



AGENDA

Board of Supervisors Meeting

March 15, 2022

6:00 PM

- A. Closed Session – Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for Consultation with Legal Counsel Regarding Actual or Probable Litigation and Regarding Specific Legal Matters Requiring the Provision of Legal Advice

7:00 PM

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. Reports – Board Members, County Administrator, Interim County Attorney
- E. Appropriations and Transfers
- F. Approval of Accounts

NEW BUSINESS

- G. Consent Agenda
 - 1. Agreement for the County to Provide Building Permit and Inspection Services for the Town of Front Royal – Ed Daley
 - 2. Memorandum of Agreement with the Town of Front Royal for Destination Marketing Organization Services Provided by Discover Front Royal – Alisa Scott
 - 3. Award of Contract for Two (2) Rooftop HVAC Replacement Units at the Health and Human Services Complex – Alisa Scott

7:30 PM

- H. Public Hearings
 - 1. Ordinance to Repeal Section 66-34 (Bounties for coyotes) of the Warren County Code – Cheryl Cullers
 - 2. 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

3. Z2022-01-01, Ordinance to Amend and Re-Ordain Chapter 180 (Zoning) of the Warren County Code re: Family Day Home – Matt Wendling
4. 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
5. 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
6. 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
7. 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
8. 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
9. 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

I. Additional New Business (If needed)

J. Adjournment

Motion to be Made Going into Closed Meeting

I move the Board enter into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act 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, the outstanding indebtedness of the EDA, *One Team Flight LLC, et al vs. Cass Aviation LLC, et al*, and airport matters.

I also 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 building code and FOIA matters, and regarding intergovernmental agreements related to water and sewer services, tourism development, and the enforcement of the building code.

- - -

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)(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.

Fiscal Year 2021-2022 Budget Appropriations and Transfers

Submitted for Board of Supervisor Approval on March 15, 2022

	Dept/Fund	Tran/App r	Description	Amount	Source
1	Sheriff	Appr.	To appropriate ICAC funds to pay for 5IPads and 5 Apple pencils purchased through CDW-G	\$4,463.05	Reimbursement
2	Fire and Rescue	Appr.	To appropriate funds from the North Warren FD Building to North Warren VFS fund to purchase a washer and dryer	\$2,765.00	North Warren Building Fund Balance
3	Public Works	Transfer	Insurance Damage for F350 Claim #0912022297706	\$3,274	Reimbursement
4	Public Works	Transfer	To appropriate from the Special Projects fund on behalf of Public Works Refuse Disposal to cover the expenses for the Landfill Property Acquisition	\$245,445	Special Projects



Warren County Delinquent Tax Collections Monthly Report

Month: February 2022

<u>Pond Law Group:</u>	\$8,788.03
<u>TACS:</u>	\$13,456.77

TOTAL: \$22,244.80

Pond total for 2022:	\$11,128.76
TACS total for 2022:	\$15,515.46

Cumulative total for 2022: \$26,644.22

Grand Total for 2016:	\$251,948.77
Grand Total for 2017:	\$523,039.78
Grand Total for 2018:	\$431,438.35
Grand Total for 2019:	\$307,386.55
Grand Total for 2020:	\$148,238.27
Grand Total for 2021:	\$218,732.30

Sands Anderson		
Date	Invoice #	Amount
2/4/2019	337902	\$49,781.44
2/28/2019	338916	\$50,559.83
4/1/2019	340092	\$83,053.09
4/29/2019	343613	\$97,993.94
5/30/2019	349027	\$95,751.89
6/24/2019	353542	\$105,677.60
7/25/2019	358087	\$105,344.62
8/15/2019	363141	\$132,559.98
9/10/2019	367746	\$97,055.56
10/7/2019	214020	\$1,485.00
10/16/2019	381643	\$118,603.44
10/31/2019	977717TE1	\$117,023.95
10/31/2019	977717TE2	\$6,565.00
11/25/2019	383016	\$175,313.87
11/30/2019	977842TE1	\$11,124.92
11/30/2019	977842TE2	\$6,340.00
12/18/2019	312341	\$866.25
12/23/2019	387536	\$124,817.89
12/31/2019	977957TE1	\$9,086.18
12/31/2019	977957TE2	\$6,340.00
1/13/2020	392047	\$127,679.15
1/22/2020	315265	\$2,706.17
1/31/2020	978125TE1	\$9,281.19
1/31/2020	978125TE2	\$6,490.00
2/13/2020	318900	\$1,175.25
2/20/2020	369533	\$158,751.64
2/29/2020	978239TE1	\$9,357.94
2/29/2020	978239TE2	\$6,490.00
3/13/2020	401012	\$136,835.52
3/31/2020	978318T	\$452.79
3/31/2020	978318TE1	\$9,102.94
3/31/2020	978318TE2	\$6,490.00
4/14/2020	415506	\$119,235.96
4/15/2020	79425	\$2,400.00
4/30/2020	978401TE	\$10,778.38
5/14/2020	423245	\$135,843.50
5/31/2020	978486TE	\$11,319.00
6/17/2020	427726	\$127,987.84
6/30/2020	978571TE	\$11,067.78
7/16/2020	428985	\$130,183.76
7/20/2020	337536	\$566.18
7/31/2020	978676TE	\$10,298.52

Halasz Reporting & Video

Superior Document Services

Superior Document Services

Superior Document Services

Superior Document Services

Planet Depos

Superior Document Services

Superior Document Services

Planet Depos

Superior Document Services

Superior Document Services

Planet Depos

Superior Document Services

Superior Document Services

Superior Document Services

Superior Document Services

Superior Document Services

Scott Insurance

Superior Document Services

Superior Document Services

Superior Document Services

Planet Depos

Superior Document Services

(Received on 10/13/20)

Sands Anderson		
Date	Invoice #	Amount
8/7/2020	433530	\$133,312.50
8/15/2020	345192	\$1,120.75
8/31/2020	978747	\$9,984.77
9/18/2020	442067	\$138,075.97
9/30/2020	978847	\$9,739.77
10/7/2020	356355	\$397.50
10/15/2020	443408	\$117,141.00
10/31/2020	978915	\$9,801.20
11/17/2020	448352	\$120,209.55
11/25/2020	N/A	\$10,000.00
12/7/2020	CINV-011172	\$5,412.68
12/12/2020	35371	\$706.00
12/14/2020	P0100158271	\$10,166.20
12/17/2020	453266	\$113,966.75
1/13/2021	457980	\$113,124.75
1/19/2021	CINV-011784	\$15,481.96
1/28/2021	DR40982	\$3,651.37
2/2/2021	CINV-012445	\$30,542.84
2/9/2021	339456	\$1,227.05
2/9/2021	339457	\$641.50
2/17/2021	462742	\$133,253.39
2/23/2021	387076	\$309.75
3/1/2021	P0100169085	\$9,189.30
3/11/2021	P0100172805	\$9,114.30
3/12/2021	467623	\$130,648.00
4/9/2021	P0100176976	\$9,039.30
4/15/2021	472461	\$134,955.15
4/15/2021	398691	\$1,480.55
4/15/2021	398695	\$918.75
4/22/2021	398718	\$695.60
4/22/2021	398721	\$500.00
4/22/2021	402022	\$344.50
5/5/2021	401658	\$739.05
5/6/2021	405174	\$641.50
5/10/2021	16260	\$1,034.00
5/12/2021	P0100183367	\$8,719.30
5/13/2021	407073	\$394.00
5/13/2021	404491	\$437.50
5/13/2021	404493	\$595.85
5/13/2021	477247	\$127,060.37
5/14/2021	404412	\$1,873.45
5/14/2021	404406	\$1,062.50

Planet Depos	
Superior Document Services	(Received on 12/9/20)
Superior Document Services	(Received on 10/27/20)
Planet Depos	
Superior Document Services	(Received on 11/20/20)
Retainer for Experts for Mediation	
Mediation Consultant Invoice	(Received on 3/5/21)
Courier One	
KLDiscovery (formerly Superior Document Services)	
Mediation Consultant Invoice	(Received on 3/5/21)
The McCammon Group	(Received on 3/29/21)
Mediation Consultant Invoice	(Received on 3/5/21)
Planet Depos	
Planet Depos	
Planet Depos	(Received 3/31/21)
KLDiscovery (formerly Superior Document Services)	
KLDiscovery (formerly Superior Document Services)	
	(Received 4/15/21)
KLDiscovery (formerly Superior Document Services)	
Planet Depos	(Received 5/24/21)
Planet Depos	(Received 5/24/21)
Planet Depos	
Planet Depos	
Planet Depos	
Planet Depos	
Rudiger, Green & Kerns	(Received 10/13/21)
KLDiscovery (formerly Superior Document Services)	
Planet Depos	
Planet Depos	
Planet Depos	
Planet Depos	

Sands Anderson		
Date	Invoice #	Amount
5/14/2021	405166	\$790.00
6/4/2021	409309	\$931.25
6/10/2021	P0100188099	\$8,754.30
6/15/2021	482033	\$133,365.05
6/16/2021	N/A	\$52,000.00
7/9/2021	420879	\$350.00
7/15/2021	P0100193199	\$8,679.30
7/22/2021	486778	\$128,239.06
8/6/2021	427284	\$1,561.25
8/6/2021	427280	\$839.50
8/12/2021	P0100197486	\$9,619.30
8/23/2021	P0100198232	\$9,659.30
9/3/2021	432329	\$786.00
9/10/2021	P0100202487	\$8,762.20
9/17/2021	496211	\$120,505.13
10/11/2021	P0100205568	\$9,379.50
10/25/2021	446049	\$1,200.60
10/25/2021	446050	\$641.50
10/26/2021	500972	\$126,954.16
11/1/2021	143233	\$878.00
11/9/2021	P0100211273	\$8,514.50
11/18/2021	505498	\$130,168.18
11/18/2021	451074	\$1,208.95
11/18/2021	451076	\$740.50
12/9/2021	P0100214091	\$8,414.50
12/22/2021	509983	\$115,486.18
1/12/2022	465717	\$442.50
1/13/2022	514569	\$102,870.55
1/24/2022	1025	\$11,550.00
1/25/2022	P0100219963	\$8,414.50
1/25/2022	144545	\$708.00
1/31/2022	469046	\$851.25
2/16/2022	P0100224185	\$8,214.50
2/25/2022	522325	\$103,634.09
Balance		\$4,972,661.78

REVENUE REPORT

DESCRIPTION	FY 2018 - 2019 ACTUAL	FY 2019 - 2020 ACTUAL	FY 2020 - 2021 ACTUAL	PRIOR YEAR ACTUAL TO DATE	FY 2021 - 2022 APPR AMOUNT	FY 2021 - 2022 COLLECTED Y-T-D	% FY 2021-22 COLLECTED	DIFFERENCE CURRENT TO PRIOR YR
** GENERAL FUND **								
GENERAL PROPERTY TAXES								
11010 Real Estate Taxes	28,409,845	32,067,392	25,002,164	13,870,379	31,183,001	19,602,816	62.86%	5,732,437
11020 Public Service Tax	6,026,139	7,000,793	6,846,454	3,508,218	6,600,000	2,628,969	39.83%	(879,249)
11030 Personal Property Tax	16,855,760	16,475,911	20,407,166	12,192,474	18,408,000	11,321,544	61.50%	(870,930)
11040 Machinery & Tools Tax	1,734,980	1,575,439	2,201,349	1,293,376	1,809,000	902,548	49.89%	(390,828)
11050 Mineral Rights	3,087	3,281	1,783	1,783	3,000	3,464	115.45%	1,681
11060 Penalties and Interest	905,562	871,424	982,603	594,527	1,000,000	621,200	62.12%	26,673
* SUBTOTAL *	53,935,373	57,994,240	55,441,519	31,460,756	59,003,001	35,080,541	59.46%	3,619,785
OTHER LOCAL TAXES								
12010 Local Sales, Use, Communications	3,925,330	4,575,698	4,309,845	2,964,238	5,880,000	4,245,185	72.20%	1,280,947
12020 Utility Tax	735,999	741,898	684,710	432,051	760,000	422,746	55.62%	(9,305)
12030 Business License	830,981	977,124	1,149,077	626,723	1,000,000	816,623	81.66%	189,900
12040 Recordation Taxes (Grantee)	481,619	650,593	859,490	531,779	740,000	539,169	72.86%	7,390
12050 Motor Vehicle License Tax	895,786	850,319	932,782	216,423	950,000	194,141	20.44%	(22,282)
12070 Recordation (Grantor) Will	135,524	154,419	199,419	124,750	100,000	138,187	138.19%	13,436
12080 Meals and Beverage Tax	1,015,726	898,042	979,542	575,928	1,000,000	729,101	72.91%	153,173
12090 Cigarette Tax	-	-	-	-	100,000	-	0.00%	-
312100 Lodging Tax	193,895	210,189	291,949	182,839	250,000	227,261	90.90%	44,422
* SUBTOTAL *	8,214,861	9,058,282	9,406,814	5,654,732	10,780,000	7,312,413	67.83%	1,657,682
PERMITS, FEES, AND LICENSES								
13010 Animal License Fees	41,877	32,557	37,586	33,314	45,000	31,026	68.95%	(2,288)
13030 Permits & Other Licenses	729,227	714,136	693,161	422,034	802,561	626,071	78.01%	204,037
130325 Waste Permit Decal Fee	2,061	2,405	2,800	1,380	-	1,390	0.00%	10
* SUBTOTAL *	773,165	749,098	733,547	456,728	847,561	658,487	77.69%	201,759
FINES AND FORFEITURES								
14010 Court Fines	98,148	65,027	109,310	51,224	90,000	72,307	80.34%	21,083
14020 Other Court Costs	-	-142	723	723	-	-	0.00%	(723)
* SUBTOTAL *	98,148	64,885	110,033	51,947	90,000	72,307	80.34%	20,360
USE OF MONEY AND PROPERTY								
15010 Revenue From Use of Money	497,943	432,648	124,732	136,940	250,000	(172,050)	-68.82%	(308,990)
15020 Revenue From Use of Property	375,835	330,399	310,371	201,652	492,000	227,409	46.22%	25,758
* SUBTOTAL *	873,778	763,047	435,103	338,592	742,000	55,359	7.46%	(283,232)

REVENUE REPORT

DESCRIPTION	FY 2018 - 2019 ACTUAL	FY 2019 - 2020 ACTUAL	FY 2020 - 2021 ACTUAL	PRIOR YEAR ACTUAL TO DATE	FY 2021 - 2022 APPR AMOUNT	FY 2021 - 2022 COLLECTED Y-T-D	% FY 2021-22 COLLECTED	DIFFERENCE CURRENT TO PRIOR YR
CHARGES FOR SERVICES								
16010 Charges for Services (Sheriff)	2,396	2,396	2,396	2,396	2,000	-	0.00%	(2,396)
16020 Charges for Commonwealth Att.	4,025	4,426	3,971	2,366	4,000	2,041	51.01%	(325)
16050 Charges for Corrections & Det.	73,220	45,530	68,634	37,135	70,000	47,479	67.83%	10,344
16080 Charges for Sanitation & Waste	1,061,121	1,228,912	982,174	616,429	1,300,000	820,458	63.11%	204,029
16160 Sales of Map Survey	12,239	17,649	9,359	5,339	17,000	6,107	0.00%	768
16170 Sale of Copies - Comm. Of Rev.	756	880	525	375	4,000	500	0.00%	125
16180 Sales of Copies - Treasurer	-	10	-	-	-	-	0.00%	-
16990 Other Charges for Services	7,500	15,780	50,757	27,920	57,500	53,237	92.59%	25,317
* SUBTOTAL *	1,161,256	1,315,583	1,117,817	691,960	1,454,500	929,821	63.93%	237,861
MISCELLENAOUS AND RECOVERED COSTS								
18030 Refunds, Loans, and Fees	1,465,204	649,907	1,283,687	260,438	648,000	218,842	33.77%	(41,596)
18990 Miscellaneous and Recovered Costs	1,040,425	647,263	1,152,211	1,451,964	3,440,211	179,037	5.20%	(1,272,927)
19120 Sale of Recyclable Materials	84,095	56,705	118,284	62,233	90,000	88,343	98.16%	26,110
* SUBTOTAL *	2,589,724	1,353,875	2,554,183	1,774,635	4,178,211	486,223	11.64%	(1,288,412)
STATE REVENUE								
22010 Non-Categorical Aid	213,493	190,468	30,808	26,404	211,000	22,104	10.48%	(4,299)
23010 Shared Expenses - Commonwealth's	420,119	488,698	439,640	272,330	517,756	290,200	56.05%	17,870
23020 Shared Expenses - Sheriff	1,703,155	1,751,230	1,532,260	987,294	1,838,572	1,316,158	71.59%	328,864
23030 Shared Expenses - Commissioner of	157,015	161,757	148,541	93,945	195,008	113,144	58.02%	19,199
23040 Shared Expenses - Treasurer	117,880	111,920	148,541	64,186	128,601	73,738	57.34%	9,552
23060 Shared Expenses - Registrar	42,436	68,361	47,286	-	40,000	-	0.00%	-
23080 Shared Expenses - Clerk of Court	342,858	333,649	311,625	194,185	354,750	210,755	59.41%	16,570
24010 State VPA/Welfare Reimbursement	1,086,228	1,131,478	1,022,353	789,094	1,432,657	862,087	60.17%	72,993
24020 Categorical Aid	1,014,390	866,288	899,464	444,832	1,050,004	370,019	0.00%	(74,813)
24040 Other Categorical Aid	1,031,845	1,211,178	438,807	88,371	1,910,734	388,457	20.33%	300,086
* SUBTOTAL *	6,129,420	6,315,027	5,019,325	2,960,641	7,679,082	3,646,662	47.49%	686,021
FEDERAL REVENUE								
31010 Revenue from the Federal Governme	1,980,125	2,068,016	4,732,976	3,353,903	2,503,051	1,374,063	54.90%	(1,979,840)
* SUBTOTAL *	1,980,125	2,068,016	4,732,976	3,353,903	2,503,051	1,374,063	54.90%	(1,979,840)
INTERGOVERNMENTAL								
41050 Transfers from Other Funds	5,147,179	5,254,583	1,663,481	1,545,066	1,821,581	458,905	25.19%	(1,086,161)
41900 Use of Fund Balance	0	-	-	-	1,805,177	-	0.00%	-
* SUBTOTAL *	5,147,179	5,254,583	1,663,481	1,545,066	3,626,758	458,905	12.65%	(1,086,161)
TOTAL GENERAL FUND REVENUE	80,903,030	84,936,636	81,214,798	48,288,959	90,904,164	50,074,782	55.09%	1,785,823

REVENUE REPORT

DESCRIPTION	FY 2018 - 2019 ACTUAL	FY 2019 - 2020 ACTUAL	FY 2020 - 2021 ACTUAL	PRIOR YEAR ACTUAL TO DATE	FY 2021 - 2022 APPR AMOUNT	FY 2021 - 2022 COLLECTED Y-T-D	% FY 2021-22 COLLECTED	DIFFERENCE CURRENT TO PRIOR YR
** FRONT ROYAL WARREN COUNTY AIRPORT **								
15010 Interest on Bank Deposits	-	-	-	-	-	-	0.00%	-
15020 Hangar Rentals	190,863	192,183	178,607	115,361	220,000	127,100	57.77%	11,739
18990 Miscellaneous Income	1,001	2,000	-	-	-	-	0.00%	-
24040 State Grants	29,408	9,894	4,785	1,365	2,756	36,678	0.00%	35,313
31020 Federal Grants	156,938	50,615	4,250	4,250	-	34,047	0.00%	29,798
41050 Transfer from Other Funds	-	-	-	-	-	-	0.00%	-
TOTAL AIRPORT FUND	378,210	254,692	187,641	120,976	222,756	197,826	88.81%	76,850
** COST RECOVERY **								
Cost Recovery Fees	1,092,766	967,994	695,609	460,928	900,000	513,763	57.08%	52,835
** ECONOMIC DEVELOPMENT AUTHORITY **								
Miscellaneous Income	1,092,766	967,994	695,609	1,254,297	1,785,300	1,175,865	65.86%	(78,432)

EXPENDITURE REPORT

DESCRIPTION		FY 2018 - 2019	FY 2019 - 2020	FY 2020 - 2021	PRIOR YEAR ACTUAL TO DATE	FY 2021 - 2022 APPR AMOUNT	FY 2021 - 2022 Y-T-D AMOUNT	% BUDGET EXPENDED	DIFFERENCE CURRENT TO PRIOR YR
		ACTUAL	ACTUAL	ACTUAL					
GENERAL GOVERNMENT									
11010	Board of Supervisors	919,699	2,404,331	2,160,448	1,092,255	179,000	124,121	69.34%	(968,134)
12020	County Administration	700,293	627,554	596,392	399,919	500,000	333,474	66.69%	(66,445)
12030	Human Resources	-	-	1,924	-	169,900	103,843	61.12%	103,843
12040	County Attorney	214,382	168,366	154,390	99,886	344,000	197,062	57.29%	97,176
12060	Information Technology	-	-	-	-	90,844	315,255	347.03%	315,255
12090	Commissioner of the Revenue	635,865	683,315	696,470	464,642	777,000	486,568	62.62%	21,926
12110	Reassessment	286,286	1,881	1,296	693	422,400	113,010	26.75%	112,317
12130	Treasurer	527,612	498,997	535,950	352,782	572,000	371,291	64.91%	18,509
12150	Finance & Purchasing	325,425	296,187	372,293	240,953	499,500	275,526	55.16%	34,573
13000	Elections	202,918	262,463	279,730	201,438	441,000	238,399	54.06%	36,961
* SUBTOTAL *		3,812,480	4,943,094	4,798,893	2,852,568	3,995,644	2,558,548	64.03%	(294,020)
JUDICIAL ADMINISTRATION									
21010	Circuit Court	28,301	35,751	7,133	5,531	65,400	23,346	35.70%	17,815
21020	General District Court	18,888	17,872	24,706	11,977	24,300	10,840	44.61%	(1,137)
21030	Magistrates	4,104	4,584	4,536	2,827	5,800	3,869	66.70%	1,042
21050	Juvenile and Domestic Court	17,859	18,468	15,604	8,473	19,000	10,382	54.64%	1,909
21060	Clerk of Circuit Court	591,866	577,068	595,585	400,422	638,600	410,837	64.33%	10,415
21080	Law Library	47,729	54,092	57,570	38,218	54,300	39,309	72.39%	1,091
22010	Commonwealth's Attorney	785,036	952,916	1,057,942	693,369	1,103,400	744,457	67.47%	51,088
* SUBTOTAL *		1,493,783	1,660,751	1,763,076	1,160,816	1,910,800	1,243,038	65.05%	82,222
PUBLIC SAFETY									
31020	Sheriff's Department	4,062,799	4,077,795	4,725,508	3,131,748	4,942,207	3,469,713	70.21%	337,965
31040	E-911 System	542,115	622,601	709,678	468,095	956,250	889,199	92.99%	421,104
31050	School Resource	584,491	725,798	826,414	614,277	766,800	394,759	51.48%	(219,518)
32000	Volunteer Fire & Rescue	955,520	1,012,916	1,724,094	1,250,159	1,013,000	286,921	28.32%	(963,238)
33000	Court Services	971,896	960,997	929,591	636,437	998,300	711,017	71.22%	74,580
33030	Probation	63,230	43,332	10,316	3,290	41,000	3,058	7.46%	(232)
34010	Building Inspections	650,795	669,739	738,866	470,806	618,000	418,708	67.75%	(52,098)
35010	Animal Control	649,641	685,432	573,852	387,996	708,054	422,334	59.65%	34,338
35030	Medical Examiner	740	780	680	200	1,000	400	40.00%	200
35050	Fire & Rescue Department	3,086,725	3,338,898	4,012,144	2,740,847	5,406,828	2,982,183	55.16%	241,336
* SUBTOTAL *		11,567,952	12,138,288	14,251,143	9,703,855	15,451,439	9,578,293	61.99%	(125,562)
PUBLIC WORKS									
41010	Public Works/Sanitary Districts	389,345	372,848	487,575	274,520	495,624	293,467	59.21%	18,948
41020	Streets and Highways	17,018	17,818	9,499	4,673	20,000	7,890	39.45%	3,217
42030	Refuse Collection	710,782	753,168	796,471	487,076	803,764	536,365	66.73%	49,289
42035	Refuse Collection/Transfer Station	156,669	183,701	210,292	127,512	226,000	123,615	54.70%	(3,896)
42040	Refuse Disposal	2,414,597	2,695,474	2,546,563	1,510,322	3,006,500	1,584,793	52.71%	74,471
43000	Maintenance of Bldgs. & Grounds	1,223,179	1,484,045	1,769,655	1,080,188	1,421,000	1,141,731	80.35%	61,543
* SUBTOTAL *		4,911,590	5,507,054	5,820,055	3,484,291	5,972,888	3,687,861	61.74%	203,570

EXPENDITURE REPORT

DESCRIPTION		FY 2018 - 2019	FY 2019 - 2020	FY 2020 - 2021	PRIOR YEAR ACTUAL TO DATE	FY 2021 - 2022 APPR AMOUNT	FY 2021 - 2022 Y-T-D AMOUNT	% BUDGET EXPENDED	DIFFERENCE CURRENT TO PRIOR YR
		ACTUAL	ACTUAL	ACTUAL					
HEALTH/WELFARE/PARTNERSHIPS									
51000	Health	355,798	350,963	392,676	296,320	382,412	288,622	75.47%	(7,698)
52000	Mental Health & Disability	32,500	32,500	32,500	199,693	32,500	115,637	355.80%	(84,057)
53000	Social Services	3,943,902	3,820,576	4,015,443	2,663,419	5,045,779	2,868,750	56.85%	205,331
53090	Other Social Services	115,178	115,489	118,289	73,789	110,000	98,300	89.36%	24,511
53500	Comprehensive Services Act	1,731,108	1,678,560	2,026,204	958,217	1,785,000	1,153,781	64.64%	195,564
64010	Regional Partnerships	3,607,210	3,653,113	4,390,466	69,656	4,193,850	2,901,581	69.19%	2,831,925
* SUBTOTAL *		9,785,696	9,651,201	10,975,578	4,261,094	11,549,541	7,426,669	64.30%	3,165,576
PARK, REC & CULTURAL									
71010	Parks & Rec - Administration	772,963	792,983	637,928	426,428	898,718	486,949	0.00%	60,521
71020	Parks & Rec - Rec Programs	53,270	45,646	19,566	9,293	52,577	24,154	45.94%	14,862
71030	Parks & Rec - Maintenance	1,464,175	1,386,698	1,440,844	923,526	1,555,918	981,180	63.06%	57,654
73000	Library, Museums, Cult. Enrich.	994,134	1,006,758	1,018,087	762,815	1,018,100	762,825	74.93%	10
* SUBTOTAL *		3,284,542	3,232,085	3,116,424	2,122,062	3,525,313	2,255,108	63.97%	133,046
COMMUNITY DEVELOPMENT									
81010	Planning & Zoning Administration	436,799	419,519	388,235	272,865	473,000	287,208	60.72%	14,343
81050	Economic Development	54,117	108,234	302,194	302,194	3,282,400	1,954,371	59.54%	1,652,177
82000	Environmental Management	26,045	18,530	20,500	20,500	18,500	20,010	108.16%	(490)
83000	VPI Extension Service	109,101	114,738	111,998	69,339	121,000	78,885	65.19%	9,546
* SUBTOTAL *		626,062	661,021	822,927	664,898	3,894,900	2,340,474	60.09%	1,675,576
MISCELLANEOUS									
91000	Non-Departmental	982,803	782,300	2,682,925	590,434	1,364,956	548,047	40.15%	(42,387)
92000	Capital Outlay	18,547,831	6,774,261	3,410,276	15,861,969	3,589,412	1,228,709	34.23%	(14,633,259)
95000	Debt Service	-	11,351,634	11,686,376	-	11,846,251	7,036,583	59.40%	7,036,583
99010	Transfers to Other Funds	27,333,773	27,057,371	29,079,883	14,003,215	27,803,020	15,331,558	55.14%	1,328,343
* SUBTOTAL *		46,864,407	45,965,566	46,859,459	30,455,618	44,603,639	24,144,897	54.13%	(6,310,721)
TOTAL GENERAL FUND		82,346,512	83,759,060	88,407,555	54,705,201	90,904,164	53,234,889	58.56%	(1,470,312)
81 AIRPORT FUND									
	Operating Expenditures	369,736	226,983	179,874	85,303	222,756	213,449	95.82%	128,146
	Transfer to General Fund	21,335	20,105	-	-	-	-	0.00%	-
* SUBTOTAL *		391,071	247,088	179,874	85,303	222,756	213,449	95.82%	128,146
83 COST RECOVERY FUND									
	Operating Expenditures	597,225	295,811	797,009	467,316	958,042	188,901	19.72%	(278,415)
94 ECONOMIC DEVELOPMENT AUTHORITY									
	Operating Expenditures	-	1,634,541	1,457,290	926,125	1,785,300	779,385	43.66%	(146,740)

Warren County Expense Report

Between February 1, 2022 and February 28, 2022

	This Month	Last Month	Difference	Avg. Month	Difference
Full-Time	\$ 10,548,658	\$ 10,362,824	\$ 185,834	\$ 8,754,705	\$ 1,793,953
Part-Time	\$ 97,126	\$ 104,776	\$ (7,650)	\$ 114,803	\$ (17,677)
Overtime	\$ 137,678	\$ 140,632	\$ (2,954)	\$ 109,477	\$ 28,201
Salaries	\$ 10,783,461	\$ 10,608,232	\$ 175,230	\$ 8,978,985	\$ 1,804,476
Health Insurance	\$ 152,227	\$ 166,393	\$ (14,166)	\$ 163,187	\$ (10,959)
VRS	\$ 107,818	\$ 105,103	\$ 2,715	\$ 105,421	\$ 2,397
Other	\$ 109,790	\$ 109,139	\$ 652	\$ 107,972	\$ 1,819
Benefits	\$ 369,836	\$ 380,635	\$ (10,799)	\$ 376,580	\$ (6,744)
Professional Services	\$ 174,550	\$ 236,771	\$ (62,221)	\$ 141,008	\$ 33,542
Legal Services	\$ 5,742	\$ 1,813	\$ 3,929	\$ 8,478	\$ (2,737)
Repairs & Maintenance	\$ 2,374	\$ 2,029	\$ 345	\$ 4,713	\$ (2,339)
Contracts	\$ 11,252	\$ 40,114	\$ (28,862)	\$ 44,063	\$ (32,811)
Other	\$ 204,724	\$ 703,907	\$ (499,183)	\$ 297,459	\$ (92,734)
Services	\$ 398,642	\$ 984,633	\$ (585,992)	\$ 495,721	\$ (97,079)
Electric	\$ 30,249	\$ 34,050	\$ (3,800)	\$ 37,663	\$ (7,414)
Water & Sewer	\$ 5,080	\$ 4,321	\$ 759	\$ 3,980	\$ 1,100
Fuel	\$ 13,373	\$ 21,550	\$ (8,177)	\$ 3,084	\$ 10,289
Cable	\$ 1,359	\$ 3,706	\$ (2,347)	\$ 1,012	\$ 348
Telephone	\$ 15,676	\$ 28,973	\$ (13,297)	\$ 16,885	\$ (1,209)
Other	\$ 199,442	\$ 170,116	\$ 29,327	\$ 193,977	\$ 5,465
Utilities	\$ 265,180	\$ 262,716	\$ 2,464	\$ 256,601	\$ 8,579
Office	\$ 11,710	\$ 7,239	\$ 4,471	\$ 7,653	\$ 4,057
Repairs & Maintenance	\$ 82,773	\$ 20,794	\$ 61,980	\$ 46,022	\$ 36,752
Motor Vehicles	\$ 69,241	\$ 42,356	\$ 26,885	\$ 51,110	\$ 18,130
Internal Projects	\$ 775	\$ 25,505	\$ (24,730)	\$ 48,921	\$ (48,146)
Travel, Training, Dues	\$ 80,712	\$ 4,464	\$ 76,249	\$ 36,634	\$ 44,078
Other	\$ 843,191	\$ 646,938	\$ 196,252	\$ 626,285	\$ 216,906
Supplies	\$ 1,088,403	\$ 747,296	\$ 341,106	\$ 816,625	\$ 271,778
Machinery & Equipment	\$ 13,085	\$ 523,863	\$ (510,779)	\$ 58,198	\$ (45,113)
Vehicles	\$ -	\$ -	\$ -	\$ 9,960	\$ (9,960)
Computer Equipment	\$ 15,206	\$ 5,858	\$ 9,348	\$ 8,337	\$ 6,868
Other	\$ 268,200	\$ 49,867	\$ 218,333	\$ 545,832	\$ (277,632)
Assets	\$ 296,490	\$ 579,588	\$ (283,098)	\$ 622,328	\$ (325,837)
Building Improvements	\$ 718	\$ -	\$ 718	\$ 6,759	\$ (6,041)
Equipment Rental	\$ 3,145	\$ 4,157	\$ (1,012)	\$ 3,643	\$ (498)
Other	\$ 212,380	\$ 169,777	\$ 42,603	\$ 82,651	\$ 129,729
Debt Principal	\$ -	\$ -	\$ -	\$ 911,600	\$ (911,600)
Debt Interest	\$ -	\$ -	\$ -	\$ 198,917	\$ (198,917)
Capital Projects & Debt	\$ 216,243	\$ 173,934	\$ 42,309	\$ 1,203,570	\$ (987,327)
Total	\$ 13,418,254	\$ 13,737,034	\$ (318,780)	\$ 12,750,409	\$ 667,845

Warren County Expense Report

Fiscal Year 2021 - 2022

Month	Salaries	Benefits	Services	Utilities	Supplies	Assets	Capital
July	\$ 3,984,588	\$ 366,898	\$ 40,523	\$ 70,271	\$ 759,284	\$ 1,092,642	\$ (110,866)
August	\$ 9,445,035	\$ 380,131	\$ 699,441	\$ 497,961	\$ 610,501	\$ 204,374	\$ 117,194
September	\$ 9,767,185	\$ 397,383	\$ 803,086	\$ 152,997	\$ 824,775	\$ 1,403,730	\$ 115,181
Quarter 1	\$ 23,196,808	\$ 1,144,412	\$ 1,543,050	\$ 721,228	\$ 2,194,560	\$ 2,700,746	\$ 121,509
October	\$ 10,914,655	\$ 368,651	\$ 536,912	\$ 296,597	\$ 800,162	\$ 114,402	\$ 5,680,098
November	\$ 12,542,465	\$ 392,755	\$ 686,608	\$ 269,658	\$ 472,840	\$ 436,732	\$ 547,228
December	\$ 12,246,910	\$ 394,740	\$ 606,211	\$ 277,730	\$ 448,600	\$ 1,069,881	\$ 267,730
Quarter 2	\$ 35,704,030	\$ 1,156,146	\$ 1,829,731	\$ 843,985	\$ 1,721,602	\$ 1,621,016	\$ 6,495,056
January	\$ 10,608,232	\$ 380,635	\$ 984,633	\$ 262,716	\$ 747,296	\$ 579,588	\$ 173,934
February	\$ 10,783,461	\$ 369,836	\$ 398,642	\$ 265,180	\$ 1,088,403	\$ 296,490	\$ 216,243
March							
Quarter 3	\$ 21,391,693	\$ 750,470	\$ 1,383,275	\$ 527,896	\$ 1,835,699	\$ 876,079	\$ 390,176
April							
May							
June							
Quarter 4	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Annual	0	0	0	0	0	0	0

Comments

Costs have remained somewhat consistent across the last few months. Overall, spending is slightly under last year due mostly to no large capital costs being incurred. There was a significant increase in supplies in February, due mostly to one-time payments for insurance premiums currently coded to that category. Services are likely down due to payment timing issues.



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT	PAGE 1 OF
March 15, 2022	G-1	Agreement for the County to provide building permit and inspection services for the Town of Front Royal	
<u>EXPLANATION & SUMMARY:</u> Warren County has been providing building permit and inspection services for the Town of Front Royal since February 8, 1983. The Town Manager terminated the agreement effective Jan. 3, 2022. This agreement provides for resumption of building permit and inspection services for the Town of Front Royal upon adoption by both parties. <u>COST & FINANCING:</u> The cost the program was included in the current budget and will be included in the Fiscal Year 2023 proposed budget and the Fiscal Year 2024 preliminary budget. <u>PROPOSED OR SUGGESTED MOTION:</u> I move the Board of Supervisors approve this agreement to provide building permit and inspection services for the Town of Front Royal.			
SUBMITTED BY: Edwin C. Daley, County Administrator	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)		PROCESSED BY:

**AGREEMENT TO PROMOTE AND SUPPORT DEVELOPMENT IN
FRONT ROYAL, VIRGINIA REGARDING BUILDING CODE ENFORCEMENT**

THIS AGREEMENT TO PROMOTE AND SUPPORT DEVELOPMENT IN FRONT ROYAL, VIRGINIA REGARDING BUILDING CODE ENFORCEMENT (the “Agreement”), made this ____ day of _____, 2022 by and between the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia, (the “County”), and the Town of Front Royal, Virginia, a political subdivision of the Commonwealth of Virginia, (the “Town”);

WHEREAS, the Town and the County desire to facilitate and support private sector efforts to continue construction projects thereby promoting the public welfare and employment opportunities in the most economical manner; and

WHEREAS, the Town terminated the Town-County Agreement of February 8, 1983, which designated responsibility for enforcement of all aspects of the Virginia Uniform Statewide Building Code within the Town limits to the County; and

WHEREAS, the Town instituted a separate building permit and inspections program effective January 3, 2022; and

WHEREAS, Town residents are also County residents, and a singular County-wide building inspections program is more cost-effective and provides better service for the community.

NOW, THEREFORE THE PARTIES AGREE AS FOLLOWS:

- 1) The Town building permit and inspection program is terminated effective as of the date of this Agreement.
- 2) The County shall provide County-wide, inclusive of the Town, Uniform Statewide Building Code enforcement services pursuant to Code of Virginia § 36-105 and Local Erosion and Sediment Control Programs pursuant to Code of Virginia § 10.1-562 effective as of the date of this Agreement. The County shall not enforce the Building Code portions that pertain to maintenance, or dilapidated or blighted properties in the Town.
- 3) Town staff will participate in the Development Review Committee monthly meetings with staff from Warren County, Rappahannock Electric Cooperative, Virginia Department of Transportation, Warren County Health Department, Economic Development, Fire and

Rescue, and the Chamber of Commerce to share project information and provide coordinated information to private sector representatives.

- 4) The Town will continue the partnership with the County by using the EnerGov/Tyler Technologies permitting software initiated jointly, and the Town will continue to pay 25% of the cost thereof.
- 5) This Agreement shall continue until the later of 1/1/2027 or sixty days after written notice is provided by either party.
- 6) The Town shall provide zoning and permitting information to the Commissioner of the Revenue of Warren County on a timely basis but not later than ten days after receipt thereof by the Town of such information to ensure correct property valuations and assessment.
- 7) Any dispute concerning the performance or interpretation of this Agreement shall be adjudicated in the General District or Circuit Courts of Warren County, Virginia.
- 8) This Agreement constitutes the entire understanding and agreement among the parties with respect to the matters set forth herein and supersedes all prior or contemporaneous understandings or agreements among the parties with respect to the subject matter hereof, whether oral or written.
- 9) This Agreement constitutes a fully negotiated agreement among sophisticated parties, with the assistance of legal counsel, and must not be construed and interpreted for or against any party thereto.

This Agreement to Promote and Support Development in Front Royal, Virginia Regarding Building Code Enforcement has been duly authorized and approved by the Town Council of the Town of Front Royal, Virginia and the Board of Supervisors of Warren County, Virginia and the Mayor of the Town and the Chairman of the Board are authorized to execute the same.

WITNESS the following signatures:

Mayor
Town of Front Royal, Virginia

Chairman
Board of Supervisors of
Warren County, Virginia



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
March 15, 2022	G-2	Memorandum of Agreement with the Town of Front Royal for Destination Marketing Organization Services Provided by Discover Front Royal	

EXPLANATION & SUMMARY:

Since June 21, 1993, the Town had been responsible for funding the Visitor's Center and tourism for the community as the vast majority of beneficiaries were located inside the limits of the Town. In 2017, due to significant growth outside of the Town's limits, the County adopted an ordinance that increased the transient occupancy tax from two percent (2%) to five percent (5%).

The County and Town entered into a Memorandum of Agreement that established the Front Royal-Warren County Joint Tourism Advisory, investing additional resources into branding and marketing the community as a destination, and to enhance the many amenities in the community. The Town and County appointed the Advisory Committee to advise, assist, support, and advocate for tourism policies, program, and activities to market and promote Front Royal-Warren County and its environs, and to serve as the "local tourism industry organization" referred to in Section 58.1-3819 of the Code of Virginia, as amended.

The Town and County amended the Advisory Committee's name to "Front Royal Warren County Joint Tourism Committee," and entered into a new Memorandum of Agreement to establish an eleven (11) member committee defining the working relationship between the Town and County for the conduct of work of the Joint Tourism Program. Further the Town and County contributed financially to a Destination Marketing Organization, to provide visitor services, marketing and advertising for the community, research, and more. The Destination Marketing Organization was mutually selected to provide oversight for strategic planning and budgeting as well as a partner liaison from a Request For Proposals issued and subsequently contracted by the Town in accordance with the Virginia Public Procurement Act.

A new Front Royal-Warren County Joint Tourism Memorandum of Agreement with the Town of Front Royal follows for the Joint Tourism Committee to create "Discover Front Royal", a 501C6 non-profit organization. Discover Front Royal shall become the Destination Marketing Organization of Front Royal and Warren County and serve as the sole tourism authority.

The Board is requested to review and approve the Memorandum of Agreement as presented, contingent upon Town Council approval.

COST & FINANCING:

Funding for this MOA is available in the FY22 budget. Subsequent funding is contingent upon Board adoption.

PROPOSED OR SUGGESTED MOTION:

I move the Board of Supervisors approve the Front Royal-Warren County Joint Tourism Memorandum of Agreement as presented. I further authorize the Chair and County Administrator to execute the agreement on behalf of Warren County.

or

I move the Board of Supervisors do not approve the Memorandum of Agreement as presented.

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

Memorandum of Agreement

*Of the Board of Supervisors of Warren County
And the Town of Front Royal*

FRONT ROYAL–WARREN COUNTY JOINT TOURISM

This **MEMORANDUM OF AGREEMENT** made this ____ day of _____, 2022 by and between the **Town of Front Royal, Virginia**, hereinafter referred to as the “Town”, and the **County of Warren, Virginia**, hereinafter referred to as the “County”, collectively hereinafter referred to as the “Parties”, stipulates that the Parties agree to the following:

I. PURPOSE

Since June 21, 1993, the Town had been responsible for funding the Visitor’s Center and tourism for the community as most hotels, motels, and restaurants that benefitted from tourism were located inside the limits of the Town. However, there was significant growth of the lodging industry in the County and outside of the Town’s limits. As a result, the County adopted an ordinance that increased the transient occupancy tax from two percent (2%) to five percent (5%). This increase became effective on July 1, 2017.

Upon the County adopting ordinance, the Parties entered into a Memorandum of Agreement that established the Front Royal-Warren County “Joint Tourism Advisory Committee”, hereinafter the “Committee”. The Parties wished to put additional resources into branding and marketing the community as a destination and to provide additional support and to enhance the restaurants, lodging establishments, and the many amenities to the community. The Parties appointed the Advisory Committee to advise, assist, support, and advocate for tourism policies, program, and activities to market and promote Front Royal-Warren County and its environs, and to serve as the “local tourism industry organization” referred to in Section 58.1-3819 of the Code of Virginia, as amended.

In January 2021, the Parties entered into an updated Memorandum of Agreement, tasking the Committee to direct, promote, and manage tourism development in the Front Royal and Warren County community after the Parties mutually selected a tourism marketing firm to set up a “Destination Marketing Organization”, hereinafter referred to as “DMO”. The procurement method was competitive negotiation, pursuant to the Virginia Public Procurement Act, where the Town solicited and subsequently publicly contracted with the tourism marketing firm. While the County was assigned fiscal responsibility, both Parties equally appropriated and contributed to payment upon Committee approval.

Formatted: Not Highlight

Formatted: Not Highlight

3/10/2022 2:25 PM

Presently, all appropriations, roles, and responsibilities of the Committee and Parties shall remain until a 501c6 non-profit organization titled Discover Front Royal is established by the Committee. Discover Front Royal shall become the DMO of Front Royal and Warren County and shall serve as the sole tourism authority for the Parties. Any tourism expenditures outside the obligations shall coordinate with Discover Front Royal. In partnership with the Town of Front Royal's Special Event Policies and Procedures, special events categorized as a "Community Gathering" or "Community", may be hosted by the Parties.

Formatted: Not Highlight

Formatted: Not Highlight

II. DEFINITIONS

Local Lodging Partner – Referred to in Va. Code § 58.1-3819 of the Code of Virginia as amended includes hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.

Tourism - In accordance with Code of Virginia § 58.1-3819 and the Town of Front Royal Special Event Permit Policies and Procedures, as amended, attracts travelers to the locality, increases occupancy at lodging properties, and generates tourism revenues in the locality.

Formatted: Not Highlight

Community Gathering/Event – Referred to in the Town of Front Royal's Special Event Permit Policies and Procedures, as amended, draw attendance less than 1,000 people, and are intended, in general to benefit the residents of Front Royal and Warren County.

Formatted: Not Highlight

III. OBLIGATIONS

The Committee shall:

1. Create a 501c6 organization named Discover Front Royal. Once the non-profit is created, the Committee shall dissolve.

Discover Front Royal shall:

1. Become the Virginia Tourism Corporation's (VTC) "Destination Marketing Organization" of record.
2. Accept transfer of all assets, social media, and any other content previously created for and associated with "Discover Front Royal".
2. Manage the Plan of Work and Visitors Center by directing and promoting tourism in the Front Royal-Warren County community to increase overall tourism revenue.
3. Submit and present upcoming fiscal budget by January 1st each year to the Parties that includes the budget, funding plan, and all grants, donations, and gifts.
3. Present a report, on a quarterly basis, on the Contract Performance Metrics-METRICS to the Warren County Board of Supervisors and Front Royal Town Council.
4. Be funded at a minimum by the transient occupancy tax dedicated to tourism by the County and matched equal by the Town from 50% to 70% of a 5-year rolling average of actual revenue received from transient occupancy tax by the Town.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

3/10/2022 2:25 PM

5. Select and appoint non-profit Board Members.
6. Encourage individuals, businesses and both Parties to achieve “Goals of Parties” outlined in section IV.

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

The Town of Front Royal shall:

1. Designate one member of Council and one member of Town staff to the Discover Front Royal Board as non-voting members to achieve “Goals of Parties” outlined in section IV.
2. Fund Discover Front Royal at a minimum the transient occupancy tax dedicated to tourism by the County and provide an equal match from 50% to 70% of a 5-year rolling average of actual revenue received from transient occupancy tax by the Town.
3. Lease the Visitors Center to Discover Front Royal.
4. Transfer the VTC “Destination Marketing Organization” recording to Discover Front Royal.
5. Transfer of all assets, social media, and any other content previously created for and associated with “Discover Front Royal” to the Discover Front Royal non-profit organization.

The County of Warren, Virginia shall:

1. Designate one member of the Board of Supervisors and one member of County staff to the Discover Front Royal Board as non-voting members to achieve “Goals of Parties” outlined in section IV.
2. Annually budget and equally appropriate to Discover Front Royal, at a minimum, the amount of its transient occupancy tax designated for tourism and travel marketing based upon Section 58.1-3819 of the Virginia Code, as amended.
3. Fund at a minimum the transient occupancy tax dedicated to tourism and matched equal by the Town from 50% to 70% of a 5-year rolling average of actual revenue received from transient occupancy tax by the Town.

IV. GOALS OF PARTIES

1. *Citizen Understanding* - Increase the economic value of tourism and travel to the Town of Front Royal and County of Warren and its citizens and businesses and encourages inter-community collaboration on all matters relating to tourism development and promotion.
2. *Tourism* - Broaden awareness of the community's existing attractions, both natural and man-made, its heritage and historic sites, and services provided for travelers. This effort shall include awareness within the tourism industry and among the traveling public, with emphasis on regional initiatives whenever possible.

3/10/2022 2:25 PM

3. *Hospitality* - Ensure that travelers to and through Front Royal-Warren County are served hospitably and have ready access to information on tourist services and points of interest.
4. *Tourism Development* — Pursue, with the two Economic Development Authorities of both Parties, an overall economic development program to include the development of additional visitor accommodations such as lodging and conference facilities, restaurants, campgrounds, public parks, and other attractions.
5. *Scenic Beauty* - Encourage programs whose purpose(s) are to preserve and enhance the scenic beauty of the Parties, particularly along its public highways.

V. AMENDMENTS

This Memorandum of Agreement may be amended or altered in whole or in part upon approval by the Front Royal Town Council and the Warren County Board of Supervisors. This Memorandum of Agreement may be terminated by either party within ninety (90) days written notice given to the other party.

3/10/2022 2:25 PM

Approved by the County of Warren Board of Supervisors on the ____ day of _____, 2022.

FOR THE COUNTY OF WARREN, VIRGINIA

Cheryl L. Cullers, Chair, Board of Supervisors

Attest:

Dr. Edwin C. Daley, County Administrator

Approved by the Front Royal Town Council on the ____ day of _____, 2022.

FOR THE TOWN OF FRONT ROYAL, VIRGINIA

Chris W. Holloway, Mayor, Town of Front Royal

Attest:

Tina L. Presley, Clerk of Town Council

Approved as to Form:

Caitlin W. Jordan, Senior Assistant County Attorney, County of Warren, Virginia

George Sonnet, Assistant Town Attorney, Town of Front Royal

Town of Front Royal Destination Marketing Organization Services

Contract Performance Metrics

The following outline key performance indicators or metrics to be considered for the success of the contract between the Town of Front Royal (Town) and the County of Warren (County) and JLL as the contractor for providing Destination Marketing Organization (DMO) services.

1. Organizational Formation – lead development and support partners in the execution to stand up the new organization. This will include directly leading aspects of the formation as well as working with partners from the Town and/or County or private entities as needed including legal and financial servicers.
 - a. Completion of standing up the new 501c6 non-profit organization
 - b. Completion of bylaws and filing of articles of incorporation
 - c. Support Board formation
 - d. Develop Board orientation packet including Board roles and responsibilities
 - e. Develop a contract or memorandum of understanding between the Town and/or County and the new 501c6 non-profit organization to include multi-year terms and additional KPIs. JLL understands that this contract for DMO services will be transferred to the new 501c6 non-profit organization after formation.
2. Organizational Management
 - a. Completion of budget development – this was developed during the proposal submission stage, however the Board will need to review and adopt the final budget.
 - b. Complete recruitment and onboarding of full time and part time staff.
 - c. Manage all staff positions.
 - d. Develop and execute contracts with any third-party vendors on behalf of the new 501c6 non-profit organization
 - e. Conduct annual planning session to include Board
 - f. Manage Board seats, terms and appointments
 - g. Develop Board reports and manage all reporting
3. Completion of Contract Tasks
 - a. See proposal attached to contract.
4. Marketing KPIs – goals to be set during annual meeting
 - a. Website traffic and engagement
 - i. Page hits, navigation and bounce rates
 - ii. Inquiries
 - b. Social media platform engagement
 - i. Followers, likes and comments
 - ii. Referrals
 - iii. Inquiries
 - c. Direct marketing advertising campaigns



- i. Targeted audience development
 - ii. Performance of campaigns
 - 1. Open rate
 - 2. Click through rates
 - 3. Visitor conversion indicators (purchases, response to call to action)
- d. Public Relations
 - i. Positive PR pickup
 - 1. Story pitches to local and regional media outlets
 - ii. Paid media pick up through travel writers, influencers, etc.
- e. Sales
 - i. Completion of event guide
 - ii. Inquiries for sales related materials
 - iii. Qualified referrals to partners

On an annual basis goals will be set and quantified for performance against the above KPIs where applicable. JLL will track performance against those goals and measure growth rates on a monthly basis. JLL will create a dashboard to manage reporting to the Board as well as the Town and County.

2022 Town of Front Royal Events

April

4/23 Earth Day Celebration

May

5/6 Front Porch Friday

5/28 Music at the Gazebo

5/30 Memorial Day Ceremony

June

6/3 Front Porch Friday

6/25 Music at the Gazebo

July

7/3 Independence Day Celebration

7/30 Music at the Gazebo

August

8/2 National Night Out

8/5 Front Porch Friday

8/27 Music at the Gazebo

September

9/2 Front Porch Friday

9/24 Music at the Gazebo

October

10/7 Front Porch Friday

10/29 Music at the Gazebo

10/31 Hometown Halloween

November

11/11 Veterans Day Ceremony

11/26 Tree Lighting Ceremony

December

12/3 Christmas Parade



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE March 15, 2022	ITEM G-3	SUBJECT: Award for 2 HVAC Rooftop Replacement Units at the Health & Human Services Building	PAGE 1 OF
<u>EXPLANATION & SUMMARY:</u> The Finance and Purchasing Department worked with the Warren County Public Schools to solicit bids to replace two (2) like for like HVAC roof top units at the Health & Human Services Building. The solicitation also included replacing the leaking roof curb. I have confirmed with Warren County Public Schools' facilities staff, County facilities staff, and the potential bidder that this roof curb needs to be replaced. Pursuant to § 2.2-4302.2 of the Virginia Public Procurement Act, an Invitation for Bids (IB) was issued, and three (3) bids returned. On March 4th, a public bid opening was held, attached is the bid tabulation. The award for an IFB is issued to the lowest responsive and responsible bidder. Aire Serv of Bull run met the bid requirements and offered \$61,455.00 for the unit replacements and \$6,400.00 for the new roof curb. Upon Notice to Proceed, Aire Serve of Bull Run will perform the services of replacing both Carrier units with new and unused Carrier units and replace the roof curb. <u>COST & FINANCING:</u> Funding for this purchase in the amount of \$67,855.00 is available in Special Projects. <u>PROPOSED OR SUGGESTED MOTION:</u> I move the Board of Supervisors authorize the County Administer to sign a purchase order and award Aire Serve of Bull Run \$67,855 to replace both HVAC units and the roof curb at the Health & Human Services Building on behalf of Warren County. or I move the Board of Supervisors do not authorize the County Administer to sign a purchase order and award Aire Serve of Bull Run \$67,855 to replace both HVAC units and the roof curb at the Health & Human Services Building on behalf of Warren County.			
SUBMITTED BY: Alisa Scott, Deputy Finance Director	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)		PROCESSED BY:



Bid Tabulation Sheet / IFB #2022-002
465 W 15th Street Roof Top Unit Replacement
Bid Opening / Friday, March 4, 2022 2:00 P.M.

Company	Nova Facility Solutions, Inc	Colonial Webb Contractors	Aire Serv of Bull Run	
Roof Top Unit Replacement				
Base Bid	\$73,899.00	\$91,596.00	\$61,455.00	
Alternate Bid				
New Roof Curb	\$24, 899.00	\$20,000.00	\$6,400.00	

Bids Opened By: G. Livesay

Witness: A. Scott

Date: March 4, 2022

B. Helmick



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT	PAGE
March 15, 2022	H-1	Ordinance Repeal Warren County Code Section §66-34, "Bounties for Coyotes"	1 OF 1

EXPLANATION & SUMMARY:

On May 2, 2000, the Board of Supervisors adopted Section 66-34 of the Warren County Code, which awards a \$50 bounty to any person who kills a coyote according to certain criteria set forth in the ordinance. Currently, the ordinance limits the total amount of bounties awarded within a given fiscal year to \$3,000.00 minimum, a total of 60 bounties per year.

On July 16, 2019, the Board of Supervisors amended Section 66-34(D) to increase the annual cap from \$2,000.00 to \$3,000.00 per year to meet increasing coyote boundaries.

In November 2020, the Warren County Sheriff's Office requested that the Board of Supervisors repeal Section 66-34 of the Warren County Code. First, many of the individuals claiming bounties for killing coyotes have already been compensated by the landowners, and most of them live outside of Warren County. Second, the Department of Game and Inland Fisheries have issued a letter explaining that coyote bounties are not an effective tool for population control. The Board of Supervisors held a public hearing on January 19, 2021 to repeal Section 66-34, "Bounties for coyotes", but the Board elected to keep the Code Section in place at that time and directed staff to look into alternative methods to reduce the coyote population in Warren County. The minutes from the January 19, 2021 meeting are attached for reference.

At this time, it is the desire of the Board to reconsider repealing Warren County Code Section 66-34.

The Board of Supervisors must first hold a public hearing before repealing said ordinance.

COST AND FINANCING:

There will be no cost associated; the repeal will in fact void the remaining appropriations for line item 35010-5802: Claims

PROPOSED OR SUGGESTED MOTIONS:

I move the Board of Supervisors adopt the ordinance to repeal Warren County Code Section 66-34, "Bounties for Coyotes".

-OR-

I move the Board of Supervisors not adopt the ordinance to repeal Warren County Code Section 66-34.

-OR-

I move the Board of Supervisors postpone this item until _____.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER	PROCESSED BY:
Caitlin W. Jordan, Sr. Assistant County Attorney	(DESCRIBE)	

ORDINANCE TO REPEAL SECTION 66-34 OF THE WARREN COUNTY CODE

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 66-34 of the Warren County Code (Bounties for coyotes) be repealed as follows:

Chapter 66. Animals

Article VI. Coyotes

~~§66-34 Bounties for coyotes.~~

- A. ~~Provided there are still unexpended and unappropriated funds available in any given annual County budget for such purpose, there shall be a bounty in the amount of \$50 paid to any person who meets the criteria set forth in this section who applies for such payment to the Board of Supervisors for each coyote killed within the boundaries of Warren County; provided, however, prior to being entitled to such payment, such person shall furnish reasonable proof satisfactory to the Animal Control Officer and to the Board of Supervisors that:~~
- ~~(1) The animal for which the bounty is claimed is a coyote; and~~
 - ~~(2) Such coyote was killed within 72 hours before the application was made for the bounty; and~~
 - ~~(3) Such coyote was killed in Warren County; and~~
 - ~~(4) Based on a sworn statement on a form furnished by the Animal Control Officer and signed by the applicant and the owner or tenant in possession of the property on which the coyote was killed, such coyote was killed either:~~
 - ~~(a) On the applicant's own property; or~~
 - ~~(b) On property which the applicant is the lawful tenant in possession; or~~
 - ~~(c) On property in which such person has:~~
 - ~~[1] The written permission of the owner or lawful tenant in possession to kill such coyote; and~~
 - ~~[2] Written acknowledgement of the owner or lawful tenant in possession that such coyote was killed on such owner's or tenant in possession's property; and~~
 - ~~(5) That such coyote was killed either:~~
 - ~~(a) By the owner of livestock, as defined in § 66-1 of this Code; or~~
 - ~~(b) By a person who produces written certification that he has completed a coyote educational program approved by resolution of the Board of Supervisors.~~
- B. ~~The Animal Control Officer shall certify in writing his finding as to being satisfied with such proof to the Board of Supervisors prior to its action on the application for payment of the bounty.~~

~~C. The Animal Control Officer shall keep a written record of all applications made for a bounty, such record to include:~~

~~(1) The name, address, and telephone number of the applicant.~~

~~(2) The type of animal, including a physical description thereof, which was killed.~~

~~(3) The name and address, if known, of the owner of any animal, if not a coyote, killed for which application for a bounty was made.~~

~~D. The total dollar amount of bounties to be paid under the Article VI shall not exceed the sum of \$3,000 within a given fiscal year; provided, however, that such limit may be increased in a given year by duly adopted resolution of the Board of Supervisors of Warren County.~~

~~{Amended 8-20-2019}~~

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION.

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

Language proposed to be added is underlined.

Public Hearing – Ordinance to Repeal Section 66-34 (Bounties for coyotes) of the Warren County Code – Caitlin Jordan

Ms. Jordan and Sgt. Gomez reported on May 2, 2000, the Board of Supervisors adopted Section 66-34 of the Warren County Code, which awards a \$50 bounty to any person who kills a coyote according to certain criteria set forth in the ordinance. Currently, the ordinance limits the total amount of bounties awarded within a given fiscal year to \$3,000 maximum, a total of sixty (60) bounties per year. Since 2010, the total amount of coyote bounties awarded each year has surpassed the annual cap. On July 16, 2019, the Board of Supervisors amended Section 66-34(D) to increase the annual cap from \$2,000 to \$3,000 per year to meet increasing coyote bounties.

However, the Warren County Sheriff's Office has requested that the Board of Supervisors repeal Section 66-34 of the Warren County Code. First, many of the individuals claiming bounties for killing coyotes have already been compensated by the landowners, and most of them live outside of Warren County. Second, the Virginia Department of Wildlife Resources (formerly the Department of Game and Inland Fisheries) have issued a letter explaining that coyote bounties are not an effective tool for population control. The letter is attached for your review.

It is the opinion of the Sheriff's Office that Section 66-34, "Bounties for Coyotes" should be repealed due to the increasing cost to the County of Warren and to the little to no impact said bounties have had on the coyote population. Sgt. Gomez also introduced Michael Fies with the Virginia Department of Wildlife Resources to answer any questions the Board members may have regarding this proposed ordinance.

Mrs. Cullers opened the public hearing.

Amos Mitchell, 3637 Mountain Road, said he owns two farms, one where he lives and another on the North Fork of the Shenandoah River. He realizes hunters are not going to kill all the coyotes, but he believes bounties should continue because they are a great incentive for people to hunt coyotes while not being very expensive for the County. He thinks the County and its citizens should work together to lower the coyote population.

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

Mr. Fox wondered if increasing the amount of the bounty would help cull the coyote population, and Mr. Fies replied while that could result in more coyotes being killed, he doubted it would change the end result of the overall coyote population in the County. Over 60% of the total population of coyotes would have to be killed each and every year to have a substantial and lasting effect, and there is a universal lack of support for coyote bounties across the nation.

Mrs. Oates asked if there are other methods that could work in tandem with bounties to reduce the coyote population, and Mr. Fies responded it is an unfortunately futile

endeavor. People simply cannot kill enough coyotes quickly enough to have a lasting impact on the overall population. A targeted approach may work at the farm level but not at the landscape level, such as for a locality.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors did not adopt the proposed ordinance to repeal Section 66-34 of the Warren County Code and further requested staff to look into alternative methods to reduce the coyote population in Warren County:

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

NEW FISCAL YEAR

Colton, James	1	50.00	7/16/2019
Vaught, Matthew	1	50.00	7/16/2019
Colton, James	1	50.00	8/6/2019
Bowers, Donald	3	150.00	8/20/2019
Davison, Benjamin	1	50.00	8/20/2019
Fincham, Jr., James	1	50.00	8/20/2019
Hupman, William	1	50.00	9/3/2019
Bowers, Donald	4	200.00	9/17/2019
Keller, Dennis	1	50.00	9/17/2019
Bowers, Donald	5	250.00	10/1/2019
Thomas, Kevin	3	150.00	10/1/2019
Colton, James	2	100.00	10/15/2019
Davis, Tyler	1	50.00	11/6/2019
Atwood, William	1	50.00	11/19/2019
Colton, James	1	50.00	11/19/2019
Davis, Gail	1	50.00	11/19/2019
Garniger, Kurt	1	50.00	11/19/2019
Jewel, Ryan	1	50.00	11/19/2019
Barbe, Michael	1	50.00	12/10/2019
Beach, George III	3	150.00	12/10/2019
Bowers, Donald	2	100.00	12/10/2019
Brown, Jonathan	1	50.00	12/10/2019
Dove, Jesse	1	50.00	12/10/2019
Drain, Dennis	1	50.00	12/10/2019
Sloat, David Lee	1	50.00	12/10/2019
Bowers, Donald	5	250.00	1/7/2020
Licklider, Michael	1	50.00	1/7/2020
Mitchell, Amos Lee	1	50.00	1/7/2020
Walker, Trevor	1	50.00	1/7/2020
Bowers, Donald	2	100.00	1/21/2020
White, Jeffrey	1	50.00	2/18/2020
Mitchell, Michael Lee	1	50.00	3/3/2020
Grove, Arthur	1	50.00	3/17/2020
Hupman, Robert	1	50.00	5/19/2020
Speelman, Brittany	1	50.00	6/2/2020
Boyd, Douglas	1	50.00	6/16/2020

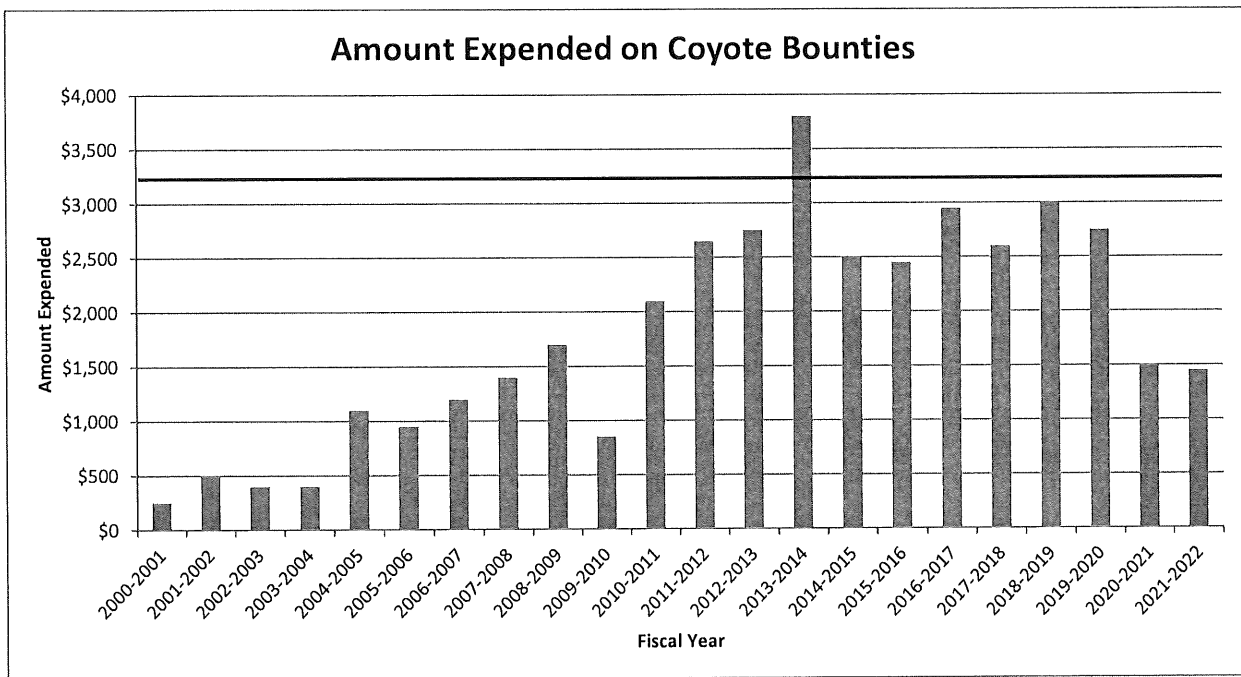
NEW FISCAL YEAR

Atwood, William	1	50.00	8/18/2020
Colton, James	2	100.00	9/1/2020
Grove, Arthur	2	100.00	9/1/2020
Calevro, Mark	1	50.00	9/15/2020
Cullen, Robert	1	50.00	9/15/2020
Boyd, Douglas	1	50.00	10/6/2020
Clem, Colin	1	50.00	10/6/2020
Marshall, Steven	2	100.00	10/6/2020
Vaught, Matthew	1	50.00	10/6/2020
Jenkins, David III	1	50.00	10/20/2020
Grove, Arthur	1	50.00	11/4/2020
Presley, Matthew	1	50.00	12/8/2020
Woodard, Charles	1	50.00	12/8/2020
Boyd, Douglas	2	100.00	1/5/2021
Marshall, Steven	1	50.00	1/5/2021
Mathias, Michael	1	50.00	1/5/2021
Wolf, Cody	1	50.00	1/5/2021
Boyd, Douglas	2	100.00	1/19/2021
Mitchell, Michael	1	50.00	2/2/2021
Poe, Tyler	2	100.00	2/2/2021
Kushner, Gary	1	50.00	2/16/2021
Mitchell, Michael	1	50.00	2/16/2021
Mitchell, Michael	1	50.00	3/16/2021
Boyd, Douglas	1	50.00	4/6/2021

NEW FISCAL YEAR

Burkhart, Katrina	1	50.00	8/3/2021
Jenkins, David	1	50.00	9/7/2021
Atwood, William	1	50.00	9/21/2021
White, Gary	1	50.00	10/5/2021
Bowers, Donald	2	100.00	10/19/2021
Fristoe, Timothy	1	50.00	11/18/2021
Woodard, Charles	1	50.00	11/18/2021
Breeden, Marcia	7	350.00	12/14/2021
Clem, Colin	1	50.00	12/14/2021
Grove, Arthur	1	50.00	12/14/2021
Seekford, David	1	50.00	12/14/2021
Updike, John	1	50.00	12/14/2021
Woodard, Charles	2	100.00	12/14/2021
Presley, Matthew	2	100.00	1/4/2022
White, Gary	1	50.00	1/18/2022
Mitchell, Michael	2	100.00	1/18/2022
Colton, Richard	1	50.00	2/1/2022
Keckley, Eugene	2	100.00	2/1/2022
		0.00	
		0.00	
		0.00	
		0.00	
		0.00	
		0.00	
		0.00	
		0.00	
		0.00	
		0.00	
		0.00	

Fiscal Year	Amount	# of Coyotes
2000-2001	\$250	5
2001-2002	\$500	10
2002-2003	\$400	8
2003-2004	\$400	8
2004-2005	\$1,100	22
2005-2006	\$950	19
2006-2007	\$1,200	24
2007-2008	\$1,400	28
2008-2009	\$1,700	34
2009-2010	\$850	17
2010-2011	\$2,100	42
2011-2012	\$2,650	53
2012-2013	\$2,750	55
2013-2014	\$3,800	76
2014-2015	\$2,500	50
2015-2016	\$2,450	49
2016-2017	\$2,950	59
2017-2018	\$2,600	52
2018-2019	\$3,000	60
2019-2020	\$2,750	55
2020-2021	\$1,500	30
2021-2022	\$1,450	29





COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/15/2022	H-2	Zoning Ordinance Amendment - Z2021-10-02 An ordinance to amend Sections §180-8 <i>Definitions</i> and §180-16 <i>Floodplain Overlay District; dam break inundation zones</i> 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, supplemental information includes the ordinance review checklist, CRS information and historical data relating to flood events and photos of Warren County.

PLANNING COMMISSION MOVE TO APPROVE:

At the November 10, 2021 meeting Mr. Kersjes moved to forward the text amendment request to the Boards 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:

Finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, and general welfare and good zoning practice, I move that the Board of Supervisors approve the proposed amendment.

OR

Finding that the proposed zoning ordinance amendment is not needed or appropriate for the public necessity, convenience, and general welfare and is not good zoning practice, I move that the Board of Supervisors deny the amendment. (List Reasons)

SUBMITTED BY:

Matt Wendling

Deputy Planning Director

County Floodplain Manager

**DISPOSITION OF
COMMISSION:**

☐ **APPROVED** ☐ **OTHER (Describe)**

**PROCESSED
BY:**



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.

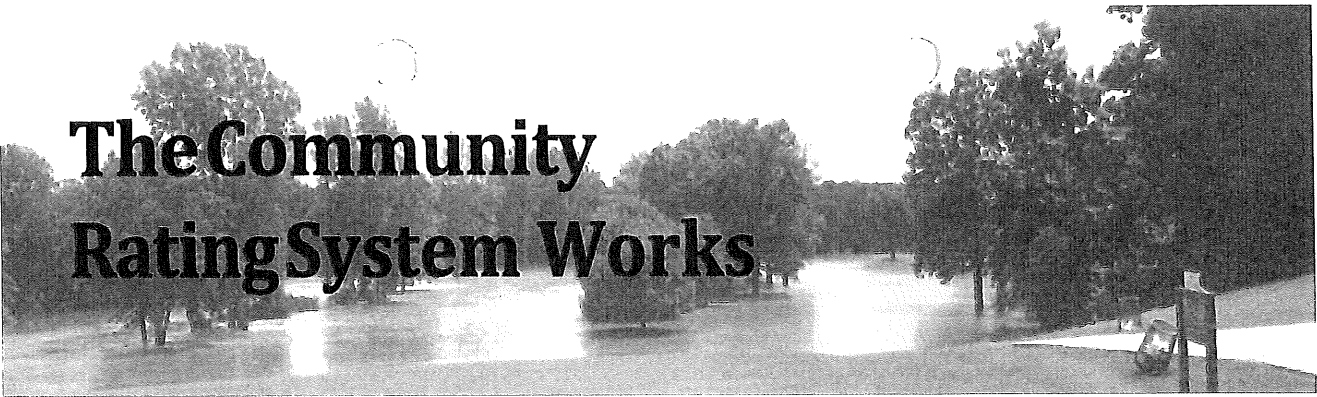
Each year, the community must verify that it is continuing to perform the activities that are being credited by the CRS by submitting an annual recertification. In addition, a community can continue to improve its Class rating by undertaking new mitigation and floodplain management activities that earn 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.



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.







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	Date of Flood	Crest (ft)	Streamflow (cfs)	Category	Code
4/21/1901	-9999	46,200	Missing	C1 F1 G1	12/27/1973	13.32	29,000	Minor	none
3/1/1902	23.5	76,800	Major	C1 G1	3/20/1975	18.74	50,500	Major	none
3/1/1903	13.7	22,800	Minor	C1 G1	10/10/1976	14.12	31,900	Moderate	none
12/2/1934	17.99	47,400	Moderate	none	11/8/1977	12.03	24,400	Minor	none
9/6/1935	12.94	27,500	Minor	none	1/27/1978	14.13	32,000	Moderate	none
2/16/1936	12.9	27,500	Minor	none	3/15/1978	12.33	25,500	Minor	none
3/18/1936	26.01	98,000	Major	none	2/26/1979	14.43	33,100	Moderate	none
4/27/1937	18.94	51,500	Major	none	9/7/1979	13.92	31,200	Minor	none
8/17/1940	15.86	40,400	Moderate	none	3/20/1983	12.61	26,500	Minor	none
5/23/1942	16.2	41,400	Moderate	none	2/15/1984	15.85	38,500	Moderate	none
10/16/1942	34.8	130,000	Major	none	3/30/1984	12.86	27,400	Minor	none
9/19/1945	17.8	49,200	Moderate	none	11/6/1985	32.43	120,000	Major	none
12/5/1948	12.31	25,400	Minor	none	4/18/1987	18.51	49,400	Major	none
6/19/1949	19.2	52,900	Major	none	4/23/1992	15.03	35,300	Moderate	none
12/5/1950	13.64	30,000	Minor	none	3/5/1993	16.55	41,200	Moderate	none
3/26/1953	12.44	25,800	Minor	none	1/20/1996	25.2	81,000	Major	none
8/19/1955	22.54	68,200	Major	none	9/7/1996	32.57	121,000	Major	none
5/31/1971	17.86	46,600	Moderate	none	1/9/1998	15.42	36,800	Moderate	none
6/22/1972	23.98	75,100	Major	none	2/5/1998	13.82	30,800	Minor	none
10/7/1972	21.35	62,500	Major	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

Date of Flood	Crest (ft)	Streamflow (cfs)	Category	Code	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					

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

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



NATIONAL WEATHER SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Turn Around Don't Drown®

[Weather.gov](#) > [Safety](#) > Turn Around Don't Drown®

Safety
National Program

Flood Safety

Flood Warning vs.
Watch

Before a Flood

During a Flood

After a Flood



Flooding Resources

Flood Safety

Turn Around Don't Drown

State Flood Information

Flood Hazards

NWS Flood Related Products

Forecasts and Observations

National Water Center

Education and Outreach Materials

Partner Agencies

Turn Around, Don't Drown PSA by Matt Hawk



Watch on

Turn Around, Don't Drown PSA by Matt Hawk

Turn Around Don't Drown®

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.



- + Turn Around Don't Drown® Warning Signs
- + 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-protected** 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 Liability.**

- (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 or 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 ~~pending~~ 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 permits**. 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-protected** (~~nonresidential only~~), **and** the elevation to which the structure will be **flood-protected**.

[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.

~~(e)~~**(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 construction or Substantial 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** the 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 § **180-16FK(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 § **180-16FK(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 § **180-16FK**. 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-protected in accordance with the requirements of § 180-16FK3(b), above, the elevation in relation to the mean sea level to which the structure has been flood-protected.
- (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-protected in accordance with the

requirements of § **180-16FK3(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 § **180-16FK(6)(a)** is satisfied, all new construction of accessory structures shall comply with all applicable flood hazard reduction provisions of § **180-16FK**.
 - (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 Liability.**

- (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.

FG. 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.**
 - 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.

})

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.

Commented [MW14]: Identified as a deficiency in the CAV report, language required by FEMA for reporting changed in Special Flood Hazard Area

~~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.

Commented [MW15]: Added language for reference to base flood and acronym.

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.

Commented [MW16]: Added per comments from DCR on definition.

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.

Commented [MW17]: Added language used in elevation certificate for further clarification. Deleted to meet FEMA’s definition.

Commented [MW18]: Changed to conform with FEMA’s definition of basement.

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.

Commented [MW19]: Federal Code relating to Emergency Management and Assistance.

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.

Commented [MW20]: Additional definitions not included in previous Code, recommended by FEMA for hazard mitigation.

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

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. ~~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.

(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.

(43) 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.

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.

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 **§ 180-16JE (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.~~

Commented [MW45]: Deleted due to being redundant.

This term does not, however, include either:

(1) Land value

~~(2) Sewer/septic system, well or landscape values.~~

Commented [MW46]: Changed to be the same as substantial improvement language and give added clarification relating to determination of current assessed value.

~~(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:

Commented [MW47]: Added as a Higher Standard and for CRS Credits

- (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.

Commented [MW48]: Added per reference to 44CFR 59.1 Federal Regulations language

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.

Commented [MW49]: This language was added for clarification of the previous definition and adds “permits” and floodplain determination as a requirement for permitting process.

[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 ~~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.

Commented [MW52]: Designated Floodplain Administrator, Planning Director, Deputy Zoning Administrator in addition to Zoning Administrator

(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 permits**. 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.

Commented [MW53]: Added to further clarify permit requirements, County Code sections, and designated local officials tasked to enforce permitting requirements.

(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 [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.

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.

~~(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)**.

Commented [MW56]: Added Acronyms for both federal and state agencies.

~~(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 [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) (DGF)**.

(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 ~~KF~~(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-protected**, 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** construction of these structures within the SFHA Floodway shall be prohibited. ~~New construction~~ of Substantial 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 there shall be a limit of one structure allowed within the Special Flood Hazard Area and the 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-protected** 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 conducted by a County both the Building Inspector and the Floodplain Administrator~~**shall be conducted by a County both the Building Inspector and the Floodplain Administrator, or Zoning Administrator**~~official shall be required for both Building and Zoning code compliance of the structure.~~
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.

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.

~~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, 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.
SNo solid panel or board on board/batten fencing shall not be allowedpermitted.

Commented [MW72]: Added language since fences are considered development in floodplain.

- ~~(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 § **180-16F**~~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 § **180-16F**~~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 § **180-16F**~~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-protected** in accordance with the requirements of § **180-16F**~~K~~**(3)(b)**, above, the elevation in relation to the mean sea level to which the structure has been **flood-protected**.
- (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 ~~§ 180-16F~~ **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 ~~§ 180-16F~~ **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 **§ 180-16FK(6)(a)** is satisfied, all new construction of accessory structures shall comply with all applicable flood hazard reduction provisions of **§ 180-16FK**.

(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- **2**

(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]**

§ 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.
- (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 60-90-30 days** from the approval of the variance by the Board of Zoning Appeals (BZA). **[Added 5-21-2013]**

Commented [MW91]: Additional language relating to flood hazard factors.

Commented [MW92]: Additional language regarding variances for development as referenced in the Federal code.

Commented [MW93]: This is the maximum flood height increase allowed by the Federal Code CFR44-Section 60.3

Commented [MW94]: Changed to 30 days from approval of variance, should be sufficient time to have it recorded on the deed.

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.



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE:	ITEM:	SUBJECT:	PAGE
3/15/2022	H-3	Zoning Ordinance Amendment - Z2022-01-01 An ordinance to amend Sections §180-8 <i>Definitions</i> , §180-21 <i>Agricultural District</i> , §180-22 <i>Residential - 1 District</i> , §180-23 <i>Residential - 2 District</i> , §180-24 <i>Rural Residential District</i> , §180-25 <i>Village Residential District</i> , §180-26 <i>Suburban Residential District</i> , and §180-46.1 <i>Family Day Home</i> (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 owners 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:

Finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, and general welfare and good zoning practice, I move that the Board of Supervisors approve the proposed amendments for a Family Day Home.

OR

Finding that the proposed zoning ordinance amendment is not needed or appropriate for the public necessity, convenience, and general welfare and is **not** good zoning practice, I move that the Board of Supervisors deny the proposed amendments. (List Reasons)

SUBMITTED BY: 

Matt Wendling CFM
Deputy Planning Director
County Floodplain Manager

DISPOSITION OF COMMISSION:

☐ **APPROVED** ☐ **OTHER (Describe)**

**PROCESSED
BY:**

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. There 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.

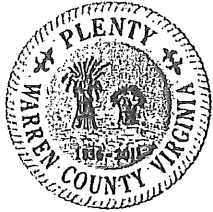
In conclusion, I love children and I love what I do. I have worked very hard to get here. I have more than twenty years invested in my practice. I would love to offer my services to more families.

Dawn Sullivan

2601 Strasburg Rd

Front Royal, VA 22630

540-622-2236



WARREN COUNTY
Zoning Ordinance – Text Amendment

Application Number: Z 2022-01-01
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.

VIRGINIA DEPARTMENT OF SOCIAL SERVICES

Search

Assistance Foster Care & Adoption Child Care Community Support Child Support Abuse & Neglect Careers

[Click Here for Additional Resources](#)

Search for Child Day Care



[Return to Search Results](#) | [New Search](#) |

Ms. Dawn Sullivan
2601 Strasburg Road
FRONT ROYAL, VA 22630
(540) 622-2236

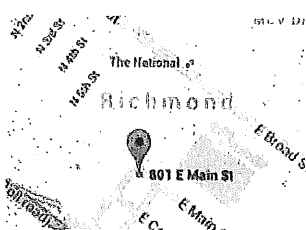
Facility Type: Family Day Home
License Type: Three Year
Expiration Date: March 2, 2020
Business Hours: 7:00 a.m. - 6:00 p.m., Monday - Friday
Capacity: 5
Ages: 1 month - 12 years 11 months
Inspector: Diann S. Reed: (540) 280-0742
Current Subsidy Provider Yes

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.



[Expenses](#) [CommonHelp](#) [Mission & Strategic Plan](#) [Org Chart](#) [Civil Rights Policy & Procedures](#)

Contact Us
801 E. Main Street
Richmond, VA 23219



VIRGINIA DEPARTMENT
OF SOCIAL SERVICES

Warren County, Virginia Planning & Zoning Certificate of Zoning

No: <u>131-2015</u>		Date: <u>12-30-2015</u>
Applicant: <u>DAWN SULLIVAN</u>		
Business Name/Corporate Name: <u>THE SULLIVAN FAMILY Day Home</u>		
Owner of Premises: <u>MARY & DAWN SULLIVAN</u>		Phone: <u>540-683-4524 c</u>
Address: <u>2601 STRASBURG RD., FRONT ROYAL</u>		
Location:		Present Zoning: <u>AGRICULTURAL</u>
Map: <u>18</u>	Section: <u>1</u>	Block: <u>1</u> Lot: <u>27</u>
Authorized Use: <u>DAY CARE FACILITY FOR (5) FIVE OR LESS CHILDREN</u>		
<i>RE-ISSUED TO SHOW MAXIMUM OF FIVE ALLOWED.</i>		
☐ Home Occupation		☐ Sign Permit
☐ Conditional Use granted by Board of Supervisors		☒ Matter of Right
		☐ Other
<u>Dawn Sullivan</u> Applicant Signature (required)		<u>Charles Martin</u> 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:

<u>CAPACITY</u>		No person other than members of the family residing on the premises shall be engaged in or employed at the family day home.
<u>GENDER</u> BOTH	<u>AGE</u> 3 MONTHS THROUGH 12 YEARS	

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 or 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

FDH 1108924
LICENSE NUMBER

S. DUKE STOREN
COMMISSIONER OF SOCIAL SERVICES

By

Sherry Q. Lumbard
Sherry Q. Lumbard

Title

Licensing Administrator

Date

March 9, 2020



***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)

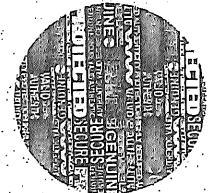
The above named person:

- 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



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, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/15/2022	H-4	Conditional Use Permit #2022-01-01 Aaron Hike <i>Short-Term Tourist Rental</i>	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

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

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

After proper advertisement and a public hearing by the Planning Commission, the application has been forwarded to the Board of Supervisors recommending approval with the following conditions:

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 (6) as determined according to the Health Department operational permit for a three-bedroom for the single-family 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.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Aaron Hike for a Short-term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Aaron Hike for a Short-term Tourist Rental (List reasons).

SUBMITTED BY:

Matt Wendling, CFM 
Deputy Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ **APPROVED** ☐ **OTHER (Describe)**

PROCESSED BY:



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 *MW*

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

Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

Town/Village: Front Royal

Zoning: Residential-One (R-1)

Acres: 0.744

Existing Land Use: Vacant Wooded Lot

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A)

South: Residential One (R-1)

East: Agricultural (A)

West: Residential One (R-1)

Use: SFD with Woodlands

Use: Vacant River Lot with Shed

Use: SFD with Woodlands

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 be 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.

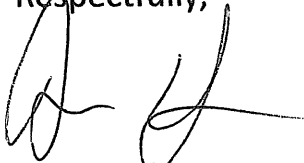
Cc: Aaron Hike, Applicant

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,

A handwritten signature in black ink, appearing to be 'A. Hike', written over the word 'Respectfully,'.

Aaron Hike

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 Hihe
 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 HiheConstruction@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 36 U
- (4) Subdivision Name: Megath
- (5) Total Area of Property (acres): ~~1.02~~ 0.744
- (6) Total Area to be Used (acres): ~~0.4~~ 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 one, partially cleared
- (3) Zoning of surrounding land/property: Residential one & 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: 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 4 Handicap _____
- (13) What is the proposed landscaping and buffering for this property? mostly wooded, coniferous screen

C. Plans Prepared By

Name: Aaron Hivie

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 1/2 x 11 size paper.

☒ **A Site Plan/Survey.**

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

☒ **Sewage Disposal and Well Site.**

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

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

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

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

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

☒ **Environmental and Community Impact Statements**

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.

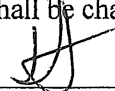
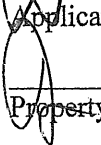
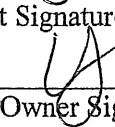
☒ **Location Map**

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 Benny's 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.

		11-22-21
Applicant Signature		Date
		11-22-21
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

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

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

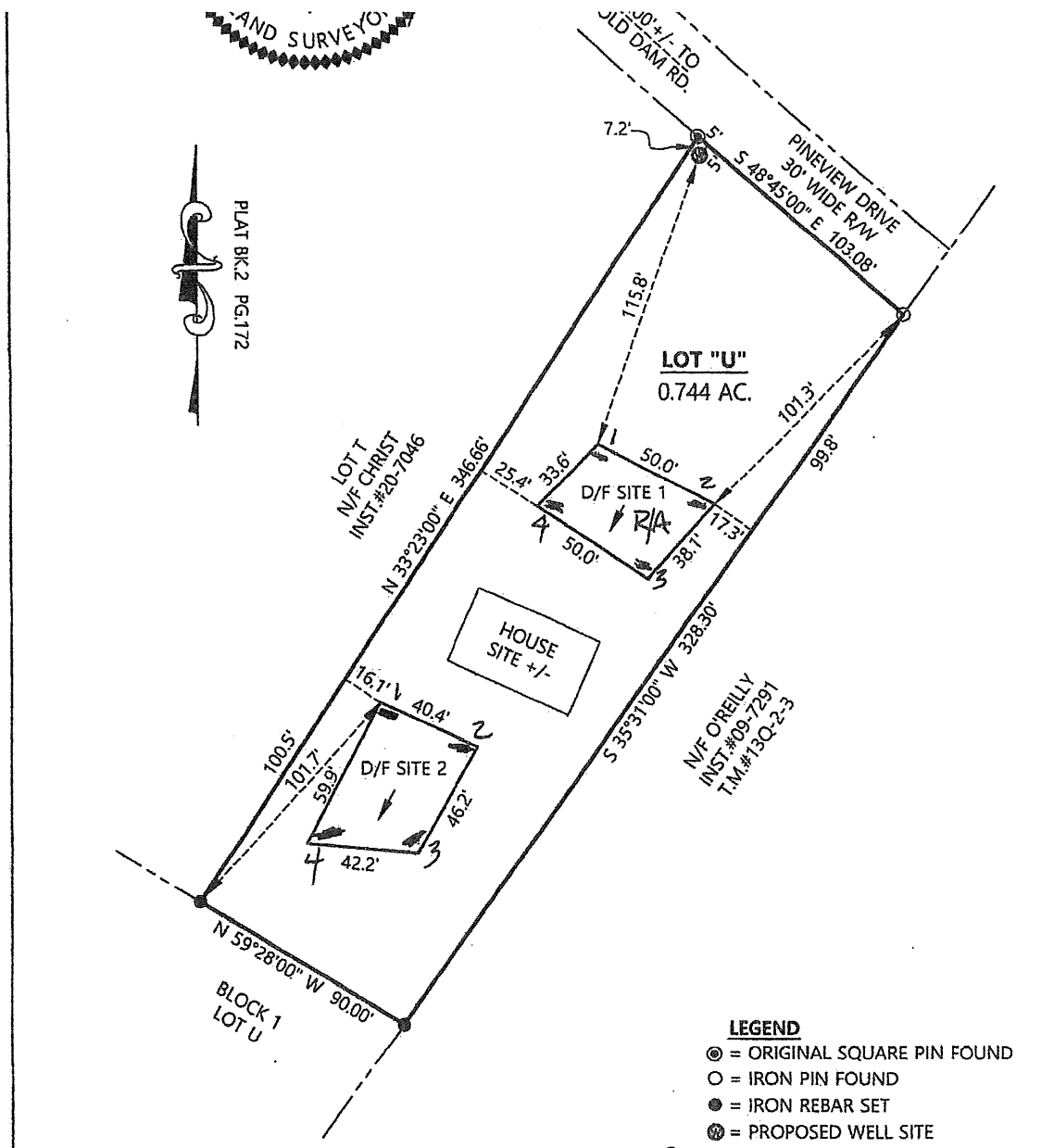
BACKHOE PIT LOCATION

- Stake Set
- Backhoe Pit

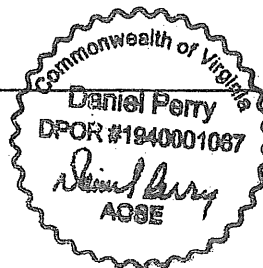
Re: 450 GPD Drainfield

Tax Map: 21B-3-6-U

Lot: U



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



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



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,

A handwritten signature in black ink, appearing to read "Jim Davis".

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:

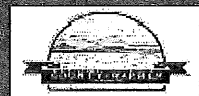
- Erosion and Sediment Control Items:
 - There does not appear to be any land disturbance at this time, other than what is already permitted for under an existing permit (13993-2021).
- Building Inspections Items:
 - The use of the existing dwelling(s) for a “short-term rental” would require a building 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

540/636

FAX 540/636

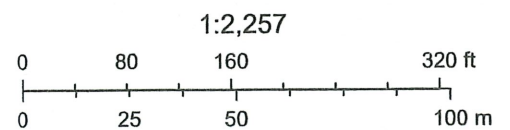
dbeahm@warrencountyva.net

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 22, 2021





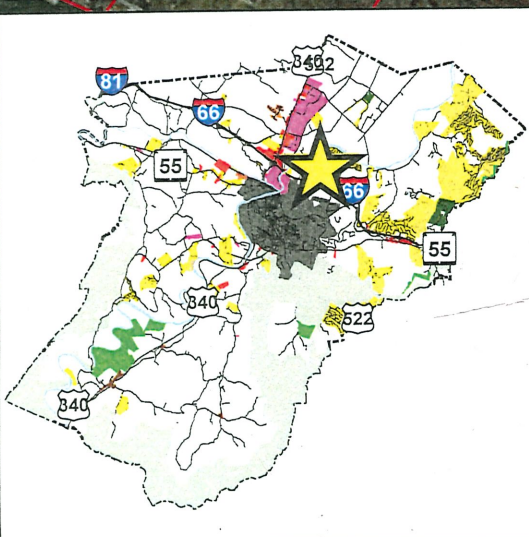
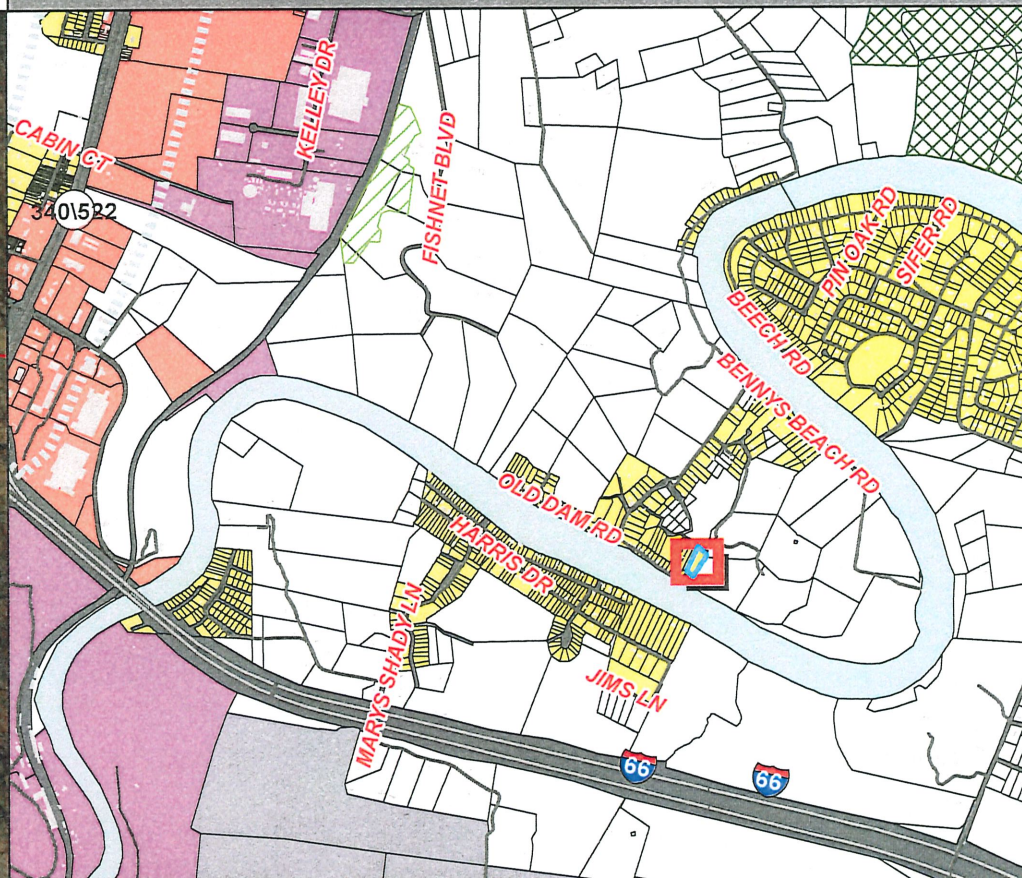
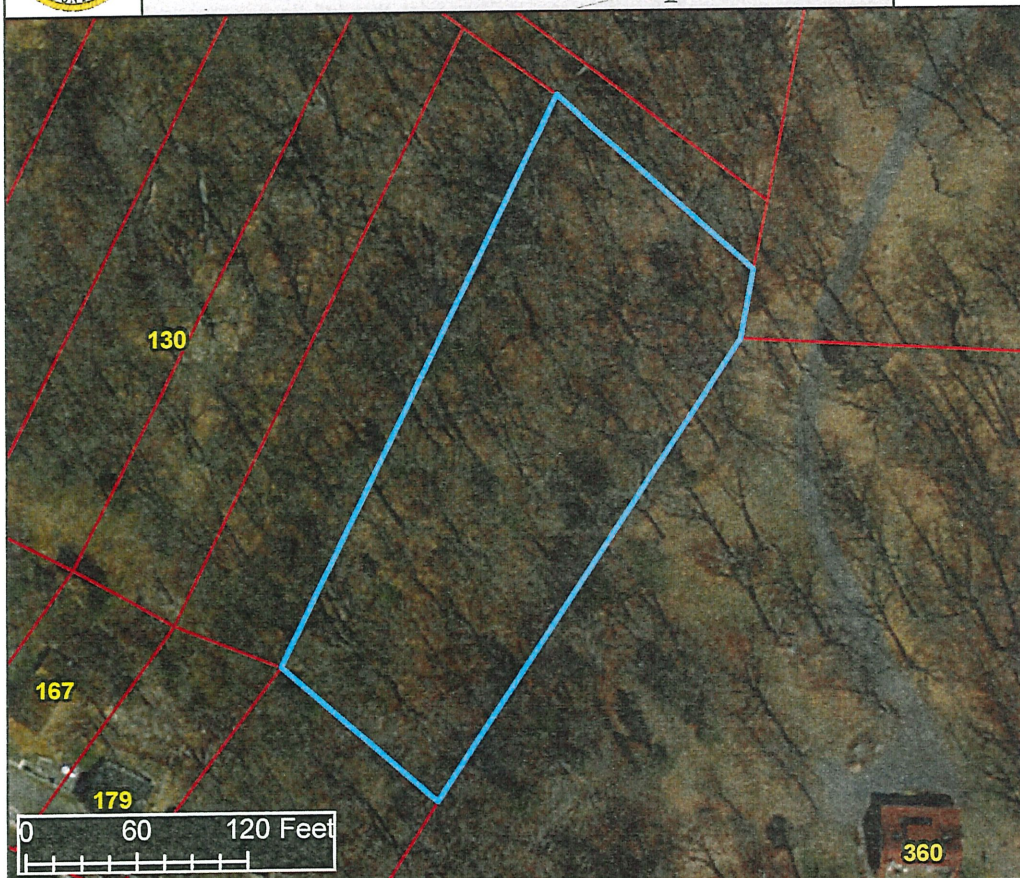
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Aaron Hike

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



Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/15/2022	H-5	Conditional Use Permit #2022-01-02 Jana & Aaron Bricco <i>Short-Term Tourist Rental</i>	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

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

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

After proper advertisement and a public hearing by the Planning Commission, the application has been forwarded to the Board of Supervisors recommending approval with the following conditions:

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 (6) as determined according to the Health Department operational permit for a three-bedroom for the single-family 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.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Jana & Aaron Bricco for a Short-term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Jana & Aaron Bricco for a Short-term Tourist Rental (List reasons).

SUBMITTED BY:

Matt Wendling, CFM 
Deputy Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ **APPROVED** ☐ **OTHER (Describe)**

PROCESSED BY:



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

Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

Town/Village: Front Royal

Zoning: Residential One (R-1)

Acres: 1.18

Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Residential One (R-1)

South: Residential One (R-1)

East: Residential One (R-1)

West: Residential One (R-1)

Use: SFD with Woodlands

Use: SFD with Woodlands

Use: SFD with Woodlands

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

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 20A 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**

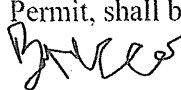
A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☐ **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: _____

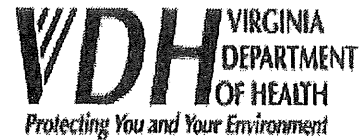
PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Lord Fairfax Health District



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



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

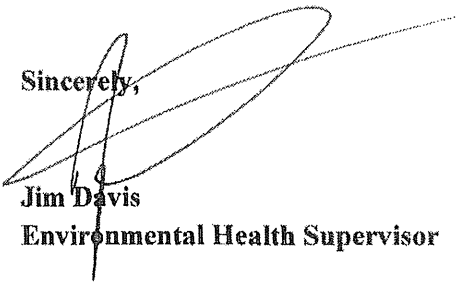
Dear Mr. Wendling,

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

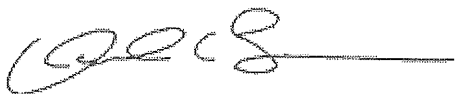
From: David Beahm
Sent: Thursday, December 16, 2021 4:04 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-02 – Jana & Aaron Bricco – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000152-2021

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

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

Matt Wendling

From: 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



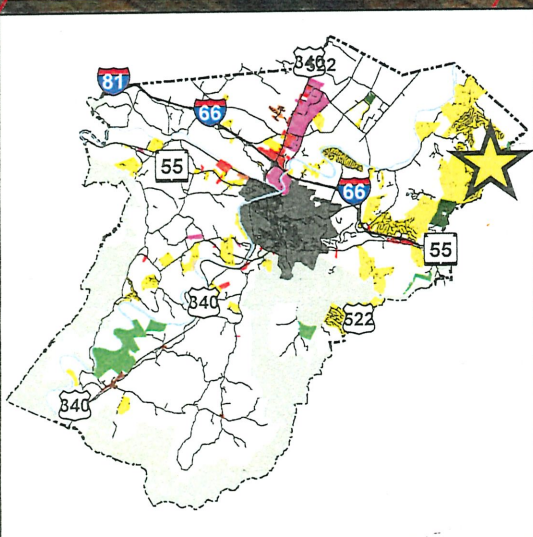
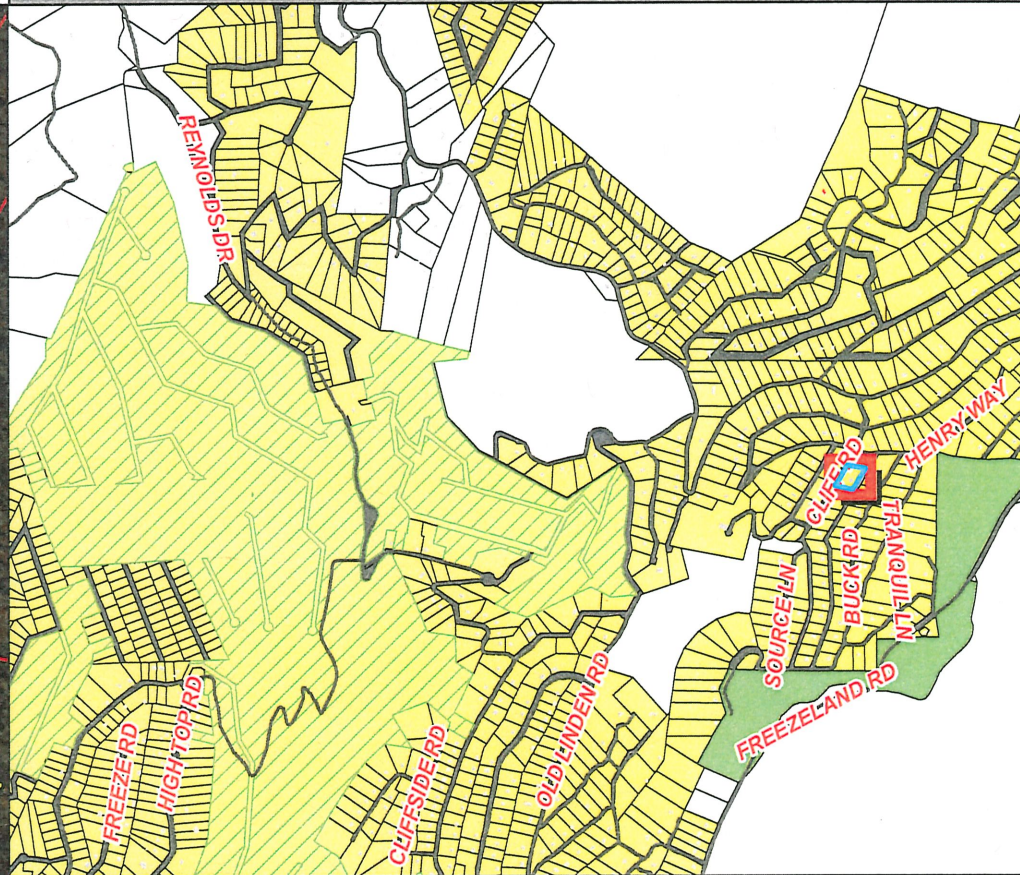
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Aaron Bricco

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



Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
3/15/2022	H-6	Conditional Use Permit #2022-01-03 Rachel Ward & Simon Booth <i>Short-Term Tourist Rental</i>	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

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

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

After proper advertisement and a public hearing by the Planning Commission, the application has been forwarded to the Board of Supervisors recommending approval with the following conditions:

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 two as determined according to the Health Department operational permit for a one-bedroom for the single-family 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.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Rachel Ward and Simon Booth for a Short-term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Rachel Ward and Simon Booth for a Short-term Tourist Rental (List reasons).

SUBMITTED BY:

Matt Wendling, CFM 
Deputy Planning Director
County Floodplain Manager

DISPOSITION OF BOARD:

☐ **APPROVED** ☐ **OTHER (Describe)**

PROCESSED BY:



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 *MFW*

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

Special Flood Hazard Area: The property and dwelling are in a Non-Floodzone "X" area.

Town/Village: Front Royal

Zoning: Residential One (R-1)

Acres: 4.0

Existing Land Use: Single Family Dwelling

SURROUNDING ZONING DISTRICTS & USES

North: Residential One (R-1)

South: Residential One (R-1)

East: Residential One (R-1)

West: Residential One (R-1)

Use: Vacant with Woodlands

Use: Vacant with Woodlands

Use: Vacant with Woodlands

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.**

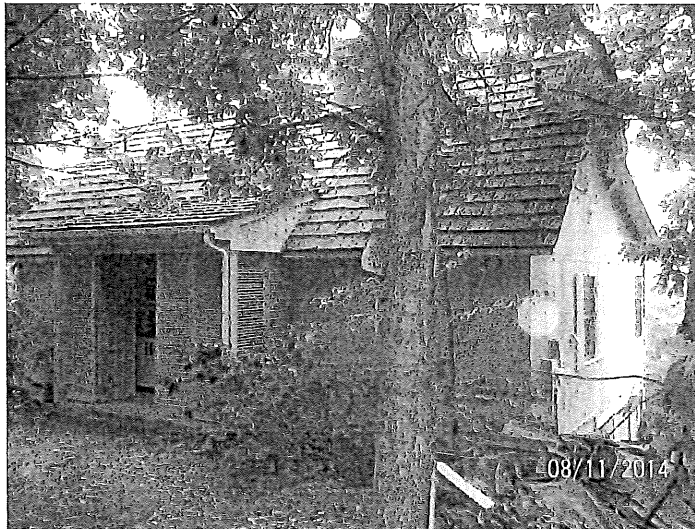
RECOMMENDED CONDITIONS:

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,

A handwritten signature in black ink, appearing to read "Simon Booth and Rachel Ward". The signature is stylized and cursive.

Simon Booth and Rachel Ward
Owners

**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: Sherandoah
- (3) Tax Map Number: 7A 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 1/2 x 11 size paper.

☐ **A Site Plan/Survey.**

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

☒ **Sewage Disposal and Well Site.**

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

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

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

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

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

☐ **Environmental and Community Impact Statements**

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 82 PR 11/29/21
Applicant Signature Date

Richard A. Ward 82 PR 11/29/21
Property Owner Signature Date

Accepted by: Chase Lenz

Date: 12/2/2021

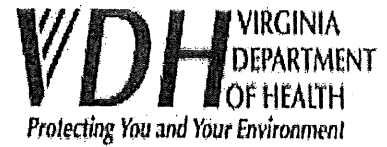
PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

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



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

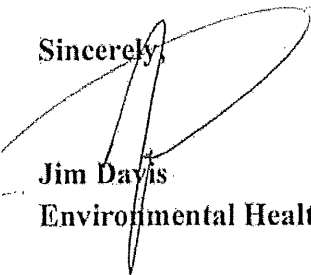
Dear Mr. Wendling,

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

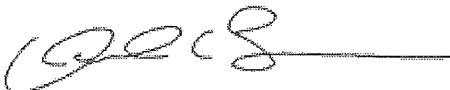
From: David Beahm
Sent: Thursday, December 16, 2021 5:01 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-03 – Rachel Ward & Simon Booth – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000153-2021

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

dbeahm@warrencountyva.net

www.warrencountyva.net

FAX 540/636

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



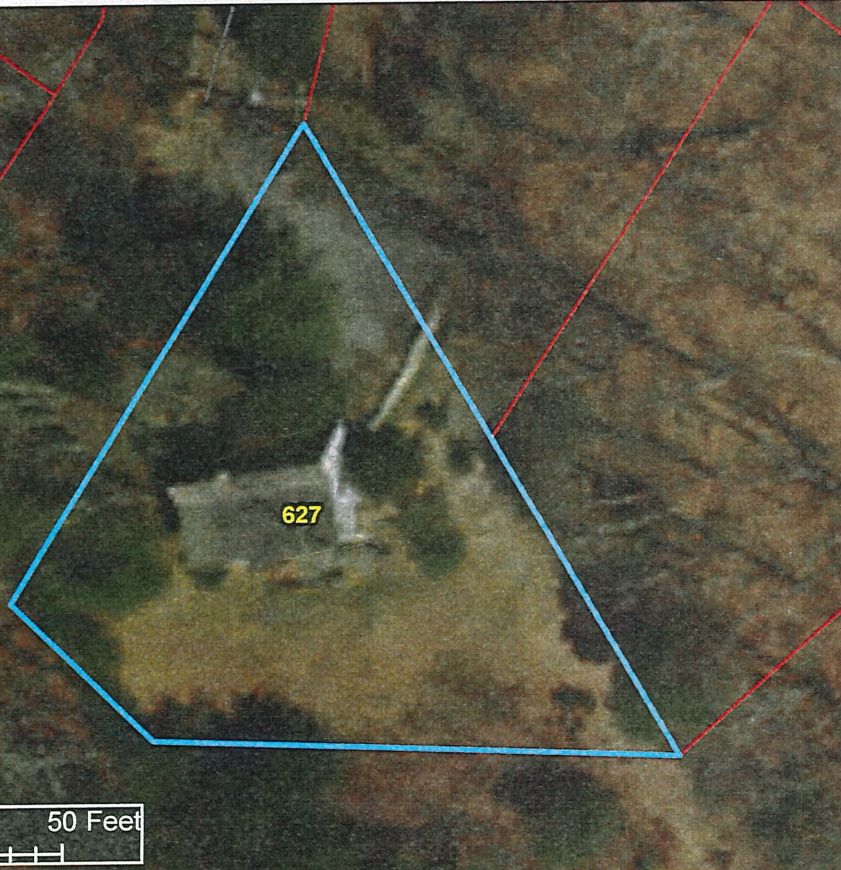
Warren County VA

CUP Location Map

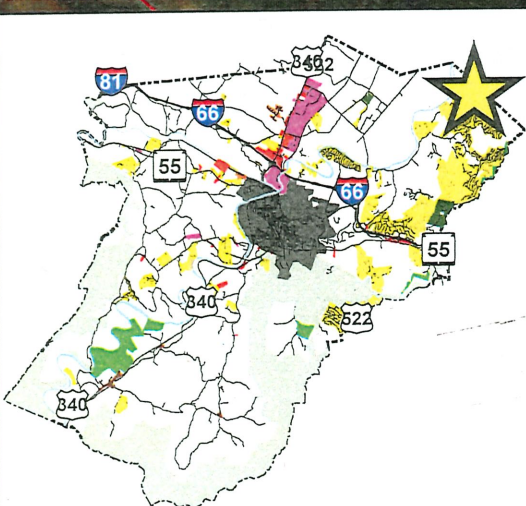
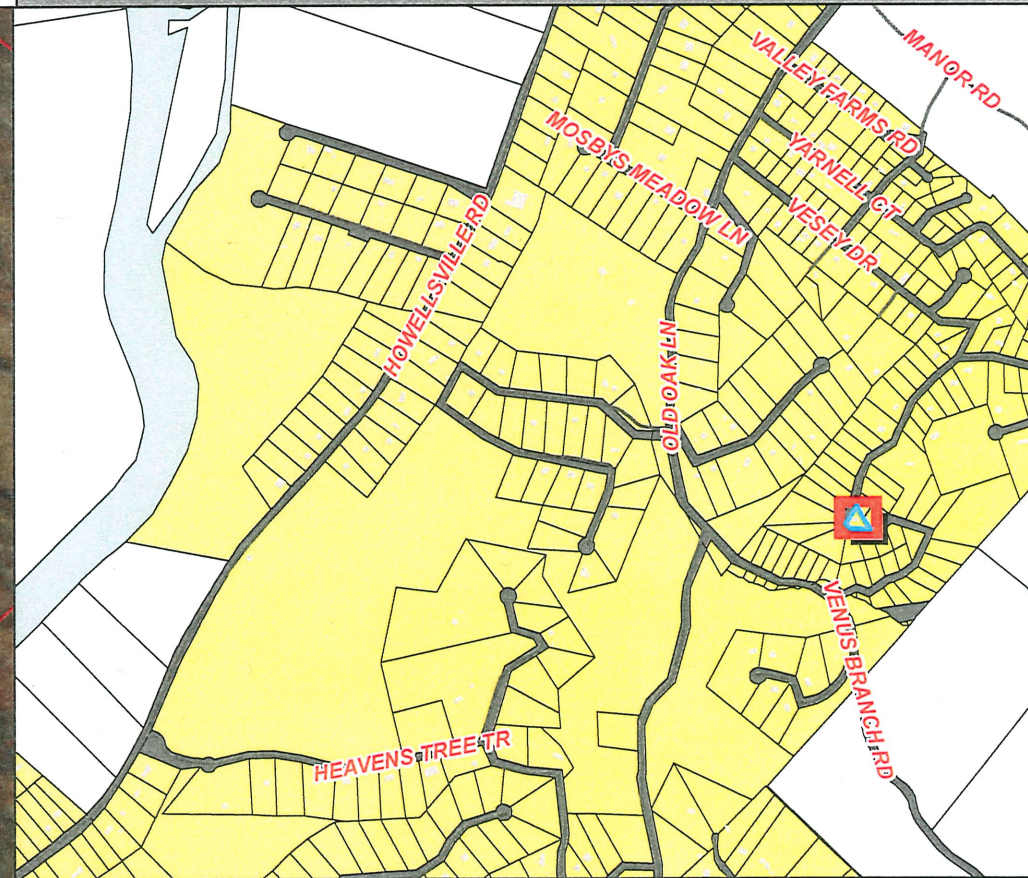


Short Term Tourist Rental
Applicants: Rachel Ward

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



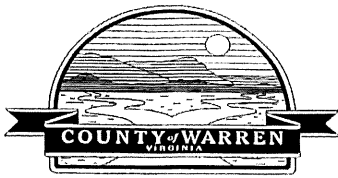
0 25 50 Feet



Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
3/15/2022	H-7	Conditional Use Permit #2022-01-04 Karen Thomson <i>Short-Term Tourist Rental</i>
<u>EXPLANATION & SUMMARY:</u> 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 approve the conditional use permit request of Karen Thomson for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Karen Thomson for a Short-Term Tourist Rental.

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



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)

South: Residential-1 (R-1)

East: Residential-1 (R-1)

West: Residential-1 (R-1)

Use: Single-Family Dwelling

Use: Single-Family Dwelling

Use: Single-Family Dwelling

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
- ☐ Location Map

- ☐ Application
- ☐ Public Comments

- ☐ Health Permit
- ☐ Submitted Plans

- ☐ Letter from Applicant
- ☐ Other: _____

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

- A. The owner of a dwelling unit to be used for a short-term tourist rental shall apply and receive a zoning permit and/or a conditional use permit from the Planning Department prior to utilizing the dwelling unit as a short-term rental. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit, if applicable. Warren County may revoke a permit for repeated noncompliance with these performance standards.
- B. The maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however the maximum number of occupants shall not exceed 10. Our office is awaiting the response from the Health Department. 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

WARREN COUNTY CONDITIONAL USE PERMIT APPLICATION

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

Karen Thomson
Applicant Name

4913 Falstone Ave Cherry Creek 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

202-236-2173 wamdc kt@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: Jane Wood 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.) no
- (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 - the 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. ~~But~~ 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 1/2 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 conditions of the Board of Supervisors of the County of Warren, Virginia, and authorize the use of the property for the purpose of making site inspections. Expenses for professional assistance in connection with the review of this application for a Permit, shall be charged to the applicant.

Kau
Applicant Signature

11/21/2021
Date

Kau
Property Owner Signature

11/21/2021
Date

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

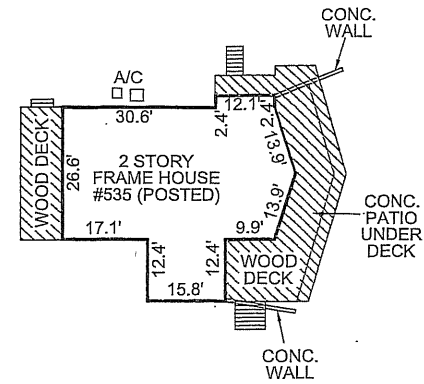
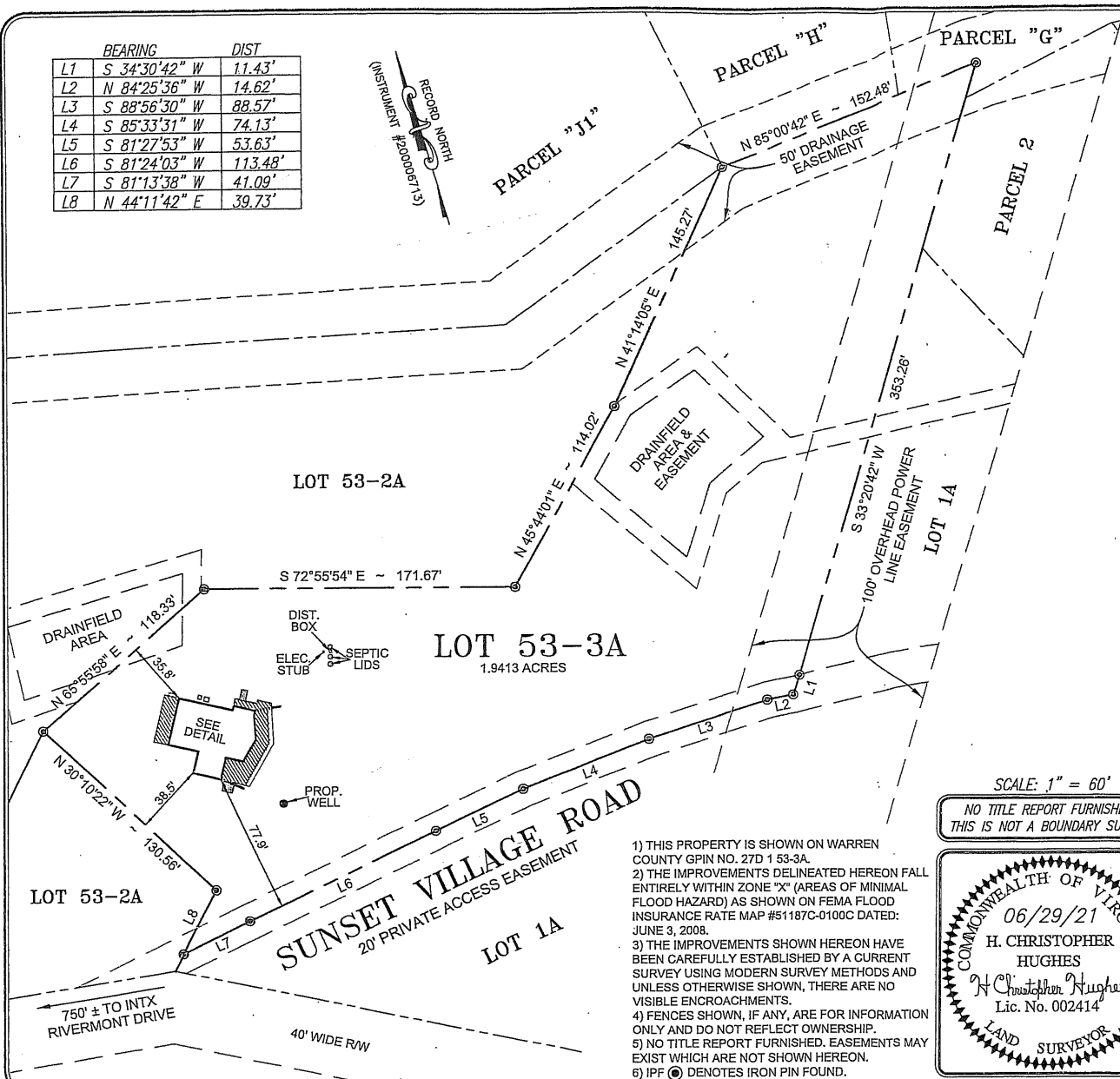
Exhibit A

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.

6

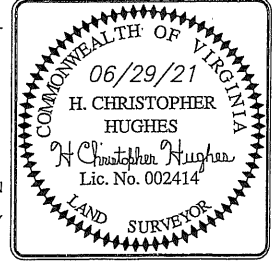
	BEARING	DIST
L1	S 34°30'42" W	11.43'
L2	N 84°25'36" W	14.62'
L3	S 88°56'30" W	88.57'
L4	S 85°33'31" W	74.13'
L5	S 81°27'53" W	53.63'
L6	S 81°24'03" W	113.48'
L7	S 81°13'38" W	41.09'
L8	N 44°11'42" E	39.73'

RECORDED
IN INSTRUMENT #200006713



PREPARED FOR
VESTA
SETTLEMENTS
FOR: THOMSON

SCALE: 1" = 60'
NO TITLE REPORT FURNISHED
THIS IS NOT A BOUNDARY SURVEY



- 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.

JUNE 29, 2021

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

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



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.

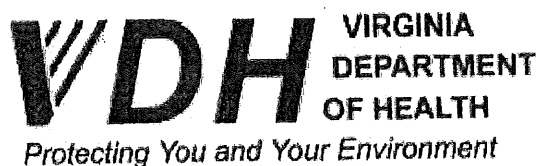
Please contact me at (540) 635-3159 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Davis", is written over the word "Sincerely,".

Jim Davis

Environmental Health Supervisor



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.

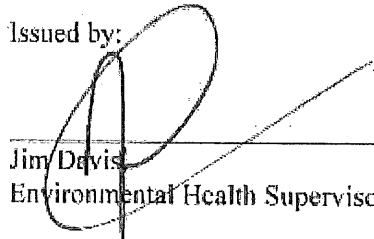
In accordance with the *Sewage Handling and Disposal Regulations*, you have the right of appeal to obtain a modification or elimination of the conditions set herein. A written request to review the conditions must be submitted to Colin Greene, MD, Director, Warren County Health Department, 465 W 15th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

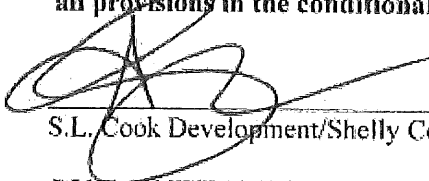
This construction permit is transferrable until expired or deemed null and void.
A permit transfer form may be found on the VDH website at
<http://www.vdh.virginia.gov/environmental-health/gmp-2015-01-forms/>.

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

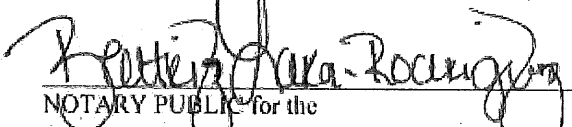
As owner/legal representative of the property included in this permit, I have reviewed and accept
all provisions in the conditional sewage disposal system permit.


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.

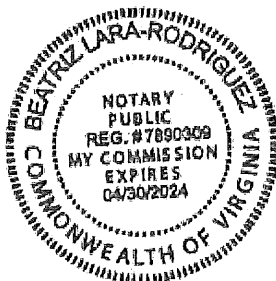

NOTARY PUBLIC for the
COMMONWEALTH OF VIRGINIA AT LARGE

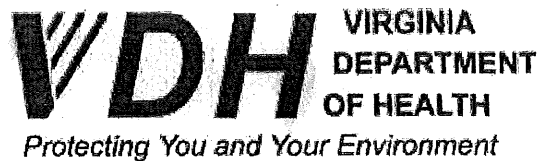
Registration #:

7890309

My Commission expires

04/30/2024

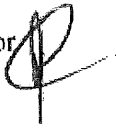




Warren County Health Department
465 W 15th St. Ste 200
Front Royal, VA 22630
(540) 635-3159 Voice
(540) 635-9698 Fax

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.

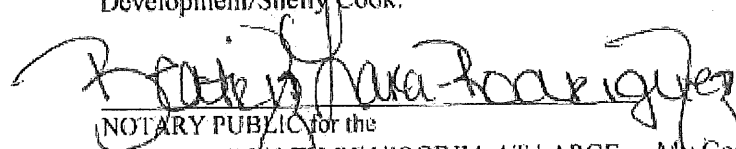
As owner of the property, I acknowledge that the sewage disposal system designed to serve the dwelling requires adherence to the Owner's Operation and Maintenance Manual and to Part III, Operation and Maintenance, found in the *Regulations for Alternative Onsite Sewage Systems* of the Virginia Department 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.


NOTARY PUBLIC for the

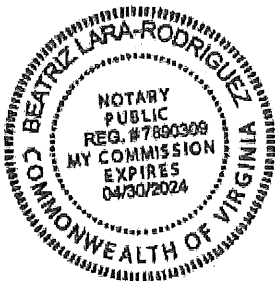
COMMONWEALTH OF VIRGINIA AT LARGE

Registration #:

7890309

My Commission expires

04/30/2024





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.

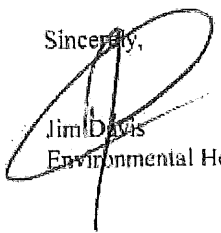
Your application is approved and your construction permit is attached to this letter. After your alternative sewage disposal system is constructed and approved for use, the local health department will issue an Operation Permit. The Operation Permit will be valid as long the sewage disposal system is 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

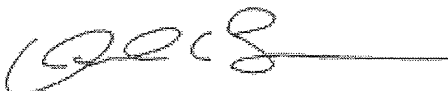
From: David Beahm
Sent: Thursday, December 16, 2021 5:41 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-05 – Karen Thomson – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000154-2021

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

dbeahm@warrencountyva.net

www.warrencountyva.net

540/636
FAX 540/636

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

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 feel free to call and/or email.

Best,



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



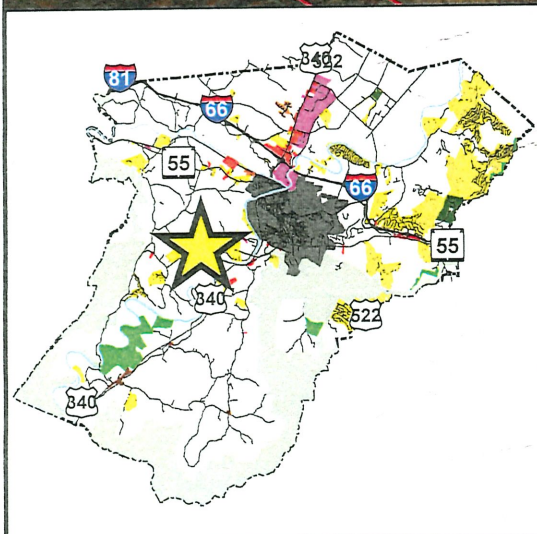
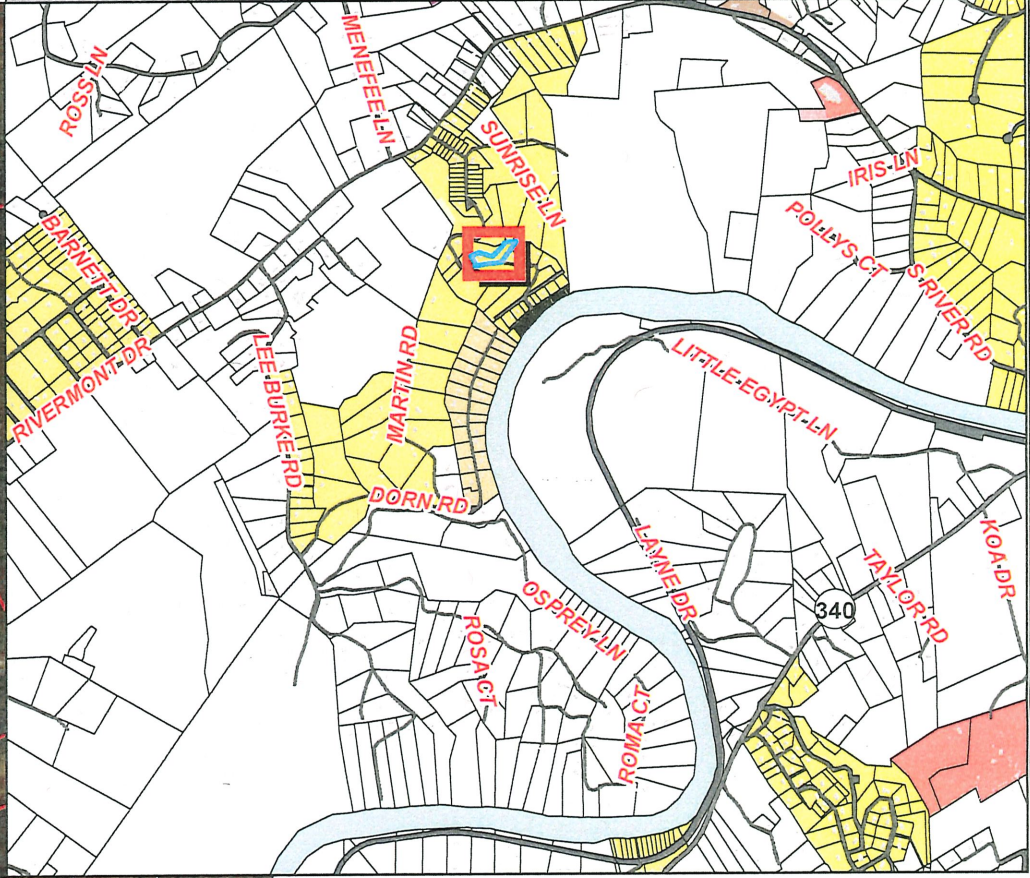
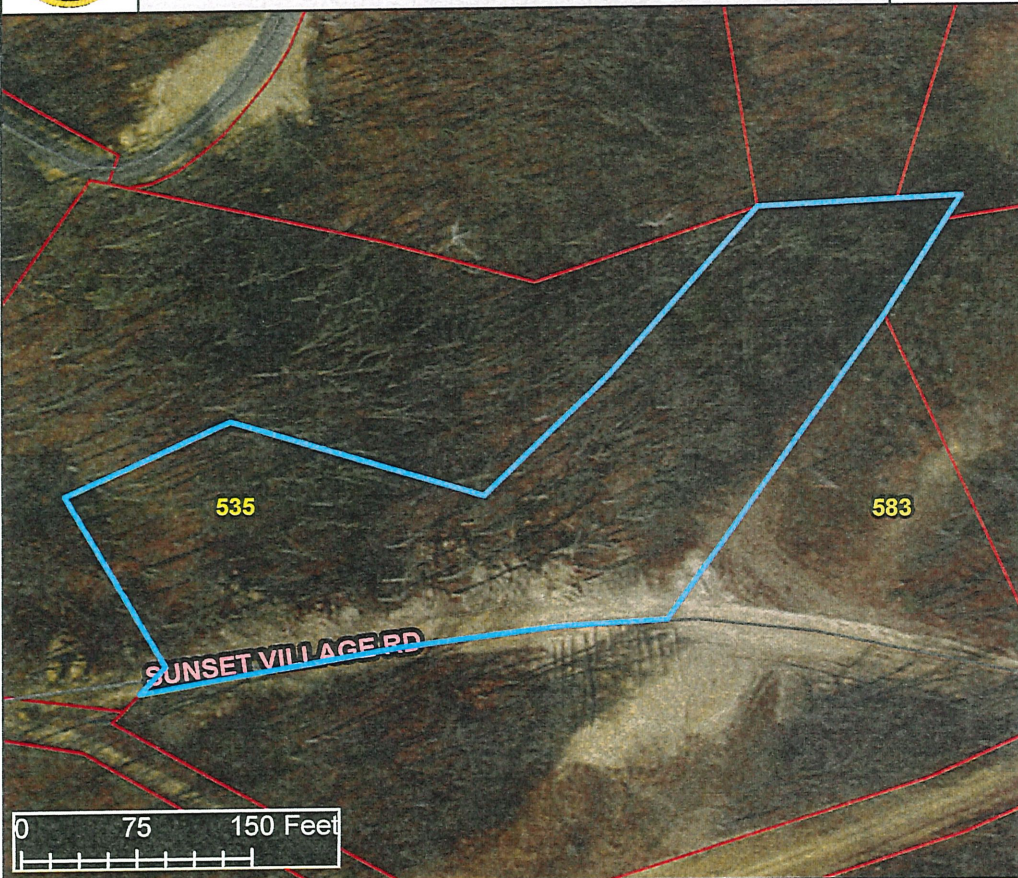
Warren County VA

CUP Location Map



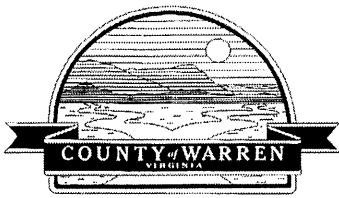
Short Term Tourist Rental
Applicants: Karen Thomson

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



Zoning

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



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE 3/15/2022	ITEM H-8	SUBJECT: Conditional Use Permit #2022-01-05 Michael Ney <i>Short-Term Tourist Rental</i>
<u>EXPLANATION & SUMMARY:</u> 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.

RECOMMENDED CONDITIONS:

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

1. The applicant shall comply with all Warren County Health Department 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 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 approve the conditional use permit request of Michael Ney for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Michael Ney for a Short-Term Tourist Rental.

SUBMITTED BY:

Chase Lenz, 
Zoning Administrator

DISPOSITION OF BOARD:

☐ APPROVED ☐ OTHER (Describe)

**PROCESSED
BY:**



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
South: Residential-One (R-1)
East: Residential-One (R-1)
West: Residential-One (R-1)

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

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**

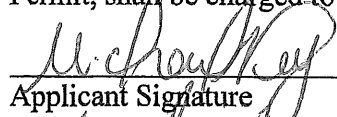
A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☐ **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.


Applicant Signature

12/05/21
Date


Property Owner Signature

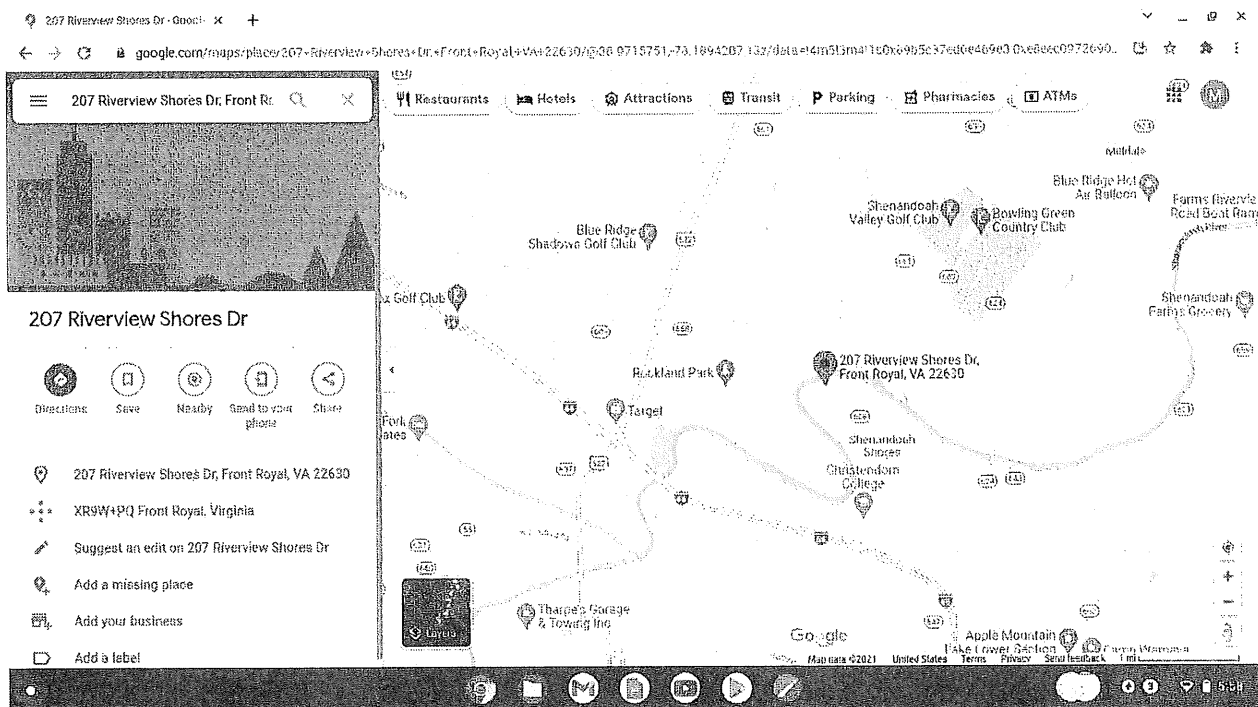
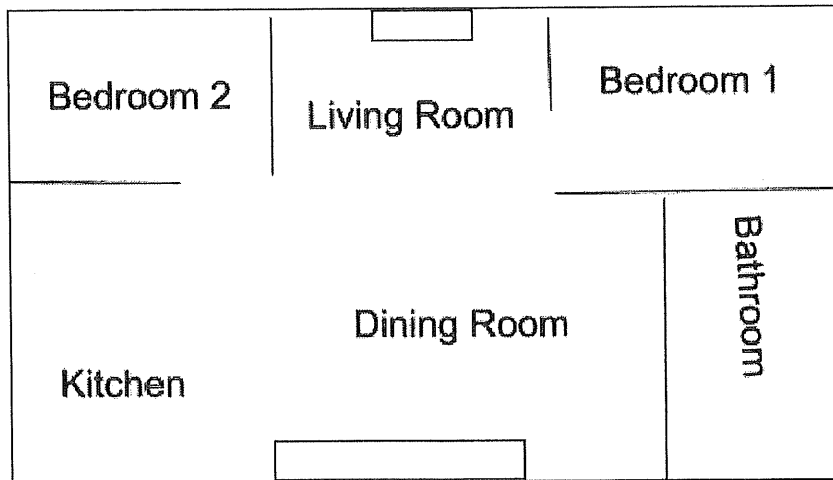
12/05/21
Date

Accepted by: Chase Lenz

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



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



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

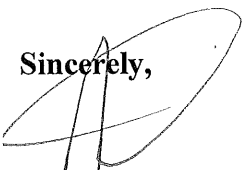
Dear Mr. Wendling,

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

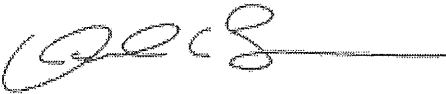
From: David Beahm
Sent: Thursday, December 16, 2021 5:18 PM
To: Chloe Phillips
Cc: Joe Petty; Paula Fristoe
Subject: Request for Comments 2022-01-06 – Michael Ney – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000155-2021

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,

A handwritten signature in black ink that reads "Michael McDonald". The script is cursive and somewhat stylized, with the first name and last name clearly legible.

Michael McDonald



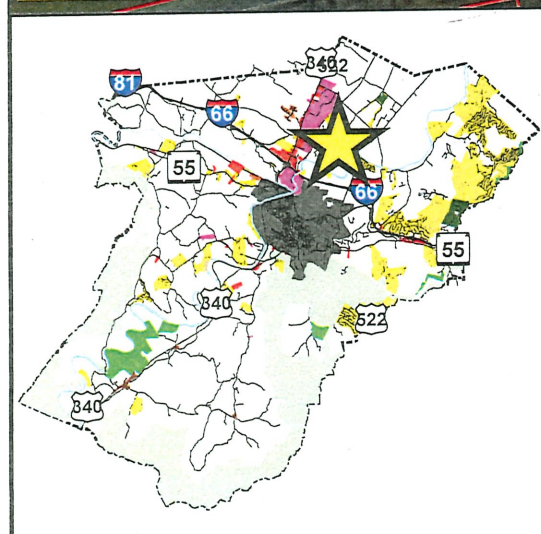
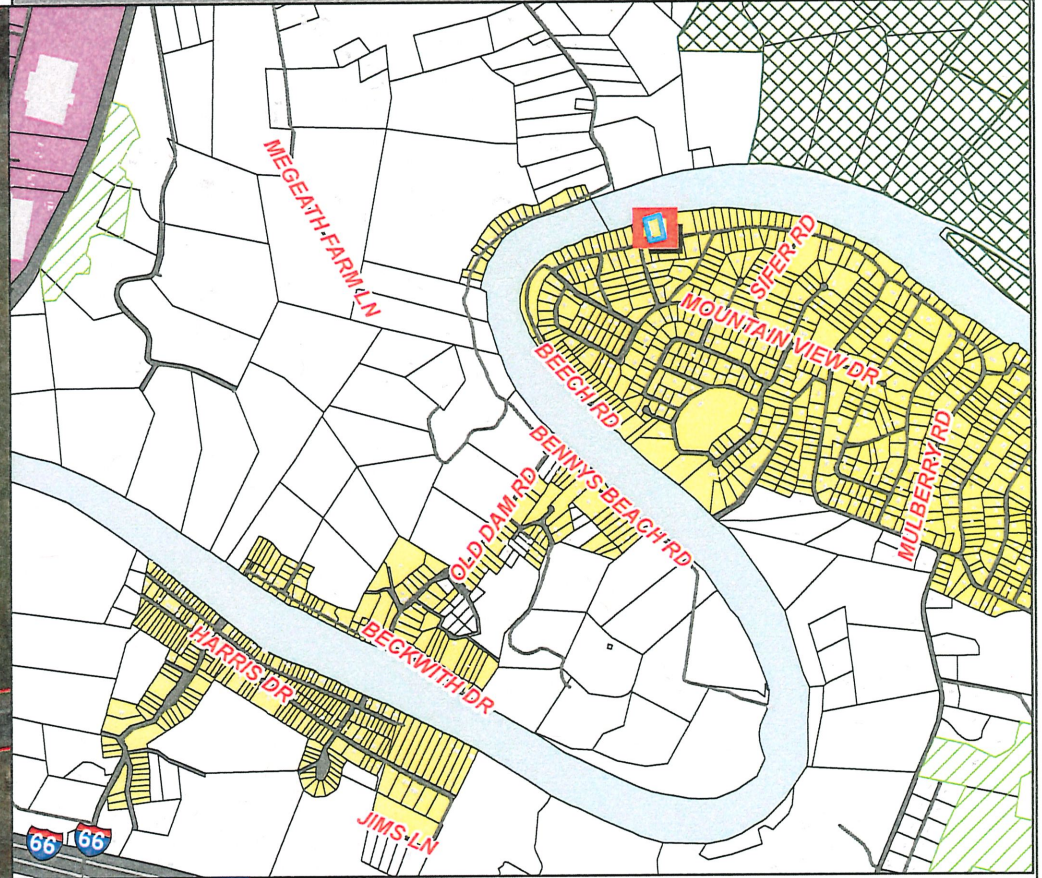
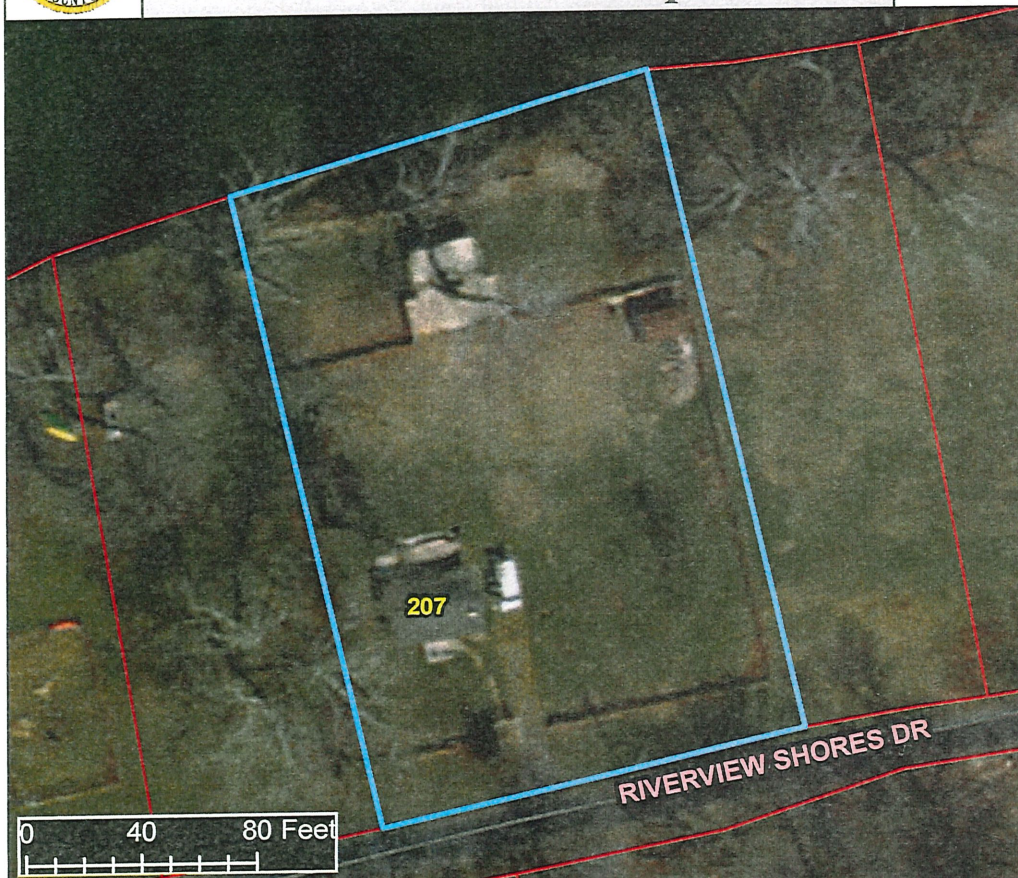
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Michael Ney

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



Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning



COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:
3/15/2022	H-9	Conditional Use Permit #2022-01-06 Alvand Khoshgavar <i>Short-Term Tourist Rental</i>
EXPLANATION & SUMMARY: See attached application and staff report. General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards: 1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan. 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations. 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area. 5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. 6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that: a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties. b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion. c) Provide for adequate parking and ingress and egress to public streets or roads. d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property. 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.
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*

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors approve the conditional use permit request of Alvand Khoshgavar for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff.

OR

I move that the Board of Supervisors deny the conditional use permit request of Alvand Khoshgavar for a Short-Term Tourist Rental.

SUBMITTED BY:

Joseph Petty,
Planning Director

DISPOSITION OF BOARD:

☐ APPROVED ☐ OTHER (Describe)

PROCESSED BY:



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)

South: Shenandoah River

East: Residential-1 (R-1)

West: Residential-1 (R-1)

Use: Single-Family Dwelling

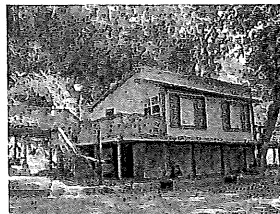
Use: Shenandoah River

Use: Single-Family Dwelling

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
☐ Location Map

☐ Application
☐ Public Comments

☐ Health Permit
☐ Submitted Plans

☐ Letter from Applicant
☐ 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:

Alvan d 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

256-658-1644 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 567
- (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: Residential
- (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: Alvand Rhoshgavar

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.

Abdul Khoshya
Applicant Signature

12-9-2021
Date

Abdul Khoshya
Property Owner Signature

12-9-2021
Date

Accepted by: Chase Lenny

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.

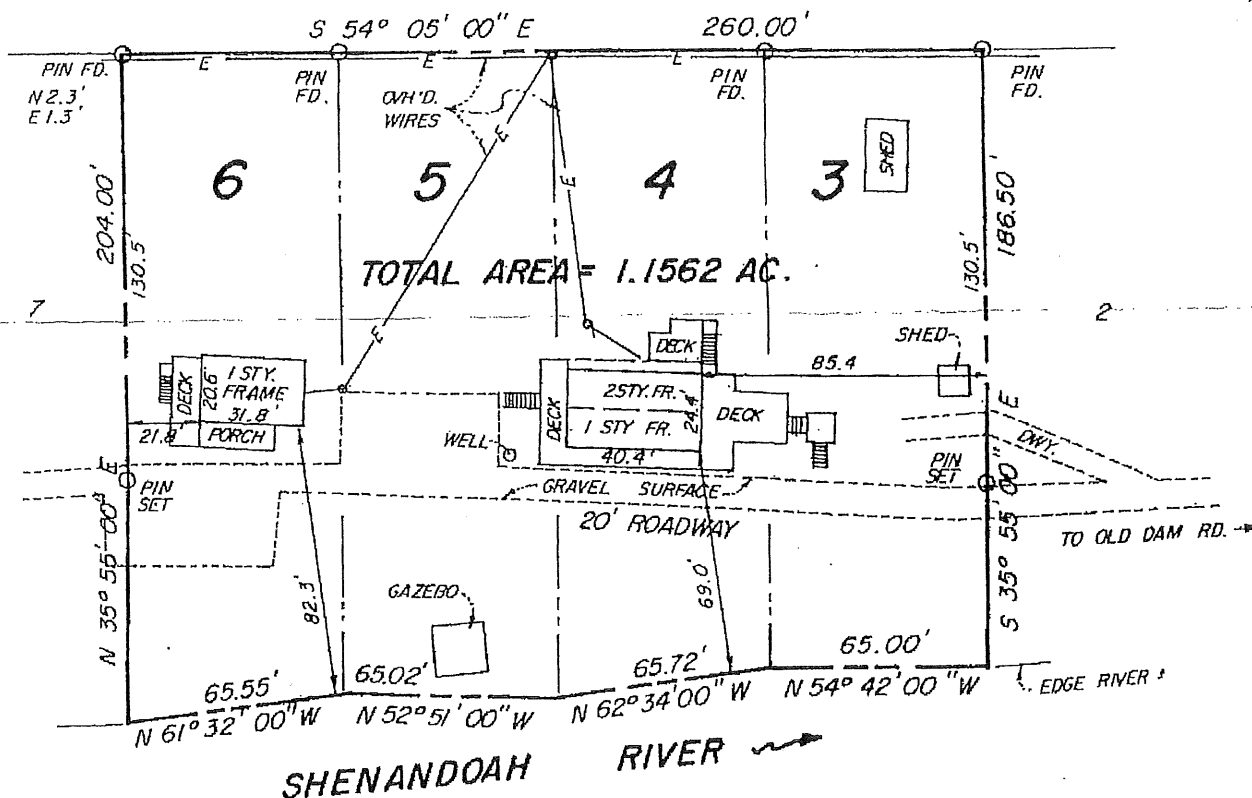
NOTES

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/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



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



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,

A handwritten signature in black ink, appearing to read "Jim Davis", written over a horizontal line.

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

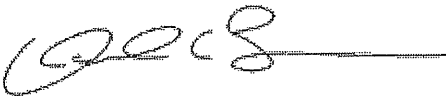
Comments 2022-01-06 – Alvand Khoshgavar – Conditional Use Permit for Short-Term Tourist Rental – WCCUP-000156-2021:

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,



David C. Beahm, CBO
Building Official

dbeahm@warrencountyva.net

Warren County Building Inspections

220 North Commerce /

Sui
Front Royal, VA

540/636

FAX 540/636

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 11-18-21

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

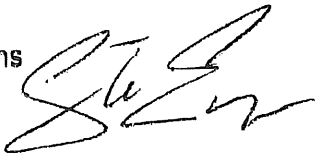
Dear Mr. Petty and Wendling,

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

A handwritten signature in black ink, appearing to read 'D. Young', with a stylized flourish at the end.

29 Nov 2021



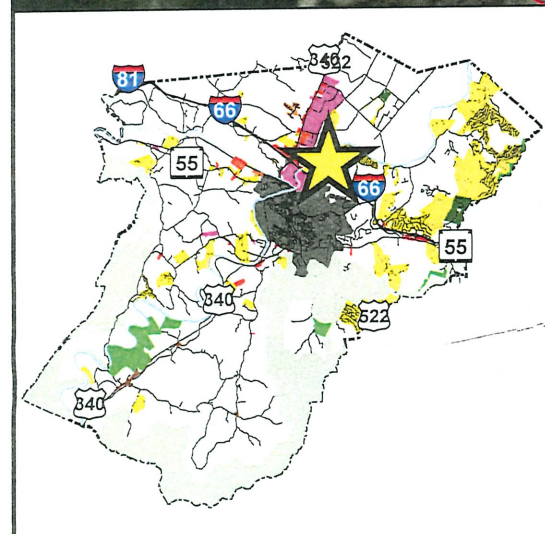
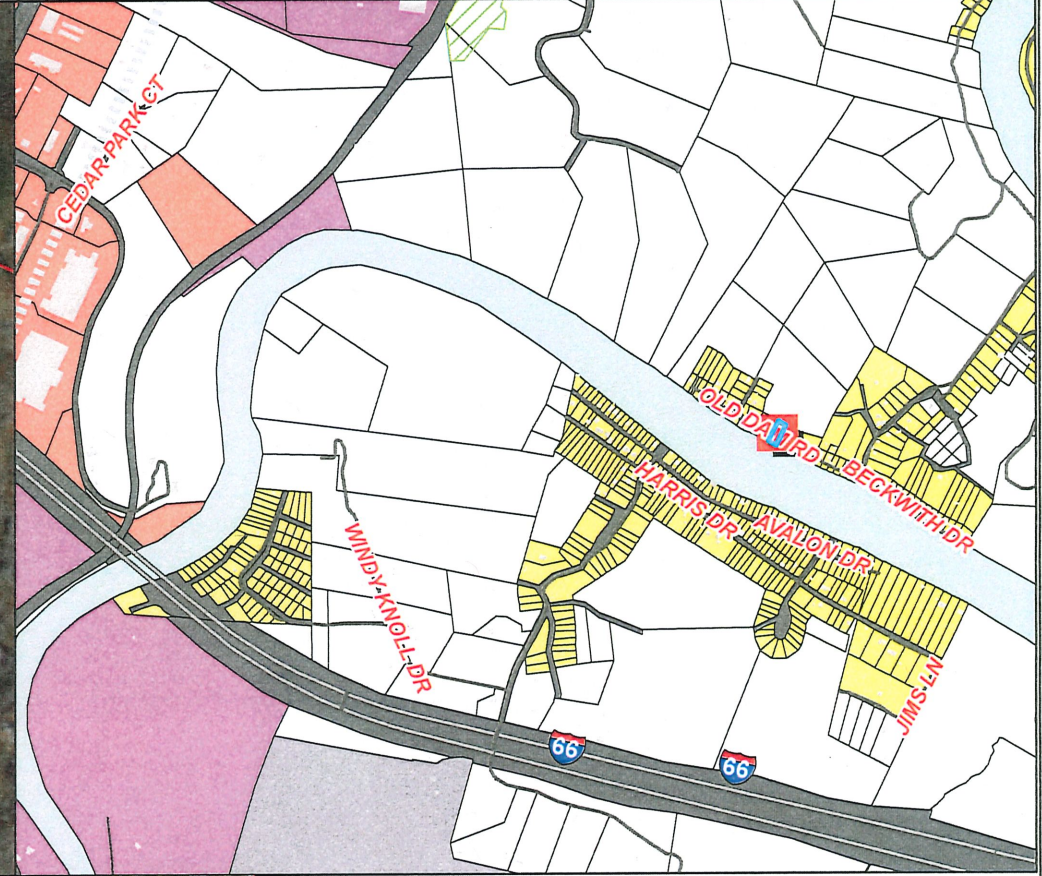
Warren County VA

CUP Location Map



Short Term Tourist Rental
Applicants: Alvand Khoshgavar

TM 13A--5----6
Hoskins, Harry Lots



Zoning

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

Map produced by
Warren County GIS 2021
Department of Planning