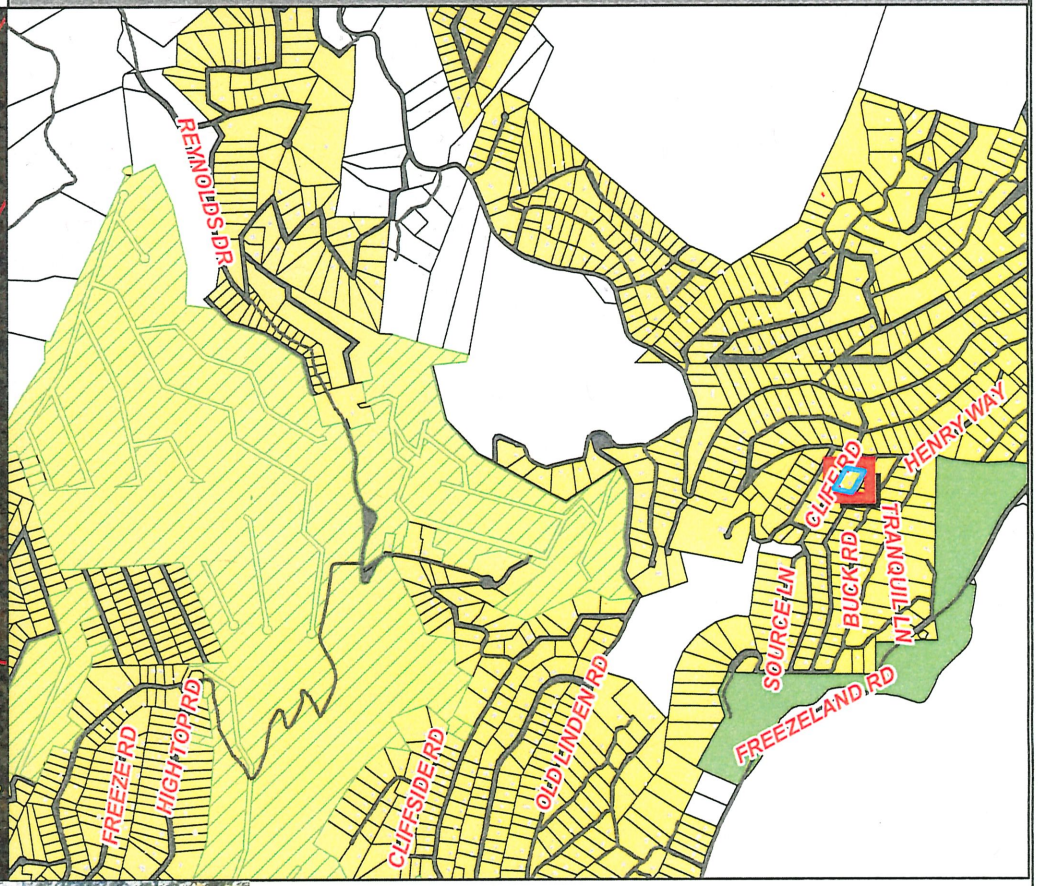
Mike Veasey
Treasurer

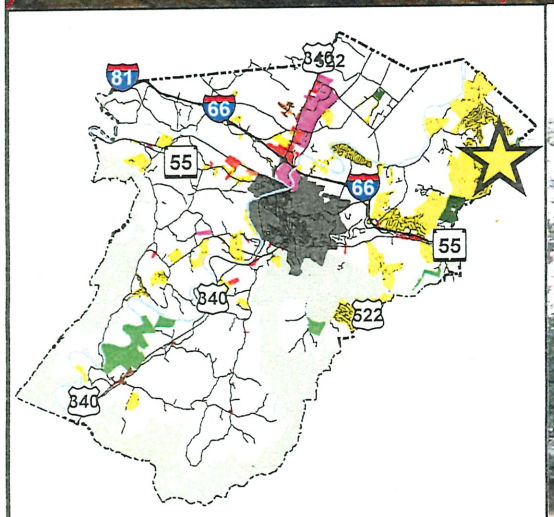
Warren County VA
CUP Location Map

Short Term Tourist Rental
Applicants: Aaron Bricco

TM 24A--28A-323
Blue Mountain Subdivision









Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/01/2022	G-9	Conditional Use Permit #2022-01-03 Rachel Ward & Simon Booth *Short-Term Tourist Rental*	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

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

(1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

(2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

(3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

(4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.

(5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

(6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:

(a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.

(b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.

(c) Provide for adequate parking and ingress and egress to public streets or roads.

(d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.

(e) Prevent such use from changing the character and established pattern of development of the community.

Planning Commission Move to Approve:

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six as determined according to the Health Department conditional operational permit for a three-bedroom dwelling.

3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

BOARD OF SUPERVISORS PROPOSED OR SUGGESTED MOTION:

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

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

Conditional Use Permit: 2022-01-03 / Short Term Tourist Rental
Rachel Ward & Simon Booth, *Applicants/ Owners*
Staff Report for the Planning Commission
Prepared: Dec. 8, 2021
Staff: Matt Wendling, Deputy Planning Director/County Floodplain Manager

SUMMARY OF REQUEST

The applicants are requesting this conditional use permit for a Short-Term Tourist Rental for the property they recently purchased with the intent to use as a second home and to occasionally lease it on a short-term basis. The applicants would like to offset some of their expenses for the property by renting to people who are interested in visiting the area. They mention that since it's a one-bedroom dwelling that is somewhat isolated they don't anticipate any problems relating to intrusion of their neighbor's privacy and security. They mention their intent to manage the property themselves.

PROPERTY INFORMATION

Property Location: 627 Vesey Dr.
Tax Map ID: # 7A-1—120A
Magisterial District: Shenandoah
Subdivision: Shenandoah
Town/Village: Front Royal
Zoning: Residential One (R-1)
Acres: 4.0
Existing Land Use: Single Family Dwelling
Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

SURROUNDING ZONING DISTRICTS & USES

North: Residential One (R-1) — Use: Vacant with Woodlands
South: Residential One (R-1) — Use: Vacant with Woodlands
East: Residential One (R-1) — Use: Vacant with Woodlands
West: Residential One (R-1) — Use: Vacant with Woodlands

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district and has no previous zoning violations.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-21. This property is located in an isolated residential area composed of woodland areas, is off a private road and numerous vacant lots around it. Short-term Tourist Rentals provide transient-lodging taxes to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

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

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

These regulations are as follows:

A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.

B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however, the maximum number of occupants shall not exceed 10. **The property was issued a Construction Permit for a residential septic system and drainfield for a one-bedroom dwelling with an occupancy limit of two persons maximum.**

C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There will be sufficient parking for two vehicles in the driveway in front of the dwelling.**

D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The boundary lines shall be adequately marked according to location shown on the survey.**

E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **A change of use for a transient boarding facility for the property dwelling and an inspection will be required to verify if it meets all Building Code requirements for fire/smoke protection and a fire extinguisher. This inspection may be scheduled only after Board of Supervisor approval.**

G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24-hour notice.

H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the

subdivision. The plan must be provided as a part of the rental contract. **A Property Management Plan needs to be submitted and will be reviewed and approved by staff and all other requirements shall need to be met prior to a certificate of zoning for the business being issued. The applicants/owners will be the acting property manager.**

I. If the property is located within a subdivision governed by a Homeowners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located in the Shenandoah Farms Subdivision and a request for comments has been sent to that POA/HOA.**

J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The applicants shall have this posted in the bedrooms and in their guest registration packet.**

L. A copy of Chapter §123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of this in their guest registration packet and have it posted in a common area of the dwelling.**

M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in Warren County Code Section §180-63.

N. All outdoor burning shall be in compliance with Chapter §92 of the Warren County Code.

O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences. **This dwelling meets the setback requirements to adjacent single-family dwellings which is 508' to the closest dwelling located to the north.**

RECOMMENDED CONDITIONS:

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

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed two (2) as determined according to the Health Department operational permit for a one-bedroom dwelling.

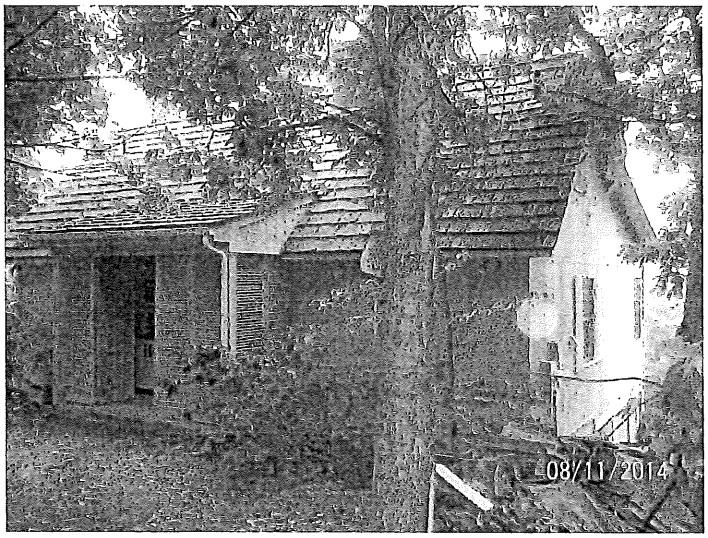
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Cc: Rachel Ward & Simon Booth, Applicant,



627 Vesey Dr. Application for STTR License
Statement of Justification

Nov. 29, 2021

To the Warren County Planning Commission:

As the owners of 627 Vesey Dr. in Front Royal, VA, we are proposing to occasionally rent our home on a short-term basis to visitors to the area. We purchased this home as a part-time residence, and by occasionally renting it out to tourists and visitors we hope to offset some of the monthly expenses associated with the property. Due to the small size of the house (one bedroom) and its relative distance from other neighboring homes, we don't anticipate any negative impact on the community. We plan to be active and engaged homeowners and property managers and we will respond quickly to any feedback from neighbors and the community. We look forward to many years of quiet enjoyment of this property.

The Shenandoah Farms Property Owners Association can be reached for comment at shenandoahfarms@comcast.net or (540) 837-2068.

Sincerely,

Simon Booth and Rachel Ward
Owners

WCCUP-000153-2021

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-01-03
Date Received: 12/2/2021
Fee Amount: $ 500.00 Check #1061
Date Paid: 12/2/2021

Applicant Information:

Rachel Ward & Simon Booth
Applicant Name

627 Vesey Dr. | Front Royal | VA | 22630
Address | *City* | *State* | *Zip*

Property Location for conditional use permit if Different than Applicant's Address

240-483-8309 | rachel.ann.ward@gmail.com
Primary Contact Number | *Email*

Property Owner (if same as applicant, leave blank)

Address | *City* | *State* | *Zip*

Primary Contact Number

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

A. Property Information:

(1) Address/Location: 627 Vesey Dr.
(2) Election District: Shenandoah
(3) Tax Map Number: 7A 1 120A
(4) Subdivision Name: Shen Farms
(5) Total Area of Property (acres): ~4
(6) Total Area to be Used (acres): ~4
(7) Total Road Frontage (feet): 216 ft.
(8) Depth of Property (feet): 124 ft.
(9) Present Zoning: residential

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: Short term rental

(2) Current land use and condition of site: residential

(3) Zoning of surrounding land/property: R-1

(4) Will development be staged? ☐ Yes ☐ No

(5) Construction Time: _____

(6) Season, days, and hours of operation: _____

(7) Will there be a sign? ☐ Yes ☐ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) No

(9) Number of full time employees: _____

(10) What type of sewage disposal system will be used? ☐ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: _____

(12) Number of parking spaces to be provided: Regular _____ Handicap _____

(13) What is the proposed landscaping and buffering for this property? _____

C. Plans Prepared By

Name: _____

Address: _____

Telephone Number: _____

D. Environmental Information

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

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) No

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) No

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. N/A

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) No

(6) What will be the impact on traffic? N/A

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. No

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

☑ **An application fee of $500.00.**

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

☑ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☐ **A Site Plan/Survey.**

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

☑ **Sewage Disposal and Well Site.**

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

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

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

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

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

☐ **Environmental and Community Impact Statements**

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

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

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

☑ **Location Map**

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

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

Take E 3rd St → N Commerce Ave
Take Happy Creek Rd + State Rte 624 →
State Rte 643
Take State Rte 603 and State Rte 638 to Vesey
Dr. (all the way to the end)

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

Richard A. Ward 11/29/21
Applicant Signature Date

Richard A. Ward 11/29/21
Property Owner Signature Date

Accepted by: Chase Lenz Date: 12/2/2021

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

NOTES

476

Lord Fairfax Health District

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

LORD FAIRFAX HEALTH DISTRICT

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

January 04, 2022

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (202-01-03)
Owner: Rachel Ward & Simon Booth

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 627 Vesey Dr. Front Royal, VA (Tax Map# 7A-1-120A) and I offer the following comments:

1. There is a Construction Permit dated 6/17/1987 and a partial ROI on file for the referenced property dated 3/17/1988 & 9/06/1988. There is no Operation Permit on file.
2. The dwelling is served by a Conventional Onsite Sewage System (COSS). The COSS is designed for One (1) Bedroom, Two (2) Occupants and 150 gallons per day.
3. The dwelling is served by a private well. There is no Well Drillers Completion Report (GW-2), ROI or record of a satisfactory water sample report on file.
4. All refuse shall be placed in containers with tight-fitting lids.
5. Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

Jim Davis
Environmental Health Supervisor

Chloe Phillips

From: David Beahm
Sent: Thursday, December 16, 2021 5:01 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-03 – Rachel Ward & Simon Booth – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000153-2021

Comments 2022-01-03 – Rachel Ward & Simon Booth – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000153-2021:

- Erosion and Sediment Control Items:
  - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.

- Building Inspections Items:
  - The use of the existing dwelling(s) for a "short-term rental" would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
  - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
    - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

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

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce /
Sui
Front Royal, VA
540/636
FAX 540/636

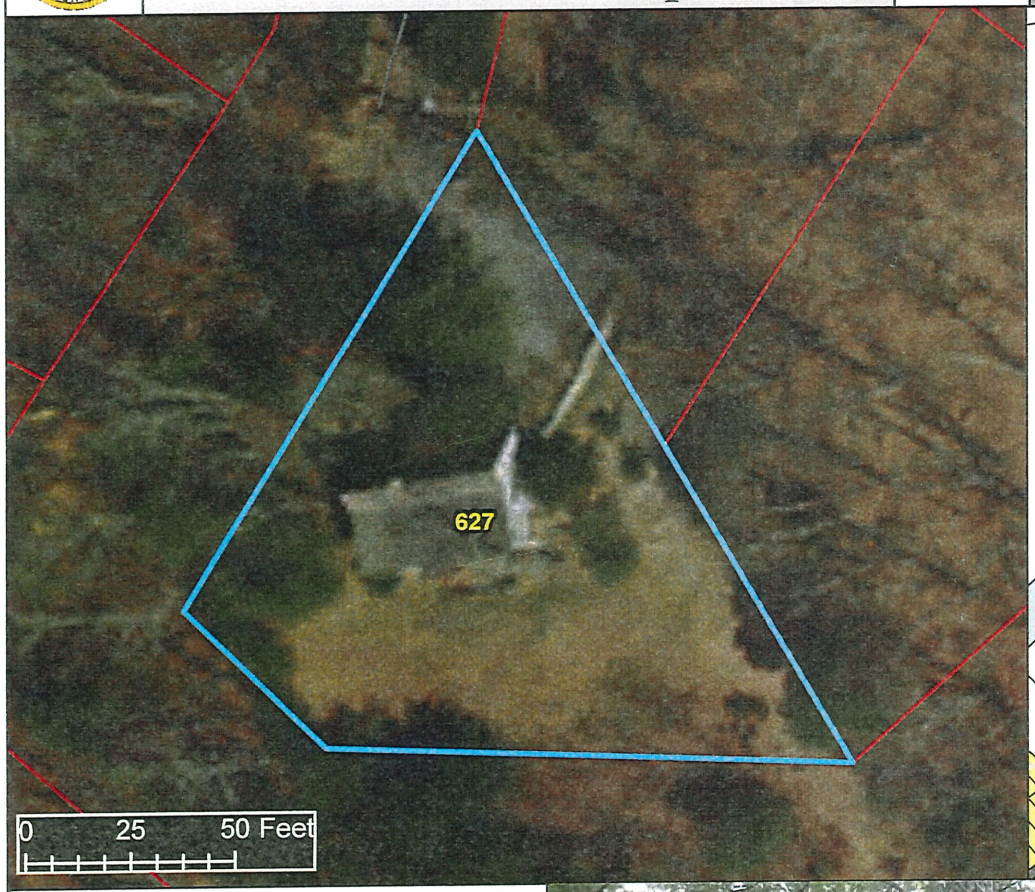
dbeahm@warrencountyva.net
www.warrencountyva.net

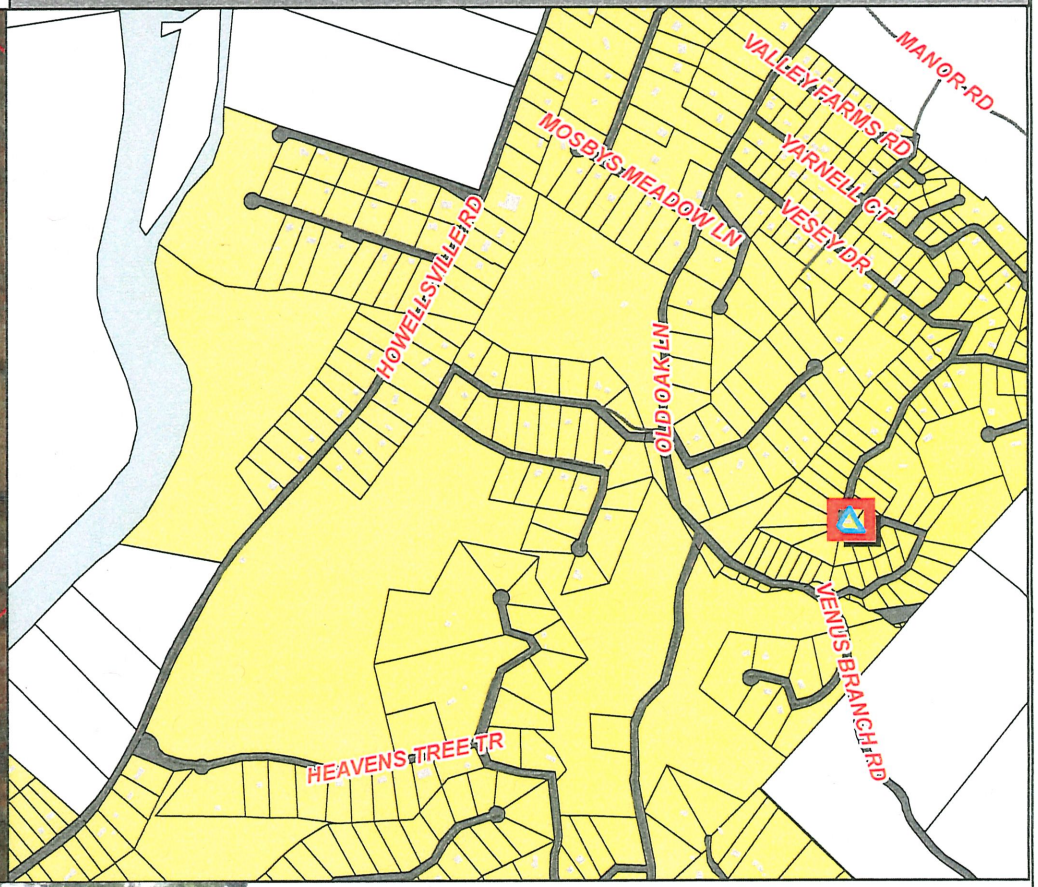
THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS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

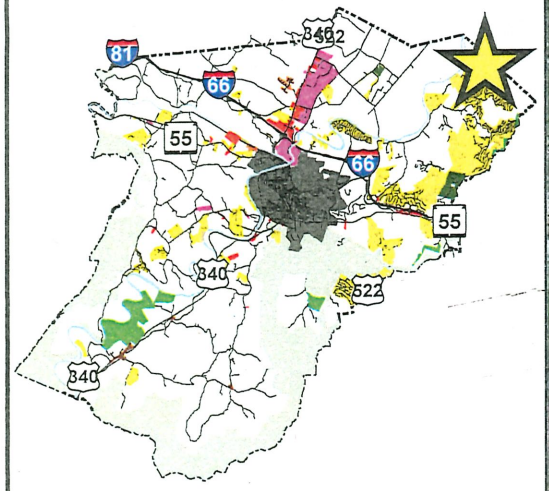
Warren County VA
CUP Location Map

Short Term Tourist Rental
Applicants: Rachel Ward

TM 7A--1---120A
Shenandoah Farms Subdivision









Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
3/1/2022	G-10	Conditional Use Permit #2022-01-04 Karen Thomson *Short-Term Tourist Rental*

EXPLANATION & SUMMARY:

See attached application and staff report.

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

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

Prevent such use from changing the character and established pattern of development of the community.

PLANNING COMMISSION STATUS:

On Wednesday, February 9, 2022, Mrs. Richardson moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Longo and approved by the Planning Commission by a vote of 5-0.

RECOMMENDED CONDITIONS:

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six as determined according to the Health Department operational permit for a four-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.

PROPOSED OR SUGGESTED MOTION:

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

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Joseph Petty, Planning Director	☐ APPROVED ☐ OTHER (Describe)	

Conditional Use Permit 2022-01-04: Short-Term Tourist Rental
Owner/Applicant: Karen Thomson
Prepared: January 5, 2022
Staff Contact: Joseph Petty, Planning Director

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area to enjoy the outdoor activities and local retail & dining establishments. The owner/applicant currently lives in Maryland and plans to have the property cleaned and maintained and maintained by a private company in between reservations.

PROPERTY INFORMATION

Property Location: 535 Sunset Village Road
Tax Map ID: 27D--1--53-3A
Magisterial District: Fork
Subdivision: Junewood Estates
City: Front Royal
Zoning: Residential-1 (R-1)
Acres: 1.9413 Acres
Existing Land Use: Single-Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Residential-1 (R-1) Use: Single-Family Dwelling
South: Residential-1 (R-1) Use: Single-Family Dwelling
East: Residential-1 (R-1) Use: Single-Family Dwelling
West: Residential-1 (R-1) Use: Single-Family Dwelling

PROPERTY HISTORY

The house was constructed in 2021 and the Applicant purchased the home in September 2021. This property has not had any previous Conditional Use Permits issued for uses in the Residential-1 zoning district. The property was subject to a zoning violation for operating without a conditional use permit, which has prompted the current request.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Residential-1 zoning district and is compatible with the current Warren County Zoning Ordinance.

ATTACHMENTS

□ Agency Comments □ Application □ Health Permit □ Letter from Applicant
□ Location Map □ Public Comments □ Submitted Plans □ Other: _____

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

A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.

B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. **Our office is awaiting the response from the Health Department. Our office has the documents from the dwelling construction for a four-bedroom, six-person maximum.**

C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There is sufficient parking for at least four vehicles in the driveway.**

D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The property is situated on an interior lot, with three sides bordering adjacent properties; all of which contain single-family dwellings. Most of the surrounding area is wooded land containing single-family dwellings.**

E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **The applicant shall obtain building permits to ensure the dwelling meets the current code requirements for fire protection systems.**

G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.

H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **The PMP will be provided.**

I. If the property is located within a subdivision governed by a Home Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is not located within and HOA/POA.**

J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The property shall have the evacuation plan posted in each bedroom and in the guest registration packet.**

L. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of the ordinance in their guest registration packet and posted in a common area of the dwelling.**

M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in §180-63 of the Warren County Zoning Ordinance.

N. All outdoor burning shall be in compliance with Chapter 92 of the Warren County Code.

O. There shall be a minimum of 100′ from the short-term tourist rental to all neighboring residences. **This short-term tourist dwelling does meet the setback requirement to adjacent single-family dwellings. The closest dwelling is 109′ to the west.**

RECOMMENDED CONDITIONS

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

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

Cc: Karen Thomson - Owner/Applicant

11/30/2021

Letter of Intention

I am applying for a permit to allow vacation rentals, or short term rentals for our property at 535 Sunset Village Rd in the development of Junewood. We love the home, the area and the community of Front Royal. It is however too far from my work for me to be able to live full time in the home (I hope to retire here!). I would like to rent it out as a vacation rental home for others to enjoy the Shenandoah national park, and the town of Front Royal. We are fortunate to have a couple of acres of land, as well as a driveway for parking. We would be looking to rent primarily to families or groups of girlfriends looking to enjoy the outdoors—prohibiting parties and renters below the age of 21. We don't anticipate our renters bother our neighbors. These renters will be good for local business for entertainment, food, and services—and allow them an opportunity to appreciate the charms of Front Royal and Warren County.

Best

Karen Thomson

WCCUP-000154-2021

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-01-054
Date Received: 12/6/2021
Fee Amount: $ 500.00 CK# 159
Date Paid: 12/6/2021

Applicant Information:

Karen Thomson
Applicant Name

4913 Falstone Ave | Chevy Chase | MD | 20815
Address | *City* | *State* | *Zip*

535 Sunset Village Rd, Front Royal VA 22136
Property Location for conditional use permit if Different than Applicant's Address

202-230-2173 | Wandckt@gmail.com
Primary Contact Number | *Email*

Property Owner (if same as applicant, leave blank)

Address | *City* | *State* | *Zip*

Primary Contact Number

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

A. Property Information:

(1) Address/Location: 535 sunset village rd, Front Royal, VA 22136
(2) Election District: Fork
(3) Tax Map Number: 27D--1--53-3A
(4) Subdivision Name: Jonewood Estates
(5) Total Area of Property (acres): 2 acres
(6) Total Area to be Used (acres): 2 acres
(7) Total Road Frontage (feet): _____
(8) Depth of Property (feet): _____
(9) Present Zoning: R-1

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: short term / vacation rental

(2) Current land use and condition of site: residential / second home

(3) Zoning of surrounding land/property: _____

(4) Will development be staged? ☐ Yes ☑ No

(5) Construction Time: N/A

(6) Season, days, and hours of operation: throughout year

(7) Will there be a sign? ☐ Yes ☐ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) ND

(9) Number of full time employees: none

(10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: intermittently up to 7

(12) Number of parking spaces to be provided: Regular 4 Handicap 0

(13) What is the proposed landscaping and buffering for this property? The lots/homes are spaced out and I don't anticipate any disruption to the neighbors. No parties are allowed.

C. Plans Prepared By

Name: Karen Thomson

Address: 535 Sunset Village Rd

Telephone Number: 202-236-2173

D. Environmental Information

(1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) I don't anticipate any adverse impact to the environment or community.

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) There will be no debris above personal use - our cleaning crew takes the trash with them.

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) NO hazardous substances

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. NO emissions

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) NO

(6) What will be the impact on traffic? There should be no impact on traffic above personal/residential use. ~~DFF~~ Any parking will be in the driveway of the home.

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. NO. We have motion sensor exterior lighting like many private homes.

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

☑ **An application fee of $500.00.**

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

☐ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☐ **A Site Plan/Survey.** PLAT

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

☐ **Sewage Disposal and Well Site.** WC HEALTH DEPT. 540-635-3159

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

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

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

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

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

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

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

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

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

N/A ☐ **Location Map**

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

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

South of town on 340. Turn on Rivermont Drive and take it past the airport. Left into the neighborhood on Sunset Village Rd.

I/we the undersigned, do hereby respectfully agree to comply with any cond
Board of Supervisors of the County of Warren, Virginia, and authorize the
upon the property for the purpose of making site inspections. Expen
professional assistance in connection with the review of this applicat
Permit, shall be charged to the applicant.

Applicant Signature — Date: 11/21/2021

Property Owner Signature — Date: 11/21/2021

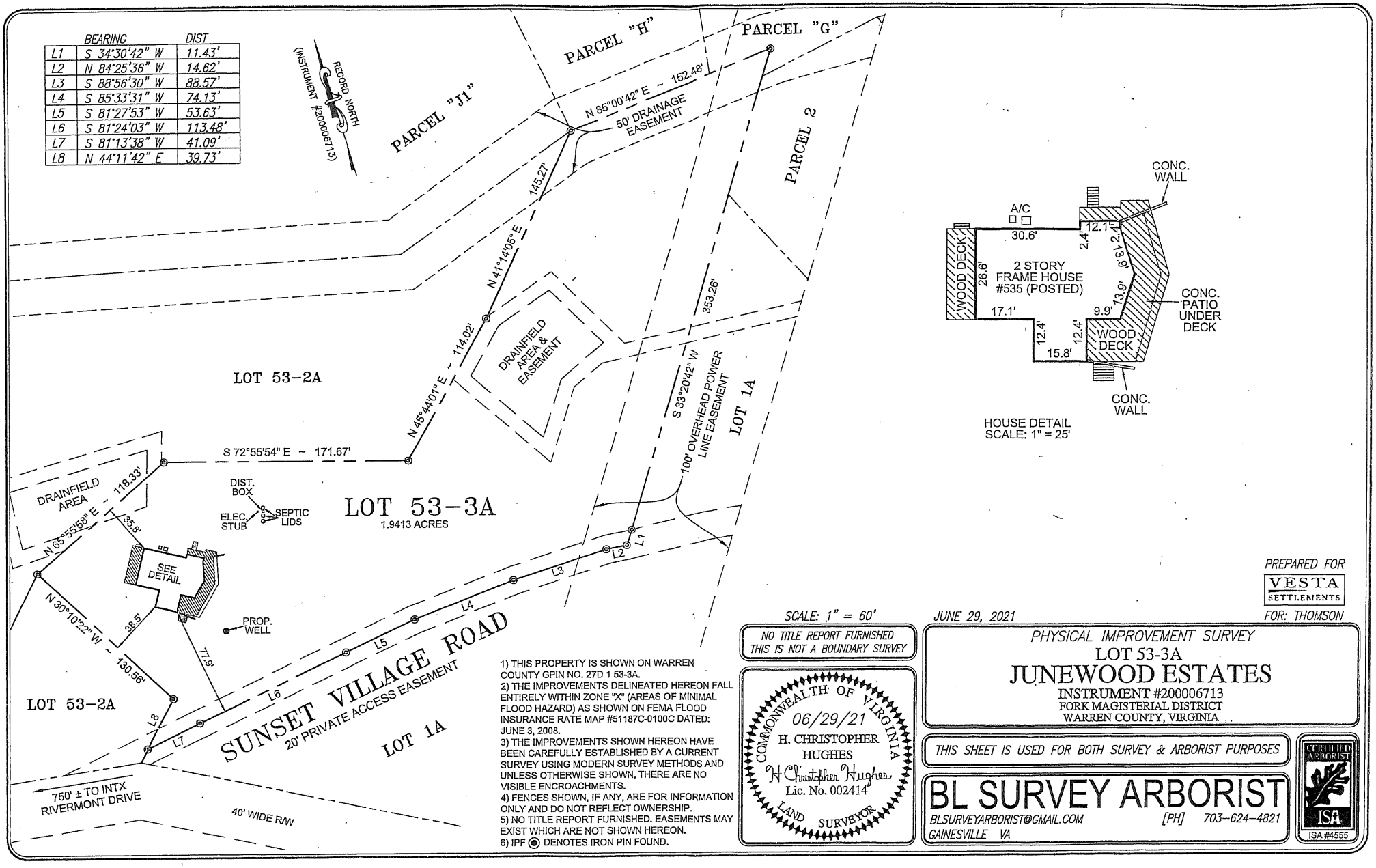
Accepted by: Chase — Date: 12/6/2021

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

NOTES

Exhibit A

New Lot 53-3A, containing 1.9413 acres, more or less, as shown on the plat prepared by Joseph G. Brogan, Jr., Land Surveyor, dated August 18, 2020, entitled "Boundary Line Adjustment Between Lots 53-1, 53-2, 53-3 Plat of Junewood Estates, Lot 1 Plat of Additional No. 1 Junewood Estates and Parcel K1 Per Plat Showing Boundary Survey and Division of the Residue of Junewood Estates, Fork Magisterial District, Warren County, Virginia" attached to Deed of Gift of Boundary Adjustment as recorded at Instrument Number 200006713 among the land records of Warren County, Virginia.



HOUSE DETAIL
SCALE: 1" = 25'

1) THIS PROPERTY IS SHOWN ON WARREN COUNTY GPIN NO. 27D 1 53-3A.
2) THE IMPROVEMENTS DELINEATED HEREON FALL ENTIRELY WITHIN ZONE "X" (AREAS OF MINIMAL FLOOD HAZARD) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP #51187C-0100C DATED: JUNE 3, 2008.
3) THE IMPROVEMENTS SHOWN HEREON HAVE BEEN CAREFULLY ESTABLISHED BY A CURRENT SURVEY USING MODERN SURVEY METHODS AND UNLESS OTHERWISE SHOWN, THERE ARE NO VISIBLE ENCROACHMENTS.
4) FENCES SHOWN, IF ANY, ARE FOR INFORMATION ONLY AND DO NOT REFLECT OWNERSHIP.
5) NO TITLE REPORT FURNISHED. EASEMENTS MAY EXIST WHICH ARE NOT SHOWN HEREON.
6) IPF ◉ DENOTES IRON PIN FOUND.

SCALE: 1" = 60'

NO TITLE REPORT FURNISHED
THIS IS NOT A BOUNDARY SURVEY

COMMONWEALTH OF VIRGINIA
06/29/21
H. CHRISTOPHER HUGHES
H Christopher Hughes
Lic. No. 002414
LAND SURVEYOR

JUNE 29, 2021

PREPARED FOR
VESTA SETTLEMENTS
FOR: THOMSON

PHYSICAL IMPROVEMENT SURVEY
LOT 53-3A
JUNEWOOD ESTATES
INSTRUMENT #200006713
FORK MAGISTERIAL DISTRICT
WARREN COUNTY, VIRGINIA

THIS SHEET IS USED FOR BOTH SURVEY & ARBORIST PURPOSES

BL SURVEY ARBORIST
BLSURVEYARBORIST@GMAIL.COM [PH] 703-624-4821
GAINESVILLE VA
CERTIFIED ARBORIST ISA
ISA #4555

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

LORD FAIRFAX HEALTH DISTRICT

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

December 30, 2021

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-01-05)
Owner: Karen Thompson

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 535 Sunset Village Rd. Front Royal, VA (Tax Map# 27D-1-53-3A) and I offer the following comments:

1. **There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 10/21/2020, 5/28/2021 and 7/01/2021 respectively.**
2. **The dwelling is served by an Alternative Onsite Sewage System (AOSS). The AOSS is designed for Four (4) Bedrooms, Conditional to Six (6) Occupants and 450 gallons per day.**
3. **The owner should be aware the AOSS must inspected by a licensed operator at least annually.**
4. **The dwelling is served by a private Class IIIB Well. A sample of the water should be collected and tested by a state approved lab at least annually.**
5. **All refuse shall be placed in containers with tight-fitting lids.**
6. **Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.**

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

Jim Davis
Environmental Health Supervisor

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

Warren County Health Department
465 W 15th St. Ste 200
Front Royal, VA 22630
(540) 635-3159 Voice
(540) 635-9698 Fax

Conditional Sewage Disposal System Construction Permit

October 21, 2020

S.L. Cook Development
65 Lee Burke Rd.
Front Royal, VA 22630

RE: **Tax Map/GPIN:** 27D-1-53-3A **HDID:** 187200327
Occupancy Limit: 6 persons maximum
Daily Flow: Restricted to 450 gallons maximum
Sunset Village Rd.
Front Royal, VA 22630

Dear S.L. Cook Development,

Your application for a conditional sewage disposal system permit filed with the Warren County Health Department has been approved with the following conditions:

- Limitations on the number of persons occupying the dwelling or using the facility.
- Four (4) Bedrooms
- Six Occupants
- 450 gallons per day maximum design

Your permit is issued in accordance with the **Code of Virginia, Title 32.1-164 and 32.1-164.1 Article I, Board of Health, Commonwealth of Virginia, *Sewage Handling and Disposal Regulations,*** and current agency policy. This letter shall become and is a part of the sewage disposal system permit issued for the above referenced location. Due to the **conditional** nature of this system, this permit shall not become valid until the following items are completed.

1. The permit shall be **recorded** in the Grantor Index of the land records of the Circuit Court of the County of Warren.

2. The owner or his agent shall furnish to the Warren County Health Department certification by the Clerk of the Circuit Court of the **Deed Book Number** and **Page Number** upon which the permit and all provisions have been recorded. The Deed Book Number and Page Number must be placed on all copies of the permit prior to giving validation to the building officials for issuance of a building permit.

In accordance with the *Sewage Handling and Disposal Regulations*, you have the right of appeal to obtain a modification or elimination of the conditions set herein. A written request to review the conditions must be submitted to Colin Greene, MD, Director, Warren County Health Department, 465 W 15th St. Ste 200, Front Royal, VA 22630.

This Permit has been issued in accordance with applicable regulations based on the information and materials provided at the time of application. There may be other local, state, or federal laws or regulations that apply to the proposed construction of this onsite sewage system. The owner is responsible at all times for complying with all applicable local, state, and federal laws and regulations.

This construction permit is transferrable until expired or deemed null and void.
A permit transfer form may be found on the VDH website at
http://www.vdh.virginia.gov/environmental-health/gmp-2015-01-forms/ .

If you have any questions, please contact me. This authorization to construct a sewage disposal system **expires: April 22, 2022.**

Issued by:

Jim Davis
Environmental Health Supervisor

As owner/legal representative of the property included in this permit, I have reviewed and accept all provisions in the conditional sewage disposal system permit.

S.L. Cook Development/Shelly Cook

10-29-2020
Date

COMMONWEALTH OF VIRGINIA, COUNTY/CITY OF Warren, to wit:

Subscribed and acknowledged before me this 29 day of October, 2020 by S.L. Cook Development/Shelly Cook.

NOTARY PUBLIC for the
COMMONWEALTH OF VIRGINIA AT LARGE

Registration #: 7890309

My Commission expires 04/30/2024

BEATRIZ LARA-RODRIGUEZ
NOTARY PUBLIC
REG. #7890309
MY COMMISSION EXPIRES
04/30/2024
COMMONWEALTH OF VIRGINIA

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

Warren County Health Department
465 W 15th St. Ste 200
Front Royal, VA 22630
(540) 635-3159 Voice
(540) 635-9698 Fax

October 21, 2020

Notice for Recordation: AOSS Operation and Maintenance Required

TO: S.L. Cook Development/Shelly Cook
FROM: Jim Davis, Environmental Health Supervisor

RE: Tax Map/GPIN : 27D-1-53-3A
HDID #: 187200327
Address: Sunset Village Rd.
Front Royal, Warren, VA 22630

TO WHOM IT MAY CONCERN:

The Warren County Health Department has approved an alternative onsite sewage system (AOSS) for use for the property identified above as long as the system is properly operated and maintained and performs in accordance with the *Sewage Handling and Disposal Regulations* (12 VAC 5-610-10 *et seq.)* and the *Regulations for Alternative On-Site Sewage Systems* (12 VAC 5-613-10 *et seq.)*

This permit is issued in accordance with the provisions of Title 32.1, Chapter 6 of the *Code of Virginia* as Amended, and §12VAC5-610-340 of the *Sewage Handling and Disposal Regulations* of the Virginia Department of Health. The continued validity of this permit is contingent upon compliance with the operation and maintenance requirements contained in the Owner's Operation and Maintenance Manual and the *Regulations for Alternative Onsite Sewage Systems* of the Virginia Department of Health (12VAC5-613-100 et seq.). Owners are advised to be aware of the operation and maintenance instructions for their alternative onsite sewage system and to follow them. Copies of the operation and maintenance instructions should have been given to the original owner by the system designer and should be passed on from owner to owner; they can also be found by contacting the local health department for the locality where the onsite sewage disposal system is located.

This Notice must be recorded in the owner's name in the grantor's index of the land records of the Clerk of the Circuit Court of the county having jurisdiction over the property. You must furnish the Warren County Health Department with certification from the Clerk of the Circuit Court showing the deed book and page number or the instrument number upon which the notice was recorded before you can receive your permit to operate the on-site sewage treatment and disposal system.

As owner of the property, I acknowledge that the sewage disposal system designed to serve the dwelling requires adherence to the Owner's Operation and Maintenance Manual and to Part III, Operation and Maintenance, found in the *Regulations for Alternative Onsite Sewage Systems* of the Virginia Department of Health (12VAC5-613-100 et seq.).

S.L. Cook Development/Shelly Cook

10/29/2020
Date

COMMONWEALTH OF VIRGINIA, COUNTY/CITY OF Warren, to wit:

Subscribed and acknowledged before me this 29 day of October 2020 by S.L. Cook Development/Shelly Cook.

Beatriz Lara-Rodriguez

NOTARY PUBLIC for the
COMMONWEALTH OF VIRGINIA AT LARGE

Registration #: 7890309

My Commission expires 04/30/2024

BEATRIZ LARA-RODRIGUEZ
NOTARY PUBLIC
REG. #7890309
MY COMMISSION EXPIRES
04/30/2024
COMMONWEALTH OF VIRGINIA

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

Warren County Health Department
465 W 15th St. Ste 200
Front Royal, VA 22630
(540) 635-3159 Voice
(540) 635-9698 Fax

October 21, 2020

S.L. Cook Development
65 Lee Burke Rd.
Front Royal, VA 22630

Subject: **Recordation of Future Operation Permit**
Health Department ID Number: 187200327
Tax Map Number/GPIN: 27D-1-53-3A
Locality: Sunset Village Rd.
Front Royal, Warren, VA 22630

Dear S.L. Cook Development:

Your application to construct an alternative sewage disposal system to serve a residence at the above location, filed on October 8, 2020 with the Warren County Health Department, has been evaluated in accordance with the requirements contained in Section 32.1-164.1 of the *Code of Virginia,* 12 VAC 5-610-250 of the *Sewage Handling and Disposal Regulations,* and current agency policies and procedures.

Your application is approved and your construction permit is attached to this letter. After your alternative sewage disposal system is constructed and approved for use, the local health department will issue an Operation Permit. The Operation Permit will be valid as long the sewage disposal system is properly operated and maintained. In accordance with Section 15.2-2157 of the *Code of Virginia,* operation permits for alternative systems serving residential facilities must be conditioned. Before you receive an operation permit for your alternative onsite sewage disposal system, you must record a notice in the land records of the Clerk of the Circuit Court in the locality where the system is located. You must furnish to the local health department a certification from the Clerk of the Circuit showing the deed book number and page number (or instrument number) upon which the notice was recorded. The notice must be indexed in the grantor index under your name.

The notice will state the following:

> *This permit is issued in accordance with the provisions of Title 32.1, Chapter 6 of the Code of Virginia as Amended, and § 12VAC5-610-340 of the Sewage Handling and Disposal Regulations of the Virginia Department of Health. The continued validity of this permit is contingent upon compliance with the operation and maintenance requirements contained in the Owner's Operation and Maintenance Manual and Regulations for Alternative Onsite Sewage Systems of the Virginia Department of Health (12VAC5-613-100 et seq.). Owners are advised to be aware of the operation and maintenance instructions for their alternative onsite sewage system and to follow them. Copies of the operation and maintenance instructions can be found by contacting the local health department for the locality where the onsite sewage disposal system is located.*

If you have any questions or if this office can be of further service to you, please call us at (540) 635-3159.

Sincerely,

Jim Davis
Environmental Health Supervisor

Chloe Phillips

From: David Beahm
Sent: Thursday, December 16, 2021 5:41 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-05 – Karen Thomson – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000154-2021

Comments 2022-01-05 – Karen Thomson – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000154-2021:

- Erosion and Sediment Control Items:
  - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.

- Building Inspections Items:
  - The use of the existing dwelling(s) for a "short-term rental" would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
  - Given the timeframe that the structure was originally built it will more than likely not require an Electrical permit to meet the building code requirements for this change.

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

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce /
Sui
Front Royal, VA
540/636
FAX 540/636

dbeahm@warrencountyva.net
www.warrencountyva.net

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

November 3, 2021
Junewood Estates
Desk of Shelly Cook: Builder

To Whom It May Concern:

Please note that to the best of my knowledge and understanding, there are no rental or AirBNB restrictions against any homeowners at Junewood Estates and/or Cooks Riverside.

Should you need any more clarification or assistance on this matter, please fell free to call and/ or email.

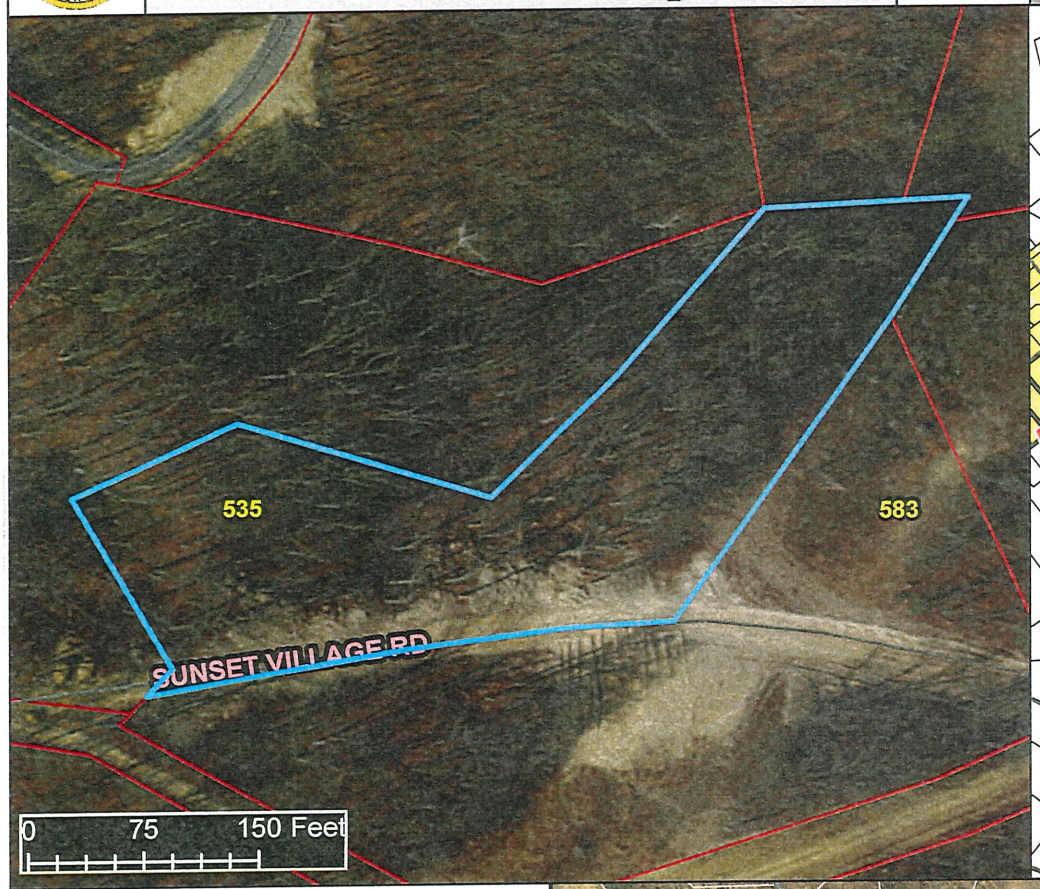
Best,

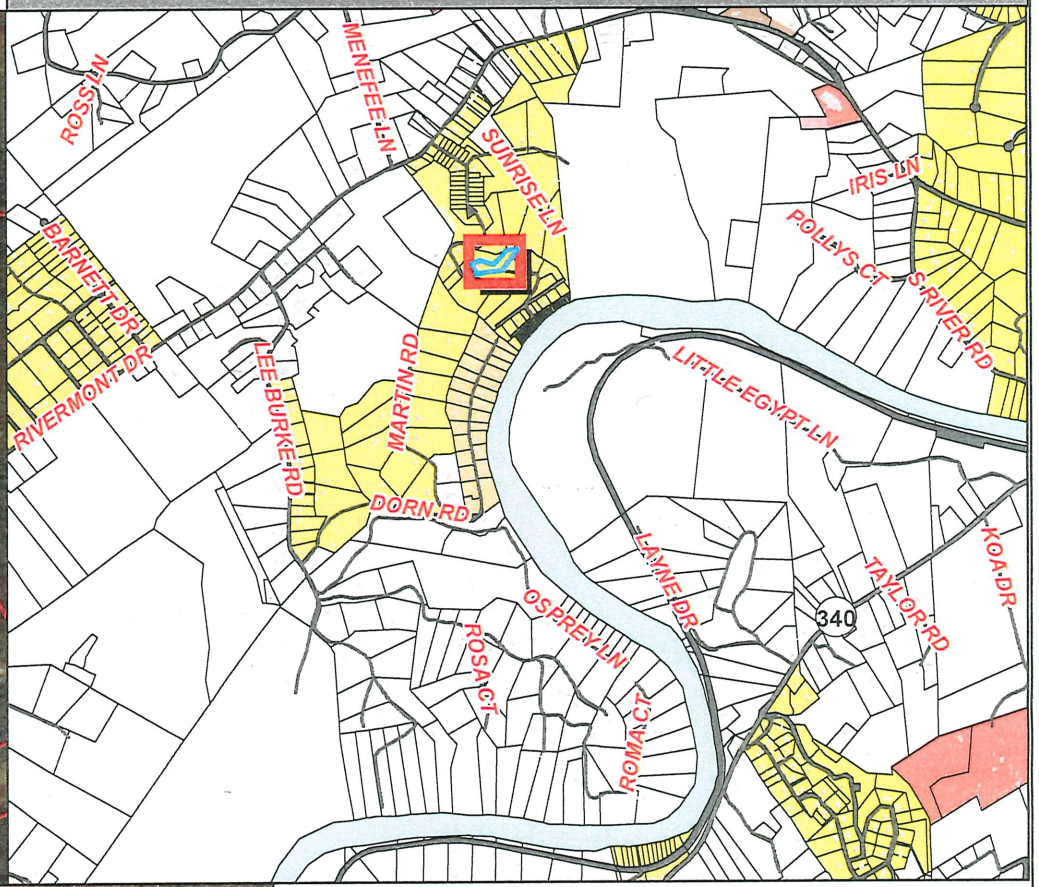
Shelly Cook
shellycook103@gmail.com
Cell: 540-550-0334

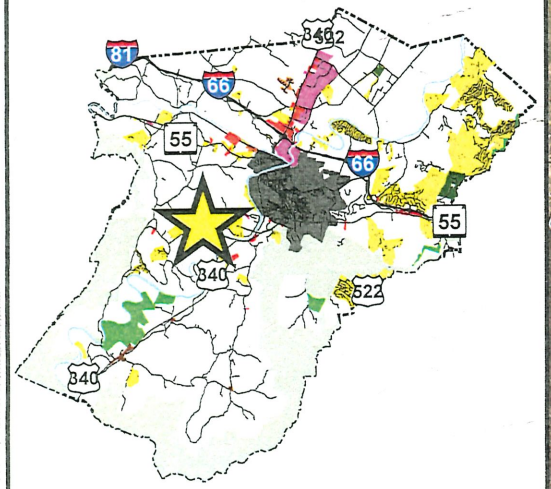
Warren County VA
CUP Location Map

Short Term Tourist Rental
Applicants: Karen Thomson

TM 27D--1--53-3A
Junewood Estates









Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
03/01/2022	G-11	Conditional Use Permit #2022-01-05 Michael Ney *Short-Term Tourist Rental*

EXPLANATION & SUMMARY:

See attached application and staff report.

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

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

PLANNING COMMISSION STATUS:

On Wednesday, February 9, 2022, Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Kersjes and approved by the Planning Commission by a vote of 5-0.

PROPOSED OR SUGGESTED MOTION:

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

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Chase Lenz, CL Zoning Administrator	☐ APPROVED ☐ OTHER (Describe)	

Conditional Use Permit: 2022-01-05 / Short-Term Tourist Rental
Michael Ney, *Current Owner/Applicant*
Prepared: January 25, 2022
Staff Contact: Chase Lenz, Zoning Officer

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available during the spring and summer seasons for short-term visitations for individuals visiting the Warren County area. The owner would like to use the property as a short-term tourist rental to supplement his income and he will manage the property personally. He is currently renting the property to long-term guests.

PROPERTY INFORMATION

Property Location: 207 Riverview Shores Drive
Tax Map ID: 13C--1-S--15A
Magisterial District: Shenandoah
Subdivision: Shenandoah Shores

City: Front Royal
Zoning: Residential-One (R-1)
Acres: 0.804 Acres
Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Shenandoah River — Use: Shenandoah River
South: Residential-One (R-1) — Use: Single Family Dwelling
East: Residential-One (R-1) — Use: Vacant Lot
West: Residential-One (R-1) — Use: Vacant Lot

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential-One zoning district. The house was constructed in 1960 and the previous property owner was cited in 2019 for an unpermitted shed in the Special Flood Hazard Area (SFHA). The violation was resolved with the previous owner by installing flood vents on the shed and anchoring it. The current property owner was issued a Notice of Violation in June of 2021 for advertising/operating a short-term tourist rental in the Residential-One zoning district without an approved conditional use permit. The owner is currently only renting to long-term guests for a minimum of 30 days.



COMPATIBILITY WITH THE COMPREHENSIVE PLAN

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

SUPPLEMENTARY REGULATIONS

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

A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.

B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however, the maximum number of occupants shall not exceed 10. **The Health Department could not find records, though the applicant is working with the Health Department and an OSE to confirm the existing septic capacity. The applicants have provided documentation requesting a four (4) person maximum. The Warren County Assessors list two (2) bedrooms in the dwelling.**

C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards. **There is sufficient parking for at least two vehicles in the driveway.**

D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The property has an existing fence along the side property boundaries. The rear property boundary abuts the Shenandoah River, and the front property boundary extends to the edge of the platted Right-of-Way for Riverview Shores Drive.**

E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **The applicant shall obtain building permits to ensure the dwelling meets the current code requirements for fire protection systems.**

G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24-hour notice.

H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **The PMP has been provided. The applicant will manage the property personally and will use a weekly garbage pickup service.**

I. If the property is located within a subdivision governed by a Home Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located within the Shenandoah Shores POA; comments have been requested.**

J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The property shall have the evacuation plan posted in each bedroom and in the guest registration packet.**

L. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of the ordinance in their guest registration packet and posted in a common area of the dwelling.**

M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in §180-63 of the Warren County Zoning Ordinance.

N. All outdoor burning shall be in compliance with Chapter 92 of the Warren County Code.

O. There shall be a minimum of 100′ from the short-term tourist rental to all neighboring residences. **The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 235′ to the southeast.**

RECOMMENDED CONDITIONS

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

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.

3. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.

4. The applicants shall have the well water tested annually for e- coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of the calendar year.

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.

Cc: Michael Ney – Owner/Applicant

Michael Ney
207 Riverview Shores Drive
Front Royal, VA 22630
(571) 494-0072
mikney@gmail.com

December 7, 2021

Letter of Intent

To whomever it may concern,

I Michael Ney am applying for a business license to operate a short-term rental with my house (207 Riverview Shores Drive). I intend to rent it out on Airbnb for seasonal tourist stays. It would help me with extra income to pay off my mortgage and bills. Under short term conditions, guests would have to book at least 3 days and no more than 4 people at a time. The house is completely fenced, so pets are welcome. The house sits on a gorgeous river lot, overlooking the Shenandoah River. Not only is it a pleasure of mine to be able to share my beautiful home with others, but also they get to meet our great town of Front Royal, bringing business to local businesses, farms, parks & etc.

WCCUP-000155-2021

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-01-05
Date Received: 12/6/2021
Fee Amount: $ 500.00 (CC payment)
Date Paid: 12/6/2021

Applicant Information:

Michael Ney
Applicant Name

207 Riverview Shores Dr | Front Royal | VA | 22630
Address | *City* | *State* | *Zip*

Property Location for conditional use permit if Different than Applicant's Address

571 494 0072 | mihney@gmail.com
Primary Contact Number | *Email*

Property Owner (if same as applicant, leave blank)

Address | *City* | *State* | *Zip*

Primary Contact Number

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

A. Property Information:

(1) Address/Location: 207 Riverview Shores Dr.
(2) Election District: Shenandoah
(3) Tax Map Number: 13C-1-S-15A
(4) Subdivision Name: Shenandoah Shores
(5) Total Area of Property (acres): 0.804
(6) Total Area to be Used (acres): 0.804
(7) Total Road Frontage (feet): 150'
(8) Depth of Property (feet): 233'
(9) Present Zoning: Residential One

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: short-term tourist rental

(2) Current land use and condition of site: single living dwelling

(3) Zoning of surrounding land/property: residential 1

(4) Will development be staged? ☐ Yes ☐ No N/A

(5) Construction Time: _____

(6) Season, days, and hours of operation: _____

(7) Will there be a sign? ☐ Yes ☐ No N/A
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) N/A

(9) Number of full time employees: N/A

(10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: _____

(12) Number of parking spaces to be provided: Regular 2 Handicap 0

(13) What is the proposed landscaping and buffering for this property? _____

C. Plans Prepared By

Name: _____

Address: _____

Telephone Number: _____

D. Environmental Information

(1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) _____

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) N/A

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) N/A

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. N/A

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) N/A

(6) What will be the impact on traffic? NONE

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. N/A

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

☐ **An application fee of $500.00.**

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

☐ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☐ **A Site Plan/Survey.**

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

☐ **Sewage Disposal and Well Site.**

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

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

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

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

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

☐ **Environmental and Community Impact Statements**

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

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

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

☐ **Location Map**

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

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

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

M. Chauffey — 12/05/21

Applicant Signature — Date

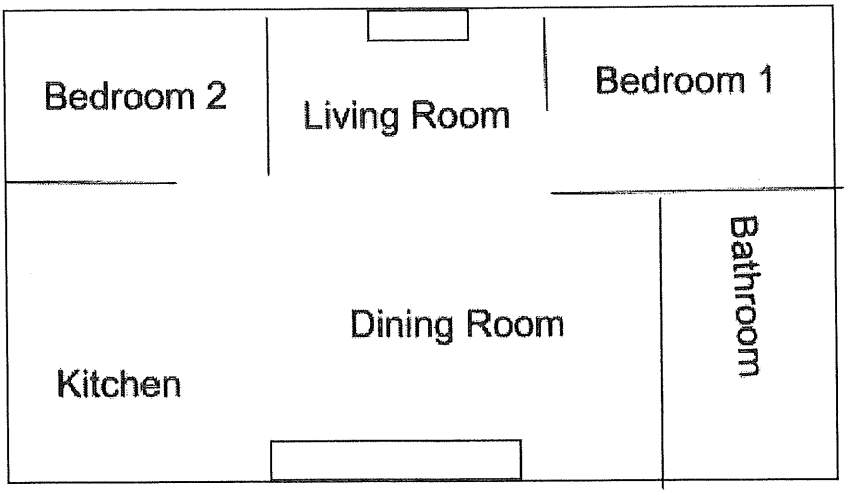
M. Chauffey — 12/05/21

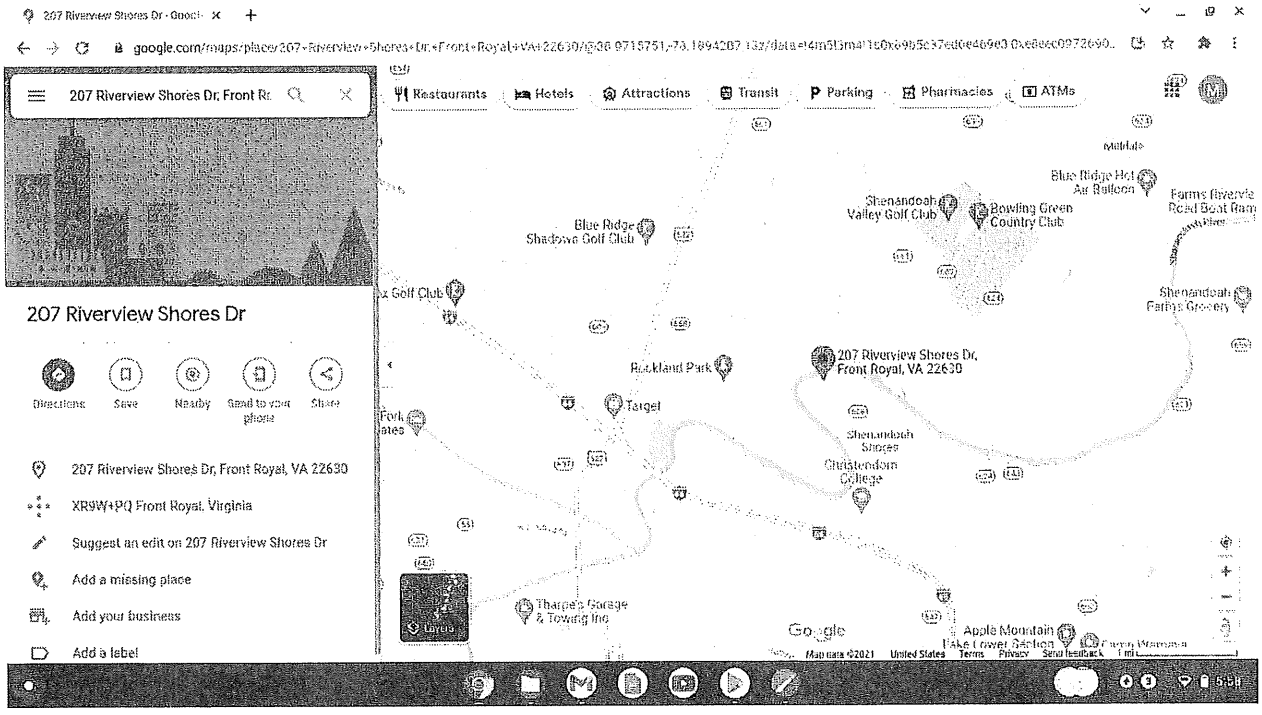
Property Owner Signature — Date

Accepted by: Chase Lewis — Date: 12/6/2021

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

NOTES


Bedroom 2
Living Room
Bedroom 1
Bathroom
Dining Room
Kitchen


207 Riverview Shores Dr, Front R
Restaurants
Hotels
Attractions
Transit
Parking
Pharmacies
ATMs
207 Riverview Shores Dr
Directions
Save
Nearby
Send to your phone
Share
207 Riverview Shores Dr, Front Royal, VA 22630
XR9W+PQ Front Royal, Virginia
Suggest an edit on 207 Riverview Shores Dr
Add a missing place
Add your business
Add a label
Blue Ridge Shadows Golf Club
Shenandoah Valley Golf Club
Bowling Green Country Club
Blue Ridge Hot Air Balloon
Shenandoah Farms Grocery
Rockland Park
Target
207 Riverview Shores Dr, Front Royal, VA 22630
Shenandoah Shores
Christendom College
Tharpe's Garage & Towing Inc
Apple Mountain
Google

Michael Ney
207 Riverview Shores Drive
Front Royal, VA 22630
(571) 494-0072
mikney@gmail.com

Property Management Plan

EMERGENCY PLAN:

If there is an emergency, please contact Michael Ney at (571) 494-0072 or Gisella Howe at (703) 715-7389. For emergencies that require immediate assistance please call 911. If 911 is contacted Todd Cooper (540) 272-1513 will be the one to show up, he's the property manager, and is located in Front Royal.

Warren County Sheriff's Department: (540) 636-7100 or 911 - 200 Skyline Vista Drive, Front Royal VA 22630.
Warren County Fire and Rescue: (540) 636-3830 or 911 - 200 Skyline Vista Drive, Front Royal VA 22630.
Neighboring Fire Department: (540) 635-7897 - Shenandoah Shores Fire Dept - 533 Mountain View Drive, Front Royal VA 22630. 0.3 miles from the property.
Warren Memorial Hospital: (540) 636-0300 or 911 - 1000 N Shenandoah Ave, Front Royal VA 22630.
Electrical Outage: Rappahannock Electric Cooperative at (800) 552-3904.

OCCUPANCY:

The conditional Use Permit and Health Department records limit the occupancy for this short term rental to Four (4) people and Two (2) Bedrooms.

NOISE:

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

PARKING:

Parking is limited to inside the property, preferably upto Two (2) cars. Under no circumstances should cars be parked along the roadway.

TRASH AND RECYCLING:
All trash and recycling should be placed in the container that is provided. Owner and cleaning team will pick up the trash on a routine basis; no outdoor trash shall be permitted.

CHECK-IN & CHECK-OUT:
Check-in and check-out should be done on the app (Airbnb). When property is booked on the app, guests will receive all instructions (house key codes, directions, time, etc). On the way out guests should send a message to notify us that they're checking out.

WIFI/PHONE LINE:
Wifi is provided on property, along with a phone line.

SPECIFIC PROPERTY REGULATIONS:

- No Firearms
- No ATVs
- No loud or amplified music
- Parking in designated areas only
- No unattended fires
- No outdoor trash storage
- No candles
- No smoking indoors
- No unauthorized guests
- No parties (over 4 people)

HOST CONTACT:
Primary Contact-
Michael Ney (571) 494-0072
Text is preferred

Secondary Contact-
Gisella Howe (703) 715-7389
(If Michael doesn't reply within 2 hours)

Under Serious Emergencies that require 911 assistance-
Todd Cooper (540) 272-1513

Please feel free to reach out to Michael for any question, concern or emergency.

Emergency Evacuation:

207 Riverview Shores Drive:
Left onto Riverview Shores Drive for 0.5 miles
Right onto Shenandoah Shores Road for 0.7 miles
Right to continue on Shenandoah Shores Road/Route 606

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

LORD FAIRFAX HEALTH DISTRICT

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

December 30, 2021

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-01-06)
Owner: Michael Ney

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 207 Riverview Shores Dr. Front Royal, VA (Tax Map# 13C-1-S-15) and I offer the following comments:

1. **There are no records of an onsite sewage system construction permit on file for the subject property.**
2. **A sewage system repair permit was issued by this office on 3/18/2018 to replace a deteriorated distribution box and other system components but the system was not evaluated for design capacity.**
3. **The applicant could consider hiring a private onsite soil evaluator to evaluate the property to assist with determining the design capacity and condition of the existing sewage system or the possible installation of an approved onsite sewage system.**
4. **According to public records, the dwelling is connected to the community water system.**

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

Jim Davis
Environmental Health Supervisor

Chloe Phillips

From: David Beahm
Sent: Thursday, December 16, 2021 5:18 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-06 – Michael Ney – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000155-2021

Comments 2022-01-06 – Michael Ney – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000155-2021:

- Erosion and Sediment Control Items:
  - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.

- Building Inspections Items:
  - The use of the existing dwelling(s) for a "short-term rental" would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
  - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
    - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

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

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce
Sui
Front Royal, VA
540/636
FAX 540/636

dbeahm@warrencountyva.net
www.warrencountyva.net

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

Michael McDonald
2506 Branding Iron Ct.
Herndon, VA 20171
(703) 401-3449
mikem@nogginware.com

RECEIVED
FEB 07 2022
BY:

February 2, 2022

County of Warren
Department of Planning
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Dear Warren County Planning Commission Representative,

My wife and I received a letter in the mail informing us of the Conditional Use Permit application for the property listed below.

207 Riverview Shores Dr.
Front Royal, VA 22630

We have been owners of the property directly across the street at 242 Riverview Shores Dr and the 2 lots adjacent to the referenced property for the past 12 1/2 years. The residential setting and the tranquility of this location was the thing that inspired us to purchase our property as a 2nd home. My wife retired last year and I plan to retire in 3 to 5 years. At that time, we are planning to move permanently to Warren County.

When Mr. Ney purchased the property at 207 Riverview Shores Dr in April 2020, the Bylaws of the Shenandoah Shores Property Owners Association explicitly prohibited short-term rentals of 30 days or less. These Bylaws are still in place today. Despite this, Mr. Ney has been renting his property through AirBnb for the past 20 months since June 2020 (see https://www.airbnb.com/rooms/43848020). During that time, I have encountered several instances where his tenants have trespassed onto my property prompting me to install barricades and no trespassing signs. It's only now that he's making an attempt to obtain permits.

Approximately 5 years ago, Peter and Diane Lee purchased the property. Over the next several years until it was sold to Mr. Ney, Peter Lee made vast improvements to the property. They include the following - 1) cleared the entire lot of trees, 2) gutted the interior replacing subflooring and erecting walls, 3) replaced the septic field, 4) added new siding and a new roof, 5) added a front porch and back porch, 6) constructed a large deck overlooking the river, 7) added a picket fence along the entire perimeter of the property, 8) added a large outbuilding used for storage, and 9) added a new HVAC system. During this entire time, I don't ever recall seeing a visible construction permit for any of these improvements. I don't think permits were obtained or proper inspections ever performed on any of these improvements.

Nothing accomplished on this property over the past 5 years has been done legally with the proper permits. And now Warren County is being asked to grant a permit for short-term rentals that is in direct conflict with the Bylaws of this community. I cannot stand by idle and let this injustice be granted. Warren County is quickly turning this tranquil residential community into a 10 ring circus.

I cannot attend the public hearing on February 9, 2022. However I urge you to take everything I've said into consideration. If we had known that short-term rentals were a viable option, my wife and I would have purchased the property 2 years ago. But because the Bylaws expressly prohibit such rentals, we did not consider it. If you continue to allow short-term rentals of 30 days or less, it's a clear indication that Warren County does not observe the laws that are in place in our community.

Sincerely,

Michael McDonald

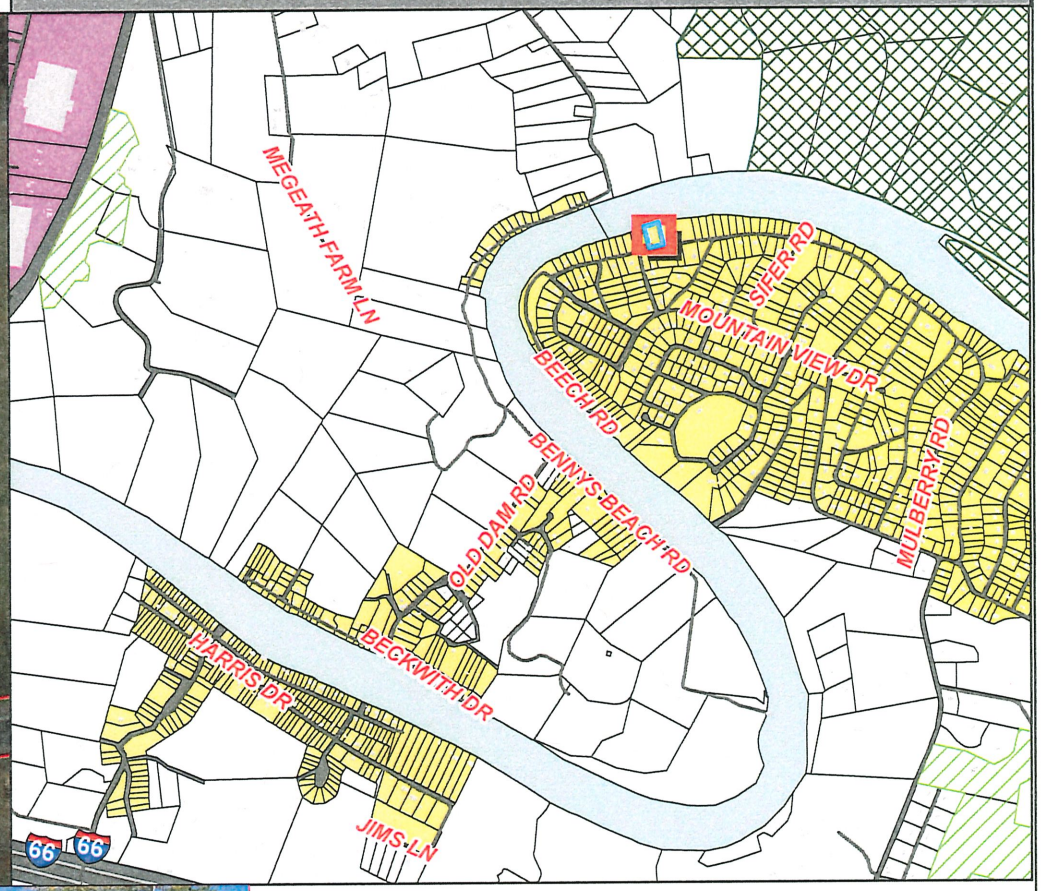
Michael McDonald

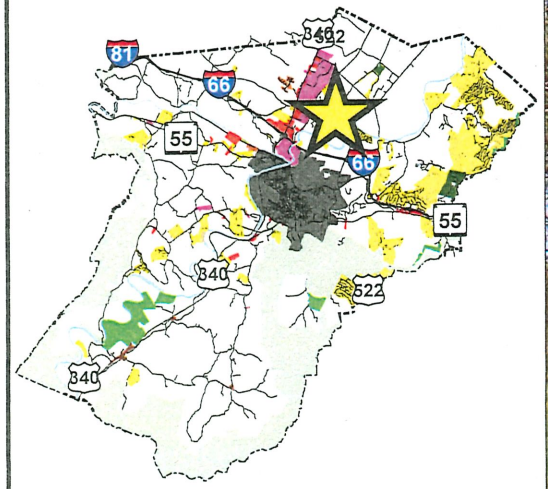
Warren County VA
CUP Location Map

Short Term Tourist Rental
Applicants: Michael Ney

TM 13C--1-S--15A
Shenandoah Shores









Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
3/1/2022	G-12	Conditional Use Permit #2022-01-06 Alvand Khoshgavar *Short-Term Tourist Rental*

EXPLANATION & SUMMARY:

See attached application and staff report.

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

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

Prevent such use from changing the character and established pattern of development of the community.

PLANNING COMMISSION STATUS:

On Wednesday, February 9, 2022, Mrs. Richardson moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Longo and approved by the Planning Commission by a vote of 5-0.

RECOMMENDED CONDITIONS:

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

1. The 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 the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.

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.

PROPOSED OR SUGGESTED MOTION:

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

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Joseph Petty, Planning Director	☐ APPROVED ☐ OTHER (Describe)	

Conditional Use Permit 2022-01-06: Short-Term Tourist Rental
Owner/Applicant: Alvand Khoshgavar
Prepared: February 23, 2022
Staff Contact: Joseph Petty, Planning Director

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a short-term tourist rental. The rental will be available for short-term visitations for individuals who will be visiting the Warren County area as the property is ideal for tourism given its access to the Shenandoah River. The owner/applicant currently lives outside Warren County and plans to have the property cleaned and maintained in between reservations.

The subject property does not meet the required setback of 100′ from the neighboring dwelling which is approximately 75′ 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 property owner has provided letters from adjoining property owners supporting the application and setback waiver.

Given the recent amount of short-term rental applications and approvals that are able to meet Warren County Code §180-56.4.O requiring the 100′ setback, staff cannot support approval of this application given the Code as written and possible precedent that may be created.

On Wednesday, February 9, 2022, Mrs. Richardson moved to forward this application to the Board of Supervisors, recommending approval. The motion was seconded by Mr. Longo and approved by the Planning Commission by a vote of 5-0.

PROPERTY INFORMATION

Property Location: 668 Old Dam Road
Tax Map ID: 13A--5-----6
Magisterial District: Shenandoah
Subdivision: Harry Hoskins Lots
City: Front Royal
Zoning: Residential-One (R-1)
Acres: 0.28 Acres
Existing Land Use: Single-Family Dwelling

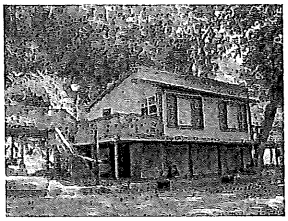
This property is in flood zone AE of the Special Flood Hazard Area (SFHA)

SURROUNDING ZONING DISTRICTS & USES

North: Residential-1 (R-1) — Use: Single-Family Dwelling
South: Shenandoah River — Use: Shenandoah River
East: Residential-1 (R-1) — Use: Single-Family Dwelling
West: Residential-1 (R-1) — Use: Vacant Lot

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Residential-1 zoning district. The dwelling was constructed in 1970 and the property does not have a record of any previous zoning violations.



ATTACHMENTS

□ Agency Comments
□ Application
□ Health Permit
□ Letter from Applicant
□ Location Map
□ Public Comments
□ Submitted Plans
□ Other: _____

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for residential land uses. A short-term tourist rental is a use allowed by conditional use permit in the Residential-1 zoning district and is compatible with the current Warren County Zoning Ordinance.

SUPPLEMENTARY REGULATIONS

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

A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.

B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. **The Health Department is unable to find records at this time. The applicants have provided documents requesting a two-bedroom with a four-person maximum. The conditions have been amended to be contingent on Health Department occupancy approval.**

C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There is sufficient parking for at least four vehicles in the driveway.**

D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The property is situated on an interior lot, with three sides bordering adjacent properties; two of which contain single-family dwellings. Most of the surrounding area is wooded land. The Shenandoah River is on the southern border of the property.**

E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **The applicant shall obtain building permits to ensure the dwelling meets the current code requirements for fire protection systems.**

G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24 hour notice.

H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **The PMP will be provided.**

I. If the property is located within a subdivision governed by a Home Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is not located within and HOA/POA.**

ATTACHMENTS

□ Agency Comments	□ Application	□ Health Permit	□ Letter from Applicant
□ Location Map	□ Public Comments	□ Submitted Plans	□ Other: _____

J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The property shall have the evacuation plan posted in each bedroom and in the guest registration packet.**

L. A copy of Chapter 123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicant shall have a copy of the ordinance in their guest registration packet and posted in a common area of the dwelling.**

M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in §180-63 of the Warren County Zoning Ordinance.

N. All outdoor burning shall be in compliance with Chapter 92 of the Warren County Code.

O. There shall be a minimum of 100′ from the short-term tourist rental to all neighboring residences. **This short-term tourist dwelling does not meet the setback requirement to adjacent single-family dwellings. The closest dwelling is 75′ to the east.**

RECOMMENDED CONDITIONS

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

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 the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.
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 75′ setback to the dwelling east of the subject property.
   Waiver has been requested by the applicant

Cc: Alvand Khoshgavar – Owner/Applicant

Supplemental information accompanying the " Warren County Conditional Use Permit Application" submitted by Alvand Khoshgavar for property 668 Old Dam Rd., Front Royal, VA 22630

Statement of Justification:

I am seeking permission for the use of 668 Old Dam Rd. as a "Short-Term Tourist Rental". My wife and I purchased the home back in Dec '20 from my wife's aunt with plans to keep the home in our family and to utilize the home as our secondary home. We recently welcomed the birth of our first child and would like to utilize the home as short-term rental for supplemental income. We plan to personally utilize the home in summer and would like to host it during the off-season (Spring, Fall and Winter). Our nearest neighbor Bill Hardee, which reflects Warren County Zoning code 180-56.4(O.), has given his verbal and written consent to host a short-term rental. Additionally, Steve Evans and Dan Young, our next nearest neighbors have given similar consent.

Site Plan Survey: Submitted with Application

Sewage Disposal and Well Site: Marked on Survey

Copy of Deed: Submitted with application

Proof that Real Estate Taxes Paid: Submitted with Application

Environmental/Community Impact Statement: Minimal if any

List of Chemical stored Onsite: None

Location Map: See submitted Survey Map

Directions to property: See application

Consent Letter from Bill Hardee (646 Old Dam Rd), Steve Evans (720 Old Dam) and Dan Young (449 Old Dam and Map ID 21B 11A): Submitted with Application

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-01-06
Date Received: 12/9/2021
Fee Amount: $ 500.00
Date Paid: 12/9/2021

Applicant Information:

Alvand Khoshgavar
Applicant Name

2539 Herrell Ct. | Falls Church | VA | 22043
Address | *City* | *State* | *Zip*

668 Old Dam Rd. | Front Royal, VA | 22630
Property Location for conditional use permit if Different than Applicant's Address

256-658-1694 | aKhoshgavar@gmail.com
Primary Contact Number | *Email*

Property Owner (if same as applicant, leave blank)

Address | *City* | *State* | *Zip*

Primary Contact Number

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

A. Property Information:

(1) Address/Location: 668 Old Dam Rd Front Royal, VA 22630
(2) Election District: Shenandoah
(3) Tax Map Number: 13A 5 67
(4) Subdivision Name: Hoskins Lots
(5) Total Area of Property (acres): .56
(6) Total Area to be Used (acres): .56
(7) Total Road Frontage (feet): 120
(8) Depth of Property (feet): 195
(9) Present Zoning: R-1

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: Short-term Rental

(2) Current land use and condition of site: Residental

(3) Zoning of surrounding land/property: _____

(4) Will development be staged? ☐ Yes ☑ No N/A

(5) Construction Time: N/A

(6) Season, days, and hours of operation: Spring, Fall, & Winter

(7) Will there be a sign? ☐ Yes ☑ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) No

(9) Number of full time employees: N/A

(10) What type of sewage disposal system will be used? ☑ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: 4 (2 bedroom house)

(12) Number of parking spaces to be provided: Regular 4 Handicap _____

(13) What is the proposed landscaping and buffering for this property? N/A

C. Plans Prepared By

Name: Aluard Khoshgavar

Address: 2539 Herrell Ct. Falls Church, VA

Telephone Number: 256-658-1694

D. Environmental Information

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

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) N/A

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) N/A

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. N/A

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) N/A

(6) What will be the impact on traffic? Minimal to none

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. Led Solar lights + motion detecting lights

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

☑ **An application fee of $500.00.**

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

☑ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☑ **A Site Plan/Survey.**

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

☑ **Sewage Disposal and Well Site.**

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

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

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

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

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

☑ **Environmental and Community Impact Statements**

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

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

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

☑ **Location Map**

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

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

Head North toward E 3rd St, turn right onto E 3rd St, turn left onto N Commerce Ave, turn right onto N Royal Ave, turn right onto US-340 N/US-522 N, Turn right onto State Rte 658, Continue straight onto Bennys Beach Rd, Slight right onto Old Dam Rd, turn right to stay on Old Dam Rd.

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

Applicant Signature — Date: 12-9-2021

Property Owner Signature — Date: 12-9-2021

Accepted by: Chase Lewy — Date: 12/9/2021

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

NOTES

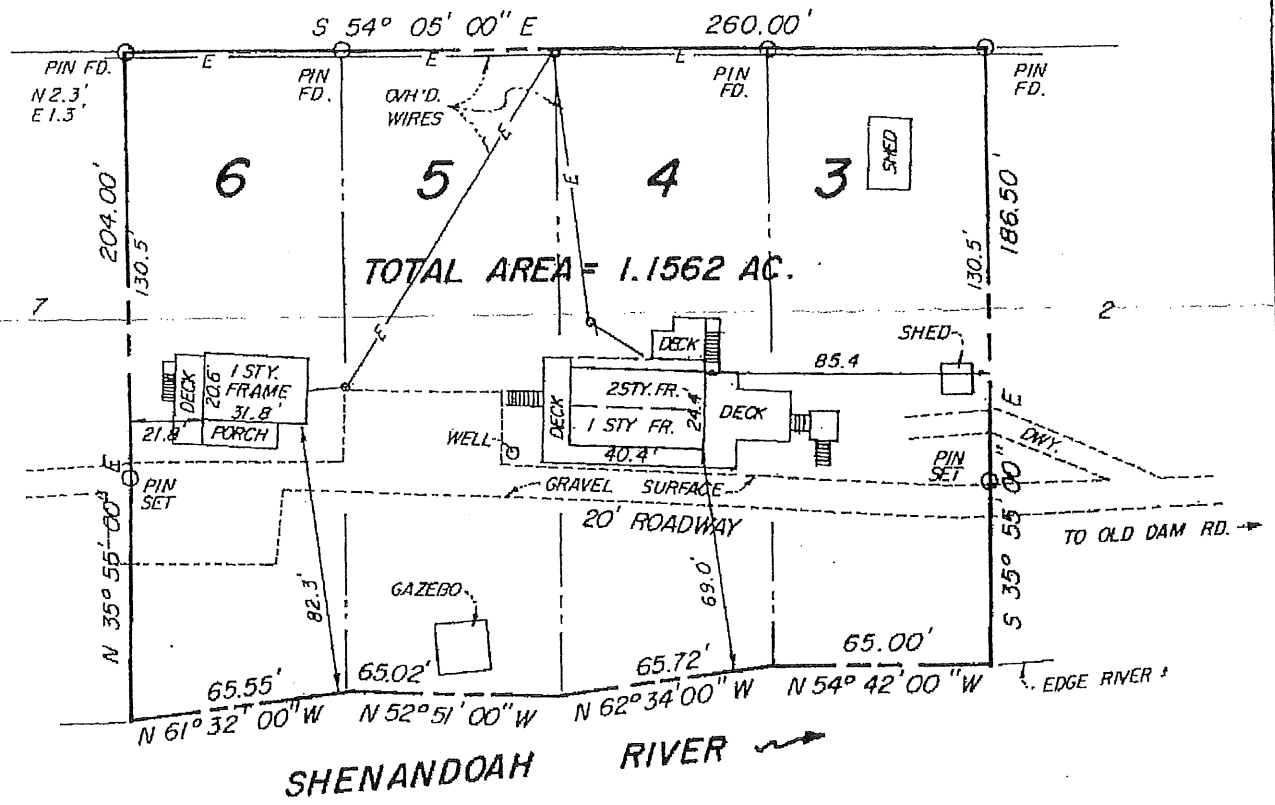
Notes:

1. No Title Report Furnished.
2. Plat Ref.: P.B. 2 PG. 163
3. Owner: STANLEY E. HUTT, et ux
   D.B. 317 PG. 746 (LOTS 3 & 4)
   D.B. 346 PG. 756 (LOT 5)
   D.B. 363 PG. 831 (LOT 6)

The houses shown hereon lie in Flood Zone A, (100-yr. Flood) as per F.E.M.A. Map No. 510166 0110 A.

N RECORD MERIDIAN

N/F HOSKINS PLAT = D.B. 326 PG. 469



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT I HAVE SURVEYED THIS PROPERTY ON THE GROUND; THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; AND THAT THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN.

Lord Fairfax Health District

LORD FAIRFAX HEALTH DISTRICT

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

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

December 30, 2021

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Request for Comments (2022-01-06)
Owner: Alvand Khoshgavar

Dear Mr. Wendling,

I have reviewed your request for comments regarding the property at 668 Old Dam Rd. Front Royal, VA (Tax Map# 13A-5-6&7) and I offer the following comments:

1. **There are no records for an onsite sewage system or private well on file for the subject property.**
2. **The applicant could consider hiring a private onsite soil evaluator (OSE) to evaluate the property to assist with determining the design capacity and condition of any existing onsite sewage system or the possible installation of an approved onsite sewage system.**
3. **The water source serving this property is unknown.**

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

Jim Davis
Environmental Health Supervisor

Chloe Phillips

From: David Beahm
Sent: Thursday, December 16, 2021 6:18 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-06 – Alvand Khoshgavar – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000156-2021

Comments 2022-01-06 – Alvand Khoshgavar – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000156-2021:

NOTE: From the photos included within in the GIS it would appear that work (extensive deck with multiple structural components) has been completed without permits having been obtained. The only permit found on file was issued in 1998. Any work that may have been completed that required permitting would be in violation and would need to be addressed prior to Building Inspections being able to provide approval for this request.

- Erosion and Sediment Control Items:
  - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.

- Building Inspections Items:
  - The use of the existing dwelling(s) for a "short-term rental" would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
  - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
    - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

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

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce /
Sui
Front Royal, VA
540/636
FAX 540/636

dbeahm@warrencountyva.net
www.warrencountyva.net

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

Bill Hardee
646 Old Dam Rd
Front Royal, VA 22630
703-409-8528

18th November 2021

Joe Petty and Matt Wendling
Warren County, Office of Planning
220 North Commerce Avenue
Suite 400
Front Royal, Virginia 22630

Dear Mr. Petty and Wendling,

In reference to Warren County Zoning code:

180-56.4
O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences.

I, Bill Hardee, am writing this letter to indicate as the property owner of 646 Old Dam Rd. Front Royal, VA 22630, I give my consent to allow my neighbor, Alvand Khoshgavar and Lucy Lauck, at 668 Old Dam Dr. Front Royal, VA 22630 to host a short-term tourist rental out of their property.

Sincerely,

Bill Hardee

Bill Hardee 11-15-21

Steve Evans
720 Old Dam Rd
Front Royal, VA 22630
406-570-7502

29th November 2021

Joe Petty and Matt Wendling
Warren County, Office of Planning
220 North Commerce Avenue
Suite 400
Front Royal, Virginia 22630

Dear Mr. Petty and Wendling,

In reference to the Conditional Use Permit submission by Alvand Khoshgavar and Lucy Lauck:

I, Steve Evans, am writing this letter to indicate as the property owner of 720 Old Dam Rd. Front Royal, VA 22630, I give my consent to allow my neighbor, Alvand Khoshgavar and Lucy Lauck, at 668 Old Dam Dr. Front Royal, VA 22630 to host a short-term tourist rental out of their property.

Sincerely,

Steve Evans

Daniel Young
449 Old Dam Rd
Front Royal, VA 22630
406-570-7502

29th November 2021

Joe Petty and Matt Wendling
Warren County, Office of Planning
220 North Commerce Avenue
Suite 400
Front Royal, Virginia 22630

Dear Mr. Petty and Wendling,

In reference to the Conditional Use Permit submission by Alvand Khoshgavar and Lucy Lauck:

I, Daniel Young, am writing this letter to indicate as the property owner of Map ID 21B 1 1 A and 449 Old Dam Rd. Front Royal, VA 22630, I give my consent to allow my neighbor, Alvand Khoshgavar and Lucy Lauck, at 668 Old Dam Dr. Front Royal, VA 22630 to host a short-term tourist rental out of their property.

Sincerely,

Daniel Young

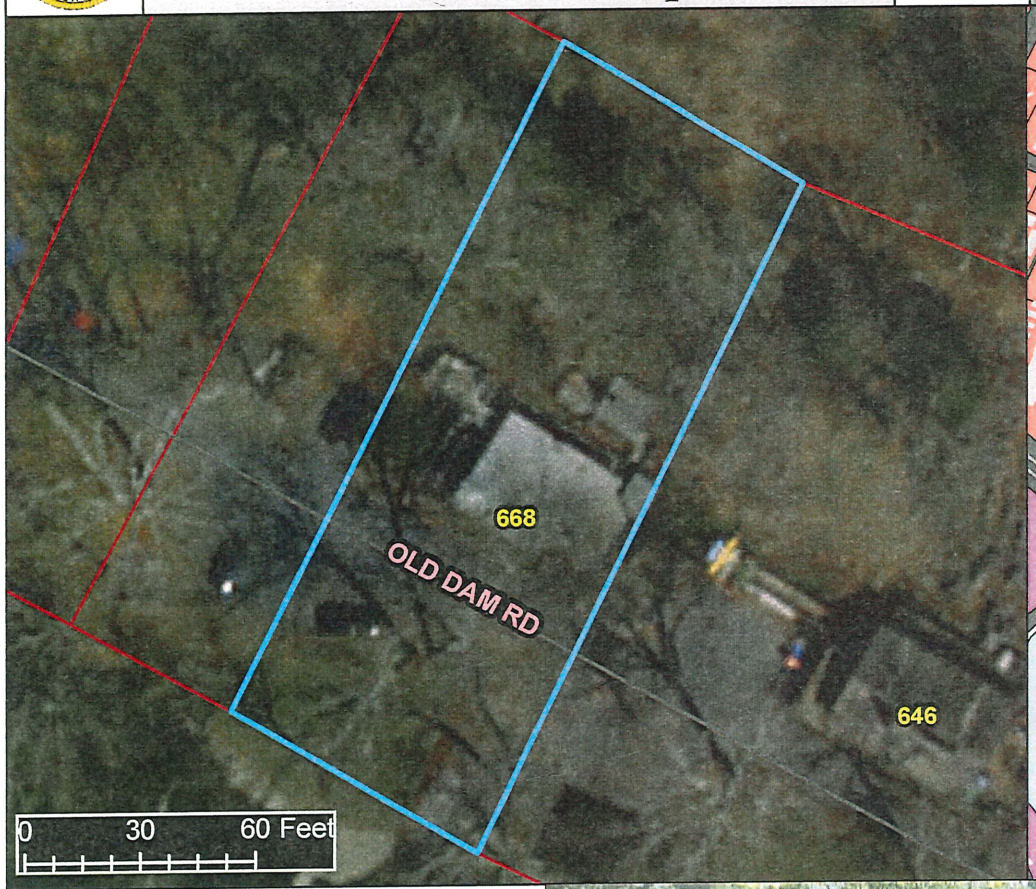


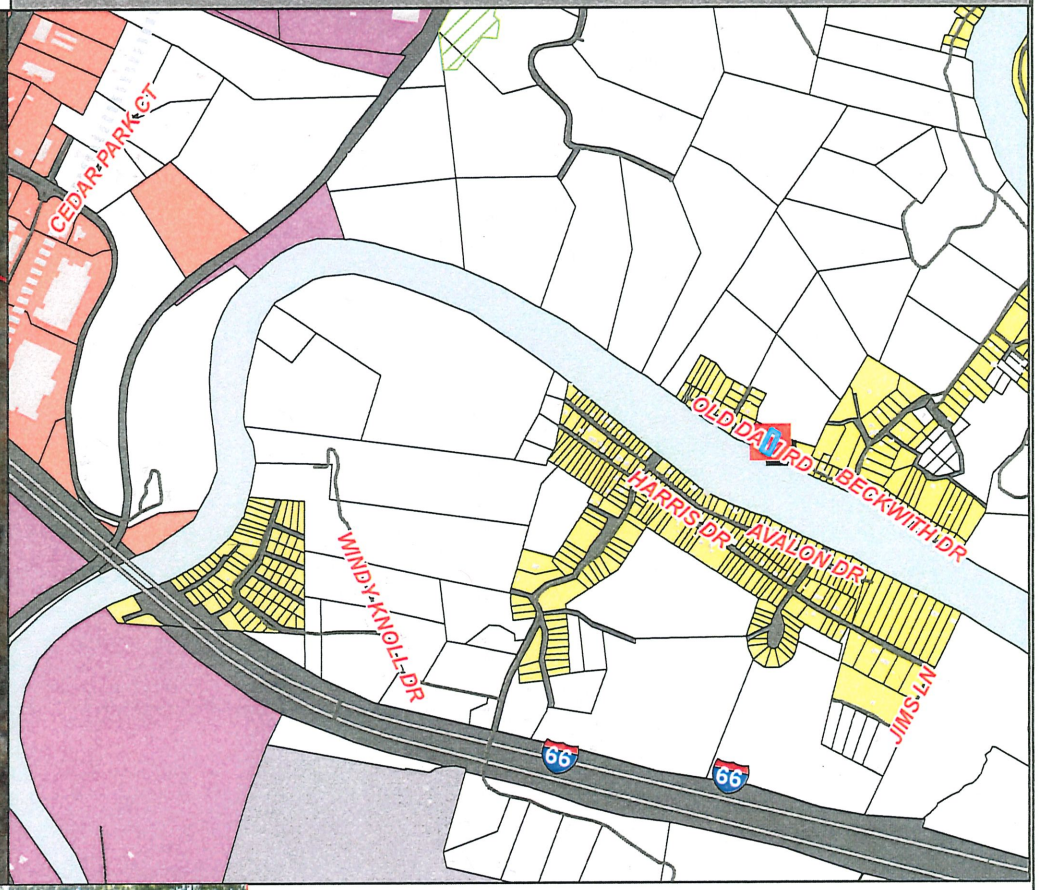
29 Nov 2021

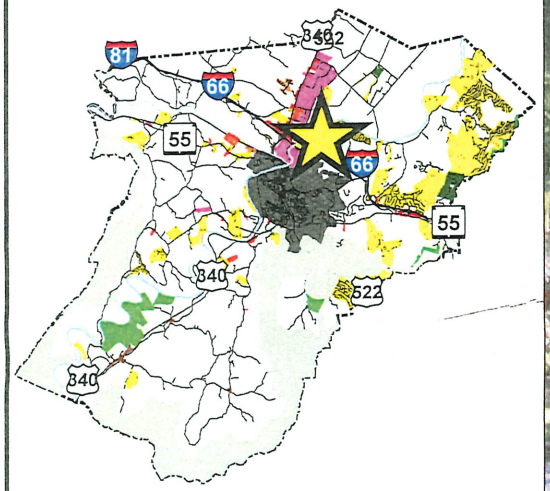
Warren County VA
CUP Location Map

Short Term Tourist Rental
Applicants: Alvand Khoshgavar

TM 13A--5-----6
Hoskins, Harry Lots









Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/01/2022	G-13	Conditional Use Permit #2022-01-07 Jennifer Anderson & Christopher Olszewski *Short-Term Tourist Rental*	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

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

(1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

(2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

(3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

(4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.

(5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

(6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:

(a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.

(b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.

(c) Provide for adequate parking and ingress and egress to public streets or roads.

(d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.

(e) Prevent such use from changing the character and established pattern of development of the community.

Planning Commission Move to Approve:

Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval The motion was seconded by Mr. Longo and approved by the Planning Commission by a vote of 5 – 0 with the amendment of condition #7.

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six as determined according to the Health Department conditional operational permit for a three-bedroom dwelling.

3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

7. The property shall be used only as a single-family dwelling and shall only be rented to one set of guests at any one time.

BOARD OF SUPERVISORS PROPOSED OR SUGGESTED MOTION:

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

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

Conditional Use Permit: 2022-01-07/ Short Term Tourist Rental
Jennifer Anderson & Christopher Olszewski, *Applicants/ Owners*
Staff Report for the Planning Commission
Prepared: January 6, 2022 **Revised: February 14, 2022**
Staff: Matt Wendling, *Deputy Planning Director/County Floodplain Manager*

SUMMARY OF REQUEST

In their statement of justification, the applicants state they purchased this property in March 2021 and are using the home as a second residence and would loke to also rent it as a Short-Term Tourist Rental. The dwelling is unique in that the guest suite is attached via a covered and enclosed breezeway that was permitted by the County. The applicants state that this bedroom/guest suite will be used as the primary rental unit of the dwelling. They state they do plan to stay in the principal area of the dwelling while guests stay in the addition. They do plan to manage the rental themselves including the maintenance but are currently researching local property management companies and will retain one in case of emergencies during their guests stay and to assist in the cleaning and managing of the rental.

PROPERTY INFORMATION

Property Location: 1240 Downing Farm Rd.
Tax Map ID: # 36C-2-4-48
Magisterial District: Fork
Subdivision: Thunderbird Farms
Town/Village: Front Royal
Zoning: Agricultural (A)
Acres: 5.01
Existing Land Use: SFD with Woodlands
Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

SURROUNDING ZONING DISTRICTS & USES

North:	Agricultural (A)	Use: Vacant Lot with Pasture & Woodlands
South:	Agricultural (A)	Use: SFD with Woodlands
East:	Agricultural (A)	Use: SFD with Woodlands
West:	Agricultural (A)	Use: SFD with Woodlands

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district and has no previous zoning violations or conditional use permits issued to the property. The addition with enclosed breezeway was approved by the Planning Department in permit#479-2022 for a 260 square foot addition per Ener-Gov permit management legacy information.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for agricultural land uses which allows for a Short-term Tourist Rental by conditional use permit in the Warren County Zoning Ordinance Section §180-22. This property is located in a subdivision with +5 acre lots which are primarily woodlands with some pastures and portions within the Special Flood Hazard Area. Short-term Tourist Rentals provide transient-lodging taxes to the County and are typically used by tourists visiting the area. This use complies with Chapter 6: Economic Development chapter, Goal V and the promotion of tourism objectives of the comprehensive plan.

PROPOSAL:

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

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

These regulations are as follows:

A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.

B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however, the maximum number of occupants shall not exceed 10. **The applicants have provided the County with the permit from the Health Department, which shows approval and installation of a 3-bedroom with 6 person occupancy septic system.**

C. Parking for the use shall be located in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all right-of-ways and in yards. **There is sufficient parking for three vehicles in the driveway in front and to the side of the dwelling.**

D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. **The boundary lines shall be marked according to location shown on the survey.**

E. There shall be no visible evidence of the conduct of such short-term rentals on the outside appearance of the property.

F. A fire extinguisher shall be provided and visible in all kitchen and cooking areas; smoke detectors shall be installed in all locations as identified in the Uniform Statewide Building Code, and a carbon monoxide detector must be installed on each floor in every dwelling. **A change of use for a transient boarding facility for the property dwelling and an inspection will be required to verify if it meets all Building Code requirements for fire/smoke protection and a fire extinguisher.**

G. The owner of a dwelling used for short-term tourist rentals shall give the County written consent to inspect any dwelling used for short-term rental to ascertain compliance with all of the above performance standards upon a 24-hour notice.

H. A property management plan (PMP) demonstrating how the short-term tourist rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting process to the Planning Department. The plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, utility issues, etc. It shall also be posted in a visible location in the short-term rental. The contact numbers shall be provided to county staff, public safety officials, and if applicable, the HOA/POA of the subdivision. The plan must be provided as a part of the rental contract. **A Property Management Plan**

will need to be submitted and will be reviewed and approved by staff with all other requirements shall need to be met prior to a certificate of zoning for the business being issued. The applicants will be the acting handyman and property managers but will have a local emergency contact available.

I. If the property is located within a subdivision governed by a Home-Owners Association/Property Owners Association, the Planning Department must receive a recommendation of approval or disapproval from the HOA/POA to operate the short-term tourist rental. **This property is located within a subdivision and a copy of the application has been sent to the POA/HOA Road Maintenance contact in Thunderbird Farms – Haynes Anderson Trust.**

J. The short-term tourist rental shall have a "land-line" with local phone service. The phone number servicing the short-term tourist rental shall be included in the property management plan.

K. The owners of the tourist rental shall provide an emergency evacuation plan for the dwelling and the neighborhood. **The applicants shall have this posted in the bedrooms and in their guest registration packet.**

L. A copy of Chapter §123 of the Warren County Code relative to noise must be provided at the short-term tourist dwelling. **The applicants shall have a copy of this in their guest registration packet and have it posted in a common area of the dwelling.**

M. Failure to comply with the approved conditions and/or supplemental regulations will subject the permit to revocation as described in Warren County Code Section §180-63.

N. All outdoor burning shall comply with Chapter §92 of the Warren County Code.

O. There shall be a minimum of 100 feet from the short-term tourist rental to all neighboring residences. **The proposed dwelling location must meet the setback requirements to adjacent single-family dwellings, which would be approximately 351′ to the closest dwellings located to the southeast.**

RECOMMENDED CONDITIONS:

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department conditional/operational permit which needs to be issued for a three-bedroom dwelling.

3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. The discharge of firearms and hunting on the property by guests shall be prohibited.

6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

7. **The property shall be used only as a single-family dwelling and shall only be rented to one set of guests at any one time.**

Cc: Jennifer Anderson & Christopher Olszewski, Applicants



Figure 1 Anderson - Olszewski Dwelling

December 12, 2021

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

RE: Statement of Justification for Conditional Use Permit Application (1240 Downing Farm Rd)

Dear Planning Commission:

Our names are Jennifer Anderson and Christopher Olszewski. We are the joint owners of 1240 Downing Farm Road and are applying for a Conditional Use Permit, which would allow our property to be used as a short-term rental.

As an introduction, Jennifer is from an Army family, but has made DC and Virginia her adopted home since moving to the area for college. After 10 years of working at non-profit organizations, Jennifer has recently transitioned to working in the hospitality industry, including working at RdV Vineyards in Delaplane for the past year. Christopher grew up in Illinois, learning from his architect father how to maintain and restore homes. Christopher has been a teacher for most of his career, but he has also worked in hospitality, including as Director of Operations of a boutique hotel.

One of our friends grew up in Front Royal and spoke with such love for the town that we became frequent visitors, enjoying the great outdoors and the local attractions. We had dreamed of owning our own property and were able to make that dream a reality earlier this year. We primarily purchased this property because we wanted to have a place where our family could gather. Jennifer's father still works for the US Army and lives alone, so it was important to us that we could have a place big enough for all of us to spend quality time together.

While our primary residence is in Washington, D.C., we have spent a lot of the past year making 1240 Downing Farm a home that we love. We have felt very lucky to have a tranquil place to get away with our family and friends and a serene place to work, when our jobs permit remote work arrangements. The layout of the property is one of the aspects that appealed to us. There is a guest suite with a separate entrance that is attached to the main section of the home via an enclosed breezeway, providing an area that is private and feels like its own separate space.

Given that the guest suite is not occupied full-time, we would love to be able to share this space with other guests. Listing the cabin as a short term rental would provide us a structured way to welcome additional guests when it is not in use by our family and friends, and also provide supplemental income to maintain the property. In addition to the tourism that Shenandoah National Park and the Shenandoah River draw, there is substantially more interest in people who want a change of scenery as remote work becomes more commonplace, which our cabin is well set up to accommodate, as we can personally attest.

We are planning on self-managing the rental, initially renting out just the guest cabin when it is not occupied by members of our family or friends, while keeping the main cabin for use for our immediate family, because it is important for us to be actively involved in maintaining the property ourselves. However we have also been researching local property managers, as a backup if we are not available. While we will primarily be renting the guest suite to our short-term rental guests, we would like to have the permit encompass the whole property, so that we are able to rent out the main portion of the cabin in the future, if we are not using the cabin as frequently as we are. (In that case, we ourselves would either stay in the guest suite, or designate a representative to oversee the property.)

We have found that when welcoming guests, having clear expectations up front provides the best experience for everyone involved. As members of our neighborhood, we are invested in keeping the quiet nature of the area and maintaining good relationships with our neighbors. In addition to our house rules, we would also make sure to highlight the rules of the Thunderbird Property Owners Association regulations, so that we are all aligned. In our guidebook, we will include a guide to local businesses, highlighting them as a draw to Front Royal.

In addition here are some steps we would pursue to make sure the rental is a net positive for the county:

- Keeping the property well maintained, through steps such as thorough inspections before and after each guest's stay, keeping up regular maintenance, etc.
- Clearly laying out house rules and enforcing them (including guest capacity limits, ensuring all guests are registered and verified, no large gatherings, no smoking).
- Being immediately available to address any issues that may arise.

Thank you so much in advance for the time and consideration in reviewing our application. We look forward to answering any questions you may have.

Sincerely,

Jennifer Anderson

Christopher Olszewski

WCCUP-000157-2021

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2022-01-07
Date Received: 12-15-21
Fee Amount: $ 500.00
Date Paid: _____

Applicant Information:

Jennifer Anderson & Christopher Olszewski
Applicant Name

1240 Downing Farm Rd	Front Royal	VA	22630
Address	*City*	*State*	*Zip*

Property Location for conditional use permit if Different than Applicant's Address

202-817-8156	jennifer.dasom.anderson@gmail.com
Primary Contact Number	*Email*

Property Owner (if same as applicant, leave blank)

Address	*City*	*State*	*Zip*

Primary Contact Number

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

A. Property Information:

(1) Address/Location: 1240 Downing Farm Rd, Front Royal, VA 22630
(2) Election District: Fork Election District
(3) Tax Map Number: 36C-2-4-48
(4) Subdivision Name: Thunderbird Farms/Haynes Anderson Trust
(5) Total Area of Property (acres): 5.01
(6) Total Area to be Used (acres): 1
(7) Total Road Frontage (feet): 477 ft
(8) Depth of Property (feet): 718 ft
(9) Present Zoning: Agricultural

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: Short Term Tourist Rental

(2) Current land use and condition of site: Single family dwelling , 2/3 wooded lot

(3) Zoning of surrounding land/property: Agricultural

(4) Will development be staged? ☐ Yes ☒ No

(5) Construction Time: NA

(6) Season, days, and hours of operation: varied

(7) Will there be a sign? ☐ Yes ☒ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) No

(9) Number of full time employees: NA

(10) What type of sewage disposal system will be used? ☒ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: 6 maximum

(12) Number of parking spaces to be provided: Regular 2 Handicap

(13) What is the proposed landscaping and buffering for this property? existing

C. Plans Prepared By

Name: Jennifer Anderson

Address: 1240 Downing Farm Rd, Front Royal 22630

Telephone Number: 202-817-8156

D. Environmental Information

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

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) No

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) No

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. NA

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) No

(6) What will be the impact on traffic? Very minimal, if any. Guests will be permitted a maximum of two vehicles per visit.

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. No

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

☐ **An application fee of $500.00.**

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

☐ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☐ **A Site Plan/Survey.**

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

☐ **Sewage Disposal and Well Site.**

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

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

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

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

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

☐ **Environmental and Community Impact Statements**

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

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

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

☐ **Location Map**

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

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

1) Head southeast toward E 2nd St.
2) Turn left onto US-340 S/N Royal Ave.
3) Turn right onto State Rte 610.
4) Turn left onto State Rte 673.
5) Turn left onto State Rte 623.
6) Turn right onto driveway.

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

Applicant Signature Jennifer Anderson Date 12/14/2021

Property Owner Signature Christopher Olszewski Date 12/14/2021

Accepted by: Matt Wendling CFM Date: 12/15/2021

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

NOTES

PROPERTY MANAGER: MR. SEGOVIA
1321 DARLINGTON DR.
WINCHESTER, VA 22630

Property Management Plan
1240 Downing Farm Road
Prepared for Warren County Conditional Use Permit
By Jennifer Anderson and Christopher Olszewski (Applicants)
December 13, 2021

Overview

Please find below a property management plan for a short term tourist rental at 1240 Downing Farm Road. The property owners will self-manage the property. In the event they are renting out the property and are not immediately able to access the property, they will designate a property manager to act in their stead.

The primary rental space will be the guest suite, which has a separate entrance from the main cabin, which the owners will occupy. However, we would request that the conditional use permit also cover the main cabin, in case our plans change in the future. If we are renting out the main cabin, we would either occupy the guest cabin (in order to be on site during the rental period) or designate a property manager who resides nearby.

Specific Property Details

Primary Rental Space (Guest Suite) Features

- 1 bed / 1 bath
- Fully furnished with fresh linens
- Separate entrance from main cabin
- Private screened-in patio (not visible from the main cabin)
- Equipped with a kitchenette
- Maximum occupancy: 2 people

Secondary Rental Space (Main Cabin) Features

- 2 bedroom / 1 bath
- Fully furnished with fresh linens
- Fully stocked kitchen
- Separate entrance from guest suite
- Private deck (not visible from the guest suite)
- Maximum occupancy: 4 people

Property Contacts

If there are any questions regarding the property, please contact the property owners and managers – contact info below.

Jennifer Anderson
202-817-8156

Christopher Olszewski
847-340-9884

IN CASE OF EMERGENCY

If the emergency requires immediate assistance, call 911.

The property managers will be available to address any issues at the property. Here are additional numbers for local authorities, resources, and utilities:

Warren County Sheriff's Office
540-635-4128
200 Skyline Vista Drive, Front Royal VA, 22630

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

Closest Fire Station
Warren County Fire & Rescue Fire Station 2 - Rivermont
540-692-3651
50 Stokes Airport Rd, Front Royal, VA 22630
4.3 miles from the property

Nearest Hospital
Warren Memorial Hospital
540-636-0300
1000 N Shenandoah Ave, Front Royal, VA 22630
10.3 miles from the property

UPDATE WITH NEW ADDRESS

Electrical Outages
Rappahannock Electric Cooperative
800-552-3904
Report or view outages at: https://outagemap.myrec.coop/

Emergency Evacuation Directions
Turn left onto State Rte 623 (Downing Farm Road)
Turn right onto State Rte 673 (McCoys Ford Rd)
Turn right onto State Rte 619 (Rivermont Dr)
Turn left onto US-340 N (Stonewall Jackson Hwy / S Royal Ave)
Turn right onto VA-55 E (South St) for 5 miles
Turn left onto VA-79 N and follow signs to I-66

Safety precautions
The property is equipped with a "smart" smoke detector and carbon monoxide alarm, which will sound in the property as well as alerting the property owner via an app in the event the alarm is activated. The property is also equipped with a fire extinguisher.

The entrances of the property as well as the driveway are equipped with security cameras.

The property lines will be described in the guidebook. (The property lines along Downing Farm Road are clearly defined by fence and/or treeline. There is a wooded area in between our property and our neighbors on Windy Pines Road.)

OCCUPANCY

The Health Department records limit the occupancy for this property to six (6) people and three (3) bedrooms. Given this, the occupancy for the guest suite will be limited to two (2) people and the main cabin will be limited to four (4) people.

GUEST VETTING

Guests will be pre-screened using a third-party platform, which requires ID verification. The host may qualify guests with additional requirements, such as previous host feedback, guest limits, etc.

CHECK-IN & CHECK OUT

Once a reservation is accepted, prospective guests will be sent a greeting including the property manager's contact information as well as the host rules and guest guide book, and instructions to acknowledge receipt. The day prior to check-in, the guest will be sent a code to the automatic "smart" door lock (which has been personalized for the guest's stay) as well as instructions to review the host rules and guide book, including information about the local area.

After the designated check-out time, the property will be inspected by the property owner and/or manager to make sure it is in good condition. The property will be thoroughly cleaned and sanitized between stays. (Christopher, one of the property owners, has previously worked as a Housekeeping Supervisor for a Hilton hotel property located in Washington, D.C.). For safety purposes, the guest's unique keycode will also be deactivated.

NOISE

Guests will be informed of Warren County code regarding prohibited noise:

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

PARKING

Guests will be permitted two (2) personal vehicles to be parked in the driveway.

WIFI/PHONE

The free wireless internet available for guests. Cellular service is good at the property.

TRASH & RECYCLING

All trash and recycling shall be placed in the receptacles provided. The property manager and/or cleaning team will pick up the trash on a routine basis.

ADDITIONAL PROPERTY RULES

Guests will also be asked to follow the Thunderbird Property Owners Association rules, which will be described in the guest book.

The property owners will communicate additional property rules including, but not limited to:

- No firearms permitted
- No fireworks
- No ATVs
- No loud or amplified music
- No unattended fires
- No outdoor trash storage
- No smoking indoors
- No unregistered guests
- Please lock doors when away

Lord Fairfax Health District

LORD FAIRFAX HEALTH DISTRICT

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

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

January 14, 2022

Matt Wendling, Deputy Planning Director
Warren County Planning and Zoning
220 N Commerce Ave., Suite 400
Front Royal, Virginia 22630

RE: Conditional Use Permit Request
Applicant: Jennifer Anderson & Christopher Olszewski

Dear Mr. Wendling,

I have reviewed the notification you sent to our office regarding the CUP request for the property at 1240 Downing Farm Rd. Front Royal VA (Tax Map# 36C-2-4-48) and I offer the following comments:

1. **There is a Construction Permit, ROI and Operation Permit on file for the referenced property dated 11/16/1987, 2/25/1991 and 4/06/1992 respectively.**
2. **The dwelling is served by a Conventional Onsite Sewage System (COSS). The Operation Permit is for Three (3) Bedrooms, Six (6) Occupants and 270 gallons per day. It should be noted that a 270 gallon per day deign is less than what is required for a two bedroom dwelling with four occupants.**
3. **The dwelling is served by a private Class IIIC Well. A sample of the water should be collected and tested by a state approved lab at least annually.**
4. **All refuse shall be placed in containers with tight-fitting lids.**
5. **Do not connect any Jacuzzi or hot tub discharge to the sewage disposal system.**

Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

Jim Davis
Environmental Health Supervisor

Chloe Phillips

From: David Beahm
Sent: Thursday, December 16, 2021 6:28 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-07 – Jennifer Anderson & Christopher Olszewski – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000157-2021

Comments 2022-01-07 – Jennifer Anderson & Christopher Olszewski – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000157-2021:

- Erosion and Sediment Control Items:
  - There does not appear to be any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission process would be required.

- Building Inspections Items:
  - The use of the existing dwelling(s) for a "short-term rental" would require a building permit to establish it as a transient boarding facility which is the term used by the building code for this type of use. The dwelling would receive a new Certificate of Occupancy designating as a short-term rental.
  - Given the timeframe that the structure was originally built it more than likely will require an Electrical permit to meet the building code requirements for this change.
    - This change requires that smoke detectors are installed as required by the Virginia Residential Building Code.

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

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce
Sui
Front Royal, VA

540/636
FAX 540/636

dbeahm@warrencountyva.net

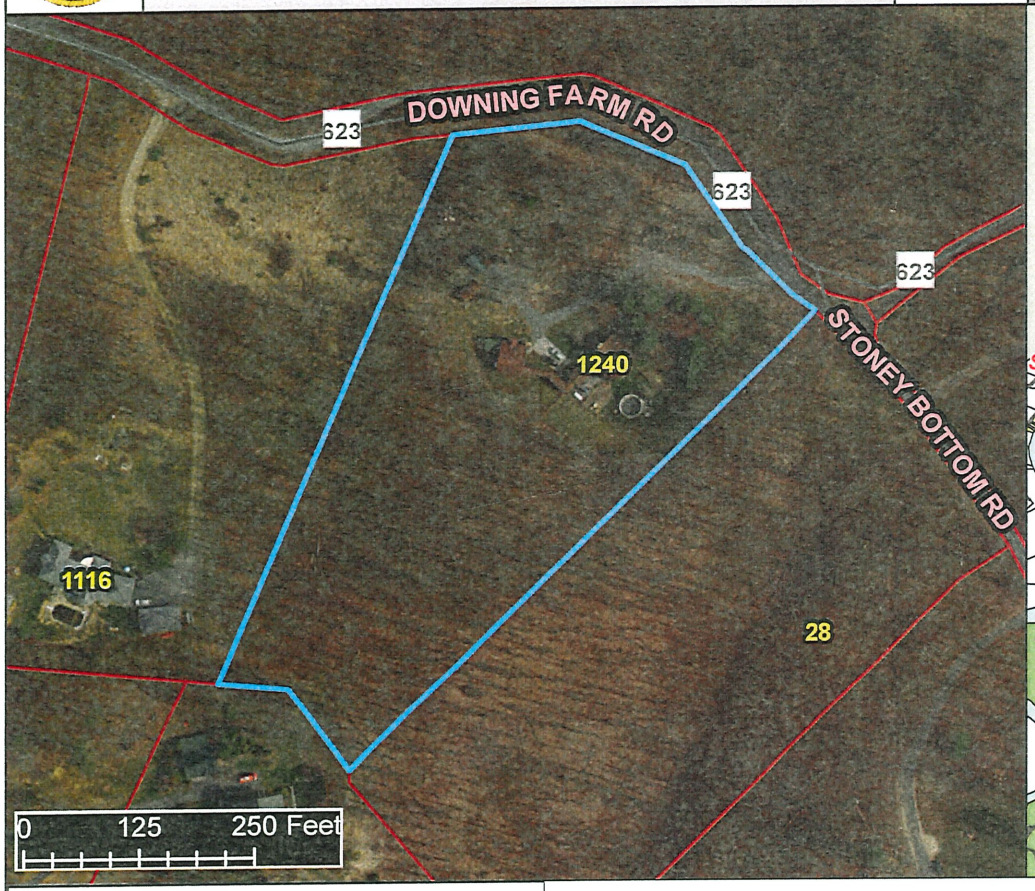
www.warrencountyva.net

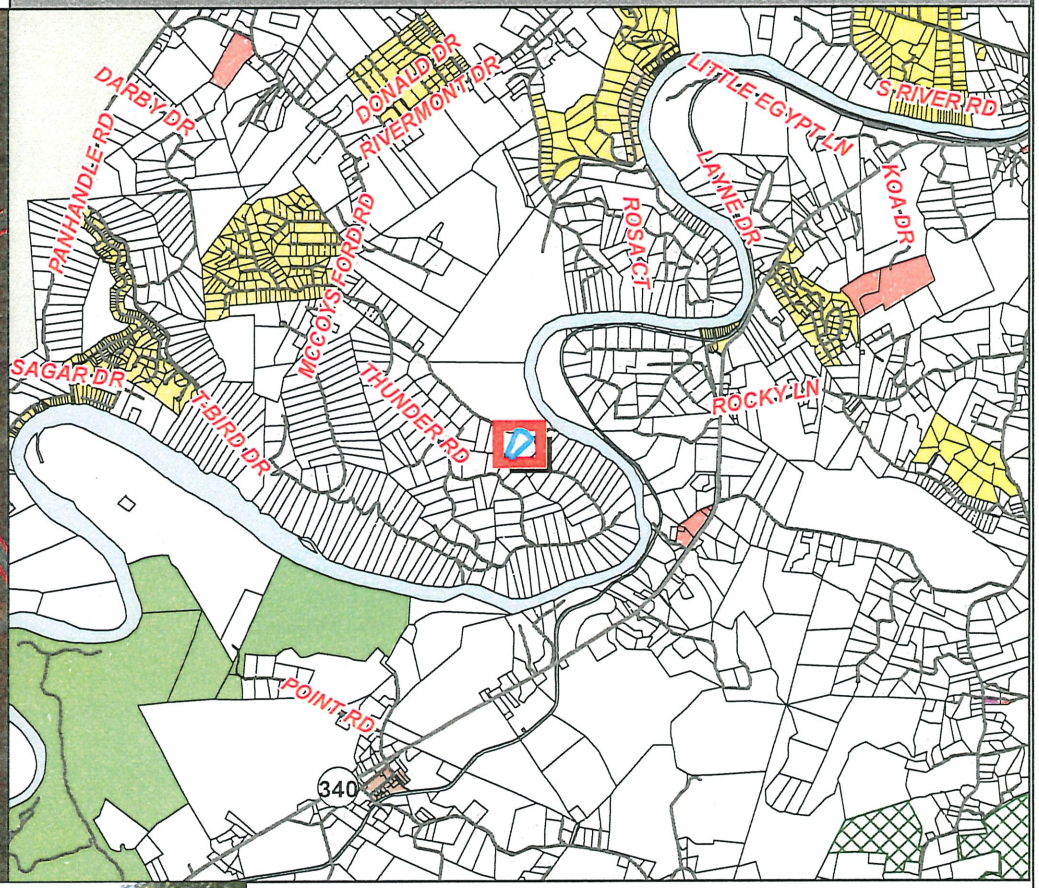
THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS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

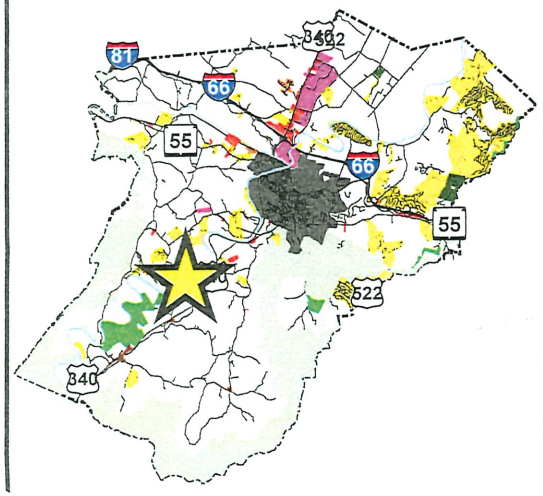
Warren County VA
CUP Location Map

Short Term Tourist Rental
Applicants: Jennifer Anderson

TM 36C--2-4--48
Hayes-Anderson (Thunderbird)









Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning

THUNDERBIRD FARMS PROPERTY
OWNERS ASSOCIATION

P.O. Box 562
Front Royal, VA 22630

www.tfpoa.net

January 30, 2022

Matt Wendling
Warren County Planning Department
Deputy Planning Director / County Floodplain Manager
220 N. Commerce Ave., Suite 400
Front Royal, VA 22630

RE: Conditional Use Permit Application for Short Term Rentals at 1240 Downing Farm Rd.

Dear Planning Commission and Board of Supervisors:

To gain an understanding of the views of the property owners in Thunderbird Farms Subdivision and to provide feedback to the Planning Commission and the Board of Supervisors, the Board of Directors sent a letter to each of the 207 property owners via both snail mail and email.

To date, we have received the following:

17 voted NO to the CUP

10 voted YES to the CUP

We included copies of all responses so the Planning Commission and the Board of Supervisors can judge the feedback personally. If we receive additional responses, we will forward them to you immediately.

The Board of Directors hopes this information provides insight to the views of the residence of Thunderbird Farms and will be considered before taking action for or against the CUP.

Please let us know if you have any questions or need further clarification.

Sincerely,

Sherre Christiansen
Vice President
Thunderbird Farms Property Owners Association

Enclosures
Letter sent to all property owners
Copy of Protective Covenants of Thunderbird Farms Property Owners Association
27 responses from property owners of Thunderbird Farms

THUNDERBIRD FARMS PROPERTY
OWNERS ASSOCIATION
P.O. Box 562
Front Royal, VA 22630
www.tfpoa.net

December 29, 2021

RE: Short Term Rentals in Thunderbird Farms – Yes or No?

Hello Thunderbird Farms Property Owners Neighbors:

We are emailing this letter to all who have shared their email addresses with us and snail mailing this same letter to all the property owners.

Your Board of Directors needs to hear from you.

Short Term Rentals (AKA AirBnB, etc.) are popping up all over Warren County.

The Board has been notified that a Conditional Use Permit Application has been submitted to allow Short Term Rentals within Thunderbird Farms. The Planning Commission and Board of Supervisors would like to hear from all of us on this application before January 21.

If the Conditional Use Permit is approved, this opens the door for more property owners to apply for Short Term Rentals.

We need to know how the community feels about this.

In addition, the Planning Commission and Board of Supervisors encourages all of us to attend and speak at the Public Hearing February 9th, 7pm.

You can also email or snail mail your views to

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Email: mwendling@warrencountyva.net

Please also send copies to the Thunderbird Farms Board at

Board of Directors
Thunderbird Farms Property Owners Association
PO Box 562
Front Royal, VA 22630

Email: tfpoa@yahoo.com

Do you want Short Term Rentals within Thunderbird Farms – Yes or No?

If yes, should these Short-Term Rental clients have access to the Thunderbird Farms POA private boat landing? Yes or No

If yes, are there any specific restrictions you would like to see imposed on Short-Term Rental clients?

Please let us know your views on Short-term rentals within Thunderbird Farms. We look forward to hearing from each of you.

Best wishes,

Board of Thunderbird Farms Property Owners Association

Sherre

Sherre Christiansen
Vice President

Shearin "Sherre" Christiansen
1518 T-Bird Drive
Front Royal, VA 22630
540-635-8874
2schristiansen@earthlink.net

Matt Wendling
Warren County Planning Department
Deputy Planning Director / County Floodplain Manager
220 N. Commerce Ave., Suite 400
Front Royal, VA 22630

RE: Vote NO on the Conditional Use Permit Application for Short Term Rentals at 1240 Downing Farm Rd.

Dear Matt:

Please vote NO on the Conditional Use Permit Application for Short Term Rentals at 1240 Downing Farm Rd.

This property is located in Thunderbird Farms subdivision and by Deed is covered by Protective Covenants. As the Covenants indicate it was intended as a quiet, single-family home subdivision and has long and skinny lots.

When Meryl and I were looking for our forever home 36 years ago, we chose Thunderbird Farms specifically because it did have Protective Covenants by deed. Without protective covenants we would have looked elsewhere because both then and now, zoning ordinances provide limited protection and Protective Covenants are intended to provide expanded and enhanced protection.

I understand that the county does not/will not enforce our protective covenants; however, I hope you will review our protective covenants and take them into account before making your decision about this CUP.

Covenant Enforcement Challenge and Liability: Since the county does not/will not enforce our protective covenants, individual property owners and the Property Owners Association are left to either ignore the issue or sue the landowner of the short-term rental property. Ignoring violations would ultimately adversely impact property values and suing is overtly confrontational and expensive.

Setting Precedent: Because of the explosions in short term rentals, if you approve this CUP, you are setting a precedent that will have catastrophic consequences peppering our quiet, single-family subdivision with small motels open to the general public. Approval would invite investors to create properties specifically intended as short-term rentals AKA tiny motels in direct conflict with the quiet single-family homes intent as described in the protective covenants.

Security, Safety, and Increased Expense Concerns: Thunderbird Farms does not have private security and depends heavily on neighbors watching out for neighbors. The Warren County Sheriff's Department does its best to patrol our subdivisions, but with the entire county to protect, there overwatch in Thunderbird Farms is thin. Short term rentals will bring more people into the subdivision and encourage the general public to prowl the neighborhood.

As our calls and discussions with the sheriff and his deputies demonstrate, we already have serious trespass and vandalism of our private boat landing and picnic ground. One might thing that having the public boat landing a few miles down the road would stop this trespass and vandalism, but it has not. We are still upset that our private boat landing and picnic area (Diggs Landing) was the dumping ground for a murdered youth and was discovered by trespassing youth. It is clear that short term rentals will bring more people to our private boat landing and picnic area and further encourage the general public to trespass, too.

Road Maintenance, Road Safety, and Additional Risk to Property Owners. Except for two short sections, all our roads are privately maintained and not designed for heavy use. Not only will short term rentals bring more traffic into the subdivision, but they also encourage the general public to "come check things out" making traveling on our roads more hazardous and more expensive to maintain.

Trespassing, noise, trash, and other disturbances are more likely to occur since our lots are long and skinny. The configuration of our riverfront properties puts portions of the lots in the floodplain making fencing prohibitively expensive. In addition, many of the lots have difficult and/or dangerous river access. Short term rentals will naturally be attracted to trespass on those lots that have easy access to the river. Even though these short-term renters would be trespassing, they pose a serious liability rise to the landowner who is being violated. As you know, in our very litigious society, trespassers often win personal injury lawsuits.

I hope you will take into account our Protective Covenants and the feedback I have shared above and will vote NO to the CUP Short Term Rental Application for 1240 Downing Farm Rd.

Best wishes,

Sherre Christiansen

Sherre Christiansen

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: Short Term Rentals in Thunderbird Farms

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sun, Jan 9, 2022 at 12:01 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>
Cc: TFPOA Treasurer <tfpoa@yahoo.com>

----- Forwarded Message -----
From: Ray Boyd <rgboyd725@gmail.com>
To: "tfpoa@yahoo.com" <tfpoa@yahoo.com>; Jenn Boyd <boydjenn1909@gmail.com>
Sent: Saturday, January 8, 2022, 07:38:34 PM EST
Subject: Fwd: Short Term Rentals in Thunderbird Farms

---------- Forwarded message ---------
From: **Ray Boyd** <rgboyd725@gmail.com>
Date: Sat, Jan 8, 2022 at 7:29 PM
Subject: Short Term Rentals in Thunderbird Farms
To: <mwendling@warrencountyva.net>

Mr. Wendling,

Good evening. My wife and I are not in favor of having "Short Term Rentals" in Thunderbird Farms. One of the main reasons we purchased here 15 years ago was because it was a private community. Now to allow short term rentals would surely take the private community atmosphere away and make it open to the public (outsiders).

If "Conditional Use Permits" are approved for Thunderbird Farms by the County:

(1) Is the County going to pay to have the Thunderbird Farms Property Owners Association by-laws and rules amended to include short-term rentals and distributed to all property owners?

(2) Will Thunderbird Farms Property Owners Association be notified in advance of each rental with what property is being rented and for how long?

(3) Will the Conditional Use Permit allow short term rental of vacant lots for RVs and tent camp sites?

(4) In addition to the County collecting fees for the Conditional Use Permit, will Thunderbird Farms Property Owners Association be allowed to charge a Resort/Rental fee when the permit is issued since it will take on most if not all the responsibility (not the County) being it is a private community?

The County should leave the decision regarding short term rentals to the Thunderbird Farms Property Owners Association. Yes, we are governed by the county and pay county taxes, however, the benefit of living in a private community is that it should be allowed to be managed by its members. Let's keep Thunderbird Farms the private community that it is. No Conditional Use Permits. Thank you.

V/r

Ray and Jennifer Boyd

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: Short term rental

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sat, Jan 8, 2022 at 12:14 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, TFPOA Treasurer <tfpoa@yahoo.com>

----- Forwarded Message -----
From: Tim <tjwernerfal@yahoo.com>
To: tfpoa@yahoo.com <tfpoa@yahoo.com>
Sent: Monday, January 3, 2022, 06:23:08 PM EST
Subject: Short term rental

Thank you for the email about the short term rental situation. My vote is NO.

Sent from Mail for Windows

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: response to short term rentals in Thunderbird Farms

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sat, Jan 8, 2022 at 12:15 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, TFPOA Treasurer <tfpoa@yahoo.com>

----- Forwarded Message -----
From: CF PETSCAPEPRODUCTS. COM <cf@petscapeproducts.com>
To: tfpoa@yahoo.com <tfpoa@yahoo.com>
Sent: Monday, January 3, 2022, 11:36:14 PM EST
Subject: response to short term rentals in Thunderbird Farms

Dear Sherre Christiansen,
I received your request for my response to "Short Term Rentals" at Thunderbird Farms.

My answer on this topic is a firm "NO".

We purchased our home in TF in 2004 .
What attracted us to this private community was that is "private" .
Some of the road was still gravel and some of the lots were still vacant. seeing that it has grown since and still holds some of its quality ids because its private.

We cherish the tranquility and its intimacy, peaceful walks along the roads , watching the wildlife, and enjoying the river.

If renters come to TF to Air B&B then it's like a business and with that Everything changes .

Liability for just about everything .

Trespassing on others properties. Bringing dogs on trips that are not familiar with the neighbors' dogs , we have seen bears.
We will have renters wanting to play their music loud after hours , more traffic on the roads , fast driving around pedestrians and wildlife. heavy alcoholic drinking, not obeying the rules , possible disagreements with the visitors or property owners, having campfirers, not knowing the river. littering , bring in more people than the agreed renters .

These are Big issues that come to my attention.

Listen People that want to AB&B want to kick back and have fun, like when you go to the beach.
but its not the beach its mostly of residential homes in the woods.
It's not a resort .
It's not a hotel/ motel.

There is plenty of lodging to offer in the areas Front Royal and Shenandoah.

The home owners of Thunderbird Farms pay their dues every year to keep up on it's rmaintance and security .

Are the home owners that want to rent going to pay extra for the annual dues for the wear and tear on the roads and littering?
WHO'S CLEANING THAT UP ?
The private boat landing will become a problem because there will be no one to police it.
Once the word is out that renters are using the access boat landing it will go from being private to being public and litter will finds it's way into the river.

Again my answer is NO.

Sincerely,
Cynthia and William Helman

Matt Wendling

om: JOHN LEWANDO <lewando@verizon.net>
Sent: Sunday, January 30, 2022 12:49 PM
To: Matt Wendling
Subject: Thunderbird Farms Short Term Rentals

Dear Mr. Wendling,

I have owned our house at 433 Mc Coys Ford Rd. for over thirty five years. We - myself and my children - are opposed to allowing short term rentals in Thunderbird Farms. We are especially opposed to allowing the use of the boat landing bay short term renters. We fear that the landing would become overcrowded and not available for residents' use as it is now. Also, the potential damage by over use to the landing area would result in extra costs to all of the property owners in T'bird farms.

I also want to add, this is a second home for us and thus it would be possible and a benefit to rent through Airbnb. We still feel strongly about not allowing short term rentals.

Thank you,

Glenda Sloane
433 McCoys Ford Road

Matt Wendling

From: Ferhan Ture <ferhan.ture@gmail.com>
Sent: Saturday, January 22, 2022 9:54 AM
To: Matt Wendling
Subject: Feedback on short term rentals

Hi,

I received a request from my POA Thunderbird Farms to provide input on short term rentals. We are supportive of allowing short term rentals in the community. Thanks.

ferhan

David L Wilson

434 Downing Farm Road
Front Royal, VA 22630
916-599-3096 / beetles8198@icloud.com

January 21, 2022

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Ave, Suite 400
Front Royal, VA 22630

Dear Mr. Wendling

The question of short term rentals within Thunderbird Farms is my concern. As a property owner in Thunder Bird Farms, I am opposed to allowing short term rentals within Thunderbird Farms. The underlying concept of Thunderbird Farms is to maintain a quiet, rural setting by resident owners. Certainly the quiet, rural setting of Thunderbird Farms are qualities sought after by many looking for a vacation retreat location. The main reason we own property in that location is a **Quiet, Rural, Setting.**

There are many undeveloped properties within Thunderbird Farms. It is likely that as those properties are developed, the area will have more traffic and noise generated by Member Residents of Thunderbird Farms.

Therefore, I am firmly Opposed to any Conditional Use Permits allowing Short Term Rentals within Thunderbird Farms.

Please feel free to contact me if you wish.

Sincerely yours,

Dave Wilson

Constance Wilson

434 Downing Farm Road
Front Royal, VA 22630
916-698-7357/cwilson747@gmail.com

January 21, 2022

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Ave, Suite 400
Front Royal, VA 22630

Dear Mr. Wendling,

The question of short term rentals within Thunderbird Farms is my concern. As a property owner in Thunderbird Farms, I am opposed to allowing short term rentals within Thunderbird Farms. The underlying concept of Thunderbird Farms is to maintain a quiet, rural setting by resident owners. Certainly the quiet, rural setting of Thunderbird Farms are qualities sought after by many looking for a vacation retreat location, however, the main reason we own property in that location is to maintain this **Quiet, Rural, Setting.** It is my opinion that short-term rentals would not be conducive to that goal.

There are many undeveloped properties within Thunderbird Farms. It is likely that as those properties are developed, the area will have more traffic and noise generated by Member Residents of Thunderbird Farms. The added traffic generated by short-term rentals would not be a welcome element to our neighborhood.

Therefore, I am firmly **Opposed** to any Conditional Use Permits allowing Short Term Rentals within Thunderbird Farms.

Please feel free to contact me if you wish.

Sincerely,

Constance Wilson

Constance Wilson

Matt Wendling

om: Warren County <No_Reply@warrencountyva.net>
Sent: Friday, January 21, 2022 2:35 PM
To: Matt Wendling
Subject: Warren County Government Website contact inquiry [Robert and Susan Utley]

A contact inquiry has been submitted via the employee contact form found at https://www.warrencountyva.net/ (Warren County Government Website) on 2022-01-21. Please view details below.

Sender Name: Robert and Susan Utley
Sender Email: susanlutley@gmail.com
Day Phone: 540-660-4291
Evening Phone: 540-660-4292
Contact Preference: Either

Comments:
Robert and Susan Utley
1886 T-Bird Drive
Front Royal, Virginia 22630

January 20, 2022

Warren County Planning Department
Mr. Joe Petty, Planning Director
Mr. Matt Wendling, Deputy Planning Director

Dear Mr. Petty and Mr. Wendling,

We are voting residents of Warren County, Virginia. We are writing to express our concerns regarding a Conditional Use Permit Application requesting Short-Term Rental approval within our residential neighborhood of Thunderbird Farms.

As homeowners, we have immediate concerns regarding privacy, safety, and the loss of the residential feel that originally attracted us to this community. We have additional concerns regarding potential long-term adverse impacts on ourselves and our community including increased crime, decreased property values, increased traffic, and the cost to maintain our private roads—a burden that all Thunderbird Farms residents share in and the county does not.

Our objection to the permit is not simply an objection to short-term rentals but also an objection to the circumvention of our governing documents. As you are aware, property owners within our neighborhood are protected by the covenants and restrictions of Thunderbird Farms Property Owner's Association, Inc. All persons or entities who purchase a home within our community do so with full awareness and acceptance of these covenants and restrictions which guide the use of our properties and the activities of property owners and their guests. Any property owner who violates the covenants, with or without a county permit, is at risk of penalties from our Association and civil action by individual property owners. If a property owner wishes to engage in uses and activities not currently allowed by our covenants, there are methods in place to pursue changes to our governing documents by a vote of the property owners.

As per the existing governing documents, the primary use of all properties located within Thunderbird Farms is single-family residential with provisions for home occupations conducted by the property owner residing in the home and agricultural pursuits. Hospitality and tourism industry pursuits such as public and private campgrounds, canoe rental

companies, and short-term rentals for transient occupancy are not residential or agricultural in nature, and therefore, not permitted.

As constituents of the Fork District, we are asking that the Planning Commission deny the application and recommend to the property owner to pursue a change of our covenants using the methods provided in our governing documents.

Thank you so much for your time and consideration.

Best regards,
Robert and Susan Utley
Lot 17, Thunderbird Farms

71.63.18.122 - Generated by Work Force (c) on Friday, 21 January 2022 14:35

Matt Wendling

om: Jeffrey Worsham <worsham.jeff@gmail.com>
Sent: Thursday, January 20, 2022 5:32 PM
To: Matt Wendling
Subject: Conditional Use Permit Thunderbird Farms

Dear Mr. Wendling,
My name is Jeff Worsham, my wife and I live in Thunderbird Farms and received a letter from the POA about a Conditional Use Permit application for our neighborhood. My wife and I are against the approval of this permit. As it stands now there are a few properties along Eagle Drive that "rent out" their properties for camping. I am not aware if a permit is needed for this type of use or not.
It causes a lot of extra summer traffic and speeding on Eagle Drive in the summer. And the parties at night can get rather loud with music and fireworks.
If the current Conditional Use Permit is approved other applications will follow and would have to be approved. These approvals would only increase the amount of people who don't live in our neighborhood looking for access to the River, traffic along Eagle Drive, more loud parties and possibly worse.
My wife and I purchased our Thunderbird property to escape the busy pace of working for a private boarding school in Northern Virginia. It has become our sanctuary to recover, reset, relax and eventually retire.
Mr. Wendling please do not approve this permit and open a floodgate of extra summer noise from traffic, loud music, fireworks and river access seekers.
Thank you for your consideration.

Sincerely
eff Worsham

Sent from my iPad

Matt Wendling

From: jraymond@comcast.net
Sent: Tuesday, January 18, 2022 2:32 PM
To: Matt Wendling; tfpoa@yahoo.com
Subject: Thunderbird Farms Conditional Use Permit.

Dear Matt,

This email is to give our support for the acceptance of the Conditional Use Permit Application to allow for Short term Rentals. This support is to allow all use associated with the property such as the community boat landing.

We own a property within this community – 742 Downing Farm Rd. Front Royal VA 22630.

Best regards,

John and Janet Raymond
(703) 999-5567

Matt Wendling

om: Adam Stewart <astewart@markcg.com>
Sent: Tuesday, January 18, 2022 12:24 PM
To: Matt Wendling; tfpoa@yahoo.com
Cc: Lori Unger
Subject: Thunderbird Farms - Short Term Rentals

Importance: High

As the home owner of 1205 Stoney Bottom Rd. (LOT 18) at Thunderbird Farms, please let the record reflect that we are voting NO for the question of allowing "short-term" rentals within our community.

One of the main concerns is that there are no consequences or obligations to any "short-term" tenant should they cause damages to common areas or other properties within the community. This should be a major concern for all residents at Thunderbird Farms.

Thank you,
Adam

MARK Construction Group LLC

Adam Stewart

Mark Construction Group LLC
485 Spring Park Place
Suite 550
Herndon, VA 20170

Cell 703.926.2056
Office 703.707.6333
astewart@markcg.com
www.markcg.com

Matt Wendling

From: BRUCE PARADY <rbkp52@comcast.net>
Sent: Monday, January 17, 2022 12:33 PM
To: Matt Wendling
Subject: Short term rental aka Airbnb

I feel we should not allow these in the Thunderbird Farms Subdivision. I only own a lot but feel these types of Short term rental will bring in issues with are community boat landings. Also may bring other unfavorable issues that we don't need.

Thanks Concerned Owner

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: Thunderbird Farms

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sat, Jan 8, 2022 at 12:21 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, TFPOA Treasurer <tfpoa@yahoo.com>

----- Forwarded Message -----
From: Cindy Hinson <cindyhinson1@gmail.com>
To: "tfpoa@yahoo.com" <tfpoa@yahoo.com>
Sent: Saturday, January 8, 2022, 09:57:02 AM EST
Subject: Thunderbird Farms

Hello,
I am Cindy Hinson. My husband Ed and I bought the property at 1007 Stoney Bottom in July 2021. We have enjoyed spending a little time there at the river and on our property. We live in Maryland. We got a letter from the POA regarding AirBnB usage.
We are voting yes to AirBnB usage. Personally we have traveled using AirBnB and Vrbo and really enjoyed our experiences. Our adult children have all aso used these means to travel. I would like to think that responsible travelers would be interested in Thunderbird Farms rentals. I am not sure how you/we would keep renters from using the boat ramp so I am okay with that too. I assume you are talking about the area with the kayak pull out ramp.
Additionally please use this email to get in touch with us. U.S. Mail is also fine. We are looking forward to being part of the community. Regrettably we haven't met anyone yet. Happy New Year.

Cindy and Ed Hinson

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

short term rentals

Eric Peterson <eric654@icloud.com> Sun, Jan 9, 2022 at 12:37 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>
Cc: Sherre Christiansen <2schristiansen@earthlink.net>, Kim Horgan <dkhorgan6@yahoo.com>, Waltraud Hornick <hornickw@comcast.net>, Ranelle Merrick <remerrick@gmail.com>, Linda Molayem <squeakywheel411@yahoo.com>, Charles Prince <CSPrince43@yahoo.com>

I approve of short term rentals under one particular condition, that they have the text of covenant 13 listed in their county permit:

(13) No use of firearms, except for self-defense shall be permitted. No Noxious, dangerous, or offensive trade or activity or nuisance shall be permitted on any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.. It shall be unlawful for any person to create, assist in creating, permit, or continue to permit the continuance of any unreasonably loud or disturbing sound of such character, intensity, volume, carrying power or duration as to disturb the comfort, repose, health or safety of any individual unless the sound is made in an activity conducted for the protection or preservation of the health, safety or life of some person. For purposes of this chapter "disturbing" is defined as any actual or imminent interference to peace or good order or a noise which endangers or injures the health or safety of humans or animals or which annoys or disturbs a reasonable person of normal sensibilities (As per the Code of Warren County, Virginia).

I think the permit should be conditioned upon the owners and guests following all covenants, but that one in particular. If a short term rental doesn't follow that covenant, their permit should be revoked.

[Quoted text hidden]

yes and no

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: Short term rentals Lot 2-81

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sat, Jan 8, 2022 at 12:20 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, TFPOA Treasurer <tfpoa@yahoo.com>

---- Forwarded Message -----
From: Annemarie Wouters <amwouters@comcast.net>
To: Thunderbird POA <tfpoa@yahoo.com>
Sent: Friday, January 7, 2022, 12:27:57 PM EST
Subject: Short term rentals Lot 2-81

Hello,

Lot 2-81 [900 Thunderbird Farms]

Vote: yes to allow short-term rentals with condition that owners/renters adhere to all covenants (e.g.; property maintenance, no guns, etc) and road speed limits, and that we are assured that we have sheriff protection for any disorderly conduct

Vote: yes to allow use of private landing with condition that owners/renters adhere to all covenants (e.g. property maintenance, no guns, etc), and that we are assured that we have sheriff protections for any disorderly conduct

Annemarie Wouters

Annemarie Wouters

amwouters@comcast.net

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply email and destroy the original transmission and its attachments without reading them or saving them to disk. Thank you.

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: Short-Term Rental Input

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sat, Jan 8, 2022 at 12:17 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, TFPOA Treasurer <tfpoa@yahoo.com>

APO

----- Forwarded Message -----
From: Erin Joshi <erin.joshi@gmail.com>
To: "mwendling@warrencountyva.net" <mwendling@warrencountyva.net>
Cc: "tfpoa@yahoo.com" <tfpoa@yahoo.com>
Sent: Wednesday, January 5, 2022, 12:18:59 PM EST
Subject: Short-Term Rental Input

Good morning,

Thank you for the opportunity to provide feedback on this question. Please see our responses below:

Do you want Short Term Rentals within Thunderbird Farms?

Yes.

While we don't "want" them, we think a prohibition would unreasonably restrict property/land owners from using their properties as they see fit.

To preserve the quiet/residential nature of our community, we would suggest restrictions be placed on occupancy, duration/turnover frequency, parties, noise, etc. Violations could result in suspension of the privilege to have short-term rentals.

Should short-term rental clients be allowed to have access to the private boat landing?

Yes.

We are new to Thunderbird Farms and didn't even know there was a private boat landing! I'm not sure if there is parking by the landing, but maybe every homeowner/renter's car could have a paper or sticker that they put in the dashboard when parking there?

We would support some kind of reasonable restrictions, but would hate to see a situation where homeowners become suspicious of one another and try to actively police who uses it. New people move into the neighborhood regularly and it's impossible to know who lives here and who doesn't unless you have a sticker/pass system or block off the area with a gate or something.

Thanks for the chance to offer our two cents.

Best,
Erin

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

short term rentals

Dave Kim Horgan <dkhorgan6@yahoo.com> Mon, Jan 10, 2022 at 12:22 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, Eric Peterson <eric654@icloud.com>
Cc: Sherre Christiansen <2schristiansen@earthlink.net>, Waltraud Hornick <hornickw@comcast.net>, Ranelle Merrick <remerrick@gmail.com>, Linda Molayem <squeakywheel411@yahoo.com>, Charles Prince <csprince43@yahoo.com>

I approve of short term rentals. They should have access to the boat landing.

People purchase homes for many reasons. I don't think we should be limiting the use of private homes. All covenants should be followed as they stand today.

Thank you.

Kim Horgan
[Quoted text hidden]

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: Short term rentals - Thunderbird Farms.

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sat, Jan 8, 2022 at 12:14 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, TFPOA Treasurer <tfpoa@yahoo.com>

----- Forwarded Message -----
From: Mark Harris <mark@adventureenablers.com>
To: tfpoa@yahoo.com <tfpoa@yahoo.com>
Sent: Monday, January 3, 2022, 04:39:25 PM EST
Subject: Short term rentals - Thunderbird Farms.

Hi. In response to the letter regarding short term rentals with Thunderbird Farms, as residents, we have no objections. Also, no objections to access the boat landing also. It would be good if they are advertised through a reputation based platform like VRBO or AirB&B where some standards are enforced and rental feedback ensures properties are maintained.

Thanks

Mark & Margo Harris

yes

24 Rockledge Ct.

Matt Wendling

om: dan@twistedpair-inc.com
Sent: Tuesday, January 11, 2022 6:43 PM
To: Matt Wendling
Cc: dan@twistedpair-inc.com; Angie Olson
Subject: Fw: Short Term Rentals in Thunderbird Farms

Matt,

I am a resident of Thunderbird Farms. I sent a response to the Thunderbird Farms Property Owners Association/Board of Directors regarding the prospect of Short Term Rentals (AirBnB, etc.) in our private community. Please see the attached email thread containing my response, for your consideration.

Kind regards,

Daniel J. Olson
218 Thunder Road
Front Royal, VA 22630

From: dan@twistedpair-inc.com <dan@twistedpair-inc.com>
Sent: Monday, January 10, 2022 6:01 PM
To: tfpoa@yahoo.com <tfpoa@yahoo.com>
Cc: Angie Olson <olson7family@yahoo.com>; Daniel Olson <daniel.olson@b4corp.com>; dan@twistedpair-inc.com <dan@twistedpair-inc.com>
Subject: RE: Short Term Rentals in Thunderbird Farms

Response to Thunderbird Farms Property Owners Association (TFPOA)
RE: Short Term Rentals

To: Thunderbird Farms / Board of Directors

As owners of 218 Thunder Road, Lot 34A, we respectfully vote **NO** to the request brought forth to allow short term rentals via Conditional Use Permit within the Thunderbird Farms private community.

Simply put, allowing short term rentals within this community would detract from the reasons many of us purchased, and live in this private neighborhood. Allowing short term rentals would inevitably open doors to other attempts at allowing yet further accesses and services within our community. We feel that allowing short-term rentals goes against the grain of what makes Thunderbird Farms unique, and a special place to live for its' residents.

As stated in the Thunderbird Farms Property Owners Association webpage, "*The overall goal of the TFPOA is to promote the community welfare within the subdivision*". Angela and I feel that our community would be

best served by the TFPOA to disallow the request(s), and subsequently avoid new issues with traffic, intended or unintended access to the boat landing and other areas, and further issues with unauthorized residents/personnel with the TF community.

For clarification, we would point out the following excerpt from the TFPOA Articles of Incorporation:

> *WHEREAS, it is desirable that a maintenance system be established, governed, and operated by the owners of the lots in the Subdivision in such a manner as to promote the creation and preservation of peaceful enjoyment of the property and the protection values in the Subdivision;*

Furthermore, per the Declaration of Protective Covenants, "multi-family dwellings" are not allowed. In most short-term rental situations, there would be no reasonable way to police the number, or relationship of temporary, short term tenants.

We should consider ways to increase our personal security in this community rather than potentially detract from our safety and security. Angela and I would go further to suggest that the Board consider installing cameras (if not already in place) at entrances/exits, and at the boat landing. The homicide incident in 2019 involving Digs Landing should provide sufficient justification to regard unknown guests as a potential risk to the community. Access to cameras via the Website could be made available to residents to allow further visibility and scrutiny.

Please respond with acknowledgement of receipt of this email.

Kind regards,

Daniel and Angela Olson
218 Thunder Road
Front Royal, VA 22630

THUNDERBIRD FARMS PROPERTY OWNERS ASSOCIATION

P.O. Box 562
Front Royal, VA 22630
www.tfpoa.net

SEC. 4
LOT - 22, 23, 21

NO!

Gene Riggleman

December 29, 2021

RE: Short Term Rentals in Thunderbird Farms – Yes or No?

Hello Thunderbird Farms Property Owners Neighbors,

We are emailing this letter to all who have shared their email addresses with us and shall mailing this same letter to all the property owners.

Your Board of Directors needs to hear from you.

Short Term Rentals (AKA AirBnB, etc.) are popping up all over Warren County.

The Board has been notified that a Conditional Use Permit Application has been submitted to allow Short Term Rentals within Thunderbird Farms. The Planning Commission and Board of Supervisors would like to hear from all of us on this application before January 21.

If the Conditional Use Permit is approved, this opens the door for more property owners to apply for Short Term Rentals.

We need to know how the community feels about this.

In addition, the Planning Commission and Board of Supervisors encourages all of us to attend and speak at the Public Hearing February 9th, 7pm.

You can also email or snail mail your views to

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Email: mwendling@warrencountyva.net

Please also send copies to the Thunderbird Farms Board at

Board of Directors
Thunderbird Farms Property Owners Association
PO Box 562
Front Royal, VA 22630

Email: tfpoa@yahoo.com

SEC
LOT
21, 22, 23

Do you want Short Term Rentals within Thunderbird Farms – Yes or No? NO!

If yes, should these Short Term Rental clients have access to the Thunderbird Farms POA private boat landing? Yes or No

If yes, are there any specific restrictions you would like to see imposed on Short Term Rental clients?

Please let us know your views on Short term rentals within Thunderbird Farms. We look forward to hearing from each of you.

Best wishes,

Board of Thunderbird Farms Property Owners Association

Sherie Christiansen
Vice President

Matt Wendling

From: Darlene Minor <dhminor@gmail.com>
Sent: Tuesday, January 11, 2022 12:13 PM
To: tfpoa@yahoo.com; Eric ; 'Sherre Christiansen'; Charles Prince
Cc: Matt Wendling
Subject: Short Term Rentals in the Thunderbird Farms Neighborhood

I am not in favor of allowing short term rentals in Thunderbird Farms. I would like the Board of TFPOA to propose a new covenant that prohibits short term rentals within the property owner association. My concern is that a proliferation of short term rentals will change the essential residential character of our neighborhood. I worry that if short term rentals are welcomed, the POA may end up with many absentee landlords. I believe that permanent residents are more likely to care about the character of the neighborhood and are more inclined to maintain their properties. The TFPOA is a residential neighborhood not zoned for commercial use.

Darlene Minor
209 Windy Pines Road
Front Royal, VA 22630
Lots 02-41 and 02-42

Matt Wendling

om: Jeanne Artner <jartner929@gmail.com>
Sent: Friday, January 7, 2022 11:24 AM
To: Matt Wendling
Subject: short term rentals

Jan. 7,2022

Dear Sir,
As a resident of Thunderbird Farms I strongly urge you to disallow short term rentals in the area. The folks out here bought in this area because of its quiet and isolated location. We do not want the privacy that we paid for to be disturbed by others coming and going and possibly misusing the area.
Thank you for your consideration.

Jeanne Artner
929 T Bird Drive
Front Royal, Va.

Matt Wendling

From: Cathy Schucker <cls0905@verizon.net>
Sent: Thursday, January 6, 2022 10:17 PM
To: Matt Wendling
Cc: tfpoa@yahoo.com
Subject: Conditional Use Permit Application

Mr. Wendling,

It has come to my attention that an application has been submitted to allow for Short Term Rentals in Thunderbird Farms. I've lived in Thunderbird Farms for 6 years and I am OPPOSED to this and would like for the application to be DENIED.

Thank you for considering my input.

Cathy Schucker
McCoys Ford Road

Matt Wendling

rom: Shawn Davis <shawndavis747400@gmail.com>
Sent: Wednesday, January 5, 2022 2:35 AM
To: Matt Wendling
Cc: Tfpoa@yahoo.com
Subject: Thunderbird Farms Short Term Rentals

Dear Mr. Wendling and POTF board members:

Thank you for your attention to this matter.

Although I am a POTF homeowner who would rather not be in an HOA, due to the various restrictions on it's RSIDENTS.....[case and point].

Having a say about short term pass-throughs is one of the very few benefits that I personally, truly appreciate about our HOA. I am grateful.

I strongly prefer (demand, if I had the authority to do so) that our neighborhood be for our residents and land owners; not simply for property owners in general. There is a security difference between the presence of residents and non-residents in our neighborhood.

If there is strong opposition to short term rentals in our HOA, please honor that. If there is not, please carefully consider the opinions of the residents who are in close proximity to the short term properties of concern. If they object, please consider that to be a sentiment of a real and active experience of the safety concerns of the directly impacted neighbors. If they don't, I urge you to consider the sense of sound neighborhood safety and security principles in general.

Thank you all.

Sincerely,

Shawn and Liz Davis, and our five small children.
Lot 02-83
1010 Thunder Rd.

Matt Wendling

From: n updike <uppeyinva@gmail.com>
Sent: Tuesday, January 4, 2022 6:52 PM
To: Matt Wendling
Cc: tfpoa@yahoo.com
Subject: Short Term Rentals

Hello Mr. Wendling-
I have been a resident of Warren County for 57 years and have watched the drastic changes of the area, some good some bad. We have higher crime rates, increased taxes without high paying employment and yes we have plenty of shops and little strip malls now which are all good but the traffic is becoming like the city in which I commute to.
In order to make a decent salary I am one who commutes to the city everyday.
When I arrive home I like the fact I live in a somewhat quiet, secure, clean area with only TFPOA members allowed and where most members take pride in their environment.
I do not see this being the case with "short time renters" who are looking for a good time and leave the area type attitude while I am paying the dues for the development.
I am not in favor of the action! So please keep short term rentals out of TFPOA as this is not a resort.
Please take a look at the TFPOA "Welcome"page on their website:

Welcome to Thunderbird Farms Property Owners Association. Thunderbird Farms Subdivision is located in Warren County, Virginia in the picturesque Shenandoah Valley. Our community is comprised of 247 "***residential***"* parcels of 5 acres or more. The overall goal of the TFPOA is to ***promote the community welfare*** within the subdivision.
* resential(def.) restricted to or occupied by residences, a residential neighborhood

TFPOA board of directors:

1. Do I want STR within TFPOA?- NO

Regards,
Neal and Kim Updike
1150 Thunder Rd
Front Royal Va

Matt Wendling

From: Mark Harris <mark@adventureenablers.com>
Sent: Monday, January 3, 2022 4:36 PM
To: Matt Wendling; tfpon@yahoo.com
Subject: Short term rentals - Thunderbird Farms.

Hi. In response to the letter regarding short term rentals with Thunderbird Farms, as residents, we have no objections. Also, no objections to access the boat landing also. It would be good if they are advertised through a reputation based platform like VRBO or AirB&B where some standards are enforced and rental feedback ensures properties are maintained.

Thanks

Mark & Margo Harris

24 Rockledge Ct.

Matt Wendling

From: rfunger <rfunger@comcast.net>
Sent: Monday, January 3, 2022 5:36 PM
To: Matt Wendling
Subject: Thunderbird Farms Short Term Rentals Question

Sent from my T-Mobile 5G Device
Do you want short term rentals within Thunderbird Farms: No.

Roy & Nikki Unger
161 Foxfire Court

Matt Wendling

From: Charles Petron <corkypetron@aol.com>
Sent: Friday, December 31, 2021 11:40 AM
To: tfpoa@yahoo.com
Cc: Matt Wendling; Charles Prince
Subject: Fwd: Failure Notice

TFPOA Board Of Directors,

I apologize for inserting the incorrect ending on the original email.

Charles H. "Corky" Petron

Begin forwarded message:

From: MAILER-DAEMON@aol.com
Subject: Failure Notice
Date: December 31, 2021 at 11:34:33 AM EST
To: corkypetron@aol.com

Sorry, we were unable to deliver your message to the following address.

<tfpoa@yahoo.net>:
No mx record found for domain=yahoo.net

---------- Forwarded message ----------

From: Charles Petron <corkypetron@aol.com>
Subject: Short term Rentals in Thunderbird Farms
Date: December 31, 2021 at 11:34:28 AM EST
To: tfpoa@yahoo.net, mwendling@warrencountyva.net
Cc: Charles Prince <tfpoatreasurer@gmail.com>, Corky Petron <corkypetron@aol.com>

Board of Directors and Mr. Matt Wendling,

Short Term Rentals (STR) within Thunderbird Farms would initiate significant operational and legal challenges for the Board of Directors (BOD) and the Warren County Department of Planning (WCDP).

Specifically, there would have to be different fire codes, inspections, pest control et. al. for these rental properties. I owned a duplex rental property in Waukegan, IL for nearly 35-years. In my opinion, it would be a constant problem for a landlord(s) to keep up with the changes required by the TFPOA BOD and the WCDP).

The City of Waukegan billed me, on an annual basis, and I had inspections at least every two years. Sometimes, the changes necessary were for the good of the tenant, but most often they were to bring the property up to engineering code.

Again, in my opinion, this short term rental proposal would create another bureaucracy with the BOD and the WCDP.

Therefore, I am strongly opposed to any Short Term Rentals within Thunderbird Farms.

Happy New Year 2022 to All.

Sincerely,

Charles H. "Corky" Petron
(224) 234-9361

THUNDERBIRD FARMS PROPERTY OWNERS ASSOCIATION

P.O. Box 562
Front Royal, VA 22630
www.tfpoa.net

Owner:
Beeren & Barry Env. LLC
260 McCoys Ford Rd
Front Royal, VA 22630
Contact Faye Campbell
703/450-0345
faye.campbell@aol.com

December 29, 2021

RE: Short Term Rentals in Thunderbird Farms - Yes or No?

Hello Thunderbird Farms Property Owners Neighbors:

We are emailing this letter to all who have shared their email addresses with us and snail mailing this same letter to all the property owners.

Your Board of Directors needs to hear from you.

Short Term Rentals (AKA AirBnB, etc.) are popping up all over Warren County.

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We need to know how the community feels about this.

In addition, the Planning Commission and Board of Supervisors encourages all of us to attend and speak at the Public Hearing February 9th, 7pm.

You can also email or snail mail your views to

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Email: mwendling@warrencountyva.net

Please also send copies to the Thunderbird Farms Board at

Board of Directors
Thunderbird Farms Property Owners Association
PO Box 562
Front Royal, VA 22630

Email: tfpoa@yahoo.com

Do you want Short Term Rentals within Thunderbird Farms - Yes or No?

If yes, should these Short-Term Rental clients have access to the Thunderbird Farms POA private boat landing? Yes or No

If yes, are there any specific restrictions you would like to see imposed on Short-Term Rental clients? NO.

Please let us know your views on short-term rentals within Thunderbird Farms. We look forward to hearing from each of you.

Best wishes,

Board of Thunderbird Farms Property Owners Association

Sherre

Sherre Christiansen
Vice President

Owner:
Billy Campbell
407 Windy Pines Rd
Front Royal VA.
Contact: Faye Campbell
703/450-0345
faye.campbell@aol.com

THUNDERBIRD FARMS PROPERTY OWNERS ASSOCIATION

P.O. Box 562
Front Royal, VA 22630
www.tfpoa.net

December 29, 2021

RE: Short Term Rentals in Thunderbird Farms – Yes or No?

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Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Email: mwendling@warrencountyva.net

Please also send copies to the Thunderbird Farms Board at

Board of Directors
Thunderbird Farms Property Owners Association
PO Box 562
Front Royal, VA 22630

Email: tfpoa@yahoo.com

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If yes, should these Short-Term Rental clients have access to the Thunderbird Farms POA private boat landing? Yes or No

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Please let us know your views on Short-term rentals within Thunderbird Farms. We look forward to hearing from each of you.

Best wishes,

Board of Thunderbird Farms Property Owners Association

Sherre

Sherre Christiansen
Vice President

Matt Wendling

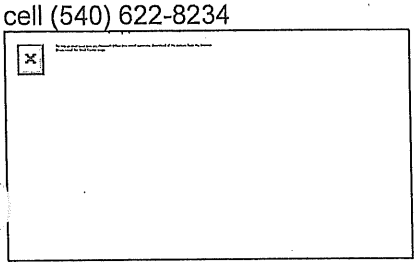
From: Faye Campbell <faye.campbell@aol.com>
Sent: Wednesday, January 5, 2022 12:21 PM
To: tfpoa@yahoo.com; Matt Wendling
Subject: Thunderbird Farms Short Term rental responses.
Attachments: Thunderbird Farms POA 1-5-2022.pdf

Good afternoon,

Attached are the handwritten responses to the short-term rental questions. POA See Survey
Please add my email address to the property locations attached for easier delivery of correspondences (vs "snail mail").

Thank you

Faye Campbell, Broker
BELTWAY REALTY, LLC
11654 Plaza America Drive # 653
Reston, VA 20190
ph (703) 450-0345
cell (540) 622-8234



Email is not secure or confidential. *Our Firm and our Agents will NEVER ask you about wiring instructions by email. If you receive any email requesting bank information or suggesting updated wiring instructions, it is FRAUD. Do not comply and make sure you inform your real estate professional.*

----- Forwarded Message -----
From: L Henschell <henschell@hotmail.com>
To: Charles Prince <tfpoatreasurer@gmail.com>; tfpoa@yahoo.com <tfpoa@yahoo.com>
Sent: Friday, December 31, 2021, 06:46:13 PM EST
Subject: RE: Short Term Rental Polling

I vote NO

If it is approved No access to the boat landing as it will be a can of worms with sheriff department.

Charlie,

I would resend this with verbiage in the body of the email stating what the attachment is and what is need.

My email description said the email has no content.

Lyle.

From: Charles Prince <tfpoatreasurer@gmail.com>
Sent: Friday, December 31, 2021 8:59 AM
To: tfpoa@yahoo.com
Subject: Short Term Rental Polling

Ronald E Cuneo
1157 Old Gate Ct.
Mclean, VA 22102

Matt Wendling Dep. Planning Dir.
Department of Planning, County of Warren
220 North Commerce Ave. Suite 400
Front Royal, VA 22630

AD

Dear Mr. Wendling,

I moved to Thunderbird Farms from McLean in Northern VA 11 years ago. Prior to moving I spent close to 2 ½ years looking for a residence which encompassed all or most of my requirements. The requirements were a 3-10 area lot, access to a body of water, well maintained roads, in a bucolic setting along with an owner's association whose covenants preserved my view of these requirements. Fortunately, I chose well as our community has preserved those values. My new neighbor recently purchased his home for $675,000 and in speaking with him about "Why this House"; he spoke of many of the same attributes that I mentioned.

Recently I received a copy of the application to the County requesting approval of short-term rentals in the Thunderbird Farms community. Needless to say, I was extremely surprised and disappointed; however, upon reflection I was sure that the county and the association would (after a vote of the owners was taken) dismiss this as another distraction initiated by a few of the owners who are interested in maximizing their asset and do not spend much time here anyway. I cannot imagine how a thoughtful consideration of the request would even be considered. The request is the antithesis of almost all the current owner's reason for living here. Moreover, I cannot conceive how an arrangement such as this would be managed. Our properties are not fenced, renters could or would unintentionally or intentionally trespass on adjacent properties. Who would be responsible for maintaining the rights of the non-renting property owners? Who would be responsible for controlling access to the river or for that matter policing the roads and the river for garbage and debris? I am sure that as County managers, who are the trustees of this community, you are keenly aware of these issues and the many more that need to be sufficiently considered and planned for. It is imperative that these named issues be addressed, concrete plans published, socialized and a county representative be identified and given the assignment to brief the TF Association prior to approving this request.

Prior to writing this letter, I reviewed the aforementioned concerns with two attorneys and while they agreed that these issues were important both mentioned the potential LIABILITY issues that owners would be exposed to if one of the renters, while trespassing on their property was injured. Both pointed out that juries today are sympathetic to injury claims even if the injured party was in the process of committing a crime or trespassing. Accordingly, I think, the entire owner associations should be notified of their potential liability if you are considering or allow short term renters access to TF. I assume that the TF Association Board members have received similar counsel and have already prepared a notice to the members.

I sincerely hope that you consider most of the residents when you make a determination on this request.

Respectfully,

Ronald E. Cuneo

Ronald E, Cuneo
1564 T-Bird Dr
Front Royal VA 22630

Cell# 703.626.7007
Email: rcuneo1@verizon.net

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: STR Polling

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sat, Jan 8, 2022 at 12:20 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, TFPOA Treasurer <tfpoa@yahoo.com>

----- Forwarded Message -----
From: Thunderbird Farms <tfpoa@yahoo.com>
To: TFPOA Treasurer <tfpoa@yahoo.com>
Sent: Friday, January 7, 2022, 01:56:35 PM EST
Subject: STR Polling

Linda Molayem <squeakywheel411@yahoo.com>

To:Thunderbird Farms

Fri, Jan 7 at 1:46 PM

I am against the short term rentals. I would like to decrease the amount of nonresidents from using our boat ramp area. Thanks, Linda Molayem

Sent from Yahoo Mail on Android

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fw: Short Term Rentals

1 message

Thunderbird Farms <tfpoa@yahoo.com> Sat, Jan 8, 2022 at 12:16 PM
To: Cheryl Horne <hangingwithcheryl@gmail.com>, TFPOA Treasurer <tfpoa@yahoo.com>

----- Forwarded Message -----
From: John Sanford <sanfordjohn@hotmail.com>
To: tfpoa@yahoo.com <tfpoa@yahoo.com>; Brenda Sanford <bren_sanford@hotmail.com>
Sent: Tuesday, January 4, 2022, 12:35:28 PM EST
Subject: Short Term Rentals

04-51 sanford

The answer to your question about short term rentals is **NO.**

John H. Sanford

For Lot 04-51 sanford

Gmail Cheryl Horne <hangingwithcheryl@gmail.com>

Fwd: My input for today

1 message

Eric Peterson <eric654@icloud.com> Sat, Jan 22, 2022 at 9:05 AM
To: Sherre Christiansen <vp@thunderbirdfarms.org>
Cc: Cheryl Horne <Hangingwithcheryl@gmail.com>

More rental input

Begin forwarded message:

From: Paul Isakson <smileymbb@gmail.com>
Subject: My input for today
Date: January 22, 2022 at 8:27:37 AM EST
To: Eric Peterson <eric654@icloud.com>

Hello, Eric!
I wanted to send my inputs to the questions about short term renters.

1. Yes, I believe we should allow short term rentals.
(Just for your info, I thought a bit about this and see both sides. In the end, private property rights carried it for me, the ability for people to do what they want with their own property--I hate to infringe on that.)
2. Yes, I think they should be able to use the boat landing.
(This one was a harder to say yes to for me, I'm sure you know why, but if follows the first, though I wouldn't have any heartburn if we decided yes on the first and no on the 2nd :)

Have a good meeting!
--Paul Isakson 1325 Stoney Bottom 757-582-7242

From: Thunderbird Farms tfpoa@yahoo.com
Subject: Fw: Short Term Rentals - Thunderbird Farms
Date: Jan 21, 2022 at 12:44:46 PM
To: Cheryl Horne hangingwithcheryl@gmail.com
Cc: TFPOA Treasurer tfpoa@yahoo.com

----- Forwarded Message -----
From: McVey Family <mcveyfamily17@gmail.com>
To: "mwelding@warrencountyva.gov" <mwelding@warrencountyva.gov>; "tfpoa@yahoo.com" <tfpoa@yahoo.com>
Sent: Friday, January 21, 2022, 11:07:42 AM EST
Subject: Short Term Rentals - Thunderbird Farms

In response to the letter sent to the homeowners of Thunderbird Farms regarding Short Term Rentals within the community our answers are as follows:

1. Do we want Short Term Rentals within Thunderbird Farms? Yes, this should be at the owner's discretion.
2. If Yes, Boat Landing Access? Yes, this is a part of the community and would be a benefit of the rental no different than the hiking trails.
3. If Yes, Specific restrictions? Rentals should be short term, (no longer than one week) and must comply with all POA and County ordinances.

--
The McVey Family

Ross McVey
703-581-9660

Deanne McVey
703-895-3562

Matt Wendling

From: Barbara Cole <barbara.l.cole@gmail.com>
Sent: Friday, February 11, 2022 8:18 AM
To: Matt Wendling
Subject: Thunderbird Farms POA

Question:
Do you want short term rentals within Thunderbird Farms?
No

Barbara Cole (Lot 4 Section 9; Anderson Trust Property; Property ID No. 36C 4 4 9)

Matt Wendling

From: Jackie McGinnis
Sent: Tuesday, February 8, 2022 4:38 PM
To: Matt Wendling
Subject: J Morton/Shenandoah River Bliss

Hi Matt,

Please know John Morton has not filed a transient tax report since July 2017. In early 2018, he provided a statement to the personal property department stating the home was converted from a short-term rental to a long-term rental. He did not specify the exact date of the conversion.

Let me know if you need anything else.

Thanks,
Jackie

*****

Jacqueline McGinnis, MDCR
Deputy III Business Auditor

Commissioner of the Revenue
Warren County
220 N. Commerce Avenue, Suite 900
PO Box 1775
Front Royal, VA 22630
T (540) 635-2651
F (540) 636-8280

***

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Matt Wendling

From: Stephen J. Artner <sjartner@gmail.com>
Sent: Monday, February 7, 2022 7:07 PM
To: Matt Wendling
Cc: tfpoa@yahoo.com
Subject: Thunderbird Farm Rentals

Hello,

on the question of short-term rentals in Thunderbird Farms, please register my vote as No.

Thank you.

Stephen Artner

THUNDERBIRD FARMS POA SURVEY FOR STTRs 207 PROPERTY OWNERS

AGAINST
||||| ||||| ||||| |||| |||

25

FOR
||||| |||| ||

12

NUETRAL
1

Matt Wendling

From: skipsims@gmail.com
Sent: Tuesday, February 8, 2022 1:32 PM
To: planning
Cc: Eric Peterson; Matt Wendling
Subject: Re: Short-Term Rental CUP Application

Warren County Planning Commission

Re: CUP Application, 1240 Downing Farm Road

For nearly 24 years we have lived in Thunderbird Farms, diagonally across the street from the property in question.

If granted, this would become the second short-term rental permit for properties that adjoin us. We already have a short-term rental on our south side. While *they* have apparently done it responsibly, we do not need another short-term rental on the west side.

I am writing both to comment on this specific permit application, and on the County's general consideration of short-term rentals.

Please consider the following four points in developing your recommendation to the Board of Supervisors:

1. Tourism may not always be a net economic benefit.

Let's drill down and look at that assumption.

While the property taxes are the same as for an owner-occupied home, the big difference is that a short-term rental sits vacant most of the time. Vacant rental properties don't buy taxable groceries, gas, or anything else in Warren County.

Owner-occupants spend disposable income locally, 365 days a year, benefiting local businesses. That money that rolls over 2½ or 3 times in the local economy. The county generates tax revenue on sales.

While short-term rentals also pay property taxes, that's it. You're done. The rental revenue leaves the County. It's spent in DC, PG County, or wherever the absentee owners live.

2. Sense of Community.

With short-term rentals, you're eroding the concept of **community**. You will never foster a true sense of community where owners live elsewhere, and short-term renters come and go in the night.

3. Behavior Problems

I won't share in what state, but let me tell you of our first-hand experience with a short-term rental behavior problem some years ago. The driveway and lawn were crowded with cars overnight. At least a half-dozen male voices yelled the f-bomb and most other 4-letter words 'till after 1:30 a.m., clearly drunk. Fireworks or gunfire continued after midnight.

I should have brought the heavy hammer of the law down on the violators and pressed charges. But we didn't want to be a bothersome neighbor. Like they say, "Fool me once...."

You require a Property Management Plan, with local points of contact to immediately respond to these situations. But contacts need to be both *available* and *responsive*.

Having read this property's PMP, we still do not know who the contact is. Anyone other than a resident owner or an on-site point of contact may be ineffective. Who do you think will answer if we call some out-of-town property manager's office at 1:30 a.m. when we hear another party going on?

4. Who do you represent?

You speak for local residents...neighbors who have placed confidence in you to represent our interests, not for absentee owners who neither live nor vote here.

The marketplace will meet the transients' lodging demand with hotels, motels and true B&Bs, without placing the undue burden of short-term rentals on neighbors in a residential setting.

An added benefit of conventional commercial lodging is that the County will collect the hotel, motel and restaurant taxes.

In summary, we oppose this application in concept based on the following:

1. It may not be in the County's best economic interest.

2. Short-term rentals erode the sense of community.

3. Your ordinance's vague enforcement provisions potentially deny us the use and enjoyment of our home. When you speak of property owners' rights, this should be paramount.

4. Your primary obligation is to local voters, not to absentee owners who have chosen not to live in Warren County.

J. G. "Skip" Sims
43 Stoney Bottom Rd.

Sent from Mail for Windows

Matt Wendling

From: JOHN LEWANDO <lewando@verizon.net>
Sent: Sunday, January 30, 2022 12:49 PM
To: Matt Wendling
Subject: Thunderbird Farms Short Term Rentals

Dear Mr. Wendling,

I have owned our house at 433 Mc Coys Ford Rd. for over thirty five years. We - myself and my children - are opposed to allowing short term rentals in Thunderbird Farms. We are especially opposed to allowing the use of the boat landing bay short term renters. We fear that the landing would become overcrowded and not available for residents' use as it is now. Also, the potential damage by over use to the landing area would result in extra costs to all of the property owners in T'bird farms.

I also want to add, this is a second home for us and thus it would be possible and a benefit to rent through Airbnb. We still feel strongly about not allowing short term rentals.

Thank you,

Glenda Sloane
433 McCoys Ford Road

Matt Wendling

From: Ferhan Ture <ferhan.ture@gmail.com>
Sent: Saturday, January 22, 2022 9:54 AM
To: Matt Wendling
Subject: Feedback on short term rentals

Hi,

I received a request from my POA Thunderbird Farms to provide input on short term rentals. We are supportive of allowing short term rentals in the community. Thanks.

ferhan

David L Wilson

434 Downing Farm Road
Front Royal, VA 22630
916-599-3096 / beetles8198@icloud.com

January 21, 2022

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Ave, Suite 400
Front Royal, VA 22630

Dear Mr. Wendling

The question of short term rentals within Thunderbird Farms is my concern. As a property owner in Thunder Bird Farms, I am opposed to allowing short term rentals within Thunderbird Farms. The underlying concept of Thunderbird Farms is to maintain a quiet, rural setting by resident owners. Certainly the quiet, rural setting of Thunderbird Farms are qualities sought after by many looking for a vacation retreat location. The main reason we own property in that location is a **Quiet, Rural, Setting.**

There are many undeveloped properties within Thunderbird Farms. It is likely that as those properties are developed, the area will have more traffic and noise generated by Member Residents of Thunderbird Farms.

Therefore, I am firmly Opposed to any Conditional Use Permits allowing Short Term Rentals within Thunderbird Farms.

Please feel free to contact me if you wish.

Sincerely yours,

Dave Wilson

Constance Wilson

434 Downing Farm Road
Front Royal, VA 22630
916-698-7357/cwilson747@gmail.com

January 21, 2022

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Ave, Suite 400
Front Royal, VA 22630

Dear Mr. Wendling,

The question of short term rentals within Thunderbird Farms is my concern. As a property owner in Thunderbird Farms, I am opposed to allowing short term rentals within Thunderbird Farms. The underlying concept of Thunderbird Farms is to maintain a quiet, rural setting by resident owners. Certainly the quiet, rural setting of Thunderbird Farms are qualities sought after by many looking for a vacation retreat location, however, the main reason we own property in that location is to maintain this **Quiet, Rural, Setting.** It is my opinion that short-term rentals would not be conducive to that goal.

There are many undeveloped properties within Thunderbird Farms. It is likely that as those properties are developed, the area will have more traffic and noise generated by Member Residents of Thunderbird Farms. The added traffic generated by short-term rentals would not be a welcome element to our neighborhood.

Therefore, I am firmly **Opposed** to any Conditional Use Permits allowing Short Term Rentals within Thunderbird Farms.

Please feel free to contact me if you wish.

Sincerely,

Constance Wilson

Constance Wilson

Matt Wendling

From: Warren County <No_Reply@warrencountyva.net>
Sent: Friday, January 21, 2022 2:35 PM
To: Matt Wendling
Subject: Warren County Government Website contact inquiry [Robert and Susan Utley]

A contact inquiry has been submitted via the employee contact form found at https://www.warrencountyva.net/ (Warren County Government Website) on 2022-01-21. Please view details below.

Sender Name: Robert and Susan Utley
Sender Email: susanlutley@gmail.com
Day Phone: 540-660-4291
Evening Phone: 540-660-4292
Contact Preference: Either

Comments:
Robert and Susan Utley
1886 T-Bird Drive
Front Royal, Virginia 22630

January 20, 2022

Warren County Planning Department
Mr. Joe Petty, Planning Director
Mr. Matt Wendling, Deputy Planning Director

Dear Mr. Petty and Mr. Wendling,

We are voting residents of Warren County, Virginia. We are writing to express our concerns regarding a Conditional Use Permit Application requesting Short-Term Rental approval within our residential neighborhood of Thunderbird Farms.

As homeowners, we have immediate concerns regarding privacy, safety, and the loss of the residential feel that originally attracted us to this community. We have additional concerns regarding potential long-term adverse impacts on ourselves and our community including increased crime, decreased property values, increased traffic, and the cost to maintain our private roads—a burden that all Thunderbird Farms residents share in and the county does not.

Our objection to the permit is not simply an objection to short-term rentals but also an objection to the circumvention of our governing documents. As you are aware, property owners within our neighborhood are protected by the covenants and restrictions of Thunderbird Farms Property Owner's Association, Inc. All persons or entities who purchase a home within our community do so with full awareness and acceptance of these covenants and restrictions which guide the use of our properties and the activities of property owners and their guests. Any property owner who violates the covenants, with or without a county permit, is at risk of penalties from our Association and civil action by individual property owners. If a property owner wishes to engage in uses and activities not currently allowed by our covenants, there are methods in place to pursue changes to our governing documents by a vote of the property owners.

As per the existing governing documents, the primary use of all properties located within Thunderbird Farms is single-family residential with provisions for home occupations conducted by the property owner residing in the home and agricultural pursuits. Hospitality and tourism industry pursuits such as public and private campgrounds, canoe rental

companies, and short-term rentals for transient occupancy are not residential or agricultural in nature, and therefore, not permitted.

As constituents of the Fork District, we are asking that the Planning Commission deny the application and recommend to the property owner to pursue a change of our covenants using the methods provided in our governing documents.

Thank you so much for your time and consideration.

Best regards,
Robert and Susan Utley
Lot 17, Thunderbird Farms

71.63.18.122 - Generated by Work Force (c) on Friday, 21 January 2022 14:35

Matt Wendling

From: Warren County <No_Reply@warrencountyva.net>
Sent: Friday, January 21, 2022 2:35 PM
To: Matt Wendling
Subject: Warren County Government Website contact inquiry [Robert and Susan Utley]

A contact inquiry has been submitted via the employee contact form found at https://www.warrencountyva.net/ (Warren County Government Website) on 2022-01-21. Please view details below.

Sender Name: Robert and Susan Utley
Sender Email: susanlutley@gmail.com
Day Phone: 540-660-4291
Evening Phone: 540-660-4292
Contact Preference: Either

Comments:
Robert and Susan Utley
1886 T-Bird Drive
Front Royal, Virginia 22630

January 20, 2022

Warren County Planning Department
Mr. Joe Petty, Planning Director
Mr. Matt Wendling, Deputy Planning Director

Dear Mr. Petty and Mr. Wendling,

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Thank you so much for your time and consideration.

Best regards,
Robert and Susan Utley
Lot 17, Thunderbird Farms

71.63.18.122 - Generated by Work Force (c) on Friday, 21 January 2022 14:35

Matt Wendling

From: Jeffrey Worsham <worsham.jeff@gmail.com>
Sent: Thursday, January 20, 2022 5:32 PM
To: Matt Wendling
Subject: Conditional Use Permit Thunderbird Farms

Dear Mr. Wendling,
My name is Jeff Worsham, my wife and I live in Thunderbird Farms and received a letter from the POA about a Conditional Use Permit application for our neighborhood. My wife and I are against the approval of this permit. As it stands now there are a few properties along Eagle Drive that "rent out" their properties for camping. I am not aware if a permit is needed for this type of use or not.
It causes a lot of extra summer traffic and speeding on Eagle Drive in the summer. And the parties at night can get rather loud with music and fireworks.
If the current Conditional Use Permit is approved other applications will follow and would have to be approved. These approvals would only increase the amount of people who don't live in our neighborhood looking for access to the River, traffic along Eagle Drive, more loud parties and possibly worse.
My wife and I purchased our Thunderbird property to escape the busy pace of working for a private boarding school in Northern Virginia. It has become our sanctuary to recover, reset, relax and eventually retire.
Mr. Wendling please do not approve this permit and open a floodgate of extra summer noise from traffic, loud music, fireworks and river access seekers.
Thank you for your consideration.

Sincerely
Jeff Worsham

Sent from my iPad

Matt Wendling

From: jraymond@comcast.net
Sent: Tuesday, January 18, 2022 2:32 PM
To: Matt Wendling; tfpoa@yahoo.com
Subject: Thunderbird Farms Conditional Use Permit.

Dear Matt,

This email is to give our support for the acceptance of the Conditional Use Permit Application to allow for Short term Rentals. This support is to allow all use associated with the property such as the community boat landing.

We own a property within this community – 742 Downing Farm Rd. Front Royal VA 22630.

Best regards,

John and Janet Raymond
(703) 999-5567

Matt Wendling

From: Adam Stewart <astewart@markcg.com>
Sent: Tuesday, January 18, 2022 12:24 PM
To: Matt Wendling; tfpoa@yahoo.com
Cc: Lori Unger
Subject: Thunderbird Farms - Short Term Rentals

Importance: High

As the home owner of 1205 Stoney Bottom Rd. (LOT 18) at Thunderbird Farms, please let the record reflect that we are voting NO for the question of allowing "short-term" rentals within our community.

One of the main concerns is that there are no consequences or obligations to any "short-term" tenant should they cause damages to common areas or other properties within the community. This should be a major concern for all residents at Thunderbird Farms.

Thank you,
Adam

MARK Construction Group LLC

Adam Stewart

Mark Construction Group LLC
485 Spring Park Place
Suite 550
Herndon, VA 20170

Cell 703.926.2056
Office 703.707.6333
astewart@markcg.com
www.markcg.com

Matt Wendling

From: BRUCE PARADY <rbkp52@comcast.net>
Sent: Monday, January 17, 2022 12:33 PM
To: Matt Wendling
Subject: Short term rental aka Airbnb

I feel we should not allow these in the Thunderbird Farms Subdivision. I only own a lot but feel these types of Short term rental will bring in issues with are community boat landings. Also may bring other unfavorable issues that we don't need.

Thanks Concerned Owner

Matt Wendling

From: dan@twistedpair-inc.com
Sent: Tuesday, January 11, 2022 6:43 PM
To: Matt Wendling
Cc: dan@twistedpair-inc.com; Angie Olson
Subject: Fw: Short Term Rentals in Thunderbird Farms

Matt,

I am a resident of Thunderbird Farms. I sent a response to the Thunderbird Farms Property Owners Association/Board of Directors regarding the prospect of Short Term Rentals (AirBnB, etc.) in our private community. Please see the attached email thread containing my response, for your consideration.

Kind regards,

Daniel J. Olson
218 Thunder Road
Front Royal, VA 22630

From: dan@twistedpair-inc.com <dan@twistedpair-inc.com>
Sent: Monday, January 10, 2022 6:01 PM
To: tfpoa@yahoo.com <tfpoa@yahoo.com>
Cc: Angie Olson <olson7family@yahoo.com>; Daniel Olson <daniel.olson@b4corp.com>; dan@twistedpair-inc.com <dan@twistedpair-inc.com>
Subject: RE: Short Term Rentals in Thunderbird Farms

Response to Thunderbird Farms Property Owners Association (TFPOA)
RE: Short Term Rentals

To: Thunderbird Farms / Board of Directors

As owners of 218 Thunder Road, Lot 34A, we respectfully vote **NO** to the request brought forth to allow short term rentals via Conditional Use Permit within the Thunderbird Farms private community.

Simply put, allowing short term rentals within this community would detract from the reasons many of us purchased, and live in this private neighborhood. Allowing short term rentals would inevitably open doors to other attempts at allowing yet further accesses and services within our community. We feel that allowing short-term rentals goes against the grain of what makes Thunderbird Farms unique, and a special place to live for its' residents.

As stated in the Thunderbird Farms Property Owners Association webpage, "*The overall goal of the TFPOA is to promote the community welfare within the subdivision*". Angela and I feel that our community would be

best served by the TFPOA to disallow the request(s), and subsequently avoid new issues with traffic, intended or unintended access to the boat landing and other areas, and further issues with unauthorized residents/personnel with the TF community.

For clarification, we would point out the following excerpt from the TFPOA Articles of Incorporation:

> *WHEREAS, it is desirable that a maintenance system be established, governed, and operated by the owners of the lots in the Subdivision in such a manner as to promote the creation and preservation of peaceful enjoyment of the property and the protection values in the Subdivision;*

Furthermore, per the Declaration of Protective Covenants, "multi-family dwellings" are not allowed. In most short-term rental situations, there would be no reasonable way to police the number, or relationship of temporary, short term tenants.

We should consider ways to increase our personal security in this community rather than potentially detract from our safety and security. Angela and I would go further to suggest that the Board consider installing cameras (if not already in place) at entrances/exits, and at the boat landing. The homicide incident in 2019 involving Digs Landing should provide sufficient justification to regard unknown guests as a potential risk to the community. Access to cameras via the Website could be made available to residents to allow further visibility and scrutiny.

Please respond with acknowledgement of receipt of this email.

Kind regards,

Daniel and Angela Olson
218 Thunder Road
Front Royal, VA 22630

THUNDERBIRD FARMS PROPERTY OWNERS ASSOCIATION
P.O. Box 562
Front Royal, VA 22630
www.tfpoa.net

SEC. 4
LOT-22,23,21
NO!
Jane Ryglon

December 29, 2021

RE: Short Term Rentals in Thunderbird Farms – Yes or No?

Hello Thunderbird Farms Property Owners Neighbors,

We are emailing this letter to all who have shared their email addresses with us and snail mailing this same letter to all the property owners.

Your Board of Directors needs to hear from you.

Short Term Rentals (AKA AirBnB, etc.) are popping up all over Warren County.

The Board has been notified that a Conditional Use Permit Application has been submitted to allow Short Term Rentals within Thunderbird Farms. The Planning Commission and Board of Supervisors would like to hear from all of us on this application before January 21.

If the Conditional Use Permit is approved, this opens the door for more property owners to apply for Short Term Rentals.

We need to know how the community feels about this.

In addition, the Planning Commission and Board of Supervisors encourages all of us to attend and speak at the Public Hearing February 9th, 7pm.

You can also email or snail mail your views to

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Email: mwendling@warrencountyva.net

Please also send copies to the Thunderbird Farms Board at

Board of Directors
Thunderbird Farms Property Owners Association
PO Box 562
Front Royal, VA 22630

Email: tfpoa@yahoo.com

SEC
LOT
NO! 21,22,23

Do you want Short Term Rentals within Thunderbird Farms – Yes or No?

If yes, should these Short-Term Rental clients have access to the Thunderbird Farms POA private boat landing? Yes or No

If yes, are there any specific restrictions you would like to see imposed on Short-Term Rental clients?

Please let us know your views on Short-term rentals within Thunderbird Farms. We look forward to hearing from each of you.

Best wishes,

Board of Thunderbird Farms Property Owners Association

Sherre

Sherre Christiansen
Vice President

Matt Wendling

From: Darlene Minor <dhminor@gmail.com>
Sent: Tuesday, January 11, 2022 12:13 PM
To: tfpoa@yahoo.com; Eric ; 'Sherre Christiansen'; Charles Prince
Cc: Matt Wendling
Subject: Short Term Rentals in the Thunderbird Farms Neighborhood

I am not in favor of allowing short term rentals in Thunderbird Farms. I would like the Board of TFPOA to propose a new covenant that prohibits short term rentals within the property owner association. My concern is that a proliferation of short term rentals will change the essential residential character of our neighborhood. I worry that if short term rentals are welcomed, the POA may end up with many absentee landlords. I believe that permanent residents are more likely to care about the character of the neighborhood and are more inclined to maintain their properties. The TFPOA is a residential neighborhood not zoned for commercial use.

Darlene Minor
209 Windy Pines Road
Front Royal, VA 22630
Lots 02-41 and 02-42

Matt Wendling

From: Jeanne Artner <jartner929@gmail.com>
Sent: Friday, January 7, 2022 11:24 AM
To: Matt Wendling
Subject: short term rentals

Jan. 7,2022

Dear Sir,
As a resident of Thunderbird Farms I strongly urge you to disallow short term rentals in the area. The folks out here bought in this area because of its quiet and isolated location. We do not want the privacy that we paid for to be disturbed by others coming and going and possibly misusing the area.
Thank you for your consideration.

Jeanne Artner
929 T Bird Drive
Front Royal, Va.

Matt Wendling

From: Cathy Schucker <cls0905@verizon.net>
Sent: Thursday, January 6, 2022 10:17 PM
To: Matt Wendling
Cc: tfpoa@yahoo.com
Subject: Conditional Use Permit Application

Mr. Wendling,

It has come to my attention that an application has been submitted to allow for Short Term Rentals in Thunderbird Farms. I've lived in Thunderbird Farms for 6 years and I am OPPOSED to this and would like for the application to be DENIED.

Thank you for considering my input.

Cathy Schucker
McCoys Ford Road

Matt Wendling

From: Shawn Davis <shawndavis747400@gmail.com>
Sent: Wednesday, January 5, 2022 2:35 AM
To: Matt Wendling
Cc: Tfpoa@yahoo.com
Subject: Thunderbird Farms Short Term Rentals

Dear Mr. Wendling and POTF board members:

Thank you for your attention to this matter.

Although I am a POTF homeowner who would rather not be in an HOA, due to the various restrictions on it's RSIDENTS.....[case and point].

Having a say about short term pass-throughs is one of the very few benefits that I personally, truly appreciate about our HOA. I am grateful.

I strongly prefer (demand, if I had the authority to do so) that our neighborhood be for our residents and land owners; not simply for property owners in general. There is a security difference between the presence of residents and non-residents in our neighborhood.

If there is strong opposition to short term rentals in our HOA, please honor that. If there is not, please carefully consider the opinions of the residents who are in close proximity to the short term properties of concern. If they object, please consider that to be a sentiment of a real and active experience of the safety concerns of the directly impacted neighbors. If they don't, I urge you to consider the sense of sound neighborhood safety and security principles in general.

Thank you all.

Sincerely,

Shawn and Liz Davis, and our five small children.
Lot 02-83
1010 Thunder Rd.

Matt Wendling

From: n updike <uppeyinva@gmail.com>
Sent: Tuesday, January 4, 2022 6:52 PM
To: Matt Wendling
Cc: tfpoa@yahoo.com
Subject: Short Term Rentals

Hello Mr. Wendling-
I have been a resident of Warren County for 57 years and have watched the drastic changes of the area, some good some bad. We have higher crime rates, increased taxes without high paying employment and yes we have plenty of shops and little strip malls now which are all good but the traffic is becoming like the city in which I commute to.
In order to make a decent salary I am one who commutes to the city everyday.
When I arrive home I like the fact I live in a somewhat quiet, secure, clean area with only TFPOA members allowed and where most members take pride in their environment.
I do not see this being the case with "short time renters" who are looking for a good time and leave the area type attitude while I am paying the dues for the development.
I am not in favor of the action! So please keep short term rentals out of TFPOA as this is not a resort.
Please take a look at the TFPOA "Welcome"page on their website:

Welcome to Thunderbird Farms Property Owners Association. Thunderbird Farms Subdivision is located in Warren County, Virginia in the picturesque Shenandoah Valley. Our community is comprised of 247 "***residential***"* parcels of 5 acres or more. The overall goal of the TFPOA is to ***promote the community welfare*** within the subdivision.
* resential(def.) restricted to or occupied by residences, a residential neighborhood

TFPOA board of directors:

1. Do I want STR within TFPOA?- NO

Regards,
Neal and Kim Updike
1150 Thunder Rd
Front Royal Va

Matt Wendling

From: Mark Harris <mark@adventureenablers.com>
Sent: Monday, January 3, 2022 4:36 PM
To: Matt Wendling; tfpon@yahoo.com
Subject: Short term rentals - Thunderbird Farms.

Hi. In response to the letter regarding short term rentals with Thunderbird Farms, as residents, we have no objections. Also, no objections to access the boat landing also. It would be good if they are advertised through a reputation based platform like VRBO or AirB&B where some standards are enforced and rental feedback ensures properties are maintained.

Thanks

Mark & Margo Harris

24 Rockledge Ct.

Matt Wendling

From: rfunger <rfunger@comcast.net>
Sent: Monday, January 3, 2022 5:36 PM
To: Matt Wendling
Subject: Thunderbird Farms Short Term Rentals Question

Sent from my T-Mobile 5G Device
Do you want short term rentals within Thunderbird Farms: No.

Roy & Nikki Unger
161 Foxfire Court

Matt Wendling

From: Charles Petron <corkypetron@aol.com>
Sent: Friday, December 31, 2021 11:40 AM
To: tfpoa@yahoo.com
Cc: Matt Wendling; Charles Prince
Subject: Fwd: Failure Notice

TFPOA Board Of Directors,

I apologize for inserting the incorrect ending on the original email.

Charles H. "Corky" Petron

Begin forwarded message:

From: MAILER-DAEMON@aol.com
Subject: Failure Notice
Date: December 31, 2021 at 11:34:33 AM EST
To: corkypetron@aol.com

Sorry, we were unable to deliver your message to the following address.

<tfpoa@yahoo.net>:
No mx record found for domain=yahoo.net

---------- Forwarded message ----------

From: Charles Petron <corkypetron@aol.com>
Subject: Short term Rentals in Thunderbird Farms
Date: December 31, 2021 at 11:34:28 AM EST
To: tfpoa@yahoo.net, mwendling@warrencountyva.net
Cc: Charles Prince <tfpoatreasurer@gmail.com>, Corky Petron <corkypetron@aol.com>

Board of Directors and Mr. Matt Wendling,

Short Term Rentals (STR) within Thunderbird Farms would initiate significant operational and legal challenges for the Board of Directors (BOD) and the Warren County Department of Planning (WCDP).

Specifically, there would have to be different fire codes, inspections, pest control et. al. for these rental properties. I owned a duplex rental property in Waukegan, IL for nearly 35-years. In my opinion, it would be a constant problem for a landlord(s) to keep up with the changes required by the TFPOA BOD and the WCDP).

The City of Waukegan billed me, on an annual basis, and I had inspections at least every two years. Sometimes, the changes necessary were for the good of the tenant, but most often they were to bring the property up to engineering code.

Again, in my opinion, this short term rental proposal would create another bureaucracy with the BOD and the WCDP.

Therefore, I am strongly opposed to any Short Term Rentals within Thunderbird Farms.

Happy New Year 2022 to All.

Sincerely,

Charles H. "Corky" Petron
(224) 234-9361

THUNDERBIRD FARMS PROPERTY OWNERS ASSOCIATION
P.O. Box 562
Front Royal, VA 22630
www.tfpoa.net

Owner:
Beeren & Barry-ONV, LLC
260 McCoys Ford Rd
Front Royal, VA 22630
Contact Faye Campbell
703/450-0345
faye.campbell@aol.com

December 29, 2021

RE: Short Term Rentals in Thunderbird Farms – Yes or No?

Hello Thunderbird Farms Property Owners Neighbors:

We are emailing this letter to all who have shared their email addresses with us and snail mailing this same letter to all the property owners.

Your Board of Directors needs to hear from you.

Short Term Rentals (AKA AirBnB, etc.) are popping up all over Warren County.

The Board has been notified that a Conditional Use Permit Application has been submitted to allow Short Term Rentals within Thunderbird Farms. The Planning Commission and Board of Supervisors would like to hear from all of us on this application before January 21.

If the Conditional Use Permit is approved, this opens the door for more property owners to apply for Short Term Rentals.

We need to know how the community feels about this.

In addition, the Planning Commission and Board of Supervisors encourages all of us to attend and speak at the Public Hearing February 9th, 7pm.

You can also email or snail mail your views to

Matt Wendling, Deputy Planning Director
Department of Planning, County of Warren
220 North Commerce Avenue, Suite 400
Front Royal, VA 22630

Email: mwendling@warrencountyva.net

Please also send copies to the Thunderbird Farms Board at

Board of Directors
Thunderbird Farms Property Owners Association
PO Box 562
Front Royal, VA, 22630

Email: tfpoa@yahoo.com

Do you want Short Term Rentals within Thunderbird Farms – Yes or No?

If yes, should these Short-Term Rental clients have access to the Thunderbird Farms POA private boat landing? Yes or No

If yes, are there any specific restrictions you would like to see imposed on Short-Term Rental clients? NO.

Please let us know your views on Short-term rentals within Thunderbird Farms. We look forward to hearing from each of you.

Best wishes,

Board of Thunderbird Farms Property Owners Association

Sherre

Sherre Christiansen
Vice President

Owner:
Billy Campbell
407 Windy Pines Rd
Front Royal VA.
Contact: Faye Campbell
703/450-0345
faye.campbell@aol.com

THUNDERBIRD FARMS PROPERTY OWNERS ASSOCIATION

P.O. Box 562
Front Royal, VA 22630
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Best wishes,

Board of Thunderbird Farms Property Owners Association

Sherre

Sherre Christiansen
Vice President

Matt Wendling

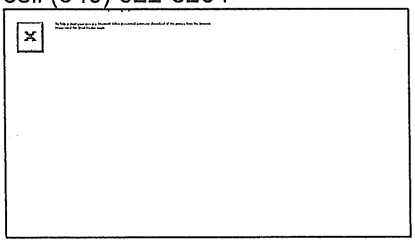
From: Faye Campbell <faye.campbell@aol.com>
Sent: Wednesday, January 5, 2022 12:21 PM
To: tfpoa@yahoo.com; Matt Wendling
Subject: Thunderbird Farms Short Term rental responses.
Attachments: Thunderbird Farms POA 1-5-2022.pdf

Good afternoon,

Attached are the handwritten responses to the short-term rental questions.
Please add my email address to the property locations attached for easier delivery of correspondences (vs "snail mail").

Thank you

Faye Campbell, Broker
BELTWAY REALTY, LLC
11654 Plaza America Drive # 653
Reston, VA 20190
ph (703) 450-0345
cell (540) 622-8234



Email is not secure or confidential. *Our Firm and our Agents will NEVER ask you about wiring instructions by email. If you receive any email requesting bank information or suggesting updated wiring instructions, it is FRAUD. Do not comply and make sure you inform your real estate professional.*

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE:	ITEM:	SUBJECT:	PAGE
3/01/2022	G-14	**Zoning Ordinance Amendment – Z2021-10-02** An ordinance to amend Sections §180-8 *Definitions* and §180-16 *Floodplain Overlay District; dam break inundation zones* of the Warren County Code.	1 of 1

EXPLANATION & SUMMARY:

On November 15, 2016, the Board of Supervisors approved a request to participate in National Flood Insurance Program and the NFIP Community Rating System (CRS) in order to encourage higher standards of community floodplain management which can benefit the citizens who pay flood insurance with lower costs to their current insurance rates. In order to qualify for the program, the County was required to participate in a Community Assistance Visit (CAV) overseen by FEMA at which time they reviewed the County's Floodplain Overlay District ordinance section §180-16.

The last major review and revision to the ordinance was done between 2012 and 2013 and adopted by the Board on May 21, 2013. During the CAV both FEMA and the VA Department of Conservation and Recreation assisted in the current review of the proposed amended ordinance providing recommendations based on the FEMA Region III Ordinance Review Checklist and the FEMA publication on Higher Standards.

In order for the County to meet the requirements of FEMA and the NFIP to participate in the CRS program the County's Floodplain Overlay District ordinance must meet certain provisions and incorporate the voluntary higher standards in order to gain credits for the CRS scoring system.

County staff has incorporated some changes and higher standards from what has been learned in the management of the floodplain and land-use requests that have been experienced since the last ordinance review. Staff has searched out input from State agencies, FEMA, local contractors and citizens regarding some of these modifications which we hope allows us to incorporate fair and wise floodplain management practices. These changes specifically relate to the use of "Freeboard" in residential construction, and the construction requirements and limitations of accessory structures in both the Agricultural and Residential zoning districts.

Please find a proposed amendment to Sections §180-8 and §180-16 of the Warren County Zoning Ordinance, included in the ordinance are the proposed changes with staff comments. In addition, the attached supplemental information includes the ordinance review checklist, CRS information and historical data relating to flood events in Warren County.

Planning Commission Move to Approve:

At the November 10, 2021 meeting Mr. Kersjes moved to forward text amendment request to the Board of Supervisors, recommending approval, the motion was seconded by Mrs. Richardson and approved by the Planning Commission by a vote of 4 – 0. Mr. Henry was absent. This request was put on hold due to the number of applications for conditional use permits for the January and February BOS public hearings.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed zoning ordinance amendment for advertisement for a public hearing.

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

FEMA

Fact Sheet

Federal Insurance and Mitigation Administration

Community Rating System

June 2017

The National Flood Insurance Program (NFIP) Community Rating System (CRS) was implemented in 1990 as a voluntary program for recognizing and encouraging community floodplain management activities exceeding the minimum NFIP standards. Any community in full compliance with the minimum NFIP floodplain management requirements may apply to join the CRS.

1,444 Communities Participate in the CRS

Nearly 3.6 million policyholders in 1,444 communities participate in the CRS by implementing local mitigation, floodplain management, and outreach activities that exceed the minimum NFIP requirements.

Under the CRS, flood insurance premium rates are discounted to reward community actions that meet the three goals of the CRS, which are: (1) reduce flood damage to insurable property; (2) strengthen and support the insurance aspects of the NFIP; and (3) encourage a comprehensive approach to floodplain management.

Although CRS communities represent only 5 percent of the over 22,000 communities participating in the NFIP, more than 69 percent of all flood insurance policies are written in CRS communities.

CRS Classes

The CRS uses a Class rating system that is similar to fire insurance rating to determine flood insurance premium reductions for residents. CRS Classes* are rated from 9 to 1. Today, most communities enter the program at a CRS Class 9 or Class 8 rating, which entitles residents in Special Flood Hazard Areas (SFHAs) to a 5 percent discount on their flood insurance premiums for a Class 9 or a 10 percent discount for Class 8. As a community engages in additional mitigation activities, its residents become eligible for increased NFIP policy premium discounts. Each CRS Class improvement produces a 5 percent greater discount on flood insurance premiums for properties in the SFHA.

* *CRS Class changes occur on May 1 and October 1 of each year. The data contained in this fact sheet were current through May 2017.*

Best of the Best

Seven communities occupy the highest levels of the CRS. Each built a floodplain management program tailored to its own particular hazards, character, and goals. Under these programs, each community carries out numerous and varied activities, many of which are credited by the CRS. The average discount in policyholder premiums varies according to a community's CRS Class and the average amount of insurance coverage in place.

- **Roseville, California** was the first to reach the highest CRS rating (Class 1). Floods in 1995 spurred Roseville to strengthen its floodplain management program. Today the City earns points for almost all CRS-creditable activities. The average premium discount for policies in the Special Flood Hazard Area (SFHA) is $963.
- Comprehensive planning has been a key to **Tulsa, Oklahoma** in reducing flood damage from the dozens of creeks within its jurisdiction. The City (Class 2) has cleared more than 900 buildings from its floodplains. The average SFHA premium discount is $709.
- **King County, Washington** (Class 2) has preserved more than 100,000 acres of floodplain open space and receives additional CRS credit for maintaining it in a natural state. The average premium discount in the SFHA is $722.
- **Pierce County, Washington** (Class 2) maintains over 80 miles of river levees. The County mails informational brochures to all floodplain residents each year. The average premium discount in the SFHA is $846.
- **Fort Collins, Colorado** (Class 2) uses diverse approaches to keep its large student population informed. Identifying and protecting critical facilities and continually improving its GIS system help the city maintain its exemplary program. The average premium discount in the SFHA is $703.
- **Sacramento County, California**, has steadily improved its rating since joining the CRS in 1992. Now a Class 2, the County's more significant activities are diligent public outreach on protecting waterways, purchasing flood insurance, and preparing for floods. The average premium discount in the SFHA is $395.
- **Thurston County, Washington,** has a history of planning for hazard mitigation, watershed protection, and open space. Combining that with strict development standards and stormwater management has helped the County achieve Class 2. The average premium discount in the SFHA is $577.

"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."

CRS Credit

A community accrues points to improve its CRS Class rating and receive increasingly higher discounts. Points are awarded for engaging in any of 19 creditable activities, organized under four categories:

- Public information
- Mapping and regulations
- Flood damage reduction
- Warning and response.

Formulas and adjustment factors are used to calculate credit points for each activity.

The communities listed below are among those that have qualified for the greatest premium discounts:

Class 1: Roseville, California

Class 2: Sacramento County, California
Fort Collins, Colorado
Tulsa, Oklahoma
King County, Washington
Pierce County, Washington
Thurston County, Washington

Class 3: Louisville–Jefferson County, Kentucky
Ocala, Florida

Class 4: Charlotte, North Carolina
Palm Coast, Florida
Charleston County, South Carolina
Maricopa County, Arizona

Benefits of the CRS

Lower cost flood insurance rates are only one of the rewards a community receives from participating in the CRS. Other benefits include:

- Citizens and property owners in CRS communities have increased opportunities to learn about risk, evaluate their individual vulnerabilities, and take action to protect themselves, as well as their homes and businesses.
- CRS floodplain management activities provide enhanced public safety, reduced damage to property and public infrastructure, and avoidance of economic disruption and loss.
- Communities can evaluate the effectiveness of their flood programs against a nationally recognized benchmark.
- Technical assistance in designing and implementing some activities is available to community officials at no charge.
- CRS communities have incentives to maintain and improve their flood programs over time.

How to Apply

To apply for CRS participation, a community must initially inform the Federal Emergency Management Agency (FEMA) Regional Office of its interest in applying to the CRS and will eventually submit a CRS application, along with documentation that shows it is implementing the activities for which credit is requested. The application is submitted to the Insurance Services Office, Inc. (ISO)/CRS Specialist. ISO works on behalf of FEMA and insurance companies to review CRS applications, verify communities' credit points, and perform program improvement tasks.

A community's activities and performance are reviewed during a verification visit. FEMA establishes the credit to be granted and notifies the community, the State, insurance companies, and other appropriate parties.

Each year, the community must verify that it is continuing to perform the activities that are being credited by the CRS by submitting an annual recertification. In addition, a community can continue to improve its Class rating by undertaking new mitigation and floodplain management activities that earn even more points.

CRS Training

CRS Specialists are available to assist community officials in applying to the program and in designing, implementing, and documenting the activities that earn even greater premium discounts. A week-long CRS course for local officials is offered free at FEMA's Emergency Management Institute (EMI) on the National Emergency Training Center campus in Emmitsburg, Maryland, and can be field deployed in interested states. A series of webinars is offered throughout the year.

For More Information

A list of resources is available at the CRS website: www.fema.gov/national-flood-insurance-program-community-rating-system. For more information about the CRS or to obtain the CRS application, contact the Insurance Services Office by phone at (317) 848-2898 or by e-mail at nfipcrs@iso.com.

"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."



The Community Rating System Works

Every year, flooding causes hundreds of millions of dollars' worth of damage to homes and businesses around the country. Standard homeowners and commercial property insurance policies do not cover flood losses. To meet the need for this vital coverage, the Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP).

The NFIP offers reasonably priced flood insurance to all properties in communities that comply with minimum standards for floodplain management.

The NFIP's Community Rating System (CRS) credits community efforts beyond those minimum standards by reducing flood insurance premiums for the community's property owners. The CRS is similar to—but separate from—the private insurance industry's programs that grade communities on the effectiveness of their fire suppression and building code enforcement efforts.

CRS discounts on flood insurance premiums range from 5% up to 45% (see Table 1), based on CRS credit points that are awarded to communities. The discounts provide an incentive for communities to implement new flood protection activities that can help save lives and property when a flood occurs.

The CRS provides credit under 19 public information and floodplain management activities described in the *CRS Coordinator's Manual.*

You're probably already doing many of these activities. To get credit, community officials will need to prepare documentation that verifies these efforts.

The CRS assigns credit points for each activity. Table 2 lists the activities and the possible number of credit points for each one. The table also shows the average number of credit points communities earn for each activity. These averages may give you a better indication than the maximums of what your community can expect.

To be eligible for a CRS discount, your community must do Activity 310, Elevation Certificates. If you're a designated repetitive loss community, you must also do Activity 510, Floodplain Management Planning. All other activities are optional.



Based on the total number of points your community earns, the CRS assigns you to one of ten classes. Your discount on flood insurance premiums is based on your class.

For example, if your community earns 4,500 points or more, it qualifies for Class 1, and property owners in the in the Special Flood Hazard Area (SFHA) get a 45% discount on their insurance premiums. If your community earns as little as 500 points, it's in Class 9, and property owners in the SFHA get a 5% discount. If a community does not apply or fails to receive at least 500 points, it's in Class 10, and property owners get no discount.

Table 1, below, shows the number of points required for each class and the corresponding discount.

Table 1.
How much discount property owners in your community can get

Rate Class	Discount for SFHA*	Discount for Non-SFHA**	Credit Points Required
1	45%	10%	4,500 +
2	40%	10%	4,000–4,499
3	35%	10%	3,500–3,999
4	30%	10%	3,500–3,499
5	25%	10%	3,000–2,999
6	20%	10%	2,500–2,499
7	15%	5%	1,500–1,999
8	10%	5%	1,000–1,499
9	5%	5%	500–999
10	0	0	0–499

* Special Flood Hazard Area

** Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage. The Preferred Risk Policy does not receive premium rate credits under the CRS because it already has a lower premium than other policies. Although they are in SFHAs, Zones AR and A99 are limited to a 5% discount. Premium reductions are subject to change.

WHAT ARE THE ODDS OF BEING FLOODED?

The term "100-year flood" has caused much confusion for people not familiar with statistics. Another way to look at flood risk is to think of the odds that a 100-year flood will happen sometime during the life of a 30-year mortgage—a 26% chance for a structure located in the SFHA.

Chance of Flooding over a Period of Years

Time Period	Flood Size 10-year	25-year	50-year	100-year
1 year	10%	4%	2%	1%
10 years	65%	34%	18%	10%
20 years	88%	56%	33%	18%
30 years	96%	71%	45%	26%
50 years	99%	87%	64%	39%

Even these numbers do not convey the true flood risk because they focus on the larger, less frequent, floods. If a house is low enough, it may be subject to the 10- or 25-year flood. During a 30-year mortgage, it may have a 26% chance of being hit by the 100-year flood, but the odds are 96% (nearly guaranteed) that it will be hit by a 10-year flood. Compare those odds to the only 1-2% chance that the house will catch fire during the same 30-year mortgage.

IDENTIFYING FLOODPRONE AREAS

The National Flood Insurance Act of 1968 directed the Federal Insurance Administration (FIA) to:

- Identify all floodprone areas within the United States.
- Establish flood-risk zones within floodprone areas.

Today, the Federal Emergency Management Agency (FEMA) is responsible for implementing this directive. FEMA has conducted flood studies and produced various forms of maps. The flood studies analyze the terrain and the factors that affect flood hazards. This information is used to draw the maps that delineate floodplain boundaries.

The maps and flood studies also show projected flood elevations, flood velocities, floodway dimensions, insurance rating zones, and descriptions of how the study was

conducted and how the maps were prepared. This information is needed for flood insurance and floodplain management purposes.

All of this information is referred to as a community's Flood Insurance Study (FIS), which is conducted under standards set by FEMA for the NFIP. FEMA has prepared flood insurance studies for more than 19,000 communities.

In keeping with the directive of the National Flood Insurance Act of 1968, initial flood study and mapping efforts of the NFIP were focused on identifying all floodprone areas within the United States. Flood data and floodplain information from many sources — such as soils mapping, actual high water profiles, aerial photographs of previous floods, topographic maps, etc. — were used to overlay the *approximate* outline of the base (100-year) floodplain for specific stream reaches on available community maps, usually U. S. Geological Survey topographic quadrangle maps.

These documents were referred to as Flood Hazard Boundary Maps and were based on approximate studies. Most communities used a Flood Hazard Boundary Map when they first joined the NFIP.

As money was appropriated by Congress, FEMA performed more detailed studies for many communities, resulting in the publication of Flood Insurance Study reports and Flood Insurance Rate Maps (FIRMs). These studies provide communities with data needed to adopt and implement more comprehensive floodplain management measures and to enter the Regular Phase of the NFIP.

FISs, also referred to as detailed studies, were carried out for developed communities and for those areas experiencing rapid growth. FISs contain guidance on understanding the FIRM as well as information needed for new construction allowed in developing and developed areas.

Today, almost every community in the NFIP has a FIRM, which may contain approximate and/or detailed flood hazard analyses. The areas mapped with approximate studies are areas where, originally, there was little or no development or expectation of development. However, recent development may have created a need for future detailed studies in these areas.

Flood maps are one of the most vital parts of a floodplain management program, so it is important to understand how the maps were created and to be familiar with the information that is available within the accompanying flood study.

Out of the Past

Laura Virginia Hale Archives of
The Warren Heritage Society



Sentinel file photo

The Sentinel's first issue of 1986 featured a look back at 1985, including the Election Day flood of 1985, which brought the Shenandoah River out of its banks. A storm spawned from the remnants of Hurricane Juan stalled over the region, dumping a large amount of rain. The river crested at 32.43 feet at Front Royal on Nov. 6, 1985, according to the National Weather Service. Flood stage is 12 feet. The Election Day flood ranks third behind the floods of Oct. 16, 1942 (34.80 feet), and Sept. 7, 1996 (32.57 feet), according to the weather service. Both of those floods also were caused by rain from remnants of tropical systems.

Contact the Warren Heritage Society for more information: (540) 636-1446, www.warrenheritagesociety.org.

The Flood of '85

11 inches of rain

Started on Friday Nov 1st to rain and ended Wed Nov. 6th. Terrible driving wind & low rolling clouds. River out of banks on Monday Nov. 4. Rose to railroad track on Tues. Nov 5th. WOW! Wed. Nov 6th over Rt 340 & railroad tracks. Our road closed 679 & 619 at river bridge over road. Thurs. Nov 7 — gone over night. Took everything in its path. Worst flood since 1936. South Fork 34ft. North Fork 27ft.










679





Historical Floods: Shenandoah River at Front Royal, VA

Latitude: 38.914
Flood Stage: 12

Period of Record: 1901-Present
Last Flood: 9/18/2018

Longitude: -78.211
Number of Floods: 51

Date of Flood	Crest (ft)	Streamflow (cfs)	Category	Code
4/21/1901	-9999	46,200	Missing	C1 F1 G1
3/1/1902	23.5	76,800	Major	C1 G1
3/1/1903	13.7	22,800	Minor	C1 G1
12/2/1934	17.99	47,400	Moderate	none
9/6/1935	12.94	27,500	Minor	none
2/16/1936	12.9	27,500	Minor	none
3/18/1936	26.01	98,000	Major	none
4/27/1937	18.94	51,500	Major	none
8/17/1940	15.86	40,400	Moderate	none
5/23/1942	16.2	41,400	Moderate	none
10/16/1942	34.8	130,000	Major	none
9/19/1945	17.8	49,200	Moderate	none
12/5/1948	12.31	25,400	Minor	none
6/19/1949	19.2	52,900	Major	none
12/5/1950	13.64	30,000	Minor	none
3/26/1953	12.44	25,800	Minor	none
8/19/1955	22.54	68,200	Major	none
5/31/1971	17.86	46,600	Moderate	none
6/22/1972	23.98	75,100	Major	none
10/7/1972	21.35	62,500	Major	none
12/27/1973	13.32	29,000	Minor	none
3/20/1975	18.74	50,500	Major	none
10/10/1976	14.12	31,900	Moderate	none
11/8/1977	12.03	24,400	Minor	none
1/27/1978	14.13	32,000	Moderate	none
3/15/1978	12.33	25,500	Minor	none
2/26/1979	14.43	33,100	Moderate	none
9/7/1979	13.92	31,200	Minor	none
3/20/1983	12.61	26,500	Minor	none
2/15/1984	15.85	38,500	Moderate	none
3/30/1984	12.86	27,400	Minor	none
11/6/1985	32.43	120,000	Major	none
4/18/1987	18.51	49,400	Major	none
4/23/1992	15.03	35,300	Moderate	none
3/5/1993	16.55	41,200	Moderate	none
1/20/1996	25.2	81,000	Major	none
9/7/1996	32.57	121,000	Major	none
1/9/1998	15.42	36,800	Moderate	none
2/5/1998	13.82	30,800	Minor	none
2/18/1998	15.01	35,300	Moderate	none

Drainage Area: 1634 square miles
Gage Datum: 468.93 ft MSL

Data represent all historical events.
Shenandoah Basin

County of Gage: Warren
County of Forecast Point: Warren

Created on 1/21/2020 at 12:44:31 PM

Date of Flood	Crest (ft)	Streamflow (cfs)	Category	Code
2/24/2003	12.76	27,053	Minor	none
9/19/2003	18.07	47,500	Major	none
9/23/2003	13.78	30,690	Minor	none
9/29/2004	14.77	34,400	Moderate	none
11/30/2005	13.64	30,200	Minor	none
1/26/2010	14.96	35,100	Moderate	none
3/14/2010	13.14	28,400	Minor	none
4/18/2011	15.67	37,800	Moderate	none
5/16/2014	12.07	25,700	Minor	none
6/3/2018	16.52	43,900	Moderate	none
9/18/2018	14.34	35,100	Moderate	none

Date of Flood	Crest (ft)	Streamflow (cfs)	Category	Code

Drainage Area: 1634 square miles
Gage Datum: 468.93 ft MSL

Created on 1/21/2020 at 12:44:32 PM

Data represent all historical events.
Shenandoah Basin

County of Gage: Warren
County of Forecast Point: Warren

Date of Flood	Crest (ft)	Streamflow (cfs)	Category	Code	Date of Flood	Crest (ft)	Streamflow (cfs)	Category	Code

Code	Description
C1	Crest information looks unreliable and incomplete and not used in frequency calculations. Some of the floods are based on current flood stage and nearby gage information.
C2	Crest information looks reliable despite potential problems. This data was used in frequency calculations.
C3	Crest height estimated by the USGS.
C4	Crest height is from the National Weather Service.
C5	Crest height affected by backwater.
C6	Crest occurred at a previous flood stage that is lower than the current flood stage. The crests below the new flood stage are not used in flood frequency calculations.
C7	Crest from USGS yearly peak and/or date is different than the crest we provide. In many cases MARFC uses crest based on backwater or ice effects.
C8	Crest month or day of occurrence has been estimated by The Middle Atlantic River Forecast Center usually based on nearby gage information.
C9	Crest date (day) in the month is unknown.
F1	Flow is an estimate.
F2	Flow affected by regulation or diversion and in some cases to an unknown degree.
F3	Flow effected by snow-melt, ice jam or debris jam break up.
F4	Flow affected by dam failure.
F5	Flow - All or part of the record affected by urbanization, mining, agricultural changes, channelization or other factors.
G1	Gage height at a different site and/or datum.
G2	Gage is not an official USGS gage with crests provided by the NWS. Crest information looks unreliable and incomplete and not used in flood frequency calculations.
G3	Gage datum changed during this year.
none	No code; Good Data

Drainage Area: 1634 square miles
Gage Datum: 468.93 ft MSL

Data represent all historical events.
Shenandoah Basin

County of Gage: Warren
County of Forecast Point: Warren

Created on 1/21/2020 at 12:44:32 PM

NATIONAL WEATHER SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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Turn Around, Don't Drown PSA by Matt Hawk

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Each year, more deaths occur due to flooding than from any other thunderstorm related hazard. The Centers for Disease Control and Prevention report that over half of all flood-related drownings occur when a vehicle is driven into hazardous flood water. The next highest percentage of flood-related deaths is due to walking into or near flood waters. People underestimate the force and power of water. Many of the deaths occur in cars swept downstream. Many of these drownings are preventable. Never drive around the barriers blocking a flooded road. The road may have collapsed under that water. A mere 6 inches of fast-moving flood water can knock over an adult. It takes just 12 inches of rushing water to carry away most cars and just 2 feet of rushing water can carry away SUVs and trucks. It is NEVER safe to drive or walk into flood waters.



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+ Policy on Use of Turn Around Don't Drown® Phrase
+ Video, Audio and Print Resources

AN ORDINANCE TO AMEND SECTION 180-16 OF THE WARREN COUNTY CODE AND ADD THE CHANGE TO THE DEFINITION OF SUPPLEMENTAL DAMAGE TO SECTION 180-8.

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 180-8 & 180-16 of the Warren County Code (Zoning) be amended, added, and re-ordained as follows:

§ 180-16 **Floodplain Overlay District; dam break inundation zones.**

[Amended 2-21-1995; 2-17-1998; 5-20-2008]

A. Statutory Authorization and Purpose and Intent:
Statutory Authority: In accordance with the general purpose and intent, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2-2280 and §10.1-600 et seq. and all amendments thereto.

~~A.~~ Purpose **and intent**. **These flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.** The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruptions of commerce and **all** governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:

(1) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;

(2) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding or located within dam break inundation zones; **[Amended 5-21-2013]**

(3) Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or **flood-proofed** against flooding and flood damage; and

(4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood or dam break hazards. **[Amended 5-21-2013]**

(5) The Planning Department shall maintain copies of all mapped dam break inundation zones. **[Added 5-21-2013]**

(6) Addressing a local need of property owners for flood insurance and to participate in the National Flood Insurance Program (NFIP).

B. Applicability: These provisions shall apply to all **privately or publicly owned** lands within the unincorporated limits of Warren County and identified as being in the Special Flood Hazard Area (SFHA) by the Federal Insurance Administration **or by the community**. These lands are also identified in the most recent Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) adopted by the Warren County Board of Supervisors on June 3, 2008. **[Amended 5-21-2013]**

C. Compliance and **Disclaimer of L**iability.

(1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.

(2) ~~(Reserved)~~ **The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection within the Special Flood Hazard Areas and adjacent areas.**

(3) ~~The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study.~~ Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages. **[Amended 5-21-2013]**

(4) Records of actions associated with administering this section shall be kept on file and maintained by the Planning Department **in perpetuity**. **[Added 5-21-2013]**

(5) This section **is not a waiver of sovereign immunity or any statutory immunities and** shall not create liability on the part of Warren County or any officer**, agency** or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

D. Abrogation and Greater Restrictions

(1) This chapter supersedes any less restrictive, conflicting ordinance currently in effect in flood-prone areas. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

(2) These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

(3) This chapter shall also include any subsequent revisions and amendments to the Flood Insurance Rate Maps and the Flood Insurance Study effective June 3, 2008.

E. Severability

(1) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

F. Designation of County Floodplain Administrator

The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the County Floodplain Administrator. The County Floodplain Administrator may:

1) In the absence of a designated Floodplain Administrator, the duties are conducted by the Planning Director, Zoning Administrator or Zoning Officer.

2) The duties and responsibilities of the County Floodplain Administrator shall include:

   a) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).

   b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

   c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

   d) Administer the requirements related to proposed work on existing buildings: Make determinations as to whether buildings and structures that are located in the flood hazard areas and that are damaged by any cause have been substantially damaged.

   e) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

   f) Assure that all other State and Federal permits are obtained.

   g) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

   h) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

   i) Maintain and permanently keep records that are necessary for the administration of these regulations, including:

      1. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and

      2. Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.

j) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.

k) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

G. Penalties

1) Enforcement. This section shall be administered and enforced by an officer to be known as the "Floodplain Administrator." The Floodplain Administrator may be assisted in the enforcement of this section by the Planning Director, Zoning Administrator, Building Official and all other officials of Warren County, Virginia, pursuant to their respective fields. The Floodplain Administrator shall have all necessary authority on behalf of the governing body to administer and enforce this section, including the ordering in writing of the remedying of any condition found in violation of this section and the bringing of legal action to ensure compliance with this section, including abatement or other appropriate action or proceeding.

2) Violations. Any person who violates any of the provisions of this section or permits any such violation or fails to comply with any of the requirements hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine or punishment as provided by law. Each day during which such violation continues shall constitute a separate offense. The imposition of a fine or penalty for any violation or failure to comply with any of the requirements hereof shall not excuse the violation or noncompliance.

H. Reporting NFIP Participation and Local Permit Information and Submission of New Technical Data to FEMA

1) The County shall submit to a report to FEMA concerning the county's participation in National Flood Insurance Program (NFIP), including, by not limited to, the County's development and implementation of floodplain regulations, under 44 Code of Federal Regulations (CFR) §59.22(b) either annually, biennially on upon request by FEMA.

2) The County shall on request from FEMA or VA Department of Conservation and Recreation submit a report which may include information, regarding the number of buildings, permits issued, appeals and variances for development of properties in the Special Flood Hazard Areas.

3) The County's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the county shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

~~D.~~ **I.** Definitions. Notwithstanding any other provision of the Warren County Code, for the purposes of this section, the following words and phrases shall have the meanings described herein:

BASE FLOOD (BFE)

The flood having a 1% chance of being equaled or exceeded in any given year **and may be referenced as the 1% Annual Chance Flood**.

BASE FLOOD ELEVATION

~~The Federal Emergency Management Agency designated one-hundred-year water surface elevation.~~ **The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.**

BASEMENT

~~Any area of the building having its floor subgrade (below ground level) on all sides which includes building crawlspace and enclosure floor.~~ **Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.**

BOARD OF ZONING APPEALS

The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this section.

CODE OF FEDERAL REGULATIONS (CFR) Title 44 Chapter 1

The code of federal rules and regulations published in the Federal Register implemented and enforced by FEMA under the Department of Homeland Security.

CRITICAL FACILITIES

Those structures or facilities such as hospitals, nursing homes, children and adult day care and housing which are likely to house occupants who may not be sufficiently mobile to avoid death or injury during a flood event; police stations, emergency rescue vehicle and equipment storage facilities and emergency operations centers; and public and private utility facilities which are vital to maintaining or restoring normal services to flooded areas before, during and after a flood event; structures which produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

DAM BREAK INUNDATION ZONE

The area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the Virginia Department of Conservation and Recreation.
[Added 5-21-2013]

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

A **non-basement** building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers).

ENCROACHMENT

The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENGINEERED OPENING

An Engineered Opening is a mechanical opening, which is activated during a flood, revealing an unobstructed area for which floodwater can flow through to equalize the hydrostatic loads on the enclosure wall. These openings are performance tested and certified to cover a square footage amount.

EXISTING CONSTRUCTION

Any buildings and structures for which the start of construction commenced before May 1, 1980, in conjunction with the Flood Insurance Rate Maps. Existing construction is also referred to as existing structures.
[Added 5-21-2013]

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

A federal agency of the United States Department of Homeland Security that oversees the National Flood Insurance Program (NFIP).

FLOOD-DAMAGE-RESISTANT MATERIALS

Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.
[Added 5-21-2013]

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community. DFIRM is the digital version of the FIRM.
[Added 5-21-2013]

FLOOD INSURANCE STUDY (FIS)

~~The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data.~~

A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.
[Added 5-21-2013]

FLOOD or FLOODING

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
   (a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection **(1)** of this definition.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures and their contents; these include required anchoring and strapping of structures and the inclusion of approved flood vents when necessary.
[Added 5-21-2013]

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height **not to exceed one (1)foot as set by the National Flood Insurance Program. Reference definition for Regulatory Floodway.**

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. It is a specific additional height requirement above the base flood elevation (BFE) that provides a margin of safety against extraordinary or unknown risks.
[Amended 5-21-2013]

HEC-RAS (HYDROLOGIC ENGINEERING CENTER - RIVER ANALYSIS SYSTEM)

A one-dimensional steady flow hydraulic model designed to aid hydraulic engineers in channel flow analysis and floodplain determination.
[Added 5-21-2013]

HIGHEST ADJACENT GRADE (HAG)

The highest natural elevation of the ground surface prior to construction ~~next~~ **located adjacent** to the proposed walls of a structure.
[Added 5-21-2013]

HISTORIC STRUCTURE

Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as

meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior such as the Virginia Department of Historic Resources (DHR); or **[Amended 5-21-2013]**

(b) Directly by the Secretary of the Interior in states without approved programs.

HYDROLOGIC AND HYDRAULIC (H&H) ANALYSIS

Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, flood profiles and mapping of the Special Flood Hazard Area.

[Added 5-21-2013]

LETTER OF MAP CHANGE (LOMC)

An official FEMA determination by ~~A~~ letter which reflects an official revision or amendment to an effective Flood Insurance Rate Map. A letter of map change is issued in lieu of the physical revision and republication of the effective map. **Letters of Map Change include:**

(1) Letters of Map Amendment (LOMA): an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a parcel of land as defined by metes and bounds or a structure is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR): a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) A Letter of Map Revision Based on Fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) Conditional Letter of Map Revision (CLOMR): a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

(5) Conditional Letter of Map Revision Based on Fill (CLOMR-F) is a conditional determination that a structure or parcel of land will be elevated by fill above the base flood elevation and will be no longer exposed to flooding associated with the base flood. A LOMR-F is then submitted once fill has been placed in the area during construction. This construction may have taken place during the time the engineering study was being performed or subsequent to that study.

[Added 5-21-2013]

LOWEST ADJACENT GRADE (LAG)

The lowest natural elevation of the ground surface located adjacent to the walls of the structure.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable **non-elevation** design requirements of Federal Code 44 CFR 60.3.

MANUFACTURED/MOBILE HOME

A structure, transportable in one or more sections~~, which is~~ built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. ~~The term "manufactured/mobile home" does not include a "recreational vehicle."~~ **For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.**

[Amended 5-21-2013]

MANUFACTURED/MOBILE HOME PARK

A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

[Added 5-21-2013]

NEW CONSTRUCTION

For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map on or ~~after December 31, 1974~~ **July 19, 1974**, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures **which is on or after May 1, 1980**.

NONCONFORMING STRUCTURE

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions and Flood Insurance Rate Maps adopted on May 1, 1980

NON-ENGINEERED OPENING

A Non-engineered Opening is an opening or air vent device that is used to meet FEMA/NFIP's requirement of one (1) square inch of net open area for one (1) square foot of enclosed area.

POST-FIRM BUILDING

A building for which construction or substantial improvement occurred after May 1, 1980, or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

[Added 5-21-2013]

PRE-FIRM BUILDING

A building for which construction or substantial improvement occurred on or before May 1, 1980, or before the effective date of an initial Flood Insurance Rate Map (FIRM).
[Added 5-21-2013]

RECREATIONAL VEHICLE

A vehicle which is:

(1) Built on a single chassis;
(2) Four hundred square feet or less when measured at the largest horizontal projection;
(3) Designed to be self-propelled or able to be permanently towed; and **[Amended 5-21-2013]**
(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

REGULATORY FLOODWAY

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height not to exceed one (1) foot.

REMEDY A VIOLATION

Remedy a violation means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS STRUCTURE

~~A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period~~ **~~ending on the date of the event for which a second claim is made,~~** ~~in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each flood event.~~ **Any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period since 1978. A repetitive loss property may or may not be currently insured by the NFIP.**
[Added 5-21-2013]

SEVERE REPETITIVE LOSS STRUCTURE

Repetitive loss structures with four separate claim payments greater than $5,000 each which include building and contents or two or more separate claim payments within any rolling 10-year period since 1978 for the building only, where the total of payments exceeds the current market value of the structure.

SHALLOW FLOODING AREA (SHEET FLOW AREA)

A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's FIRM with a one-percent-or-greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where **the** path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
[Added 5-21-2013]

SPECIAL FLOOD HAZARD AREA (SFHA)

The land in the floodplain subject to a one-percent-or-greater chance of being flooded in any given year as determined in § **180-16J (2)** of this section and formerly called the one-hundred-year floodplain. Includes areas having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) as Zones A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/A1-A30, V1-V30, VE and V.

[Amended 5-21-2013]

START OF CONSTRUCTION

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of the construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed ~~50%~~ **45%** of the ~~market~~ **assessed** value of the structure before the damage occurred: ~~**not inclusive of land value**~~.

This term does not, however, include either:

(1) Land value

(2) Sewer/septic system, well or landscape values.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds ~~50%~~ **45%** of the assessed value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE

A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION

The failure of a structure or **any** other development to be fully compliant with ~~the~~ **Warren** County's floodplain management regulations **shall be deemed a violation**. A structure or other

development without the **required floodplain determination, zoning and building permits,** elevation certificate, other certifications, or other evidence of compliance required by 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided for the as-built structure prior to **final inspection approval and** issuance of a certificate of occupancy from the Building Inspections Department.
[Added 5-21-2013]

WATERCOURSE
A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

~~E.~~ **J.** Establishment of floodplain districts and dam break inundation zones. **[Amended 5-21-2013]**

(1) Description of districts.

(a) Basis of districts. The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Warren County prepared by the Federal Emergency Management Agency, dated June 3, 2008, as amended.

[1] The Special Flood Hazard Area **(SFHA)** Floodway District is delineated, for purposes of this section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 4, Floodway Data, of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.

[2] The Special Flood Hazard Area Zone AE District shall be those areas identified as an AE Zone on the Flood Insurance Rate Maps accompanying the Flood Insurance Study for which base flood elevations have been provided but for which no floodway has been delineated.

[3] The Special Flood Hazard Area Zone A District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one-percent annual chance of flooding boundary has been approximated in the Flood Insurance Rate Maps and Digital Flood Insurance Rate Maps.

[4] Warren County may identify and regulate local flood hazard or ~~ponding~~ **stormwater** areas that are not delineated on the FIRM through the County's subdivision application process. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks or approximate study methodologies. This data may be submitted by a certified engineer and shall be used during the letter of map revision process for determination of the floodplain and base flood for a specific area.

(b) Overlay concept.

[1] The floodplain districts described below shall be overlays to the existing underlying districts as shown on the Official Zoning Map of Warren County and, as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

[2] Any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

[3] In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(2) Official Zoning Map. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map (FIRM) and Digital Flood Insurance Rate Map (DFIRM) which is declared to be a part of this section and which shall be kept on file at the Warren County Planning and Zoning offices.

(3) District boundary changes.

(a) The delineation of any of the Floodplain Districts may be revised by the Warren County Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA) after an elevation certificate and letter of map change (LOMC) have been submitted to them.

(b) Initial interpretation of the boundaries of the floodplain districts shall be made by the **County Floodplain Administrator, Planning Director,** Zoning Administrator **or Deputy Zoning Administrator**. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(4) Jurisdictional boundary changes.

(a) In accordance with CFR, Title 44, Subpart (B), Section 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Emergency Management Agency and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

(b) In order that all Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed, or relinquished

floodplain management regulatory authority must be included with the notification.

~~F.~~ **K.** District provisions.

(1) Permit and application requirements. **[Amended 5-21-2013]**

(a) Permit requirement. All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a **floodplain determination,** zoning **and building** permit**s**. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code, Chapter **155**, Subdivision of Land, and Chapter **180**, Zoning, of the Code book of Warren County. Prior to the issuance of any such permit, the ~~Zoning Officer~~ **Zoning Administrator, Floodplain Administrator and Building Official** shall require all applications to include compliance with all applicable state and federal laws.

(b) Site plans and permit applications. All applications for development within any floodplain district and all building permits issued for the Special Flood Hazard Area shall incorporate the following information:

[1] The base flood elevation (BFE) at the site, topographic information showing existing and proposed ground elevations for structures to be elevated, and the lowest floor elevation (including basement).

[2] For structures to be **flood-proofed** ~~(nonresidential only),~~ **and** the elevation to which the structure will be **flood-proofed**.

[3] The issuance of an elevation certificate for an as-built **residential dwelling** structure prior to the final inspection and a certificate of occupancy being issued by Warren County Building Inspections and submitted to the Zoning **or County Floodplain** Administrator within 30 days prior to **the issuance of a certificate of** occupancy.

(2) General standards. In all SFHA Districts the following provisions shall apply **to all permits**: **[Amended 5-21-2013]**

(a) The building of critical facilities in the Special Flood Hazard Area 1% annual chance and 0.2% annual chance flood/shaded zone X area shall be prohibited.

~~(a)~~**(b)** New construction and substantial improvements shall be **built according to this ordinance and the VA USBC, and** anchored to prevent flotation, collapse or lateral movement of the structure.

~~(b)~~**(c)** Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

~~(c)~~**(d)** New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

~~(d)~~**(e)** New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

~~(e)~~**(f)** Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

~~(f)~~**(g)** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

~~(g)~~**(h)** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

~~(h)~~**(i)** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

~~(i)~~**(j)** Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this section shall meet the requirements of new construction as contained in this section.

~~(j)~~**(k)** Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this section shall be undertaken only if said nonconformity is not furthered, extended or replaced.

~~(k)~~**(l)** Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the United States Corps of Engineers **(USACE)**, the Virginia Department of Environmental Quality **(DEQ)** and the Virginia Marine Resources Commission **(VMRC).** ~~(~~A joint permit application is available from any of these organizations **or from other Virginia state offices of environmental programs**.~~)~~ Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation **(DCR)** ~~(~~Division of Dam Safety and Floodplain Management~~)~~ and the Federal Insurance **and Mitigation** Administration **(FIMA)**.

~~(l)~~**(m)** The flood-carrying capacity within an altered or relocated portion of any watercourse shall be maintained. **Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.**

(n) In any flood zone the Floodplain Administrator may require a hydrologic and hydraulic analysis for any development.

(o) Development within the Special Flood Hazard Areas shall not adversely impact any threatened and endangered special status faunal species as identified by the Virginia Department of Wildlife Resources (DWR)).

(3) Specific standards. In all special flood hazard areas where base flood elevations have been

provided in the Flood Insurance Study or generated according to § **180-16 K(1)**, the following provisions shall apply and shall comply with the current Uniform Statewide Building Code (USBC):

(a) Residential construction. Construction of these structures within the regulatory floodway (SFHA Floodway District) shall be prohibited. Within the Special Flood Hazard Areas Zones A and AE, new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation ~~and shall be constructed with an additional one foot of freeboard if within 100 feet of the regulatory floodway~~. They must also meet a linear setback of ~~25~~ **fifty (50')** feet from the edge of the regulatory floodway as determined in the Flood Insurance Study or through a base floodwater surface elevation **and contour** analysis **survey**. Such certifications and determinations, including the specific elevation (in relation to mean sea level) to which such structures are **flood-proofed**, shall be maintained by the County Planning Department. **The Zoning Administrator shall determine that the yard location and setbacks for structures located in residential zoned properties and adjacent to the waterway are compliant and meet the Warren County Code requirements and Floodplain Determination elevation and comments of the Floodplain Administrator. A signed and notarized letter of understanding for a non-conversion of the dwelling shall be submitted at the time of the permit application.**

(b) Nonresidential **Commercial, Industrial and Institutional** construction. **New c**onstruction of these structures within the SFHA Floodway shall be prohibited. ~~New construction or~~ **S**ubstantial improvement of any **existing** commercial, industrial, or institutional buildings located in all A and AE Zones shall have the lowest floor, including basement, elevated to no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation. These buildings may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus ~~one foot~~ **two and a half feet (30 inches)** are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided during the site plan process and must be approved by ~~Planning staff~~ **the County Floodplain Administrator or Zoning Administrator**.

(c) Accessory structures. Vacant lots in the Residential-1 (R-1) and Residential-2 (R-2) Zoning Districts, located in the Special Flood Hazard Area shall have a principal use for private-use camping established by conditional use permit prior to an accessory structure being located on the property. **Vacant lots in all residential and Agricultural (A) zoning districts located within or in a portion of the Special Flood Hazard Area shall require a floodplain determination, zoning and building permits prior to construction of any accessory structure used for by-right, conditional use permit or agricultural exemption uses. In residential districts there shall be a limit of one structure allowed within the Special Flood Hazard Area and t**he structure is to be used for storage of property maintenance~~, and~~ recreation equipment, **or a pavilion** ~~only~~ and shall be composed of materials approved by the Planning Department. It shall be no larger than ~~160~~ **200** square feet and shall meet the requirements for flood venting based on square footage of the structure **and for anchoring**. **In the Agricultural district there shall be a limit of two**

structures allowed within the Special Flood Hazard Area inclusive of Agricultural exempt structures as determined by the County and shall not exceed the cumulative area of 320 square feet for both structures. Structures shall be required to be **flood-proofed** and strapped or anchored according to the **Virginia** Uniform Statewide Building Code (USBC). The appropriate building permits shall be issued prior to construction and a final inspection ~~and elevation certificate~~ **shall be conducted by a County Building Inspector and the Floodplain Administrator, or Zoning official**. **Accessory structures ~~shall not be used for human habitation~~ shall have no kitchen facilities and shall not be used for living quarters nor used for dwelling purposes or occupied overnight.**

(d) Fences: Prior to installation, any fence located within the Special Flood Hazard Area shall first receive a zoning permit, floodplain determination and documentation identifying the fence type and its location to be approved by the Floodplain Administrator or Zoning Administrator. Solid panel or board on board/batten fencing shall not be permitted.

~~(d)~~**(e)** Elevated buildings. Enclosed areas of new construction or substantially improved structures which are below the regulatory flood protection elevation shall:

[1] Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;

[2] Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation;

[3] Include, in Zones A and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

[a] Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

[b] The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.

[c] If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

[d] The bottom of all required openings shall be no higher than one foot above the adjacent grade.

[e] Openings may be equipped with screens, louvers or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both

directions.

[f] Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

~~(e)~~**(f)** Standards for manufactured homes and recreational vehicles.

[1] All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood must meet all the requirements for new construction, including the elevation and anchoring requirements in § **180-16~~F~~K(1)** and **(2)**.

[2] All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

[a] The lowest floor of the manufactured home is elevated no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation; or

[b] The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength and of no less than 36 inches in height above the grade;

[c] The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

[3] All recreational vehicles placed on sites must either:

[a] Be on the site for fewer than 180 consecutive calendar days, be fully licensed and ready for highway use; or

[b] Meet all the requirements for manufactured homes in § **180-16~~F~~K(3)(d)**, outlined above.

[4] A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(4) Standards for Special Flood Hazard Area Zone A District. **[Amended 5-21-2013]**

(a) When base flood elevation data or floodway data have not been provided, the Zoning **Administrator or County Floodplain** Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of § **180-16~~F~~K**. In locations where the specific base flood elevations and floodway boundary cannot be determined using sources such as the United States Army Corps of Engineers Floodplain Reports, United States

Geological Survey Flood-Prone Quadrangles or other existing data, then the applicant shall provide documentation certifying the base flood elevation and floodway boundary using hydrologic and hydraulic engineering methods and modeling. This analysis shall be certified by a state-registered professional engineer or surveyor and submitted to the Planning Department with supplemental data relating to the study. When such base flood elevation and floodway boundary data is utilized, the Zoning **Administrator or County Floodplain** Administrator shall obtain:

[1] An elevation certificate which states the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and

[2] Documentation that the structure has been **flood-proofed** in accordance with the requirements of § **180-16~~F~~K3)~~(b),~~** above, the elevation in relation to the mean sea level to which the structure has been **flood-proofed**.

(b) New construction, development and substantial improvement of existing structures within the regulatory floodway shall be prohibited.

(c) Any new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation. ~~The structure shall be constructed with an additional one foot of freeboard if within 100 feet of the regulatory floodway.~~

(d) Any new construction or development must meet a linear setback of ~~25~~ **fifty** feet **(50')** from the edge of the regulatory floodway based on best available data or through a hydrologic and hydraulic analysis study submitted by a certified engineer **or a topological field survey by a licensed surveyor**.

(e) Development activities in Zone A on the Warren County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the Board of Supervisor's endorsement, for a conditional letter of map revision (CLOMR) or one based on fill (CLOMR-F), and receives the approval of the Federal Emergency Management Agency.

(5) Standards for the Special Flood Hazard Area Zone AE District. The following provisions shall apply within this district: **[Amended 5-21-2013]**

(a) New construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as AE on the Flood Rate Insurance Map and located **and setback fifty feet (50')** outside of the regulatory floodway.

[1] An elevation certificate which states the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and

[2] Documentation that the structure has been **flood-proofed** in accordance with the

requirements of § **180-16~~F~~K3)~~(b),~~** above, the elevation in relation to the mean sea level to which the structure has been **flood-proofed**.

(b) New construction, development and substantial improvement of existing structures within the regulatory floodway shall be prohibited.

(c) Any new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation. ~~The structure shall be constructed with an additional one foot of freeboard if within 100 feet of the regulatory floodway.~~

(d) Any new construction or development must meet a linear setback of ~~25~~ **fifty** feet **(50')** from the edge of the regulatory floodway as determined in the Flood Insurance Study or through a base floodwater surface elevation analysis completed by a certified engineer **or topological field survey by a licensed surveyor**.

(e) Development activities **within the AE flood zone** on the Warren County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the Board of Supervisor's endorsement, for a conditional flood insurance rate map revision (CLOMR) or one based on fill (CLOMR-F), and receives the approval of the Federal Emergency Management Agency.

(6) Standards for the Special Flood Hazard Area Floodway District**:** The following provisions shall apply within this district: **[Amended 5-21-2013]**

(a) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited, with the exception of accessory structures used solely for storage of recreation equipment and property maintenance equipment as referenced in § **180-16K(3)~~(a)~~(c). All development shall require a floodplain determination and shall have a zoning and building permit issued if it is deemed to be a qualifying accessory structure, fence and any land disturbance or erosion stabilization.**

(b) If § **180-16~~F~~K(6)(a)** is satisfied, all new construction of accessory structures shall comply with all applicable flood hazard reduction provisions of § **180-16~~F~~K**.

(c) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, provided the anchoring, elevation and encroachment standards are met.

(7) Standards for subdivision proposals~~.~~ **:**

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) Hydrologic and hydraulic analysis and/or drainage study, erosion and sediment, encroachment analysis and base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions **greater than 50 lots or 5 acres**) that are in the SFHA or within 100 feet of the boundary of the Special Flood Hazard Area. **[Amended 5-21-2013]**

~~G.~~ **L.** Variances: factors to be considered.

(1) In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and consider the following additional factors **that are exceptional, unusual, and specific to the property**:

(a) The showing of good and sufficient cause **and an exceptional hardship exists, the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public, and is the minimum action necessary to afford relief and meets the required standards for a variance as outlined in the Code of Warren Section §180-62(B)**.

(b) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway **or Floodplain** District that will cause any increase in the Special Flood Hazard Area base flood elevation. **[Amended 5-21-2013]**

(c) The danger that materials may be swept on to other lands or downstream to the injury of others.

(d) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(f) The importance of the services provided by the proposed facility to the community.

(g) The requirements **by other State Agencies** of the facility ~~for~~ **in** a waterfront location

(h) The availability of alternative locations not subject to flooding for the proposed use.

(i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(k) **The risk to individuals stranded in isolated structures surrounded by what is, in many cases, rapidly flowing, debris-laden floodwater and the risk to rescue workers and the**

safety of access by ordinary and emergency vehicles to the property in time of flood.

(l) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(m) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

(n) Such other factors which are relevant to the purposes of this section.

(o) The ability of the property owner to remove equipment and vehicles incidental to the use of the property prior to or during a flood event. **[Added 5-21-2013]**

(p) Development must not cause an increase in water surface elevations (WSEL) during floods of any magnitude.

(2) The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for flood protection and other related matters.

(3) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights **greater than one foot (1')**; additional threats to public safety; extraordinary public expense; and will not create nuisances; cause fraud or victimization of the public; or conflict with local, state or federal laws or ordinances. **[Amended 5-21-2013]**

(4) Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

(5) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the Special Flood Hazard Area base flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance. **[Amended 5-21-2013]**

(6) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(7) A record of the issuance of a variance with any conditions attached shall be recorded with the deed to the property and on any elevation certificate submitted for the property within ~~60~~ **30** days from the approval of the variance by the Board of Zoning Appeals (BZA). **[Added 5-21-2013]**

Article II. Application

§ 180-8. Definitions.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed ~~50%~~ **45%** of the ~~market~~ **assessed** value of the structure before the damage occurred ~~**not inclusive of land value**~~.

This term does not, however, include either:
(1) Land value
(2) Sewer/septic system, well or landscape values.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds ~~50%~~ **45%** of the ~~appraised~~ **assessed** value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or, any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

AN ORDINANCE TO AMEND SECTION §180-16 OF THE WARREN COUNTY CODE AND ADD THE CHANGE TO THE DEFINITION OF SUPPLEMENTAL DAMAGE TO SECTION §180-8.

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections §180-8 & §180-16 of the Warren County Code (Zoning) be amended, added, and re-ordained as follows:

§ 180-16 **Floodplain Overlay District; dam break inundation zones.**
[Amended 2-21-1995; 2-17-1998; 5-20-2008]

A. Statutory Authorization and Purpose and Intent:

Statutory Authority: In accordance with the general purpose and intent, this ordinance is specifically adopted pursuant to the authority granted to localities by Va. Code § 15.2-2280 and §10.1-600 et seq. and all amendments thereto.

~~A.~~ Purpose **and intent**. **These flood ordinances shall be designed to provide for safety from flood, to facilitate the provision of flood protection, and to protect against loss of life, health, or property from flood.** The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruptions of commerce and **all** governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief and the impairment of the tax base by:

(1) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;

(2) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding or located within dam break inundation zones; **[Amended 5-21-2013]**

(3) Requiring all those uses, activities and developments that do occur in flood-prone districts to be protected and/or **flood-proofed** against flooding and flood damage; and

(4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood or dam break hazards. **[Amended 5-21-2013]**

(5) The Planning Department shall maintain copies of all mapped dam break inundation zones. **[Added 5-21-2013]**

(6) Addressing a local need of property owners for flood insurance and to participate in the National Flood Insurance Program (NFIP).

B. Applicability: These provisions shall apply to all **privately or publicly owned** lands within the unincorporated limits of Warren County and identified as being in the Special Flood Hazard Area (SFHA) by the Federal Insurance Administration **or by the community**. These lands are also identified in the most recent Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) adopted by the Warren County Board of Supervisors on June 3, 2008. **[Amended 5-21-2013]**

C. Compliance and **Disclaimer of L**iability.

(1) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.

Commented [MW1]: Identified as a deficiency in CAV report, FEMA requires Citation of Statutory Authorization for Flood Provisions.

Commented [MW2]: Additional provision added relating to flood insurance and requirement to participate in the NFIP

Commented [MW3]: Added to clarify and include data provided to FEMA from Warren County.

(2) ~~(Reserved)~~ **The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not imply total flood protection within the Special Flood Hazard Areas and adjacent areas.**

(3) ~~The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study.~~ Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages. **[Amended 5-21-2013]**

(4) Records of actions associated with administering this section shall be kept on file and maintained by the Planning Department **in perpetuity**. **[Added 5-21-2013]**

(5) This section **is not a waiver of sovereign immunity or any statutory immunities and** shall not create liability on the part of Warren County or any officer**, agency** or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

D. Abrogation and Greater Restrictions

(1) This chapter supersedes any less restrictive, conflicting ordinance currently in effect in flood-prone areas. To the extent that any other existing law or regulation is more restrictive or does not conflict it shall remain in full force and effect.

(2) These regulations are not intended to repeal or abrogate any existing ordinances including subdivision regulations, zoning ordinances, or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall govern.

(3) This chapter shall also include any subsequent revisions and amendments to the Flood Insurance Rate Maps and the Flood Insurance Study effective June 3, 2008.

E. Severability

(1) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason ~~whatever~~, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.

~~**F. Penalties**~~

~~**Any person who fails to comply with any or all of the requirements or provisions of this chapter or direction of the Floodplain Administrator, Zoning Administrator, Building Official or any other authorized employee of the county shall be guilty of an offense and, upon conviction, shall be subject to fines and associated penalties as determined by the General District Court; each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such person[s] shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such.**~~

Commented [MW4]: Additional language referencing the Disclaimer of Liability see deletion from 3.

Commented [MW5]: Deleted due to being repetitive of language in C (2).

Commented [MW6]: Added DCR revision

Commented [7]: Editor's Note: This ordinance also redesignated former Subsection C(4) as Subsection C(5).

Commented [MW8]: Additional clarification for Disclaimer of Liability relating to flood damages.

Commented [MW9]: Identified as a deficiency in the CAV report, FEMA requires language that meets or exceeds 44 Code of Federal Regulations for Abrogation, Greater Restrictions, Severability and Penalties.

F~~G~~. Designation of ~~-~~County Floodplain Administrator

The Floodplain Administrator is hereby appointed to administer and implement these regulations and is referred to herein as the County Floodplain Administrator. The County Floodplain Administrator may:

1) In the absence of a designated Floodplain Administrator, the duties are conducted by the Planning Director, Zoning Administrator or Zoning O~~o~~fficer.

2) The duties and responsibilities of the County Floodplain Administrator shall include:

a) Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).

b) Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.

c) Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.

d) Administer the requirements related to proposed work on existing buildings: Make determinations as to whether buildings and structures that are located in the flood hazard areas and that are damaged by any cause have been substantially damaged.

e) Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.

~~e)~~f) Assure that all other State and Federal permits are obtained.

~~f)~~g) Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.

~~g)~~h) Review Elevation Certificates and require incomplete or deficient certificates to be corrected.

~~h)~~i) Maintain and permanently keep records that are necessary for the administration of these regulations, including:

1. **Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps), and Letters of Map Change; and**

2. **Documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.**

~~i)~~j) Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective

Commented [MW10]: Missing from language for duties of the Floodplain Administrator, noted in CAV.

action.

k) Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.

Commented [MW11]: Identified as a deficiency in the CAV report, the title and duties of the local Floodplain Administer shall be designated in Code.

G~~F~~. Penalties

1) Enforcement. This section shall be administered and enforced by an officer to be known as the "Floodplain Administrator." The Floodplain Administrator may be assisted in the enforcement of this section by the Planning Director, Zoning Administrator, Building Official and all other officials of Warren County, Virginia, pursuant to their respective fields. The Floodplain Administrator shall have all necessary authority on behalf of the governing body to administer and enforce this section, including the ordering in writing of the remedying of any condition found in violation of this section and the bringing of legal action to ensure compliance with this section, including abatement or other appropriate action or proceeding.

2) Violations. Any person who violates any of the provisions of this section or permits any such violation or fails to comply with any of the requirements hereof shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine or punishment as provided by law. Each day during which such violation continues shall constitute a separate offense. The imposition of a fine or penalty for any violation or failure to comply with any of the requirements hereof shall not excuse the violation or noncompliance.

~~Any person who fails to comply with any or all of the requirements or provisions of this chapter or direction of the Floodplain Administrator, Zoning Administrator, Building Official or any other authorized employee of the county shall be guilty of an offense and, upon conviction, shall be subject to fines and associated penalties as determined by the General District Court; each day during which any violation of this chapter continues shall constitute a separate offense. In addition to the above penalties, all other actions are hereby reserved including an action for the proper enforcement of this chapter. The imposition of a fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance or permit it to continue; and all such person[s] shall be required to correct or remedy such violations or non-compliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this chapter may be declared by the Board of Supervisors to be a public nuisance and abatable as such.~~

Commented [MW12]: Identified as a deficiency in the CAV report, FEMA requires language that meets or exceeds 44 Code of Federal Regulations for Abrogation, Greater Restrictions, Severability and Penalties.

~~j)~~

H. Reporting NFIP Participation and Local Permit Information and Submission of New Technical Data to FEMA

1) The Ceounty shall submit to a report to FEMA concerning the county's participation in National Flood Insurance Program (NFIP), including, by not limited to, the Ceounty's development and implementation of floodplain regulations, under 44 Code of Federal Regulations (CFR) §59.22(b) either annually, biennially on upon request by FEMA.

2) The Ceounty shall on request from FEMA or VA Department of Conservation and Recreation submit a report which may include information, regarding the number of buildings, permits issued, appeals and variances for development of properties in the Special Flood Hazard Areas.

Commented [MW13]: Added appeals as per Planning Staff request.

3) The Ceounty's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the county shall notify the Federal Insurance Administrator of the changes by submitting

technical or scientific data. Such submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

~~D~~ **I.** Definitions. Notwithstanding any other provision of the Warren County Code, for the purposes of this section, the following words and phrases shall have the meanings described herein:

BASE FLOOD (BFE)

The flood having a 1% chance of being equaled or exceeded in any given year **and may be referenced as the 1% Annual Chance Flood**.

BASE FLOOD ELEVATION

~~The Federal Emergency Management Agency designated one-hundred-year water surface elevation.~~

The water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the base flood is the 1% annual chance flood.

BASEMENT

~~Any area of the building having its floor subgrade (below ground level) on all sides~~ **~~which includes building crawlspace and enclosure floor~~**. **Any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.**

BOARD OF ZONING APPEALS

The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this section.

CODE OF FEDERAL REGULATIONS (CFR) Title 44 Chapter 1

The code of federal rules and regulations published in the Federal Register implemented and enforced by FEMA under the Department of Homeland Security.

CRITICAL FACILITIES

Those structures or facilities such as hospitals, nursing homes, children and adult day care and housing which are likely to house occupants who may not be sufficiently mobile to avoid death or injury during a flood event; police stations, emergency rescue vehicle and equipment storage facilities and emergency operations centers; and public and private utility facilities which are vital to maintaining or restoring normal services to flooded areas before, during and after a flood event; structures which produce, use or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

DAM BREAK INUNDATION ZONE

The area downstream of a dam that would be inundated or otherwise directly affected by the failure of the dam. The dam break inundation zone shall be as shown on the dam break inundation zone map filed with the Virginia Department of Conservation and Recreation. ~~and the county if data is available~~.

[Added 5-21-2013]

DEVELOPMENT

Commented [MW14]: Identified as a deficiency in the CAV report, language required by FEMA for reporting changed in Special Flood Hazard Area

Commented [MW15]: Added language for reference to base flood and acronym.

Commented [MW16]: Added per comments from DCR on definition.

Commented [MW17]: Added language used in elevation certificate for further clarification. Deleted to meet FEMA's definition.

Commented [MW18]: Changed to conform with FEMAs definition of basement.

Commented [MW19]: Federal Code relating to Emergency Management and Assistance.

Commented [MW20]: Additional definitions not included in previous Code, recommended by FEMA for hazard mitigation.

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

A **non-basement** building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings or columns (posts and piers).

ENCROACHMENT

The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

ENGINEERED OPENING

An Engineered Opening is a mechanical opening, which is activated during a flood, revealing an unobstructed area for which floodwater can flow through to equalize the hydrostatic loads on the enclosure wall. These openings are performance tested and certified to cover a square footage amount.

Commented [MW21]: Defined type of floodvent added to clarify difference between non-engineered.

EXISTING CONSTRUCTION

Any buildings and structures for which the start of construction commenced before May 1, 1980, in conjunction with the Flood Insurance Rate Maps. Existing construction is also referred to as existing structures.

[Added 5-21-2013]

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

A federal agency of the United States Department of Homeland Security that oversees the National Flood Insurance Program (NFIP).

Commented [MW22]: Identifies acronym for FEMA the federal agency overseeing the NFIP.

FLOOD-DAMAGE-RESISTANT MATERIALS

Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

[Added 5-21-2013]

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community. DFIRM is the digital version of the FIRM.

[Added 5-21-2013]

FLOOD INSURANCE STUDY (FIS)

~~The official report provided by the Federal Emergency Management Agency containing the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (FBFM), the water surface elevation of the base flood and supporting technical data.~~

A report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Commented [MW23]: Added per comments from DCR on definition.

[Added 5-21-2013]

FLOOD or FLOODING

(1) A general or temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Commented [MW24]: Added per comments from DCR to add this language for mudflows.

(2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature such as flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection **(1)** of this definition.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source.

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures and their contents. ~~.~~ ~~T~~these include required anchoring and strapping of structures and the inclusion of approved flood vents when necessary.

Commented [MW25]: Grammatical Fix

[Added 5-21-2013]

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height **not to exceed one (1) ~~foot as set by the National Flood Insurance Program~~. Reference definition for Regulatory Floodway.**

Commented [MW26]: Identifies minimum requirements by NFIP and local ordinance relating to designated base flood elevations. Added “reference” language.

FREEBOARD

A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. It is a specific additional height requirement above the base flood elevation (BFE) that provides a margin of safety against extraordinary or unknown risks.

[Amended 5-21-2013]

HEC-RAS (HYDROLOGIC ENGINEERING CENTER - RIVER ANALYSIS SYSTEM)

A one-dimensional steady flow hydraulic model designed to aid hydraulic engineers in channel flow analysis and floodplain determination.

[Added 5-21-2013]

HIGHEST ADJACENT GRADE (HAG)

The highest natural elevation of the ground surface prior to construction ~~next~~ **located adjacent** to the proposed walls of a structure.

[Added 5-21-2013]

HISTORIC STRUCTURE

Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior such as the Virginia Department of Historic Resources (DHR); or **[Amended 5-21-2013]**

(b) Directly by the Secretary of the Interior in states without approved programs.

HYDROLOGIC AND HYDRAULIC (H&H) ANALYSIS

Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, flood profiles and mapping of the Special Flood Hazard Area.

[Added 5-21-2013]

LETTER OF MAP CHANGE (LOMC)

An official FEMA determination by ~~A~~ letter which reflects an official revision or amendment to an effective Flood Insurance Rate Map. A letter of map change is issued in lieu of the physical revision and republication of the effective map. **Letters of Map Change include:**

(1) Letters of Map Amendment (LOMA): an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a parcel of land as defined by metes and bounds or a structure is not located in a special flood hazard area.

(2) Letter of Map Revision (LOMR): a revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

Commented [MW27]: Added acronym.

Commented [MW28]: Language clarification.

Commented [MW29]: Identifies FEMA as agency that issues these revisions to the Flood Insurance Rate Maps.

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(3) A Letter of Map Revision Based on Fill (LOMR-F) is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(~~4~~3) Conditional Letter of Map Revision (CLOMR): a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

(5) Conditional Letter of Map Revision Based on Fill (CLOMR-F) is a conditional determination that a structure or parcel of land will be elevated by fill above the base flood elevation and will be no longer exposed to flooding associated with the base flood. A LOMR-F is then submitted once fill has been placed in the area during construction. This construction may have taken place during the time the engineering study was being performed or subsequent to that study.

[Added 5-21-2013]

LOWEST ADJACENT GRADE (LAG)

The lowest natural elevation of the ground surface located adjacent to the walls of the structure.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable **non-elevation** design requirements of Federal Code 44 CFR 60.3.

MANUFACTURED/MOBILE HOME

A structure, transportable in one or more sections~~, which is~~ built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. ~~The term "manufactured/mobile home" does not include a "recreational vehicle."~~ **For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.**

[Amended 5-21-2013]

MANUFACTURED/MOBILE HOME PARK

A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

[Added 5-21-2013]

NEW CONSTRUCTION

For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map on or ~~after December 31, 1974~~ **July 19, 1974**, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures **which is on or after May 1, 1980**.

NONCONFORMING STRUCTURE

Commented [MW30]: Added language to further clarify LOMC types and to explain them.

Commented [MW31]: Added per Staff Comments regarding missing definition.

Commented [MW32]: Additional suggested definition by FEMA and used on Elevation Certificate, identified on review checklist. Added acronym.

Commented [MW33]: Added to reflect language used in Federal Code definition.

Commented [MW34]: Added per comments from DCR regarding manufactured home definition.

Commented [MW35]: Changed date per DCRs comments.

Commented [MW36]: Added er FEMA Comments to match date of adoption of FIRMs and to be consistent with other definitions.

~~means a~~A structure or use of a structure or premises which lawfully existed before the enactment of these provisions and Flood Insurance Rate Maps adopted on May 1, 1980.

NON-ENGINEERED OPENING

A Non-engineered Opening is an opening or air vent device that is used to meet FEMA/NFIP's requirement of one (1) square inch of net open area for one (1) square foot of enclosed area.

POST-FIRM BUILDING

A building for which construction or substantial improvement occurred after May 1, 1980, or on or after the effective date of an initial Flood Insurance Rate Map (FIRM), whichever is later.

[Added 5-21-2013]

PRE-FIRM BUILDING

A building for which construction or substantial improvement occurred on or before May 1, 1980, or before the effective date of an initial Flood Insurance Rate Map (FIRM).

[Added 5-21-2013]

RECREATIONAL VEHICLE

A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or able to be permanently towed; and **[Amended 5-21-2013]**

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use.

REGULATORY FLOODWAY

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height not to exceed one (1) foot.

REMEDY A VIOLATION

Remedy a violation means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other

Commented [MW37]: Added to identify date to determine non-conforming structures in SFHA.

Commented [MW38]: Defined type of floodvent added to clarify difference between engineered.

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development.

REPETITIVE LOSS STRUCTURE

~~A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a ten-year period~~ **~~ending on the date of the event for which a second claim is made,~~** ~~in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the building at the time of each flood event.~~ **Any insurable building for which two or more claims of more than $1,000 were paid by the National Flood Insurance Program (NFIP) within any rolling ten-year period since 1978. A repetitive loss property may or may not be currently insured by the NFIP.**~~-~~

[Added 5-21-2013]

SEVERE REPETITIVE LOSS STRUCTURE

Repetitive loss structures with four separate claim payments greater than $5,000 each which include building and contents or two or more separate claim payments within any rolling 10-year period since 1978 for the building only, where the total of payments exceeds the current market value of the structure.

SHALLOW FLOODING AREA (SHEET FLOW AREA)

A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's FIRM with a one-percent-or-greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where **the** path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

[Added 5-21-2013]

SPECIAL FLOOD HAZARD AREA (SFHA)

The land in the floodplain subject to a one-percent-or-greater chance of being flooded in any given year as determined in § **180-16JE (2)** of this section and formerly called the one-hundred-year floodplain. Includes areas having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM) as Zones A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/A1-A30, V1-V30, VE and V.

[Amended 5-21-2013]

START OF CONSTRUCTION

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of the construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed ~~50%~~ **45%** of the ~~market~~

Commented [MW39]: These definitions were added and complies with Federal Code to further clarify Floodway and address enforcement actions.

Commented [MW40]: Deleted per DCR Comments.

Commented [MW41]: Revised definition reflects FEMA's latest definition.

Commented [MW42]: Added definition missing from previous code, as per FEMA/NFIP definition.

Commented [MW43]: References applicable County code section.

Commented [MW44]: Added as a Higher Standard and for CRS Credits

assessed value of the structure before the damage occurred: ~~**not inclusive of land value**~~.

This term does not, however, include either:

(1) Land value

~~(2)~~ **Sewer/septic system, well or landscape values.**

(2)

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds ~~50%~~ **45%** of the assessed value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE

A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION

The failure of a structure or **any** other development to be fully compliant with ~~the~~ **Warren** County's floodplain management regulations **shall be deemed a violation**. A structure or other development without the **required floodplain determination, zoning and building permits,** elevation certificate, other certifications, or other evidence of compliance required by 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided for the as-built structure prior to **final inspection approval and** issuance of a certificate of occupancy from the Building Inspections Department.

[Added 5-21-2013]

WATERCOURSE

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

~~E.~~ **J.** Establishment of floodplain districts and dam break inundation zones. **[Amended 5-21-2013]**

(1) Description of districts.

Commented [MW45]: Deleted due to being redundant.

Commented [MW46]: Changed to be the same as substantial improvement language and give added clarification relating to determination of current assessed value.

Commented [MW47]: Added as a Higher Standard and for CRS Credits

Commented [MW48]: Added per reference to 44CFR 59.1 Federal Regulations language

Commented [MW49]: This language was added for clarification of the previous definition and adds “permits” and floodplain determination as a requirement for permitting process.

(a) Basis of districts. The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Warren County prepared by the Federal Emergency Management Agency, dated June 3, 2008, as amended.

[1] The Special Flood Hazard Area ~~Floodway~~ **(SFHA)** Floodway District is delineated, for purposes of this section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 4, Floodway Data, of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.

Commented [MW50]: Acronym added.

[2] The Special Flood Hazard Area Zone AE District shall be those areas identified as an AE Zone on the Flood Insurance Rate Maps accompanying the Flood Insurance Study for which base flood elevations have been provided but for which no floodway has been delineated.

[3] The Special Flood Hazard Area Zone A District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one-percent annual chance of flooding boundary has been approximated in the Flood Insurance Rate Maps and Digital Flood Insurance Rate Maps.

[4] Warren County may identify and regulate local flood hazard or ~~ponding~~ **stormwater** areas that are not delineated on the FIRM through the County's subdivision application process. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks or approximate study methodologies. This data may be submitted by a certified engineer and shall be used during the letter of map revision process for determination of the floodplain and base flood for a specific area.

Commented [MW51]: Language more easily understood, and Warren County doesn't have ponding areas (AO).

(b) Overlay concept.

[1] The floodplain districts described below shall be overlays to the existing underlying districts as shown on the Official Zoning Map of Warren County and, as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

[2] Any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

[3] In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(2) Official Zoning Map. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map (FIRM) and Digital Flood Insurance Rate Map (DFIRM) which is declared to be a part of this section and which shall be kept on file at the Warren County Planning and Zoning offices.

(3) District boundary changes.

(a) The delineation of any of the Floodplain Districts may be revised by the Warren County Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (FEMA) after an elevation certificate and letter of

map change (LOMC) have been submitted to them.

(b) Initial interpretation of the boundaries of the floodplain districts shall be made by the **County Floodplain Administrator, Planning Director, ~~or~~** Zoning Administrator **or Deputy Zoning Administrator**. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

(4) Jurisdictional boundary changes.

(a) In accordance with CFR, Title 44, Subpart (B), Section 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Emergency Management Agency and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

(b) In order that all Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has ~~assumed~~assumed, or relinquished floodplain management regulatory authority must be included with the notification.

~~F.~~ **K.** District provisions.

(1) Permit and application requirements. **[Amended 5-21-2013]**

(a) Permit requirement. All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a **floodplain determination,** zoning **and building** permit**s**. Such development shall be undertaken only in strict compliance with the provisions of this chapter and with all other applicable codes and ordinances, such as the Virginia Uniform Statewide Building Code, Chapter **155**, Subdivision of Land, and Chapter **180**, Zoning, of the Code book of Warren County. Prior to the issuance of any such permit, the ~~Zoning Officer~~ **Zoning Administrator, Floodplain Administrator and Building Official** shall require all applications to include compliance with all applicable state and federal laws.

(b) Site plans and permit applications. All applications for development within any floodplain district and all building permits issued for the Special Flood Hazard Area shall incorporate the following information:

[1] The base flood elevation (BFE) at the site, topographic information showing existing and proposed ground elevations for structures to be elevated, and the lowest floor elevation (including basement).

[2] For structures to be **flood-proofed** ~~(nonresidential only),~~ **and** the elevation to which the structure will be **flood-proofed**.

[3] The issuance of an elevation certificate for an as-built **residential dwelling** structure prior to the final inspection and a certificate of occupancy being issued by Warren County Building Inspections and submitted to the Zoning **or County Floodplain** Administrator within 30 days prior to **the issuance of a certificate of** occupancy.

Commented [MW52]: Designated Floodplain Administrator, Planning Director, Deputy Zoning Administrator in addition to Zoning Administrator

Commented [MW53]: Added to further clarify permit requirements, County Code sections, and designated local officials tasked to enforce permitting requirements.

Commented [MW54]: Language added to identify requirement for review of elevation certificate by Floodplain Administrator prior to issuing of certificate of occupancy (C.O.)

(2) General standards. In all SFHA Districts the following provisions shall apply **to all permits**: **[Amended 5-21-2013]**

(a) The building of critical facilities in the Special Flood Hazard Area 1% annual chance and 0.2% annual chance flood/shaded zone X area shall be prohibited.

~~(a)~~**(b)** New construction and substantial improvements shall be **built according to this ordinance and the VA USBC, and** anchored to prevent flotation, collapse or lateral movement of the structure.

~~(b)~~**(c)** Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

~~(c)~~**(d)** New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

~~(d)~~**(e)** New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

~~(e)~~**(f)** Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

~~(f)~~**(g)** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

~~(g)~~**(h)** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

~~(h)~~**(i)** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

~~(i)~~**(j)** Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this section shall meet the requirements of new construction as contained in this section.

~~(j)~~**(k)** Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this section shall be undertaken only if said nonconformity is not furthered, extended or replaced.

~~(k)~~**(l)** Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the United States Corps of Engineers **(USACE)**, the Virginia Department of Environmental Quality **(DEQ)** and the Virginia Marine Resources Commission **(VMRC).** ~~(~~A joint permit application is available from any of these organizations **or from other Virginia state offices of environmental programs**.~~)~~ Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation **(DCR)** ~~(~~Division of Dam Safety and Floodplain Management~~)~~ and the Federal Insurance **and Mitigation** Administration **(FIMA)**.

~~(l)~~**(m)** The flood-carrying capacity within an altered or relocated portion of any watercourse shall be maintained. **Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.**

Commented [MW55]: This is a higher standard identified in FEMA review checklist, the County currently doesn't have critical facilities in floodplain and to reference ordinance and building code.

Commented [MW56]: Added Acronyms for both federal and state agencies.

Commented [MW57]: Added language to further specify the impact of development within the SFHA.

(n) In any flood zone the Floodplain Administrator may require a hydrologic and hydraulic analysis for any development.

(o) Development within the Special Flood Hazard Areas shall not adversely impact any threatened and endangered special status faunal species as identified by the Virginia Department of ~~Game and Inland Fisheries~~Wildlife Resources (DWR) ~~(DGIF~~).

(3) Specific standards. In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to § **180-16 K~~F~~(1),** the following provisions shall apply and shall comply with the current Uniform Statewide Building Code (USBC):

(a) Residential construction. Construction of these structures within the regulatory floodway (SFHA Floodway District) shall be prohibited. Within the Special Flood Hazard Areas Zones A and AE, new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation ~~and shall be constructed with an additional one foot of freeboard if within 100 feet of the regulatory floodway~~. They must also meet a linear setback of ~~25~~ **fifty (50')** feet from the edge of the regulatory floodway as determined in the Flood Insurance Study or through a base floodwater surface elevation **and contour** analysis **survey**. Such certifications and determinations, including the specific elevation (in relation to mean sea level) to which such structures are **flood-proofed**, shall be maintained by the County Planning Department. **The Zoning Administrator shall determine that the yard location and setbacks for structures located in residential zoned properties and adjacent to the waterway are compliant and meet the Warren County Code requirements and Floodplain Determination elevation and comments of the Floodplain Administrator. A signed and notarized letter of understanding for a non-conversion of the dwelling shall be submitted at the time of the permit application.**

(b) Nonresidential **Commercial, Industrial and Institutional** construction. **New c**onstruction of these structures within the SFHA Floodway shall be prohibited. ~~New construction or~~ **S**ubstantial improvement of any **existing** commercial, industrial, or institutional buildings located in all A and AE Zones shall have the lowest floor, including basement, elevated to no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation. These buildings may be floodproofed in lieu of being elevated, provided that all areas of the building components below the elevation corresponding to the BFE plus ~~one foot~~ **two and a half feet (30 inches)** are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certifications shall be provided during the site plan process and must be approved by ~~Planning staff~~ **the County Floodplain Administrator or Zoning Administrator**.

(c) Accessory structures. Vacant lots in the Residential-1 (R-1) and Residential-2 (R-2) Zoning Districts, located in the Special Flood Hazard Area shall have a principal use for private-use camping established by conditional use permit prior to an accessory structure being located on the property. **Vacant lots in all residential ~~zoning districts~~ and ~~the~~ Agricultural (A) zoning districts located within or in a portion of the Special Flood Hazard Area shall require a floodplain determination, zoning and building permits prior to construction of any accessory structure used for by-right, conditional use permit or agricultural exemption uses. In residential districts ~~T~~there shall be a limit of one structure allowed within the Special Flood Hazard Area and t**he structure is to be used for storage of property maintenance**,** ~~and~~ recreation equipment**, or a pavilion** ~~only or for a defined agricultural use~~ and shall be composed of materials approved by the Planning Department. It shall be no larger than ~~160~~ **200** square feet and shall meet the requirements for flood venting based on square footage of the structure **and for anchoring**. **In the Agricultural district there shall be a limit of two structures allowed within the Special Flood Hazard Area inclusive of Agricultural exempt structures as determined by the County and shall not exceed the cumulative area of 320 square feet for both structures.** Structures shall be required to be **flood-proofed** and strapped or anchored according to the **Virginia** Uniform Statewide Building Code (USBC). The

Commented [MW58]: Allows for additional flood data to be required for development.

Commented [MW59]: Added per FEMA CAV comments and State agency name change.

Commented [MW60]: Corrected Code Section to K

Commented [MW61]: Requesting change to a **Higher Standard** for Freeboard in order to qualify for lower insurance rates to property owner for residential construction and CRS points for County. This includes all SFHA zones except the Floodway where residential development is prohibited.

Commented [MW62]: Added this language after 1st DCR review to further clarify type of study.

Commented [MW63]: This language added in order to clarify process for residential development in SFHA and non-conversion clause for the dwelling.

Commented [MW64]: The additions made to this section add further clarification for the **Higher Standard** for both new construction and existing structures. The minimum elevation change is consistent with Residential construction. The County doesn't have any of these structures in the County boundaries and this doesn't apply to those within the Town limits and under their Floodplain Overlay ordinance.

Commented [MW65]: Added some language referencing permitting of structures, Ag Exempt uses and deleted redundant language for "uses".

Commented [MW66]: Added language to include structures used for agricultural uses.

Commented [MW67]: Increased size to allow for pavilions and Agricultural structures, these will still require permits.

Commented [MW68]: Higher Standard for Agricultural zoning district to set a limit on amount and cumulative size of structures in SFHA.

appropriate building permits shall be issued prior to construction and a final inspection ~~and elevation certificate~~ **shall be ~~b~~conducted by a County ~~both the~~ Building Inspector and the Floodplain ~~Administrator~~Administrator, or Zoning ~~Administrator~~official** ~~shall be required for **both Building and Zoning code** compliance of the structur~~. **Accessory structures ~~shall not be used for human habitation~~ shall have no kitchen facilities and shall not be used for living quarters nor used for dwelling purposes or occupied overnight.**

~~e. The Zoning Administrator shall determine the yard location and setbacks for residential zoned properties adjacent to the waterway on a case by case basis. A signed and notarized letter of understanding for a non-conversion to a dwelling shall be submitted at the time of the permit application.~~

(d) Fences: Prior to installation, ~~A~~any fence located within the Special Flood Hazard Area shall ~~require~~ first receive a zoning permit, floodplain determination and documentation ~~that~~ identifying the fence type and ~~the~~ its location to be ~~to be~~ approved by the Floodplain Administrator or Zoning Administrator ~~prior to installation~~. ~~S~~No ~~s~~olid panel or board on board/batten fencing shall not be ~~allowed~~permitted.

~~(d)~~**(e)** Elevated buildings. Enclosed areas of new construction or substantially improved structures which are below the regulatory flood protection elevation shall:

[1] Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas;-

[2] Be constructed entirely of flood-resistant materials below the regulatory flood protection elevation;

[3] Include, in Zones A and AE, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:

[a] Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

[b] The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.

[c] If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

[d] The bottom of all required openings shall be no higher than one foot above the adjacent grade.

[e] Openings may be equipped with screens, louvers or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.

[f] Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

~~(e)~~**(f)** Standards for manufactured homes and recreational vehicles.

[1] All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result

Commented [MW69]: Higher Standard requiring inspection by both Building and Zoning Departments.

Commented [MW70]: Changed to reflect definition of Accessory Structure in section 180-8 per Joe

Commented [MW71]: Deleted since it was included under residential construction.

Commented [MW72]: Added language since fences are considered development in floodplain.

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of a flood must meet all the requirements for new construction, including the elevation and anchoring requirements in § **180-16~~F~~K(1)** and **(2)**.

[2] All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

[a] The lowest floor of the manufactured home is elevated no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation; or

[b] The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength and of no less than 36 inches in height above the grade;

[c] The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

[3] All recreational vehicles placed on sites must either:

[a] Be on the site for fewer than 180 consecutive calendar days, be fully licensed and ready for highway use; or

[b] Meet all the requirements for manufactured homes in § **180-16~~F~~K(3)(d)**, outlined above.

[4] A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

(4) Standards for Special Flood Hazard Area Zone A District. **[Amended 5-21-2013]**

(a) When base flood elevation data or floodway data have not been provided, the Zoning **Administrator or County Floodplain** Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or any other source, in order to administer the provisions of § **180-16~~F~~K**. In locations where the specific base flood elevations and floodway boundary cannot be determined using sources such as the United States Army Corps of Engineers Floodplain Reports, United States Geological Survey Flood-Prone Quadrangles or other existing data, then the applicant shall provide documentation certifying the base flood elevation and floodway boundary using hydrologic and hydraulic engineering methods and modeling. This analysis shall be certified by a state-registered professional engineer or surveyor and submitted to the Planning Department with supplemental data relating to the study. When such base flood elevation and floodway boundary data is utilized, the Zoning **Administrator or County Floodplain** Administrator shall obtain:

[1] An elevation certificate which states the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and

[2] Documentation that the structure has been **flood-proofed** in accordance with the requirements of § **180-16~~F~~K~~(3)(b),~~** above, the elevation in relation to the mean sea level to which the structure has been **flood-proofed**.

(b) New construction, development and substantial improvement of existing structures within the regulatory floodway shall be prohibited.

(c) Any new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no

Commented [MW73]: Change in Code Section numbering.

Commented [MW74]: Added to conform with Freeboard for Dwelling Units Residential Construction section.

Commented [MW75]: Change in Code Section numbering.

Commented [MW76]: Change in Code Section numbering.

Commented [MW77]: Added County Floodplain Administrator whose duty it is to review the E.C.

Commented [MW78]: Change in Code Section numbering and references all specific standards sections.

lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation. ~~The structure shall be constructed with an additional one foot of freeboard if within 100 feet of the regulatory floodway.~~

(d) Any new construction or development must meet a linear setback of ~~25~~ **fifty** feet **(50')** from the edge of the regulatory floodway based on best available data or through a hydrologic and hydraulic analysis study submitted by a certified engineer **or a topological field survey by a licensed surveyor**.

(e) Development activities in Zone A on the Warren County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the Board of Supervisor's endorsement, for a conditional letter of map revision (CLOMR) or one based on fill (CLOMR-F), and receives the approval of the Federal Emergency Management Agency.

(5) Standards for the Special Flood Hazard Area Zone AE District. The following provisions shall apply within this district: **[Amended 5-21-2013]**

(a) New construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as AE on the Flood Rate Insurance Map and located **and setback fifty feet (50')** outside of the regulatory floodway.

[1] An elevation certificate which states the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures; and

[2] Documentation that the structure has been **flood-proofed** in accordance with the requirements of § **180-16~~F~~K~~(~~3)~~(b),** above, the elevation in relation to the mean sea level to which the structure has been **flood-proofed**.

(b) New construction, development and substantial improvement of existing structures within the regulatory floodway shall be prohibited.

(c) Any new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than ~~one foot~~ **two and a half feet (~~2.5'~~30 inches)** above the base flood elevation. ~~The structure shall be constructed with an additional one foot of freeboard if within 100 feet of the regulatory floodway.~~

(d) Any new construction or development must meet a linear setback of ~~25~~ **fifty** feet **(50')** from the edge of the regulatory floodway as determined in the Flood Insurance Study or through a base floodwater surface elevation analysis completed by a certified engineer **or topological field survey by a licensed surveyor**.

(e) Development activities **within the AE flood zone** on the Warren County Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies, with the Board of Supervisor's endorsement, for a conditional flood insurance rate map revision (CLOMR) or one based on fill (CLOMR-F), and receives the approval of the Federal Emergency Management Agency.

(6) Standards for the Special Flood Hazard Area Floodway District**:** The following provisions shall apply within this district: **[Amended 5-21-2013]**

(a) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited, with the exception of accessory structures used solely for storage of recreation equipment and property maintenance equipment as referenced in § **180-16~~F~~K(3)~~(a)~~(c). All development shall require a floodplain determination**

Commented [MW79]: Requesting change to a **Higher Standard** for Freeboard in order to qualify for lower insurance rates to property owner for residential construction and CRS points for County. This includes all SFHA zones except the Floodway where residential development is prohibited. Includes data submitted to County by licensed surveyor.

Commented [MW80]: Higher Standard for setback from regulatory floodway.

Commented [MW81]: Change in Code Section numbering and references all specific standards sections.

Commented [MW82]: Requesting change to a **Higher Standard** for Freeboard in order to qualify for lower insurance rates to property owner for residential construction and CRS points for County. This includes all SFHA zones except the Floodway where residential development is prohibited. Includes data submitted to County by licensed surveyor.

Commented [MW83]: Revised per DCR Comments.

and shall have a zoning and building permit issued if it is deemed to be a qualifying accessory structure, fence and any land disturbance or erosion stabilization.

(b) If § **180-16F~~K~~(6)(a)** is satisfied, all new construction of accessory structures shall comply with all applicable flood hazard reduction provisions of § **180-16F~~K~~**.

(c) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, provided the anchoring, elevation and encroachment standards are met.

(7) Standards for subdivision proposals~~.~~ **:**

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

(d) Hydrologic and hydraulic analysis and/or drainage study, erosion and sediment, encroachment analysis and base flood elevation data shall be provided for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions **greater than 50 lots or 5 acres**) that are in the SFHA or within 100 feet of the boundary of the Special Flood Hazard Area. **[Amended 5-21-2013]**

~~G.~~ **L.** Variances: factors to be considered.

(1) In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the Zoning Ordinance and consider the following additional factors **that are exceptional, unusual, and specific to the property**:

(a) The showing of good and sufficient cause **and an exceptional hardship exists, the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public, and is the minimum action necessary to afford relief and meets the required standards for a variance as outlined in the Code of Warren Section §180-62(B)**.

(b) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any Floodway **or Floodplain** District that will cause any increase in the Special Flood Hazard Area base flood elevation. **[Amended 5-21-2013]**

(c) The danger that materials may be swept on to other lands or downstream to the injury of others.

(d) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(e) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(f) The importance of the services provided by the proposed facility to the community.

(g) The requirements **by other State Agencies** of the facility ~~for~~ **in** a waterfront location~~.~~

Commented [MW84]: Added language relating to permitting of development that is allowed in the Floodway and to clarify types.

Commented [MW85]: Change in Code Section numbering and references all specific standards sections.

Commented [MW86]: Added language as noted in #27 of the FEMA Region 3 ordinance review checklist identified as missing.

Commented [MW87]: References defined as exceptional hardship as noted in the Federal Code.

Commented [MW88]: Additional language added to further identify the general merits and criteria for determining a variance.

Commented [MW89]: Added in addition to Floodway

Commented [MW90]: Other agencies such as DWR, USACE and Marine Resources Commission may prohibit or restrict waterfront development such as piers and docks.

(h) The availability of alternative locations not subject to flooding for the proposed use.

(i) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(j) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(k) **The risk to individuals stranded in isolated structures surrounded by what is, in many cases, rapidly flowing, debris-laden floodwater and the risk to rescue workers and the** ~~The~~ safety of access by ordinary and emergency vehicles to the property in time of flood.

Commented [MW91]: Additional language relating to flood hazard factors.

(l) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.

(m) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

(n) Such other factors which are relevant to the purposes of this section.

(o) The ability of the property owner to remove equipment and vehicles incidental to the use of the property prior to or during a flood event. **[Added 5-21-2013]**

(p) Development must not cause an increase in water surface elevations (WSEL) during floods of any magnitude.

Commented [MW92]: Additional language regarding variances for development as referenced in the Federal code.

(2) The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for flood protection and other related matters.

(3) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights **greater than one foot (1')**; additional threats to public safety; extraordinary public expense; and will not create nuisances; cause fraud or victimization of the public; or conflict with local, state or federal laws or ordinances. **[Amended 5-21-2013]**

Commented [MW93]: This is the maximum flood height increase allowed by the Federal Code CFR44-Secion 60.3

(4) Variances shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from exceptional hardship to the applicant.

(5) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the Special Flood Hazard Area base flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance. **[Amended 5-21-2013]**

(6) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

(7) A record of the issuance of a variance with any conditions attached shall be recorded with the deed to the property and on any elevation certificate submitted for the property within **60** ~~90~~ **30**days from the approval of the variance by the Board of Zoning Appeals (BZA). **[Added 5-21-2013]**

Commented [MW94]: Changed to 30 days from approval of variance, should be sufficient time to have it recorded on the deed.

Chapter 180. Zoning

Article II. Application

§ 180-8. Definitions.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed ~~50%~~ **45%** of the ~~market~~ **assessed** value of the structure before the damage occurred ~~**not inclusive of land value**~~.

This term does not, however, include either:

(1) Land value

(2) Sewer/septic system, well or landscape values.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds ~~50%~~ **45%** of the ~~appraised~~ **assessed** value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or**,** any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure

Commented [MW95]: Added as a Higher Standard and additional CRS Credits matches Section 180-16 definition.

Commented [MW96]: Deleted due to redundancy.

Commented [MW97]: Changed to be the same as substantial improvement language and give added clarification relating to determination of current assessed value.

Commented [MW98]: Added as a Higher Standard and additional CRS Credits, matches Section 180-16 definition.

Commented [MW99]: Change to use same language as definition.

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COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE:	ITEM:	SUBJECT:	PAGE
3/01/2022	G-15	Zoning Ordinance Amendment – Z2022-01-01 An ordinance to amend Sections §180-8 *Definitions*, §180-21 *Agricultural District*, §180-22 *Residential - 1 District*, §180-23 *Residential – 2 District*, §180-24 *Rural Residential District*, §180-25 *Village Residential District*, §180-26 *Suburban Residential District*, and §180-46.1 *Family Day Home* (supplemental regulation) of the Warren County Code.	1 of 1

EXPLANATION & SUMMARY:

The applicant, Dawn Sullivan has requested to amend the County Code to add Family Day Home as a land-use. This would allow her to expand her existing day-care service in which she cares for five or fewer children to allow for her to care for up to twelve children under the age of 13. The applicant has stated she has earned a number of Virginia State Department of Social Services certifications and license for operating a Family Day Home. The Warren County Code doesn't currently list this as a land-use for any of the zoning districts and it is not defined or included in the supplemental regulations, the approval of this text amendment would add and identify the standards for this land-use.

The Virginia Department of Social Services requires at least 16 hours of training per year to retain her license for her certification. The DSS bases the number of children allowed on a point system, the maximum for a Family Day Home is 16 points. The breakdown of age groups are as follows:

- Children from birth through 15 months of age count as four points each
- Children from 16 months through 23 months of age count as three points each.
- Children from 2 years to 4 years of age count as two points each.
- Children from 5 years through 9 years of age count as one point each.
- Children from 10 years of age and older count as zero points.

The applicant states the amendment would allow a property owner, like herself to run a Family Day Home but the County code does not list that as a use in any of the zoning districts. Her property is zoned Agricultural. She also mentions that there is a limited number of day-care resources in the Town and County and that she has had to turn down requests because she is at her limit. The approval of this use in the various zoning districts would allow for more resources to be established for families needing to use child day-care in the County and allow for additional regulation by the County.

County staff is recommending language consistent with the Code of Virginia which allows the permit to be administratively issued by the zoning administrator once adjacent property owner's have been notified by registered or certified mail giving them thirty (30) days to reply. The applicant shall also be required to meet the supplemental regulations and all other applicable ordinances regulated by the Health Department, Department of Social Services and the County Building Official. The Zoning Administrator shall also have the authority to deny the permit based on comments received by neighbors and those agencies, at which time the applicant could request a public hearing with the Board of Supervisors to request their consideration of the use with conditions or have an option to deny the request.

See attached supplemental regulations, definitions and zoning district land uses.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed zoning ordinance amendment for advertisement for a public hearing.

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

Statement of Justification

To Whom It May Concern:

My name is Dawn Sullivan; owner/operator of Sullivan Family Day Home.

I am requesting an amendment to the ordinance to include the use of a daycare/family day home. I am also requesting a conditional use permit.

I have been providing in home childcare in Front Royal/Warren County for more than twenty years now. I have always cared for five or fewer children. About five years ago I went through much effort and cost in order to obtain my Virginia state license to run a Family Day Home; furthering my career. I did this so that I could be of a greater service to the community by being able to care for up to twelve children. Many children thrive in smaller settings. Also those who are receiving subsidized care through DSS would now be able to use my services. Sullivan Family Day Home is the only state certified day home in Warren County, VA. Many of the daycare centers in town fill up quickly and have waiting lists. I have had to turn away many myself due to the number of children that I am restricted to. Three of the children that I care for are my grandchildren; thus restricting me further. They do not reside with me, therefore they are to be included in the number. With this conditional use permit and text amendment, it would allow me to have up to twelve children, (depending on their ages).

The rates are comparable and hours of operation are 7am-6pm, Monday through Friday. There is plenty of space well off of the road, making it a safe place. Proper equipment and resources have been allocated for the safety of the children.

Many families are forced to use unlicensed providers where the children may not be receiving quality care. Many of these providers are not monitored or required to follow any standards.

The steps of contacting my neighbors have been taken to ensure that they are supportive of the location and activities than take place at Sullivan Family Day Home. The traffic appears to be minimal. Their would be a maximum of twelve vehicles arriving at Sullivan Family Day Home between the hours of 7am-9am for drop off. They arrive again at various times up until 6pm for pick up. Because I am state licensed, I have regular inspections. I'm including a copy of these as well. My husband and I purchased this home five years ago. I have been providing care during this time without incident.

The application fee is a very big cost for me by itself. I would implore you to handle the text amendment, in light of this.

In conclusion, I love children and I love what I do. I have worked very hard to get here. I have more than twenty years invested in my practice. I would love to offer my services to more families.

Dawn Sullivan

2601 Strasburg Rd

Front Royal, VA 22630

540-622-2236

$250.00

WARREN COUNTY
Zoning Ordinance – Text Amendment

Application Number: Z2022-01-01
Date Received: 11/23/2021
Fee Amount: $ 250.00 CASH

Applicant:

Dawn Marie Sullivan
Name

2601 Strasburg Rd | Front Royal | VA | 22630
Address | *City* | *State* | *Zip*

(540) 622-2236 TM# 18---
Primary Contact Number

Zoning Text Amendment(s) Requested:

A. Sections to be amendment: _____

B. Requested changes to the ordinance: to include the use of daycare ~~in~~ Family Day Home

Office Use Only:

C. Authorized for advertisement: _____

D. Public hearing date: _____

E. Planning Commission approval/denial date: _____

F. Board of Supervisors authorized for advertisement: _____

G. Board of Supervisors public hearing date: _____

H. Board of Supervisors approval/denial date: _____

Matt Wendling

From: Dawn Sullivan <sunshine19730@yahoo.com>
Sent: Monday, October 7, 2019 12:59 PM
To: Matt Wendling
Subject: Fw: Dawn Sullivan family day home

Dawn M. Sullivan/Sullivan Family Day Home
2601 Strasburg Rd.
Front Royal, VA 22630

----- Forwarded Message -----
From: Dawn Sullivan <sunshine19730@yahoo.com>
To: mwendling@warrencountyva.net <mwendling@warrencountyva.net>
Sent: Monday, October 7, 2019, 11:13:40 AM EDT
Subject: Dawn Sullivan family day home

Hello. I have included in this email they requested information. I hope that it finds you well.
I am required to have 16 hours of training each year.
The following is the amount of children I am allowed; to never exceed 16 points.

Children from birth through 15 months of age count as four points each.
Children from 16 months through 23 months of age countess three points each.
Children from two years from four years of age count as two points each.
Children from five years through nine years of age count as one point each.
Children who are 10 years of age and older account has zero points.

Thank you so much and have a wonderful day.

Dawn Sullivan

Sent from Yahoo Mail for iPhone

Total Control Panel Login

To: mwendling@warrencountyva.net Remove this sender from my allow list
From: sunshine19730@yahoo.com

You received this message because the sender is on your allow list.

Search for Child Day Care

|Return to Search Results | New Search |

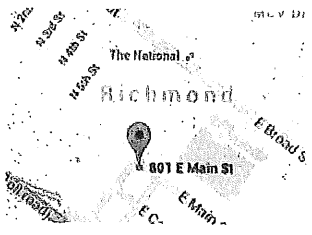
Ms. Dawn Sullivan
2601 Strasburg Road
FRONT ROYAL, VA 22630
(540) 622-2236

Facility Type:	Family Day Home
License Type:	Three Year
Expiration Date:	March 2, 2020
Business Hours:	7:00 a.m. - 6:00 p.m., Monday - Friday
Capacity:	5
Ages:	1 month - 12 years 11 months
Inspector:	Diann S. Reed: (540) 280-0742
Current Subsidy Provider	Yes

Inspection Date	SHSI	Complaint Related	Violations
March 26, 2019	Yes	No	No
March 26, 2019	No	No	No
Aug. 9, 2018	Yes	No	No
Aug. 9, 2018	No	No	No
Feb. 27, 2018	Yes	No	No
Feb. 27, 2018	No	No	No
July 25, 2017	Yes	No	No
July 25, 2017	No	No	Yes
Feb. 6, 2017	No	No	No
July 11, 2016	No	No	No
Jan. 19, 2016	No	No	No
Nov. 2, 2015	No	No	Yes
Sept. 1, 2015	No	No	Yes

Disclaimer:
A compliance history is in no way a rating for a facility.

The online compliance history includes only information after July 1, 2003. In addition, the online compliance history includes information regarding adverse actions that may be the subject of a pending appeal. An adverse action is not final until a provider has exhausted or waived all due process rights. For compliance history prior to July 1, 2003, or information regarding the status of pending adverse actions, please contact the Licensing Inspector listed in the facility's information. The Virginia Department of Social Services (VDSS) is not responsible for any errors in or omissions from the compliance history information.



Contact Us
801 E. Main Street
Richmond, VA 23219

VIRGINIA DEPARTMENT
OF SOCIAL SERVICES

Warren County, Virginia Planning & Zoning
Certificate of Zoning

No: 131-2015	Date: 12-30-2015
Applicant: DAWN SULLIVAN	
Business Name/Corporate Name: THE SULLIVAN FAMILY DAY HOME	
Owner of Premises: GARY & DAWN SULLIVAN	Phone: 540-683-4524 c
Address: 2601 STRASBURG RD., FRONT ROYAL	
Location:	Present Zoning: AGRICULTURAL
Map: 18 Section: - Block: -	Lot: 27
Authorized Use: DAY CARE FACILITY FOR (5) FIVE OR LESS CHILDREN RE-ISSUED TO SHOW MAXIMUM OF FIVE ALLOWED.	

☐ Home Occupation ☐ Sign Permit ☒ Matter of Right

☐ Conditional Use granted by Board of Supervisors ☐ Other

Dawn M Sullivan	Charles Mason
Applicant Signature (required)	**Zoning Administrator / Deputy** Permit Prepared by:

180-17 Home occupations.

A. A home occupation is a use conducted entirely within a dwelling unit clearly incidental and subordinate to its use for residential purposes by its occupants. Home occupations shall be confined to the principal structure, wherein not more than 25% of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

B. No person other than members of the family residing on the premises shall be engaged in such occupation.

C. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one non-illuminated sign. Maximum sign area: two square feet.

D. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, dust or odors detectable to normal senses outside the dwelling unit. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

E. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of a home occupation shall be met by providing off-street parking in an area other than in a required front yard.

F. Boarding- and rooming houses, tourist homes, bed-and-breakfast homes and private educational institutions shall not be deemed home occupations.

180-14(F)(5) Home occupation sign.

Only one sign, nonilluminated, displaying the nature of the home occupation, name and/or address of the occupant of the premises shall be permitted on a lot. Maximum sign area: two square feet.

180-10 Accessory Uses

Limitations on parking of trucks and major mobile construction equipment in residential districts. No truck with a gross vehicle weight of more than 10,000 pounds shall be parked in any residential district except for purposes of making pickups or deliveries. The parking of major mobile construction equipment after completion of construction is also prohibited.

Effective Date: 05-05-2009

Commonwealth of Virginia

DEPARTMENT OF SOCIAL SERVICES

FAMILY DAY HOME LICENSE

Issued to: DAWN SULLIVAN

Address: 2601 Strasburg Road, Front Royal, Virginia 22630

This license is issued in accordance with provisions of Chapters 1, 17, and 18, Title 63.2, Code of Virginia and other relevant laws, the regulations of the State Board of Social Services, and the specific limitations prescribed by the Commissioner of Social Services, as follows:

CAPACITY 5		
GENDER BOTH	AGE 3 MONTHS THROUGH 12 YEARS	No person other than members of the family residing on the premises shall be engaged in or employed at the family day home.

This license is not transferable and will be in effect March 3, 2020 through March 2, 2022 unless revoked for violations of the provisions of law o failure to comply with the limitations stated above.

ISSUING OFFICE:

Virginia Department of Social Services
Valley Licensing Office
57 Beam Lane, Suite 102
Fishersville, VA 22939
Telephone: (804) 297-4469

S. DUKE STOREN
COMMISSIONER OF SOCIAL SERVICES

By Sherry Q. Lumbard
Sherry Q. Lumbard

Title Licensing Administrator

Date March 9, 2020

FDH 1108924
LICENSE NUMBER



Virginia Department of Social Services (VDSS) Medication Administration Training Program

I hereby certify that

Dawn Sullivan

(Participant Name)

has successfully completed the Board of Nursing (BON) and VDSS approved Medication Administration Training (MAT) course. This course is for individuals who work in licensed and regulated child day programs and staff who work in private schools accredited by the Virginia Council for Private Education as per subsection O of § 54.1-3408 of the *Code of Virginia*. The above named has demonstrated competency in the administration of medication to children and is hereby awarded the VDSS Medication Administration Training (MAT) Certificate.

3/11/2019

(Date Received)

The above named person:

- has successfully completed a total of eight (8) hours of training in Medication Administration,
- is awarded a certificate that is **valid for three years from the issue date** listed above, and
- is certified to administer medication only when instructions and consent information have been provided in English.

Robin Tusing

Certified Trainer's Name

This certificate is valid only on SecureGuard paper with hologram seal

Effective 10/23/13

ORDINANCE TO AMEND AND RE-ORDAIN CHAPTER 180, ARTICLE II, ARTICLE IV AND ARTICLE V OF THE WARREN COUNTY CODE (ZONING ORDINANCE)

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 180-8 (Definitions), 180-21 (Agricultural (A) District), 180-22 (Residential - 1 (R-1) District), 180-23 (Residential - 2 (R-2) District), 180-24 (Rural Residential (RR) District), 180-25 (Village Residential (VR) District), 180-26 (Suburban Residential (SR) District), and 180-46.1 (Reserved) be amended and re-ordained as follows:

Section 180-8. Definitions.

A. General usage.

...

C. Definitions of words and terms. As used in this chapter, the following words and terms shall have the meanings indicated:

...

DAY- OR CHILD-CARE CENTER (NURSERY) - Any facility operated for the purpose of providing care, protection and guidance to six or more children separated from their parents or guardian during a part of the day only. Exceptions to this definition are:

(1) A summer camp licensed under §§ 35-43 through 35-53, Code of Virginia.

(2) A public school or a private school unless it is determined that such private school is operating a child-care center outside of regular classes.

(3) Nursery school. A school designed to provide daytime instruction for six or more children from two to five years of age inclusive and operated on a regular basis.

(4) A facility which provides child-care on an hourly basis which is contracted for by a parent only occasionally.

(5) A school conducted by a religious institution, or a facility operated by a religious organization where children are cared for or educated during short periods of time while religious services are being conducted.

(6) Family Day Home

...

FAMILY DAY HOME - A child day program offered in the residence of the provider or the home of any of the children in care for five (5) through twelve (12) children under the age of 13, exclusive of the provider's own children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or voluntarily registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. However, no family day home shall care for more than four (4) children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. A Family Day Home where the children are all related to the provider whether biological, by-marriage or through adoption shall not be required to be licensed.

Section 180-21. Agricultural (A) District.

A. Statement of intent. This district is intended for areas where general agricultural

...

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

...

(9) Family Day Home that satisfies the supplementary regulations set forth in § 180-46.1.

Section 180-22. Residential - 1 (R-1) District.
[Amended 12-20-1994; 1-16-1996; 12-17-1996; 5-20-1997; 8-17-1999; 3-21-2006]

A. Statement of intent. This district is intended for family living

...

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

...

(6) Family Day Home that satisfies the supplementary regulations set forth in § 180-46.1.

Section 180-23. Residential - 2 (R-2) District.

A. Statement of intent. This district is intended for family living

...

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

...

(3) Family Day Home that satisfies the supplementary regulations set forth in § 180-46.1.

Section 180-24. Rural Residential (RR) District.
[Added 2-5-2002]

A. Statement of intent. This district is intended to provide areas for low-density residential development

...

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

...

(6) Family Day Home that satisfies the supplementary regulations set forth in § 180-46.1.

Section 180-25. Village Residential (VR) District.

A. Statement of intent. This district is intended to accommodate established villages/settlements

...

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

...

(4) Family Day Home that satisfies the supplementary regulations set forth in § 180-46.1.

Section 180-26. Suburban Residential (SR) District.

A. Statement of intent. This district is intended to accommodate established villages/settlements

...

C. Accessory uses permitted by right. Accessory uses permitted by right shall be as follows:

...

(4) Family Day Home that satisfies the supplementary regulations set forth in § 180-46.1.

Section 180-46.1. ~~(Reserved)~~ Family Day Home

A. Statement of Intent: This section describes regulations and definitions for Family Day Home which are permitted in the residential and Agricultural zoning districts if the use is approved by the Zoning Administrator through the administrative process set forth in this section. The

operation of a family day home may occur as a subordinate use to a residence provided the following supplemental regulations are met after said use is approved by the Zoning Administrator.

B. Definitions. As used in this section, the following terms relating to Family Day Home shall be defined as follows:

"Child-care services" means provision of regular care, protection and guidance to one or more children not related by blood or marriage while such children are separated from their parent, guardian or legal custodian in a dwelling not the residence of the child during a part of the day for at least one day of a calendar week for compensation.

"Child-care facilities": Includes any commercial or residential structure that is used to provide child-care services.

"Licensed Family Day Home" A child day program offered in the residence of the provider or the home of any of the children in care serving five (5) through twelve (12) children under the age of 13, exclusive of the provider's own children whether biological, by-marriage or adopted and any children who reside in the home, and when at least one child receives care for compensation. The Licensed Family Day Home shall require a certificate of zoning to be issued after meeting all requirements of the supplementary regulations identified in Section 180-46.1.

"Exempt Family Day Home" Any family day home not required to be licensed by the Virginia Department of Social Services (VDSS). An exempt family day home where the children in care are all related to the provider biologically, by adoption or by marriage shall not be required to be licensed unless they include four (4) children under the age of two. These homes have four or less children in care, not including the provider's own children or any that reside in the home. Any family day home that meets the exemption provisions for child day programs of the Code of Virginia.

"Voluntarily Registered Family Day Home" Any family day home not required to be licensed by the Virginia Department of Social Services (VDSS) but that has met the standards for voluntary registration with VDSS for such homes pursuant to regulations adopted by the agency and has obtained a certificate of registration. These homes have four or less children in care, not including the provider's own children or any that reside in the home.

C. Application Process: A resident of Warren County who wishes to operate a Licensed Family Day Home as defined in Warren County Code § 180-46.1(B) shall submit an application requesting a zoning permit to the Zoning Administrator. The applicant shall also submit a sketch plan showing the locations for parking, ingress/egress, child pick-up and drop-off zones to the Zoning Administrator with the application.

D. Public Notification and Request for Comments: After receiving an application for Licensed Family Day Home zoning permit, the Zoning Administrator shall notify each adjacent property owner via registered or certified letter that an application has been submitted. Adjacent property owners shall have thirty (30) days from the date the letter is sent to submit an objection to the application to the Zoning Administrator for his consideration. Additionally, the Zoning Administrator shall request comments from a representative of the Virginia Department of Social Services, Virginia Department of Health, Virginia

Department of Transportation, the Warren County Fire Marshal and the County Building Official regarding the proposed use.

E. Review of Application and Issuing Approval or Denial of Zoning Permit: The Zoning Administrator shall review all applications seeking a zoning permit for a Licensed Family Day Home. The Zoning Administrator must consider any and all objections submitted by adjacent property owners as well as all comments submitted by local or state agencies.

The Zoning Administrator shall issue the zoning permit once the following has been met:

(1) No written objection is raised by any adjacent property owner within thirty (30) days as set forth in Warren County Code § 180-46.1(D); and

(2) The County has received all local and state agencies comments and the applicant has met all requirements identified by the local and state agencies; and

(3) The applicant has met all of the supplemental regulations set forth in Warren County Code § 180-46.1.

The Zoning Administer may issue the zoning permit once the following has been met:

(1) The Zoning Administrator has considered all written objections submitted by any adjacent property owner within thirty (30) days as set forth in Warren County Code § 180-46.1(D); and

(2) The County has received all local and state agencies comments and the applicant has met all of the requirements identified by the local and state agencies and approved by the Zoning Administrator as required; and

(3) The applicant has met all of the supplemental regulations set forth in Warren County Code § 180-46.1.

F. Appeal Process: In the event the Zoning Administrator denies the applications for a Licensed Family Day Home, the applicant may ask to have the application considered first by the Planning Commission then by the Board of Supervisors according to the process set forth in Code of Virginia, § 15.2-2204.

G. State and Local Agency Compliance: The applicant shall meet all requirements identified through comments by local and state agencies for licensed Family Day Homes prior to being issued a Certificate of Zoning for the applicant's Warren County business license.

H. State licensure for licensed Family Day Homes: After a zoning permit has been issued, the owner or operator shall maintain the required licensure from the Virginia Department of Social Services to operate the Licensed Family Day Home. The owner or operator of the family day home shall provide a copy of the license to the Zoning Administrator within 30 days of issuance. Failure to provide a copy of the license to the zoning administrator shall be deemed to be noncompliant with the provisions of this chapter and could subject the owner or operator to revocation of the zoning permit.

I. Traffic Access, Parking, Entrance and Egress: There shall be a minimum of one parking space for the owner and one for each additional non-resident employee and one space for

every four (4) children. Failure to comply with this provision shall be deemed to be noncompliant with the provisions of this chapter and could subject the owner or operator to revocation of the zoning permit.

J. Property Appearance and Signage: There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such Family Day Home other than one non-illuminated sign. Maximum sign area: two square feet. Failure to comply with this provision shall be deemed to be noncompliant with the provisions of this chapter and could subject the owner or operator to revocation of the zoning permit.

K. Inspections by VA State Department of Social Services, Health Department and Warren County Agencies and Departments: Agents of the Virginia Department of Social Services, Warren County Health Department, Warren County Planning and Building Inspections Departments shall be authorized to conduct periodic inspections of the Family Day Home, either scheduled or unscheduled. Failure to comply with this provision shall be deemed to be noncompliant with the provisions of this chapter and could subject the owner or operator to revocation of the zoning permit.

L. Business License: A business license shall be required once a zoning permit has been issued by the Zoning Administrator pursuant to this section. Failure to comply with this provision shall be deemed to be noncompliant with the provisions of this chapter and could subject the owner or operator to revocation of the zoning permit.

M. Exempt Family Day Homes: Exempt Family Day Homes and Voluntarily Registered Family Day Homes are considered a by right use and are exempt from the zoning permit process described herein.

N. Relationship to other laws: These provisions are supplementary, and nothing stated herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, the Uniform Statewide Building Code or any other local, state or federal agency.

O. Fees: The fees for a Licensed Family Day Home shall be assessed to cover administrative costs for notifying the adjacent property owner(s) by registered mail and the fee for the certificate of zoning as identified in the Planning Department Fee Schedule. The applicant shall pay the assessed fees at the time their application is submitted. In the event the Zoning Administrator denies the Licensed Family Day Home zoning permit, the applicant shall pay any and all costs related to the applicant's request for a public hearing with the Board of Supervisors. The fees for voluntary registered Family Day Homes shall be the standard fee required for a certificate of zoning for a home occupation in order to apply for a business license as identified in the Planning Department Fee Schedule.

THESE ORDINANCES SHALL BE EFFECTIVE UPON ADOPTION.
Language proposed to be deleted is ~~lined through~~.
Language proposed to be added is **underlined**.

COUNTY OF WARREN
REPORT OF ANIMAL CONTROL OFFICER
AS TO KILLING OF COYOTES AND BOUNTIES FOR COYOTES

Name of Claimant: Marcia Breeden Phone: 571-283-5494

Address: 476 Goode DR Front Royal VA 22630

Date Reported to Animal Control Officer: 2/11/22 Signed: E. Unruh

Date Killed	Number	Description/Type of Animal	Bounty Per Head	Total Amt. Claimed
2/11/22	2	Coyotes	50.00	

Total amount requested by claimant: 100.00

Amount recommended to be paid by Animal Control Officer: 100.00

Remarks: Killed at 429 Harmony Orchard Rd Front Royal VA 22630 permission attached

COUNTY OF WARREN

APPROVAL FOR PAYMENT

I certify that this expenditure is necessary for the operation of this department, that appropriated funds are available for payment and the goods/services have been received in good order.

Signature _____ Claimant _____ Date 2/11/22

Department _____ E. Unruh

Recm'd Budget Code 35010-5802 Animal Control Officer Date 2/11/22

Comments: _____

FEB 15 2022

The Board, after an examination of the above claim, approves same and allows $_____.

Please charge to Animal Control 35010-5802

Board of Supervisors of Warren County

Date of action: _____ By: _____

Permission to hunt/trap private land

2021-2022 Season

2022-2023 Season

2023-2024 Season

I grant Jon Smith and Marcia Breeden permission to hunt and trap on my entire premises located at:

429 Harmony Orchard Rd, Front Royal, VA 22630
containing 66.5 acres +/-

Wade Colton

COUNTY OF WARREN
REPORT OF ANIMAL CONTROL OFFICER
AS TO KILLING OF COYOTES AND BOUNTIES FOR COYOTES

Name of Claimant Breeden, Marcia Phone 571 383 5494

Address 676 Goode Dr

Date Reported to Animal Control Officer 2-20-22 Signed

Date Killed	Number	Description/Type of Animal	Bounty Per Head	Total Amount Claimed
2-19-22	1	Coy	50.00	50.00

Total amount requested by claimant: $ 50.00

Amount recommended to be paid by Animal Control Officer $ 50.00

Remarks:
B/T 429 Harmony Orchard Rd owner Wade Colton

COUNTY OF WARREN

APPROVAL FOR PAYMENT

I certify that this expenditure is necessary for the operation of this department, that appropriated funds are available for payment and the goods/services have been received in good order.
Signature
Department
Recm'd Budget Code 35010-5802
Comments:

Claimant Breeden, Marcia Date 2-20-22

~~Animal~~ Control Officer Date 2-20-22

FEB 22 2022

The Board, after an examination of the above claim, approves same and allows $_____. Please charge to Animal Control 35010-5802.

Board of Supervisors of Warren County

Date of Action _____ By _____

Permission to hunt/trap private land

2021-2022 Season

2022-2023 Season

2023-2024 Season

I grant Jon Smith and Marcia Breeden permission to hunt and trap on my entire premises located at:

429 Harmony Orchard Rd, Front Royal, VA 22630
containing 66.5 acres +/-

Wade Colton

Motion to be Made Going into Closed Meeting

I move the Board enter into a closed meeting under the provisions of Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act for the discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, or resignation of a specific public officer of the public body; I further move that discussion be limited to the Front Royal-Warren County Economic Development Board of Directors and the Northwestern Community Services Board.

I also move the Board enter into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the "EDA"), the Town of Front Royal, the *EDA vs. Jennifer McDonald, et al*., the *Town of Front Royal vs. the EDA, et al*., the *EDA vs. the Town of Front Royal,* other potential claims and litigation relating to other possible liabilities of the EDA, the recovery of EDA funds and assets, and the outstanding indebtedness of the EDA.

Finally, I move the Board enter into a closed meeting under the provisions of Section 2.2-3711(A)(8) for consultation with legal counsel for the provision of legal advice regarding intergovernmental agreements.

- - -

Motion to be Made Coming out of Closed Meeting

I move that the Board certifies to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711(A)(1), (A)(7), and (A)(8) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body.