

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on March 15, 2022 at 6:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Delores R. Oates, Vice Chair (North River District); Vicky L. Cook (Fork District); Jerome K. Butler (Happy Creek District); and Walter J. Mabe (Shenandoah District); also present Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; Jason J. Ham, Interim County Attorney; David Beahm, Building Official; Michael Coffelt, Sanitary District Manager; Chase Lenz, Zoning Administrator; Caitlin Jordan, Senior Assistant County Attorney; Joe Petty, Director of Economic Development/Interim Planning Director; Alisa Scott, Deputy Finance Director; Matt Wendling, Deputy Planning Director; and Emily M. Ciarrocchi, Deputy Clerk of the Board

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors entered 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.

The Board also entered 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:

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

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors certified to the best of each member’s knowledge only public business matters lawfully exempted from open meeting requirements under 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:

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

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

Adoption of Agenda

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors adopted the agenda as amended with the removal of item G-2 (Memorandum of Agreement with the Town of Front Royal for Destination Marketing Organization Services Provided by Discover Front Royal):

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

Public Comment Period (60 Minute Time Limit)

There were no presentations from the public.

Reports – Board Members, County Administrator, Interim County Attorney

Mr. Butler reported the following:

- Attended the Parks and Recreation Commission meeting on March 14th
- Attended the Winchester Regional Airport Authority Board meeting on March 10th, and the County is once again a voting member on the Authority; the aim of the Authority is to help surrounding localities in the promotion of aviation for the betterment of the local communities and businesses

Mrs. Cook reported the following:

- Attended the Town/County Liaison Committee meeting on March 3rd
- Continuing with the FY 2022-2023 budget process and reviewing budget requests from partner agencies and Departments
- Attended the Fire Chiefs Advisory Board meeting on March 9th
- Attended Drug Prevention Committee meeting on March 10th and read a statement applauding the Committee for bringing together so many local and external partners to support the drug prevention initiative
- Attended the Samuels Public Library Board meeting on March 14th and invited everyone to attend the Library's upcoming Taste of Books event on April 23rd

Mr. Mabe reported the following:

- Attended the Shenandoah Shores Property Owners Association meeting on March 7th
- Attended the Ministerial Association meeting on March 8th and discussed faith-based initiatives for the area
- Also attended the Drug Prevention Committee meeting on March 10th and is glad to see how much it has grown since its establishment

Mrs. Oates reported the following:

- Also attended the Drug Prevention Committee meeting on March 10th; they are actively pursuing the establishment of a Drug Court for the locality, which is an intensive program overseen by the judicial system providing individuals a chance to rehabilitate instead of being sent to jail; Winchester has seen a 37% graduation rate of its Drug Court program
- The Festival of Leaves is returning this year after a hiatus due to the COVID-19 pandemic; the Festival will be on October 15th from 10:00 AM – 6:00 PM
- Habitat for Humanity is hosting an oyster roast on March 26th from 2:00 PM – 6:00 PM at Hazard Mill Farm

Mrs. Cullers reported the following:

- Thanked the staff of the Finance Department for their work on the proposed FY 2022-2023 budget and the questions they have answered
- Met with the School Board on March 8th to review the FY 2022-2023 budget request of Warren County Public Schools
- Attended the Building Committee meeting on March 3rd
- Also attended the Town/County Liaison Committee meeting on March 3rd
- Participated in a Zoom meeting with CenturyLink on March 9th, and the County now has a point of contact for any issues or concerns, which is a direct result from the hearing with the State Corporation Commission
- Also attended the Fire Chiefs Advisory Board meeting on March 9th where they discussed staffing, volunteerism, equipment, and fundraising; March 23rd is the graduation day for Firefighter 1 and 2 classes, and seven students will be graduating from paramedic training in August
- Met with Mrs. Cook with the Property Owners of Shenandoah Farms (POSF) Board members to talk about their request to return management responsibilities back to the POSF Board for the Shenandoah Farms Sanitary District; the Board will have a meeting on March 29th at 7:00 PM to give residents the opportunity to speak about this request

Dr. Daley reported the following:

- Reminded the Board of the following upcoming meetings:
 - Special meeting on March 22nd at 5:00 PM to discuss the proposed tourism agreement with the Town, to discuss the upcoming Smart Scale cycle through VDOT, to authorize the advertisement of the proposed FY 2022-2023 budget, and to hold a public hearing for one conditional use permit
 - Work session on March 29th at 7:00 PM to receive public comment about the proposed management transition for Shenandoah Farms Sanitary District
 - Regular meeting on April 5th at 9:00 AM that will include a presentation on the FY 2020-2021 audit

- Special meeting on April 12th at 7:00 PM for the public hearing on the proposed FY 2022-2023 budget and tax rates for 2022
- Regular meeting on April 19th at 7:00 PM that will include a vote on the proposed budget tax rates; if State has not completed its work and adopted its budget, the final vote for the County's budget may be delayed
- Invited the Board to attend the Employee Service Awards presentation on March 16th at 2:00 PM

- Revenue Updates for February

Year-to-Date	FY 2022	FY 2021	Difference
Sales Tax	\$4,245,185	\$2,964,238	\$1,280,947 (43.21%)
Meals Tax	\$729,101	\$575,928	\$153,173 (26.6%)
Lodging Tax	\$227,261	\$182,839	\$44,422 (24.3%)
Business License Tax	\$816,623	\$626,723	\$189,900 (30.3%)

- Wayfinding Signage – VDOT (Staunton office) is currently finishing their review of the County's staked locations for approval. Staff hopes to have that soon to move forward with installation of the signs in early spring.
- Building Inspections Statistics for February

New Home Starts

County	Town	Total	February 2021
4	0	4	13

Permits Issued

2022	2021	Difference
135	172	-37 (-27.41%)

Inspections Completed

2022	2021	Difference
501	917	-416 (-83.03%)

- Parks and Recreation

- Current/Upcoming Programs and Activities:

- Gymnastics Classes: The Warren County Parks and Recreation Department is currently accepting registrations for its Gymnastics Beginner to Advanced II classes for children ages three (3) years and older. Classes will take place March 26, 2022 - April 23, 2022 from 11:00 AM - 2:00 PM at the Health and Human Services Complex gym. Cost is \$85.00 per child (includes uniform).

- Park Facility Projects:

- Community Shelter Project Update: Park and Public Works staff placed the metal on the shelter roof on February 23rd. Project completion by April 30, 2022.

- Bing Crosby Stadium Netting Replacement: Custom Netting Company field staff replaced wall/backstop netting beginning February 28th and completed the project on March 2nd.
- Department of Social Services – In the month of February, DSS received:
 - 137 SNAP Applications
 - 188 Medicaid Applications
 - 29 TANF Applications
 - 14 Child Care Applications
 - 1,047 Lobby Visits
 - 1,638 Phone Calls

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

- 53 CPS referrals
- 17 APS referrals

Services rendered:

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

Job development:

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

- Department of Fire and Rescue Services
 - Staff continues to develop the Strategic Plan and Needs Assessment for the Department that also includes revisiting the 2019 Staffing and Implementation Plan. A working copy of the document will be presented and discussed with the Fire Chiefs Advisory staff and Board of Supervisors throughout the development phase.
 - Staff is monitoring the fuel cost/increase noted nationwide and continue to evaluate appropriate budget lines to determine impacts of such increase. Appropriate modifications to conserve fuel usage have been implemented.
 - The Paramedic Program has reached the official halfway point; congratulations to the students attending the program for their success.
 - Captain Burrows along with Lieutenants Cole, Oliver, and Mawyer are attending the VDFP Officer Level II Program.
 - Station 6 upgrades continue, and the demolition of the living areas have started. Staff continues to explore replacement and location options.

- Planning and Development

- Tourism Committee – The Joint Tourism Committee met on March 9th and decided on the proposed project allocation for the ARPA funding. Staff will report back to the State on the timeline. The revised MOA is on the Board’s agenda for approval.
- Development Review Committee – The Development Review Committee met on February 23, 2022 and discussed the following projects:
 - Planning Commission/Board of Supervisors Applications
 - Outdoor Commercial Recreation Facility – 650 Water Plant Road
 - Cluster Housing Development (47 lots) – Reliance Road
 - Short-Term Tourist Rentals
 - Update on ongoing projects
 - Comprehensive Plan Review Underway
 - Sheetz Site Plan Review (Linden)
 - Route 340/522 Corridor Projects
 - Proposed Warehouse Facility – Corner of Baugh Drive and Fairground Road
 - Enclosed Storage Facilities – Winchester Road (2)
 - Equus Warehouse Facility – Winchester Road
 - McKay Springs – Corner of Winchester Road and Reliance Road
 - Interchange Phase II – Toray Drive

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

- Commercial/Industrial Projects – Work continues on the following projects:

- The new Warren Memorial Hospital has received a full Certificate of Occupancy at this time.
- Interchange warehouse (Route 340/522 and Toray Drive) has most of the foundation in place and all of the private exterior fire line.
- Equus Warehouse facility – The site work continues and building permits have been approved. Tilt-up walls have been completed and the exterior fire line is underway.
- Storage facility on Route 340/522 has scheduled a Pre-Construction Conference, and work should begin soon.
- New trucking facility on Winners Court has begun work on-site.

Appropriations and Transfers

Mrs. Cook asked about the requested transfer in the amount of \$245,445 for the landfill property acquisition, and Dr. Daley replied this was a land purchase that was approved by the Board in 2021. This transfer is the one-time payment to the landowner per the sale agreement.

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

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

APPROPRIATIONS

Sheriff	To appropriate ICAC funds to pay for 5IPads and 5 Apple pencils purchased through CDW-G	\$4,463.05
Fire and Rescue	To appropriate funds from the North Warren FD Building to North Warren VFS fund to purchase a washer and dryer	\$2,765.00

TRANSFERS

Public Works	Insurance Damage for F350 Claim #0912022297706	\$3,274
Public Works	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

Approval of Accounts

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

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

Consent Agenda

1. Agreement for the County to Provide Building Permit and Inspection Services for the Town of Front Royal – Ed Daley
2. *Removed from the agenda at the meeting by unanimous consent*
3. Award of Contract for Two (2) Rooftop HVAC Replacement Units at the Health and Human Services Complex – Alisa Scott

Mrs. Oates made the note that the building inspections agreement is the same that was approved by Town Council at its meeting on March 14th.

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

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

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

Mrs. Cullers said she had brought this request back due to being asked by members of the community why this program was still in place despite not effectively reducing the coyote population. The County has spent over \$39,000 to-date through this program, and she feels the County can better spend this money than to pay someone for killing a coyote.

Lieutenant Robbie Seal with the Warren County Sheriff's Office stated a representative from the Virginia Department of Wildlife Resources (formerly the Department of Game and Inland Fisheries) came and spoke before the Board at its meeting in January 2021 and reported a bounty program was not a good measure to successfully cull the coyote population.

Mrs. Cook noted back in January 2021, the Board had directed staff to look into alternative methods to help reduce the coyote population and wondered if anybody did such research. Dr. Daley confirmed staff had looked into alternative methods, but none were found to be effective.

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

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors adopted the proposed ordinance to repeal Warren County Code Section 66-34, "Bounties for coyotes":

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

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. Example
Language proposed to be added is bolded and underlined. **Example**

Public Hearing – Z2021-10-02, Ordinance to Amend and Re-Ordain Sections 180-8 and 180-16 of the Warren County Code re: Floodplain Overlay District – Matt Wendling

Matt Wendling, Deputy Planning Director, reported 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 (CA V) overseen by FEMA at which time they reviewed the County's Floodplain Overlay District, Warren County Code 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 Virginia 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.

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

On a motion by Mr. Mabe, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors, finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, and general welfare and good zoning practice, approved the amendments to Warren County Code Sections 180-8 and 180-16 re: Floodplain Overlay District:

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

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 and 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.
- (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.~~ 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 subsidence 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. L Establishment of floodplain districts and dam break inundation zones. **[Amended 5-21-2013]**

(1) Description of districts.

(a) Basis of districts. The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) for Warren County prepared by the Federal Emergency Management Agency, dated June 3, 2008, as amended.

[1] The Special Flood Hazard Area **(SFHA)** Floodway District is delineated, for purposes of this section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in Table 4, Floodway Data, of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.

[2] The Special Flood Hazard Area Zone AE District shall be those areas identified as an AE Zone on the Flood Insurance Rate Maps

accompanying the Flood Insurance Study for which base flood elevations have been provided but for which no floodway has been delineated.

- [3] The Special Flood Hazard Area Zone A District shall be those areas identified as an A Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one-percent annual chance of flooding boundary has been approximated in the Flood Insurance Rate Maps and Digital Flood Insurance Rate Maps.
 - [4] Warren County may identify and regulate local flood hazard or ~~ponding~~ **stormwater** areas that are not delineated on the FIRM through the County's subdivision application process. These areas may be delineated on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record, historic high-water marks or approximate study methodologies. This data may be submitted by a certified engineer and shall be used during the letter of map revision process for determination of the floodplain and base flood for a specific area.
- (b) Overlay concept.
- [1] The floodplain districts described below shall be overlays to the existing underlying districts as shown on the Official Zoning Map of Warren County and, as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
 - [2] Any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
 - [3] In the event that any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.
- (2) Official Zoning Map. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map (FIRM) and Digital Flood Insurance Rate Map (DFIRM) which is declared to be a part of this section and which shall be kept on file at the Warren County Planning and Zoning offices.
- (3) District boundary changes.
- (a) The delineation of any of the Floodplain Districts may be revised by the Warren County Board of Supervisors where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency

Management Agency (FEMA) after an elevation certificate and letter of map change (LOMC) have been submitted to them.

- (b) Initial interpretation of the boundaries of the floodplain districts shall be made by the **County Floodplain Administrator, Planning Director, Zoning Administrator or Deputy Zoning Administrator**. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- (4) Jurisdictional boundary changes.
- (a) In accordance with CFR, Title 44, Subpart (B), Section 59.22(a)(9)(v), all NFIP participating communities must notify the Federal Emergency Management Agency and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.
 - (b) In order that all Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed, or relinquished floodplain management regulatory authority must be included with the notification.

~~F.~~ **K.** District provisions.

(1) Permit and application requirements. **[Amended 5-21-2013]**

- (a) Permit requirement. All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of a **floodplain determination, zoning and building 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-proofed** ~~(nonresidential only)~~, **and** the elevation to which the structure will be **flood-proofed**.
 - [3] The issuance of an elevation certificate for an as-built **residential dwelling** structure prior to the final inspection and a certificate of occupancy being issued by Warren County Building Inspections and submitted to the Zoning **or County Floodplain** Administrator within 30 days prior to **the issuance of a certificate of** occupancy.
- (2) General standards. In all SFHA Districts the following provisions shall apply **to all permits**: [Amended 5-21-2013]
- (a) The building of critical facilities in the Special Flood Hazard Area 1% annual chance and 0.2% annual chance flood/shaded zone X area shall be prohibited.**
 - ~~(a)~~**(b)** New construction and substantial improvements shall be **built according to this ordinance and the VA USBC, and** anchored to prevent flotation, collapse or lateral movement of the structure.
 - ~~(b)~~**(c)** Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
 - ~~(c)~~**(d)** New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - ~~(d)~~**(e)** New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - ~~(e)~~**(f)** Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - ~~(f)~~**(g)** New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
 - ~~(g)~~**(h)** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - ~~(h)~~**(i)** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - ~~(i)~~**(j)** Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this section shall meet the requirements of new construction as contained in this section.

- ~~(j)~~**(k)** Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this section shall be undertaken only if said nonconformity is not furthered, extended or replaced.
- ~~(k)~~**(l)** Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the United States Corps of Engineers **(USACE)**, the Virginia Department of Environmental Quality **(DEQ)** and the Virginia Marine Resources Commission **(VMRC)**. ~~{A joint permit application is available from any of these organizations~~ **or from other Virginia state offices of environmental programs.** Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation **(DCR)** ~~{Division of Dam Safety and Floodplain Management}~~ and the Federal Insurance **and Mitigation Administration (FIMA)**.
- ~~(l)~~**(m)** The flood-carrying capacity within an altered or relocated portion of any watercourse shall be maintained. **Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.**
- (n) In any flood zone the Floodplain Administrator may require a hydrologic and hydraulic analysis for any development.**
- (o) Development within the Special Flood Hazard Areas shall not adversely impact any threatened and endangered special status faunal species as identified by the Virginia Department of Wildlife Resources (DWR)).**
- (3) Specific standards. In all special flood hazard areas where base flood elevations have been provided in the Flood Insurance Study or generated according to § **180-16 K(1)**, the following provisions shall apply and shall comply with the current Uniform Statewide Building Code (USBC):
- (a) Residential construction. Construction of these structures within the regulatory floodway (SFHA Floodway District) shall be prohibited. Within the Special Flood Hazard Areas Zones A and AE, new construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than ~~one foot~~ **two and a half feet (30 inches)** above the base flood elevation ~~and shall be constructed with an additional one foot of freeboard if within 100 feet of the regulatory floodway.~~ They must also meet a linear setback of 25 ~~fifty~~ **(50')** feet from the edge of the regulatory floodway as determined in the Flood Insurance Study or through a base floodwater surface elevation **and contour analysis survey.** Such certifications and determinations, including the specific elevation (in relation to mean sea level) to which such structures are **flood-proofed**, shall be maintained by the County Planning Department. **The Zoning Administrator shall determine that the yard location and**

setbacks for structures located in residential zoned properties and adjacent to the waterway are compliant and meet the Warren County Code requirements and Floodplain Determination elevation and comments of the Floodplain Administrator. A signed and notarized letter of understanding for a non-conversion of the dwelling shall be submitted at the time of the permit application.

- (b) Nonresidential Commercial, Industrial and Institutional construction. New construction of these structures within the SFHA Floodway shall be prohibited. ~~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-proofed** 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]**

Chapter 180. Zoning

Article II. Application

§ 180-8. Definitions.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed ~~50%~~ **45%** of the ~~market~~ **assessed** value of the structure before the damage occurred **not inclusive of land value.**

This term does not, however, include either:

(1) Land value

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

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds ~~50%~~ **45%** of the ~~appraised~~ **assessed** value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or, any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION.

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

Public Hearing – Z2022-01-01, Ordinance to Amend and Re-Ordain Chapter 180 (Zoning) of the Warren County Code re: Family Day Home – Matt Wendling

Mr. Wendling reported 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.

Mrs. Cullers opened the public hearing.

Samantha Ruibal, 3100 Shenandoah Shores Road, said she currently operates a family day home as well and is the only other subsidy vendor in the County. She encouraged the Board to approve the proposed text amendments so she can apply for the permit as well and taking into consideration the limited number of operations like this in the County.

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

On a motion by Mrs. Oates, seconded by Mrs. Cook, and by the following vote, the Board of Supervisors, finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, and general welfare and good zoning practice, approved the amendments to Warren County Code Sections 180-8, 180-21, 180-22, 180-23, 180-24, 180-25, 180-26, and 180-46.1 re: Family Day Home:

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

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.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION.

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

Language proposed to be added is bolded and underlined. **Example**

Public Hearing – Conditional Use Permit 2022-01-01, Aaron Hike for a Short-Term Tourist Rental Located off Pineview Drive and Identified on Tax Map 21B, Section 3, Block 6, as Lot U – Matt Wendling

Mr. Wendling reported 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.

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

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three-bedroom for the single-family dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Mr. Mabe asked if there is a landline on the premises, and Mr. Wendling replied that as part of the supplemental regulations, short-term tourist rentals are required to have a landline or a voiceover IP phone.

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

On a motion by Mr. Butler, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved 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 and listed below:

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

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three-bedroom for the single-family dwelling.

3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Public Hearing – Conditional Use Permit 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

Mr. Wendling reported 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 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.

Mr. Wendling noted the Blue Mountain Property Owners Association provided comments in support of this application.

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three-bedroom 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.

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

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

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

1. The 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.

Public Hearing – Conditional Use Permit 2022-01-03, Rachel Ward and Simon Booth for a Short-Term Tourist Rental Located at 627 Vesey Drive and Identified on Tax Map 7A, Section 1, as Lot 120A – Matt Wendling

Mr. Wendling reported 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 because it is a one-bedroom dwelling that is somewhat isolated, they do not anticipate any problems relating to intrusion of their neighbors' privacy and security. Their intent is to manage the property themselves.

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

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed 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.

Rachel Ward, 627 Vesey Drive, introduced herself as one of the applicants and told the Board she and Mr. Booth are planning to hire a management company. Mr. Wendling stated he will make sure the phone number of the manager is in the property management plan as part of the Planning Department's review.

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

On a motion by Mr. Butler, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved 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 and listed below:

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

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

Public Hearing – Conditional Use Permit 2022-01-04, Karen Thomson for a Short-Term Tourist Rental Located at 535 Sunset Village Road and Identified on Tax Map 27D, Section 1, Block 53, as Lot 3A – Joe Petty

Mr. Petty reported 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 and 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.

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

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operational permit for a four-bedroom dwelling.
3. The applicant 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 applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

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

On a motion by Mr. Butler, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved 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 and listed below:

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

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operational permit for a four-bedroom dwelling.
3. The applicant 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 applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

Public Hearing – Conditional Use Permit 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

Chase Lenz, Zoning Administrator, reported 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.

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

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code Section 180-56.4(B). 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.

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

On a motion by Mrs. Cook, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved 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 and listed below:

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

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code Section 180-

56.4(B). 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.

Public Hearing – Conditional Use Permit 2022-01-06, Alvand Khoshgavar for a Short-Term Tourist Rental Located at 668 Old Dam Road and Identified on Tax Map 13A, Section 5, as Lot 6 – Joe Petty

Mr. Petty reported 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 Section 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.

Mr. Petty provided the Board with additional documentation recently received from the Health Department and the onsite soil evaluator (OSE) the Mr. Khoshgavar hired.

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

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code Section 180-56.4(B). The Certificate of Zoning shall only be issued with approved Health Department records.
3. The applicant 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 applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
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.

Alvand Khoshgavar introduced himself as the applicant and reviewed the documentation provided by the OSE regarding the property's septic system capacity.

Mrs. Oates said she did not understand the disconnect between the one-bedroom capacity the Health Department shows in its records versus the pictures provided by Mr. Khoshgavar, which clearly show two bedrooms. Mr. Petty said it frequently happens that the number of bedrooms advertised by a realtor may not be the same as the approved records through the Health Department.

Mrs. Cullers voiced her concerns about the capacity of the well and septic system, and Mr. Butler said he was concerned about potential encroachment of drainage onto the neighboring properties. Mr. Petty referred the Board to the drainfield drawing from the OSE and the records of the system that show it has been in operation for a while and seems to be in adequate condition.

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

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved 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 and listed below:

Mabe, Aye; Cook, Aye; Cullers, No; Oates, Aye; Butler, Aye

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code Section 180-56.4(B). The Certificate of Zoning shall only be issued with approved Health Department records.
3. The applicant 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 applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
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.

Adjournment

Mrs. Cullers adjourned the meeting at 8:33 PM.