

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on May 11, 2022, at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District); Joseph Longo (Shenandoah District); also present Matt Wendling, Planning Director; Caitlin Jordan, Senior Assistant County Attorney; Chase Lenz, Zoning Administrator; Joe Petty, Director of Economic Development; and Emily M. Ciarrocchi, Deputy Clerk of the Board

Absent: Kaylee Richardson (South River District)

Call to Order

Adoption of Agenda

On a motion by Mr. Henry, seconded by Mr. Longo, and by the following vote, the Planning Commission adopted the agenda as presented:

Aye: Henry, Kersjes, Longo, Myers

Public Presentations

There were no presentations from the public.

Unfinished Business – Conditional Use Permit 2022-03-06, Patricia A. Brown for Private Use Camping Located off Misty Meadow Lane and Identified on Tax Map 41A as Lot 14

Chase Lenz, Zoning Administrator, stated this item had been postponed following the public hearing on April 13, 2022, due to concerns raised by neighbors. After additional conversations with the applicant, the following new conditions are proposed to be included with the conditional use permit:

5. The use of major recreational vehicles for private use camping on the property shall be prohibited.
6. The applicant shall be limited to no more than four organized noncommercial camping events for local community groups per calendar year, provided that no event exceeds three days in duration. The applicant shall notify Planning Department staff prior to any organized noncommercial camping event. The property boundaries shall be clearly marked throughout the duration of each organized noncommercial camping event.

On a motion by Mr. Henry, seconded by Mr. Longo, and by the following vote, the Planning Commission forwarded the conditional use permit application of Patricia Brown for Private Use Camping to the Board of Supervisors recommending approval with the conditions as listed below:

Aye: Henry, Longo, Myers

Nay: Kersjes

1. The applicant shall comply with all Warren County Health Department regulations and requirements.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles and portable commode prior to a predicted flood event.
4. The accessory building shall meet all requirements of the Residential-One Zoning District and the Floodplain Overlay District.
5. The use of major recreational vehicles for private use camping on the property shall be prohibited.
6. The applicant shall be limited to no more than four organized noncommercial camping events for local community groups per calendar year, provided that no event exceeds three days in duration. The applicant shall notify Planning Department staff prior to any organized noncommercial camping event. The property boundaries shall be clearly marked throughout the duration of each organized noncommercial camping event.

Public Hearing – Z2022-03-02 – Justin and Maureen Sager – Ordinance to Amend Section 180-8 (Definitions) to Add Supplemental Regulations Pertaining to Exempt Poultry Abattoirs

Matt Wendling, Planning Director, reported the applicants currently operate Flo-Ray Farm located at 1140 Ashby Station Road in the Rockland area of the County. They have submitted an overview of the proposed Abattoir for poultry, which are raised and slaughtered on their property. They plan to raise them in portable “chicken tractors” also called broiler shelters which will be moved on a daily basis to distribute the nutrient waste generated from each shelter. They plan on starting with three of these units and will rotate them throughout the farm keeping a setback of 100’ from the property line. Both the proposed site plan and the nutrient management plan will be reviewed by the Virginia Cooperative Extension Office to ensure proper disposal of waste.

For three years, the applicants have raised and butchered chickens for their own use for non-commercial distribution to family and friends. They are requesting the text amendment so that they can sell their product at local farmers’ markets, retail stores, and

larger farms which market to the public free-range raised chickens. They intend to slaughter no more than 1,000 poultry per year and will average 150 per cycle, which equates to ten events per year in which the slaughtering will take place. According to the applicants this will occur from March to October.

Staff is recommending the definition of Abattoir (poultry) be added to Section 180-8 as, **"A structure where poultry is slaughtered and prepared for distribution. The facility is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, or storage of the product on the premises"**, that it be added to Section 180-21(C) as an accessory use permitted by-right in the Agricultural (A) Zoning District, and that the following supplemental regulations be added as Section 180-30.1:

- A. Statement of intent. This section describes regulations for an exempt poultry abattoir which is permitted by right in the Agricultural District.**
- B. Requirements. Except as otherwise provided in this chapter, an exempt poultry operation initiated after the enactment of this section which exceeds the slaughtering of more than 1,000 animals per calendar year shall constitute a violation of this chapter. A confirmation letter from the Virginia Department of Agricultural and Consumer Services recognizing the property owner's farm and poultry abattoir as meeting the standards for exemption for the raising, slaughtering and processing of 1,000 birds or less per year shall be required with the submission of the application.**
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:**

EXEMPT POULTRY ABATTOIR

A structure where poultry is slaughtered, processed, packed and labeled for distribution. The facility is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, or storage of the product on the premises. The number of slaughtered fowl or birds shall not exceed 1,000 animals per calendar year.

NUTRIENT

Poultry excrement, litter, offal, innards, feet, heads, feathers and/or waste.

POULTRY

Includes all domestic fowl and game birds raised in captivity.

RECREATIONAL POND OR LAKE

Any pond or lake which is used for fishing, boating, swimming or any other recreational activity.

- D. Structures used for an exempt poultry abattoir operation shall be located no closer than:**

- (1) Five hundred feet to any structure designed to be occupied as a residence, excluding any residence owned by the applicant.**

- (2) Five hundred feet to any residential zoning district, school, church, community center or commercial business establishment or industry or any other structure designed for public occupancy.
 - (3) Five hundred feet to any boundary of a town within the County.
 - (4) One hundred feet to any adjacent property where existing agricultural operations are being pursued.
 - (5) Two hundred feet to any primary highway, secondary highway, roadway or other right-of-way for passage.
 - (6) Three hundred feet to any recreational pond, lake, river, creek, spring, reservoir or any public water supply system, including but not limited to community wells.
 - (7) One hundred feet to the property owner's private water supply system, including but not limited to a well or cistern.
- E. The property owner shall have their 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.
- F. All exempt poultry abattoir operation shall be on a parcel of 20 acres or more under a single ownership. In addition, the applicant shall meet all other requirements of this section.
- G. Limitations on structures for an exempt poultry abattoir operation. There shall be no more than one structure for the use as a poultry abattoir on the property.
- H. Site plan required. Each application for a exempt poultry abattoir shall be accompanied by a site plan of the entire parcel with location of proposed facility drawn to scale and in sufficient detail to show that the proposed abattoir operation meets all applicable setback requirements of this section and showing the direction and distances to nearest residences, adjacent zoning districts, platted residential subdivisions, rural service areas, mobile home parks, public schools, recreation areas, wells, springs and water intakes listed under other required setbacks.
- I. Filing of nutrient management form. An exempt poultry abattoir property owner shall file with the Zoning Administrator a nutrient management form containing the following information, prior to obtaining a certificate of zoning and/or a building/agricultural permit:
 - (1) Number of poultry to be raised per year.
 - (2) Estimated number of cubic yards of poultry waste to be generated annually.
 - (3) Cubic yards of poultry waste to be stored and composted on the operation's premises annually.
 - (4) Description of method of composting and identify the location of the poultry waste and wastewater by-product where this is stored.
- I. Plan for nutrient storage site.

- (1) An application for an exempt poultry abattoir operation shall contain a plan for the nutrient storage site which shall satisfactorily demonstrate that the nutrient storage site:**
- (a) Is not located in a stormwater drainage area.**
 - (b) The location is shown on the site plan.**
 - (c) Does not encroach on the property's septic system.**
 - (d) Has sufficient capacity to accommodate 100% of the waste produced by the operation on the parcel during the time in which slaughtering occurs.**
 - (e) Is located on the same parcel as the facility to which it is an accessory use.**
 - (f) Shall not be stored within five hundred feet of a neighboring residential dwellings, excluding any residence owned by the applicant. Dead fowl or birds shall be removed according to best nutrient management practices.**
- (2) There shall be three copies of the plan submitted to the Zoning Administrator. The Zoning Administrator will forward two of those copies to the Lord Fairfax Soil and Water Conservation District and the Virginia Tech Cooperative Extension Animal Science agent to review the proposed plan for nutrient storage within 30 days. Upon review and approval of the plan, a certificate of zoning will be issued for the operation.**

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

Mr. Henry asked if this would apply to the entire County if approved, and Mr. Wendling confirmed it would for properties in the Agricultural (A) Zoning District that are 20 acres or greater in size and under single ownership.

Mr. Kersjes raised concerns about the smell that would come from the poultry, and Mr. Wendling responded that with free range chickens, the nutrients are not concentrated in one location for any extended period of time, which will help with the smell. Also, the United States Department of Agriculture (USDA) has regulations relating to this practice.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission, finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, general welfare, and good zoning practice, forwarded the proposed amendments to Warren County Code Sections 180-8, 180-21, and 180-30.1 regarding Poultry Abattoirs to the Board of Supervisors recommending approval:

Aye: Henry, Kersjes, Longo, Myers

Public Hearing – Conditional Use Permit 2022-04-01, Phong Nguyen for a Short-Term Tourist Rental Located at 571 Wilderness Road and Identified on Tax Map 23A, Section 3, Block 20, as Lot 50A

Joe Petty, Director of Economic Development, reported the applicant is requesting a conditional use permit for a short-term tourist rental for individuals who will be visiting the Warren County area. Mr. Nguyen currently lives outside Warren County and plans manage the property in-house and to have the property cleaned in between reservations. The Health Department has confirmed the sewage operation permit for this property with a three-bedroom, five-person occupancy. Additionally, the Planning Department received comments from the Skyland Community Corporation Board of Directors in opposition to this application and the following general concerns:

1. The requirement that the property must be owned by an individual and serve as the owner's primary residence, not as a business.
2. The owner must occupy a portion of the residence during the term of the rental.
3. No outdoor burning or fireworks are to be allowed.

Phong Nguyen, applicant, stated he had purchased this second residence as a vacation home for his family. He wished to offset some of the upkeep and maintenance expenses as well as share the experience of visiting Shenandoah National Park with out-of-town visitors.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

Mr. Henry requested the addition of a condition related to the banning of outdoor burning and fireworks on the property to help with the Skyland Community Corporation's concerns.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission forwarded the conditional use permit application of Phong Nguyen for a Short-Term Tourist Rental to the Board of Supervisors recommending approval with the conditions as listed below:

Aye: Henry, Kersjes, Longo, Myers

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 five (5) as determined according to the Health Department permit for a three-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.
7. Outdoor burning and use of fireworks by guests shall be prohibited.

Public Hearing – Conditional Use Permit 2022-04-02, Emilia Cirker and Mark Saunders for a Short-Term Tourist Rental Located at 5865 Gooney Manor Loop and Identified on Tax Map 44 as Lot 12

Mr. Wendling reported Emilia Cirker recently purchased the property in October 2021 and plans to open a holistic wellness retreat center offering both classroom and outdoor activities to attendees as well as a short-term tourist rental on weeks when the retreat center is not hosting workshops or other events. Ms. Cirker plans to offer it as a “luxury experience destination” for relaxation and will be offered less than half the year since there are plans for both for their own use and to allow family members to live in the home at least three months out of the year and host the retreat center events/workshops for the balance of time when the property is not being rented short-term.

The property has an attached historic cottage which will be used for both uses, a barn to be used for indoor health and wellness activities, and an old chicken coop accessory structure which they plan to demolish and build a yoga studio and classroom for their “life-enhancing” workshops and related wellness events. Ms. Cirker’s brother, Mark Saunders, will be assisting as the manager of the short-term tourist rental and fitness coach and assistant at the workshops and training seminars. The property and dwelling are not mapped by the Federal Energy Management Agency (FEMA) but are located adjacent to Gooney Creek, which is identified as a perennial stream.

Mr. Wendling stated the Warren County Health Department records from 1970 show the septic system only approved for two-bedroom, four-person occupancy. Ms. Cirker and Mr. Saunders plan to hire an Onsite Soil Evaluator (OSE) and install a new septic system to increase occupancy limit. The currently proposed conditions have the maximum occupancy as four (per Health Department records), and once the new septic system is installed and approved, the applicants can request a modification to the permit to increase the occupancy limit. Mr. Wendling noted the Planning Department had received three emails in support of this application.

Emilia Cirker and Mark Saunders, applicants, expressed their excitement to get this process underway and make their dream a reality. Ms. Cirker said she was a former

competitive chef on Food Network who has had people ask her to conduct classes, and her intent is not to have any crazy parties but instead focus on wellness, yoga, and meditation.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mr. Longo, and by the following vote, the Planning Commission forwarded the conditional use permit application of Emilia Cirker and Mark Saunders for a Short-Term Tourist Rental to the Board of Supervisors recommending approval with the conditions as listed below:

Aye: Henry, Kersjes, Longo, Myers

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 four (4) as determined according to the Health Department operational permit issued for a two-bedroom dwelling in 1970 and repaired in 2009. In order for additional occupants to be considered an upgrade to the system shall be approved and an operational permit issued by the Health Department. The applicant shall then apply for a modification to this permit for the increased occupancy once the new system has been deemed operational.
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 north entrance off Gooney Manor Loop shall be the only entrance used by guests of the Short-Term Tourist Rental and Retreat Center, guests are prohibited from using the Rainbow Bridge Lane entrance which shall be limited only to the property owners and service vehicles.
6. The landscaping adjacent to the entrance shall be trimmed and pruned as needed to maintain site distance onto the state road and the entrance shall be identified with signage for guests only.

Public Hearing – Z2022-04-01 – Emilia Cirker and Mark Saunders – Ordinance to Amend Section 180-8 (Definitions) to Add Supplemental Regulations Pertaining to Retreat Centers

Mr. Wendling stated the current definition of Retreat Center in Warren County Code Section 180-8 is, “A facility designed to provide refuge, seclusion and privacy for the purpose of rest, meditation and/or religious exercises”, which does not fully define the uses for which the applicant would like to use her property. Ms. Cirker would like to add the following language to the definition: “A facility designed to provide refuge, seclusion, and privacy for the purpose of rest, meditation, **holistic wellness** and/or religious exercises. **The facility may conduct training, seminars, workshops, and customized programs in both indoor and outdoor settings.**”

The “Retreat Center” land-use is currently listed as a conditional use under Warren County Code Section 180-21(D)(36) in the Agricultural (A) Zoning District, which will not change. However, the current land-use does not have any supplemental regulations in the Warren County Code, so Planning Department staff are recommending the following regulations be included as Warren County Code Section 180-55.3 (Retreat center):

These provisions are intended to ensure that retreat centers are operated in a safe and healthful manner. Where allowed, retreat centers shall meet the following requirements:

- A. The property owner and/or operator of the retreat center shall apply and receive a zoning permit from the Planning Department prior to operation. The permit shall be reviewed by planning staff on an annual basis to ensure compliance with the performance standards listed in this section, along with all conditions placed on the conditional use permit.**
- B. The maximum number of occupants/participants shall be determined by approved permits received by the Warren County Health Department and shall be specified in the conditions placed on the conditional use permit.**
- C. Parking for the use shall be in driveways or other designated and approved parking areas. The parking of vehicles is prohibited in or along all rights-of-way and in yards. The applicant shall meet all standards for parking areas as referenced in §180-15 for Off-street Parking.**
- D. Property boundaries, or limitations within the property’s boundaries where attendees are allowed, must be clearly marked at all times.**
- E. The hours of operation shall be specified in the conditions placed on the conditional use permit.**
- F. Overnight stays may be permitted, occupancy is determined by §180-55.3(B).**
- G. The use of overnight outdoor accommodations may be allowed by participants of the retreat center and shall meet the following requirements:**
 - (1) A site plan shall be submitted to the Planning Department that includes but not limited to information regarding structures, adequate parking, traffic control into and around the site, emergency ingress and egress, directional signage, outdoor lighting, and restroom facilities.**

- (2) Overnight outdoor accommodations shall only be used by people participating in retreat center activities.**
- (3) No permanent cabins or recreational vehicles shall be permitted.**
- (4) The size and total number of outdoor sites to be occupied for overnight accommodations shall be determined by lot size as follows:**
 - (a) No outdoor site shall occupy more than 400 square feet.**
 - (b) Lots equal to or greater than 2 acres but less than 5 acres in size, shall have no more than one outdoor site.**
 - (c) Lots equal to or greater than 5 acres but less than 10 acres in size, shall have no more than two outdoor sites.**
 - (d) Lots equal to or greater than 10 acres but less than 20 acres in size, shall have no more than three outdoor sites.**
 - (e) Lots 20 acres or more in size, shall have no more than five outdoor sites.**
- (5) Outdoor site locations shall be in the side or rear yard.**
- (6) Outdoor site locations shall be 50 feet from any property line and/or 100 feet from any neighboring dwelling.**

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

On a motion by Mr. Longo, seconded by Mr. Kersjes, and by the following vote, the Planning Commission, finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, general welfare, and good zoning practice, forwarded the proposed amendments to Warren County Code Sections 180-8 and 180-55.3 regarding Retreat Centers to the Board of Supervisors recommending approval:

Aye: Henry, Kersjes, Longo, Myers

Public Hearing – Conditional Use Permit 2022-04-03, Emilia Cirker and Mark Saunders for a Retreat Center Located at 5865 Gooney Manor Loop and Identified on Tax Map 44 as Lot 12

Mr. Wendling stated this application is for the same property as the previously discussed short-term tourist rental.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

Mr. Kersjes asked why guests would be disallowed from travelling over Rainbow Bridge Lane, but service vehicles would be permitted, especially since service vehicles are often heavier than personal use vehicles. Ms. Cirker said her intent is to keep the peace with

her neighbors as much as possible and limit the use of Rainbow Bridge Lane. There are other points of egress onto the property that service vehicles can use.

On a motion by Mr. Henry, seconded by Mr. Longo, and by the following vote, the Planning Commission forwarded the conditional use permit application of Emilia Cirker and Mark Saunders for a Retreat Center to the Board of Supervisors recommending approval with the conditions as listed below:

Aye: Henry, Kersjes, Longo, Myers

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections, Virginia Department of Transportation and 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 issued for a two-bedroom dwelling in 1970 and repaired in 2009. In order for additional occupants to be considered an upgrade to the system shall be approved and an operational permit issued by the Health Department. The applicant shall then apply for a modification to this permit for the increased occupancy once the new system has been determined to be operational.
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 applicant shall meet the Code requirements of Section §180-15 for off-street parking with the number of spaces to be determined by the Zoning Administrator for Retreat Center events.
5. The north entrance off Gooney Manor Loop shall be the only entrance used by guests of the Short-Term Tourist Rental and Retreat Center; guests are prohibited from using the Rainbow Bridge Lane entrance which shall be limited only to the property owners and service vehicles.
6. The landscaping adjacent to the entrance shall be trimmed and pruned as needed to maintain site distance onto the state road and the entrance shall be identified with signage for guests only.
7. The site plan shall be reviewed by Planning staff and all regulations and conditions must be met prior to the issuance of a certificate of zoning for the business license.
8. *The hours of operation have yet to be determined for the Retreat Center and Short-Term Tourist Rental.*

Public Hearing – Conditional Use Permit 2022-04-04, Vanessa Portillo (Destin Consulting, LLC) for a Short-Term Tourist Rental Located at 806 Esteppe Road and Identified on Tax Map 19 as Lot 68A

Mr. Lenz reported the applicant, Vanessa Portillo, is requesting a conditional use permit for a short-term tourist rental for the property she purchased in May 2021. Ms. Portillo fell in love with the property during her first visit. Upon hearing some of the stories and learning the history of the farmhouse, she was determined to give it a second chance. She would like to share the peace and serenity the home brings her with visitors to the Shenandoah Valley area by making it available for short-term rentals when her family is away for unexpected events, soccer tournaments, and ballet recitals. With over seven years of experience as a real estate agent, Ms. Portillo will manage the property and guest vetting process personally with assistance from two neighbors for immediate response to any complaints, emergency maintenance, and trash removal when she is unavailable.

Vanessa Portillo, applicant, said her sister originally purchased the home to live with their mother, but due to unexpected family circumstances, Ms. Portillo has offered to help her sister with the house. Her family situation has changed, and they cannot be at the property as much as they want to, so they would like to offset costs by renting it short-term. She plans to do due diligence to vet the people who plan to stay there, and she has no intention to ruin the neighborhood or to bring in strangers to trash the community.

Mr. Myers opened the public hearing. The following individuals spoke in opposition to this application:

- Wanda Morrison, 1086 Esteppe Road
- William and Laura Hutchison, 1134 Esteppe Road
- Patsy McDonald, 680 Esteppe Road
- Jerome Parz, 773 Esteppe Road
- Cody and Danielle Schetrompf, 62 Cedar Mountain Lane
- Tim Wolfe, 446 Cedar Mountain Lane
- Bobby Tucker, 784 Esteppe Road

There being no further comments from the public, Mr. Myers closed the public hearing.

The Planning Commission members each provided anecdotes regarding short-term rentals, commenting on the increased restrictions, decreased traffic, and a more stringent vetting process for short-term rentals as opposed to long-term rentals. Mr. Myers also noted that if any conditions of the permit are not being met, the County reserves the right to revoke the permit. However, as confirmed by Mr. Wendling, the County has not had to revoke any short-term tourist rental conditional use permits to-date.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission forwarded the conditional use permit application of Vanessa Portillo (Destin Consulting, LLC) for a Short-Term Tourist Rental to the Board of Supervisors recommending approval with the conditions as listed below:

Aye: Henry, Kersjes, Longo, Myers

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed four as determined according to the Health Department 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 on the State road shall be prohibited.

Public Hearing – Conditional Use Permit 2022-04-05, Carl Boswell for a Short-Term Tourist Rental Located at 338 Walker Farm Drive and Identified on Tax Map 15D, Section 2, Block 5, as Lots 310 and 311

Mr. Petty reported the applicant and his wife are looking to rent their second home on a short-term basis to those coming to enjoy the County's attractions for themselves. They would like to list the home as a two-bedroom, one-bathroom place to stay between hiking, boating, and other sightseeing adventures. Mr. Petty said the Health Department has confirmed the sewage operation permit for this property with a three-bedroom, six-person occupancy and further noted the Planning Department had received one email in opposition to this application.

Mr. Myers opened the public hearing.

Larry and Susan Cox, 557 Lake Drive, introduced themselves as the next-door neighbors to this property. Mr. Cox reported numerous instances living in his home since 1984 when property was stolen, his property was vandalized, or individuals have driven across his property on four wheelers. He also noted an increase in illegal dumping of trash along the roadways. He is tired of these happenings and will be calling the Sheriff's Office if he has any further problems; all he wants is peace and quiet. Mrs. Cox wanted to know the exact vetting process for potential renters and to be sure that someone would be held accountable if something goes wrong.

There being no further comments from the public, Mr. Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mr. Mr. Longo, and by the following vote, the Planning Commission forwarded the conditional use permit application of Carl Boswell for a Short-Term Tourist Rental to the Board of Supervisors recommending approval with the conditions as listed below:

Aye: Henry, Kersjes, Longo, Myers

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

Public Hearing – Conditional Use Permit 2022-04-06, Matthew Ben Tow for a Short-Term Tourist Rental Located at 110 Demel Court and Identified on Tax Map 23A, Section 12, Block 9, as Lot 4

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property he recently purchased in December of 2021. Mr. Tow and his family fell in love with the Linden area while searching for a second property to serve as a quiet escape from their townhouse in Washington, D.C. and where his children can run around barefoot. He would like to make the property available for short-term rentals for guests visiting the Warren County area when his family is not using the property to take a much-needed break from the hustle and bustle of the city.

Mr. Tow and his wife have over five years of experience managing two successful short-term rentals in Washington, D.C. and they are super hosts on Airbnb. He plans on engaging Evolve, a third-party management company, to manage the reservations and guest screening. He will use local professional services for cleaning, maintenance, and trash

removal. The Health Department has confirmed the sewage operation permit for this property with a three-bedroom, six-person occupancy. The Planning Department also received a letter in opposition from Skyland Community Corporation, citing the same reasons as Mr. Nguyen's application.

Matthew Ben Tow, applicant, thanked Mr. Lenz and Mr. Wendling for working with him and his wife through this process. He primarily wants to use this home as an escape from the city for his wife and children and supplement the ownership of the property by renting it short-term. He did want clarification about the condition that was added to Mr. Nguyen's permit application regarding outdoor burning because he would like to install a firepit on the property surrounded by masonry work.

Mr. Myers said any condition placed on the permit for a short-term rental would only apply to the guests of the rental, not the property owner. Property owners would be more cautious with a fire pit since they have a vested interest in not damaging their own property. Mr. Wendling also said there would be a note in the property management plan that is given to the renters as an enforcement mechanism to ensure they do not use the fire pit for outdoor burning.

Mr. Myers opened the public hearing. There being no comments from the public, Mr. Myers closed the public hearing.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission forwarded the conditional use permit application of Matthew Ben Tow for a Short-Term Tourist Rental to the Board of Supervisors recommending approval with the conditions as listed below:

Aye: Henry, Kersjes, Longo, Myers

1. The applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six as determined according to the Health Department operation permit for a four-bedroom dwelling.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. 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 use of fireworks by guests shall be prohibited.

Consent Agenda – Authorization to Advertise for Public Hearing

1. Conditional Use Permit 2022-05-01 – Ferhan Ture for a short-term tourist rental located at 959 Thunder Road and identified on tax map 36C, section 2, block 7, lot 88
2. Conditional Use Permit 2022-05-02 – Douglas and Christina Alley for private use camping located off Burma Road and identified on tax map 19H, section 1, lot 17
3. Conditional Use Permit 2022-05-03 – Seung Wan (Brian) Suh for a bed and breakfast located at 198 Ashland Court and identified on tax map 30D, section 1, lot 2
4. Conditional Use Permit 2022-05-04 – Valley View Ventures, LLC (Brooklyn Steele) for a short-term tourist rental located at 4315 Rivermont Drive and identified on tax map 28, lot 127B
5. Conditional Use Permit 2022-05-05 – Edward Sperry for a guesthouse located at 690 Comforter Lane and identified on tax map 10P, section 1, lot 11
6. Conditional Use Permit 2022-05-06 – Hunter E. Hughes and Rinku Sinha for a short-term tourist rental located at 289 Heim-Jones Road and identified on tax map 23C, section 7, block 2B, lot 188
7. Conditional Use Permit 2022-05-07 – James V. Elliott, Jr., for a short-term tourist rental located at 2633 Buck Mountain Road and identified on tax map 37, lot 63D
8. Conditional Use Permit 2022-05-08 – Self-Realization Fellowship Church for a Church located at 2660 John Marshall Highway and identified on tax map 30, lot 24A1
9. Z2022-05-01 – Warren County Planning Commission – Ordinance to amend Chapter 180 of the Warren County Code to add Light Industrial (LI) Zoning District; to add the definition of “Data center”; to add “Data center” as a use allowed by right in the Industrial (I) Zoning District and Light Industrial (LI) Zoning District; and to add supplemental regulations for data centers
10. Z2022-05-02 – Warren County Planning Commission – Ordinance to amend Sections 180-8 and 180-16 of the Warren County Code pertaining to the Floodplain Overlay District for corrections, additions, and deletions required by FEMA Region III

Mr. Myers noted a potential conflict of interest with #9 due to his business dealing with data centers, and Mrs. Jordan said he could abstain from voting for the Consent Agenda.

On a motion by Mr. Kersjes, seconded by Mr. Longo, and by the following vote, the Planning Commission approved the Consent Agenda as presented:

Aye: Henry, Kersjes, Longo

Abstain: Myers

Commission Matters

- A. Comprehensive Plan Update: Mr. Wendling reported a fairly productive work session prior to this meeting where the Commercial and Industrial Zoning Districts were discussed. The Commission will move onto the next chapter of the Comprehensive Plan at a work session prior to the June meeting.
- B. Commission Members: Mr. Myers congratulated Mr. Wendling on his promotion to Planning Director.
- C. Senior Assistant County Attorney: Mrs. Jordan had no report.
- D. Planning Director: Mr. Wendling reported a steady number of applications coming into the Planning Department, including six new short-term tourist rentals and text amendments for the Warren County Code. He has also been interviewing for the vacant Office Manager position in the Department and hopes to have someone on staff by the next meeting.
- E. Planning Department Staff: Mr. Lenz reported there was a Board of Zoning Appeals meeting on Thursday, May 5th where two variance requests were heard, one of which was denied. Mr. Petty told the Commission members he has appreciated working with them during his time with the Planning Department, and he is excited for Mr. Wendling and his future leadership of the Department.

Adjournment

Mr. Myers adjourned the meeting at 8:45 PM.