

At a special meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on August 23, 2022 at 6:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Delores R. Oates, Vice Chair (North River District); Jerome K. Butler (Happy Creek District); and Walter J. Mabe (Shenandoah District); also present were Edwin C. Daley, County Administrator; Taryn G. Logan, Deputy County Administrator; James Bonzano, Chief of Fire and Rescue Services; Kayla Darr, Payroll/Human Resources Coordinator; Caitlin Jordan, Senior Assistant County Attorney; Chase Lenz, Zoning Administrator; Gerry Maiatico, Fire Marshal; Jane Meadows, Human Resources Director; Matt Wendling, Planning Director; Emily Ciarrocchi, Deputy Clerk of the Board; and Steve Sill, Royal Examiner

Absent: Victoria L. Cook (Fork District)

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

Adoption of the Agenda

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

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

Public Hearing – Ordinance to Add and Ordain Section 30-9 of the Warren County Code to Add a One-Time Incentive Pay for Advanced Level Providers with the Department of Fire and Rescue Services in FY 2021-2022 – Jane Meadows

Jane Meadows, Human Resources Director, reported this ordinance is proposing a one-time incentive pay in FY 2021-2022 for Advanced Level Providers with the Department of Fire and Rescue Services.

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 adopted the proposed ordinance to add and ordain Section 30-9 of the Warren County Code for a one-time incentive pay for Advance Level Providers with the Department of Fire and Rescue Services in FY 2021-2022:

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

ORDINANCE TO AMEND CHAPTER 30 OF THE WARREN COUNTY CODE (OFFICERS AND EMPLOYEES) AND TO ADD AND ORDAIN SECTION 30-9 (PAYMENT OF ONE-TIME INCENTIVE PAY IN FY 2021-2022)

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Warren County Code Section 30-9 be added and ordained as follows:

§ 30-9 Payment of one-time incentive pay in for Advance Level Providers with the Department of Fire and Rescue Services in FY 2021-2022.

This incentive pay is to compensate Advance Level Providers who based upon the FY 2021-2022 pay structure are not compensated for advanced certifications. The incentive is utilized to recognize and reward providers for achieving or maintaining accreditation to perform life-saving procedures in the field. Without incentive pay, there is no compensation for Fire & Rescue staff to put in the hours of study required maintain certification that is necessary for regular operations in Warren County:

A. Incentive Pay – Authorized to all eligible advance level providers and advanced life support officers within the department:

- (1) Active Employment. Employees must be in an active pay status at the time the payment is made.**
- (2) Employees must not be currently classified as a Firefighter/Paramedic**
- (3) Amount of Payment for Advanced Level Providers - \$3,000**
- (4) Amount of Payment for Intermediate Level Officers - \$4,500**
- (5) Amount of Payment for Paramedic Level Officers - \$6,000**

B. This one-time payment shall be for FY 2021-2022 only.

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 2022-06-01, Joseph Muniz for a Short-Term Tourist Rental Located at 499 Rome Beauty Drive and Identified on Tax Map 22B, Block K, Lot 18 – Matt Wendling

Matt Wendling, Planning Director, reported the applicant purchased this property as a second home in 2021 and started renting the property short-term shortly after purchasing the property. After the Planning Department sent him a Notice of Violation for operating a short-term rental without a permit, he ceased the rentals and began the permitting process. He uses

this second residence with his family, and being able to rent it out on a short-term basis will allow him to offset the costs of the second home. The applicant is requesting a waiver to the setback requirement of 100' from dwelling to dwelling; the dwelling to the west is 95' and the one to the east is 80'. The applicant has contracted with waste management, local handyman, pest control, and lawncare to maintain the property, and he plans to be the property manager at this time.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Joseph Muniz, applicant, reiterated that he is wanting to rent this home on a short-term basis to offset the costs of owning a second home. Since purchasing the home in 2021, they have spent \$20,000 for a new well system and \$15,000 for a replacement HVAC system. He agrees with the added condition of no outdoor fires or discharging of fireworks on the property; they even removed the pool that was at the home when they moved in to mitigate unnecessary risks.

Mrs. Cullers opened the public hearing.

Wayne Baxter, 461 Rome Beauty Drive, said he is the resident to the east of the subject property and the closest residence to the home. As of 5:00 PM prior to this hearing, the fire pit on the property has yet to be removed, despite the Planning Commission ordering the owner to do so at its public hearing in July. If the owner is unwilling to comply with the Planning Commission's stipulation, he is worried the applicant will not adhere to the adopted conditions either.

Mr. Muniz returned to the podium and ensured the Board that the fire pit will be removed if the permit is approved. Mr. Wendling said he will be sure this concern is addressed prior to the issuance of the certificate of zoning.

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

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

Mabe, 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 (6) as determined according to the Health Department operational permit for a three-bedroom dwelling.

3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. A waiver to the required setback of 100' to the adjacent property dwelling shall be granted for the existing 80' and 95' setbacks to the dwellings east of the subject property.
8. Outdoor burning and the use of fireworks by guests shall be prohibited.

Public Hearing – Conditional Use Permit 2022-06-02, Yulia Svetlichnaya for a Short-Term Tourist Rental Located at 610 Joans Quadrangle Road and Identified on Tax Map 15E, Section 6, Block 6, Lot 767 – Chase Lenz

Chase Lenz, Zoning Administrator, reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in December of 2021. The applicant would like to make the property available for short-term visitations for guests seeking to enjoy the mountain views and connect with the natural beauty of the Shenandoah National Park and Warren County area. She plans to manage the property personally with assistance from local professional services for cleaning, maintenance, and garbage removal. During the public hearing at the Planning Commission, a condition was added restricting outdoor burning and use of fireworks by guests. Other concerns raised at the Planning Commission public hearing included trespassing and road conditions. As this property is located within the Shenandoah Farms Sanitary District, anyone concerned about the conditions of the road can reach out to the County's Sanitary District Manager. Additionally, Property Owners of Shenandoah Farms, Inc. (POSF) submitted an email stating they had no objections to this application.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Yulia Svetlichnaya, applicant, said she purchased this property as a second home and would like to continue to use it as such but rent it short-term when she is not there for supplemental income. There is a large fire pit on the property that she intends to remove, and she has contracted with a local cleaning company and handyman.

Mrs. Cullers opened the public hearing.

Sebastian Clement, 472 Joans Quadrangle Road, said he has nothing against Yulia as a neighbor but is against this proposed rental. His main concern are the “Nascar drivers” that are not from the area and drive along Joans Quadrangle Road as if they have no sense. This subdivision is not a resort area, and he does not want this commercial business to be approved.

Doris Harrington, 517 Joans Quadrangle Road, introduced herself as a member of the POSF Board. As a member, she told the Board of Supervisors that this conditional use permit application was never brought up in a POSF meeting or brought before the POSF Board. The increase in traffic she believes this short-term rental will cause is not acceptable. She noted the Planning Commission mentioned at its meeting that statistics show that short-term rentals do not increase traffic, but she invited the Board of Supervisors members to sit on her porch to count how many times vehicles from nearby short-term rentals drive past her house.

There being no further 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 Yulia Svetlichnaya 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; 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 four (4) as determined according to the Health Department operational permit for a two-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.

Public Hearing – Conditional Use Permit 2022-06-03, Thomas Cho for a Short-Term Tourist Rental Located at 4359 Remount Road and Identified on Tax Map 39F, Section 1, Lot 7A – Chase Lenz

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in March of 2022. The applicant would like to make the property available for short-term visitations for guests of the Shenandoah National Park and Warren County area when he is not hosting his out-of-state family. He plans to manage the property personally. This property is located in the Bear Hollow Ridge subdivision, which is not managed by a Homeowners or Property Owners Association. The Planning Department did receive one letter of opposition raising concerns about the driveway entrance to this property being located off a busy highway and included article about a recent accident nearby.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Thomas Cho, applicant, said the driveway leading to this property has a shared entrance with the adjacent property. He plans on paving the driveway leading to his rental but not the shared entrance nor his neighbor's driveway. He also plans to install directional signage for the rental and to redo the parking area to provide ample space for guests' vehicles.

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

Mabe, 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 (6) as determined according to the Health Department operational permit for a four-bedroom dwelling.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.

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

Public Hearing – Conditional Use Permit 2022-06-04, Andrew Sickle for a Short-Term Tourist Rental Located at 298 Worlds End Lane and Identified on Tax Map 23A, Section 1, Block 2, Lot 51A – Chase Lenz

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property his partner purchased in April of 2022. The applicant and his management partners would like to make the property available for short-term visitations for guests seeking a quiet escape while exploring the Shenandoah National Park, local wineries, and all the Warren County area has to offer. The applicant and his management partners plan to manage the property with assistance from local professional services for cleaning, maintenance, and garbage removal. This property is located in the Skyland Estates subdivision, and the Skyland Community Corporation submitted a letter of opposition regarding this application. Concerns raised at the Planning Commission public hearing included unfamiliar drivers on the narrow roads leading to the property that have blind turns and hidden driveways.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Charles Steininger introduced himself as the owner of the property who, along with his managing partners Andrew Sickle and Jin Zhang, plans to be the manager of this short-term rental. The partners have purchased two “Children At Play” signs for the property, one of which is already installed on the property, and have updated the property management plan to include a message to the guests about driving cautiously on the roads. They have established a local point of contact for the rental and have contracted with local cleaning professionals, a landscaper, and a handyman. They plan to review each rental request individually and only approve low-risk renters.

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

Mrs. Oates noted that although Skyland Community Corporation does not support short-term rentals in the subdivision, the Board of Supervisors has approved two already this year.

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 Andrew Sickle 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; 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 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.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.

Public Hearing – Conditional Use Permit 2022-06-05, Jennifer Harp for a Short-Term Tourist Rental Located at 608 Venus Branch Road and Identified on Tax Map 15E, Section 4, Block 4, Lot 123A – Matt Wendling

Mr. Wendling reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in May 2022. The applicant would like to make the property available for short-term visitations for guests seeking to enjoy all the Warren County area has to offer when her family is not enjoying the property themselves. She plans to manage the property personally with assistance from local professional services for cleaning, maintenance, and garbage removal. Since purchasing the property, the owner has installed a new drainfield and septic system, which with the issuance of an updated operational permit has increased the occupancy limit of the short-term rental.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Craig Fitzpatrick introduced himself as the husband of the applicant, Jennifer Harp. They have made considerable investments into the property and desire to continue to be good neighbors. The property management plan for the rental includes quiet hours, and the property manager is approximately eight (8) minutes from the property.

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 Jennifer Harp for a Short-Term Tourist Rental with the conditions as recommended by the Planning Commission and staff and listed below:

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

Public Hearing – Conditional Use Permit 2022-06-06, Lyndsey DePalma and Amanda Shipe for a Short-Term Tourist Rental Located at 1945 Panhandle Road and Identified on Tax Map 35, Lot 8 – Chase Lenz

Mr. Lenz reported the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in April of 2022. The applicants would like to share the natural beauty of the Warren County area by making the property available for short-term visitations for guests when they are not enjoying the property themselves. The applicants will manage the property personally. This property is surrounded on all sides by the George Washington National Forest.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Amanda Shipe, one of the applicants, said she and her sister – the other applicant – plan to manage property themselves initially. They have a local handyman and cleaning service for the rental, and their father lives about 40 minutes away.

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 Lyndsey DePalma and Amanda Shipe 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; 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 six (6) as determined according to the Health Department operational permit for a three-bedroom dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.
7. Outdoor burning and the use of fireworks by guests shall be prohibited.

Public Hearing – Conditional Use Permit 2022-06-07, John Clarke for a Short-Term Tourist Rental Located at 938 Fetchett Road and Identified on Tax Map 44, Lot 35B – Chase Lenz

Mr. Lenz reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in August 2021. The applicant would like to share the beauty of the Shenandoah Valley and offset costs related to the property by making the property available for short-term visitations for guests when he and his family are not enjoying the property themselves. The owner will manage the property personally with assistance from a nearby experienced professional property manager.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

John Clarke, applicant, said he is a native of Roanoke, Virginia and a graduate of James Madison University. He purchased this property as a second home for his family to enjoy the area and has strong relationships with his neighbors. He does not want potential renters to do anything disruptive, and his neighbors can come to him directly. Although he and his family live in California, the property manager is 25 minutes away from the rental.

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

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

Public Hearing – Conditional Use Permit 2022-06-08, Royal Oak Estates, LLC (Larry Himelright) for a Cluster Housing Development Located at 0 Reliance Road and Identified on Tax Map 11, Lots 8E, 12, 13 and 14 – Matt Wendling

Mr. Wendling reported the applicant is requesting a conditional use permit for a Cluster Housing Development, which would consist of 40 lots under ten acres in size (average one acre) and 7 lots greater than ten acres in size and an open space lot of 64.616 acres. Lots within the development will be served by a newly dedicated street that meets the standards for acceptance

in the state highway system. A minimum of 60% development shall either be preserved in open space, or subject to a perpetual easement preserving it in agricultural and/ or forestal uses. Such perpetual easement shall be deeded to Warren County and shall prevent future development of the property for other than nonstructural agricultural and forestal uses. These numbers are 60% = 110.16 acres in open space and 40% = 73.44 acres in development. Mr. Wendling highlighted the following conditions:

5. Before each Certificate of Occupancy is issued for each of the 47 dwellings as part of the Cluster Housing Development by CUP and additional ten acre lots, the sum of \$2,986.00 shall be paid to the County of Warren to offset the net capital cost per household to the County caused by this development as outlined in the Fiscal Impact Model at the time the building permits are issued.
14. No structures shall be placed within the "Open Space" boundaries without approval from the Warren County Planning Department. Such structures shall be cohesive with the agricultural/rural nature of the surrounding area in their appearance and used for recreation or maintenance of the open space. The open space area is reserved for use by all residents of the development, and not dedicated as public lands.
15. No structures shall be placed within the "Agricultural & Forestal Easement" boundaries. These easements are reserved for nonstructural agricultural and forestal uses only.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Larry Himelright, applicant, gave an extensive explanation of the subdivision plan. He described the layout of the property, how the lots are being separated, and that he will not be the developer for this property but rather will be selling it.

Mrs. Cullers opened the public hearing.

Daniel Taylor, 401 Reliance Lane, said his main concern about the proposed development is traffic. The number of vehicles on Reliance Road increases every year, and the increase in traffic due to the development will negatively impact the safety on the road.

Mr. Himelright returned to the podium and disputed Mr. Taylor's concerns about traffic on Reliance Road. He thinks the traffic counts are outdated since they have not been updated to account for the increase of people working at home due to the COVID-19 pandemic. While he cannot do anything about the traffic, he believes Reliance Road is one of the safest roads in the County. Due to the location of his property being almost exactly halfway between Route 522 and Middletown, the traffic from the proposed subdivision will be split, going in both directions.

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

Mr. Mabe noted that this was probably the first development along Reliance Road between Front Royal and Middletown to take a wooded lot and turn it into cluster residential housing, Mr. Himelright confirmed he was not aware of a similarly sized development to his. Mr. Mabe said if this request is approved, it could open the door for other developments in the future that would create infrastructure and service deficiencies that do not exist today and require the Board to invest in substantial upgrades. He is trying to take the potential of future needs into consideration while balancing property rights.

Mrs. Oates commented that per the County's Comprehensive Plan, dense housing is meant to be located/developed where infrastructure is already in place, such as within the limits of the Town of Front Royal where utilities exist. She does not think dense housing was designed for this area. She lives off Reliance Road and is aware of the issues that exist with traffic volume. Additionally, A.S. Rhodes Elementary School is already over capacity, and any additional dense housing development would bring in more school-aged children and create the need for additional school space.

Mr. Himelright responded that the things about which the Board are most concerned are out of his control.

Mr. Butler made a motion to approve the conditional use permit request of Larry Himelright for a Cluster Housing Development with the conditions as recommended by the Planning Commission and staff, which failed due to lack of a second.

Mrs. Oates made a motion to deny the conditional use permit request of Larry Himelright for a Cluster Housing Development for reasons including traffic volume concerns along Reliance Road, the lack of existing infrastructure to support a dense housing development in this area, and the impact of additional school-aged children on the already over-capacity A.S. Rhodes Elementary School, which was seconded by Mr. Mabe and passed by the following vote:

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

Public Hearing – Z2022-06-01 – Cole and Danielle Haase for an Ordinance to Amend and Re-Ordain Sections 180-8 and 180-43 of the Warren County Code re: Commercial Outdoor Recreation Operation – Matt Wendling

Mr. Wendling reported the applicants are requesting a text amendment to allow for an indoor facility accessory to a Commercial Outdoor Recreation Operation. Commercial Outdoor Recreation Operation is a use currently allowed by conditional use permit in the Agricultural, Rural Residential, and Commercial zoning districts; however, the current definition of Commercial Outdoor Recreation Operation from the Zoning Ordinance does not allow for an indoor component to the use. The proposed amendments would allow for an indoor recreation component to be included as an accessory use to an outdoor recreation operation, provided that

the indoor activity is the same use as the outdoor activity and the indoor facility does not exceed a cumulative 10,000 square feet in size.

The Planning Commission has forwarded this application to the Board of Supervisors recommending approval.

Mrs. Cullers opened the public hearing.

Scott Truax, 100 Harmony Manor Drive, voiced his support of the proposed conditional use permit and the facilities the Haases would like to include.

Alex Bigles, 125 Boo Road, said he is in support of the proposed text amendment as without the amendment there will be no facility.

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

Mr. Wendling reminded the Board and citizens that the public hearing for the conditional use permit application is on September 27th at 6:00 PM.

On a motion by Mrs. Oates, seconded by Mr. Butler, 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 adopted the proposed ordinance to amend and re-ordain Sections 180-8, 180-21, and 180-43 of the Warren County Code re: Commercial Outdoor Recreation Operation:

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

ORDINANCE TO AMEND AND RE-ORDAIN SECTIONS 180-8, 180-21, AND 180-43 OF THE
WARREN COUNTY CODE TO AMEND THE DEFINITION OF "COMMERCIAL OUTDOOR
RECREATION OPERATION" AND TO AMEND THE SUPPLEMENTARY REQUIREMENTS RELATED TO
THE SAME

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 180-8 (Definitions), 180-21 (Agricultural (A) District), and 180-43 (Commercial recreational structures and uses) of the Warren County Code be amended and re-ordained as follows:

Chapter 180. Zoning

Article II. Application

§ 180-8. Definitions.

- C. Definitions of words and terms. As used in this chapter, the following words and terms shall have the meanings indicated:

...

COMMERCIAL OUTDOOR RECREATION OPERATION

A private, fee-supported, outdoor activity using or not using tangible facilities, involving or not involving athletic training, mastered skills, innate or acquired talents, requiring or not requiring athletic or recreational supervision. An indoor recreation component may be included as an accessory use to the outdoor recreation operation, provided that the indoor activity is the same use as the outdoor activity and the indoor facility does not exceed a cumulative 10,000 square feet in size. This use shall meet the supplemental regulations in Section 180-43.

[Added 1-17-1995, Amended 8-23-2022]

Article IV. District Regulations

§ 180-21. Agricultural (A) District.

- D. Uses allowed by conditional use permit. The following named uses may be permitted upon issuance of a conditional use permit by the Board of Supervisors:

...

- (29) Commercial outdoor ~~recreational~~ recreation operation.

[Added 1-17-1995, Amended 8-23-2022]

Article V. Supplementary Regulations

§ 180-43. Commercial ~~recreational structures and uses~~ outdoor recreation operation.

[Amended 1-17-1995, Amended 8-23-2022]

...

- G. The hours of operation and frequency of operation shall be proposed by the Planning Commission and set by the Board of Supervisors.

- H. As an accessory use to an outdoor recreation operation, an indoor component may be permitted, provided that the indoor activity is the same use as the outdoor activity and the indoor facility does not exceed a cumulative 10,000 square feet in size.

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**

Adjournment

Mrs. Cullers adjourned the meeting at 8:32 PM.

Cheryl L. Cullers
Chair