

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on June 8, 2022, at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice Chairman (Fork District); Scott Kersjes (North River District); Kaylee Richardson (South River District) also, present Matt Wendling, Planning Director; Caitlin Jordan, Senior Assistant County Attorney; Chase Lenz, Zoning Administrator; Veronica Diamond, Clerk to the Planning Commission

Absent:

Call to Order

Adoption of Agenda

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

Aye: Henry, Kersjes, Myers, Richardson

Approval of Minutes:

On a motion by Mr. Henry, seconded by Ms. Richardson, and by the following vote, the Planning Commission approved the minutes from June 8, 2022, as presented:

Ayes: Myers, Henry, Kersjes, Richardson

Public Presentations:

Public presentations are limited to issues that are not included on the meeting agenda. It is intended as an opportunity for the public to give input on relevant planning issues, and not intended as a question-and-answer period. Chairman Mr. Myers asked if anyone would like to speak on items not on the agenda; no one came forward, so the public presentation was closed.

Public Hearings:

CUP2022-05-01 – Ferhan Ture – A request for a conditional use permit for a short-term tourist rental. The property is located at 959 Thunder Road and identified on tax map 36C, section 2, block 7, lot 88. The property is zoned Agricultural (A) and located in the Fork Magisterial District.

Mr. Chase Lenz, Zoning Administrator, reported the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in November of 2020. The owner recently finished a basement suite in the dwelling and would like to make it

available year-round for short-term visitations for couples and families visiting the Warren County area. He stated the applicant, and his wife will manage the property personally while residing in the main section of the dwelling.

Mr. Lenz reported the property is in the Haynes-Anderson Thunderbird Subdivision, zoned Agricultural with Single-family Dwelling use. The dwelling on the subject property was constructed in 2016. This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. The property owner was issued a Notice of Violation in January of 2022 for operating a short-term tourist rental without an approved conditional use permit. Upon notification of the requirement for a conditional use permit, the property owner ceased the use and worked with county staff to begin the conditional use permit process.

Mr. Lenz stated the maximum number of occupants in the dwelling unit shall be determined according to permit approval received by the Warren County Health Department; however, the maximum number of occupants shall not exceed 10. There is a Health Department operation permit on file approving six (6) occupants for the dwelling. The applicant has provided documentation requesting a maximum of six (6) occupants. Warren County Assessment data lists three (3) bedrooms in the dwelling. Comments have been requested from the Thunderbird Farms POA. Mr. Lenz stated the POA does not oppose this request at this time. This dwelling does meet the setback requirement to adjacent single-family dwellings. The closest dwelling is 147' to the southeast. Mr. Lenz wanted to point out that the Conditional Use Permits can be revoked if conditions are not met.

Mr. Lenz reported Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

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

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

Mr. Henry wanted to make sure the applicant does understand that the 6 occupants included themselves.

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 4-0, the Planning Commission forwarded the conditional use permit application of Ferhan Ture for a Short-Term Tourist Rental with conditions as recommended by staff.

Ayes: Henry, Kersjes, Myers, Richardson

CUP2022-05-02 - Douglas & Christina Alley - A request for a conditional use permit for private use camping. The property is located at 0 Burma Road and identified on tax map 19H, section 1, lot 17. The property is zoned Residential-1 (R-1) and located in the North River Magisterial District.

Mr. Wendling stated the applicants are requesting a conditional use permit for Private Use Camping on a lot in the Man-Da-Lay subdivision which is located in the Special Flood Hazard Area (SFHA). The applicants recently purchased the lot in August 2021 from a long-time property owner who never improved the lot, it's currently mostly wooded. The CUP would also allow them to erect a single accessory structure up to 200 sq. ft. for storage of recreational and property maintenance equipment with the issuance of a building permit and will allow up to 2 campers for a 180 consecutive calendar days per properties on this road.

Mr. Wendling stated the Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

1. The applicants 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. Any development, structure or fencing shall require a building and zoning permit.
4. 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.

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 Mrs. Richardson, and by the following vote, the Planning Commission forwarded the conditional use permit application of Douglas & Christina Alley for private use camping with conditions as recommended by staff.

Aye: Henry, Kersjes, Richardson, Myers

CUP2022-05-03 – Seung Wan (Brian) Suh – A request for a conditional use permit for a bed and breakfast. The property is located at 198 Ashland Court and identified on tax map 30D, section 1, lot 2. The property is zoned Agricultural (A) and located in the Happy Creek Magisterial District

Mr. Wendling stated the applicants are requesting a conditional use permit for a “Bed and Breakfast” for rental of rooms in their single-family dwelling for less 14 days or less. The applicant stated that he and his wife plan to reside at the property full-time in the future and will only be renting one or two bedrooms while they are staying at the property. The most occupants that will be at the dwelling at any one time will be 6 which includes the homeowners. They plan to serve breakfast to their guests and will comply will all Warren County Health Department regulations for a “commercial” kitchen. They have reached out to their neighbors and have received positive responses since they will be on-site while guests are staying at the Bed & Breakfast.

Mr. Wendling stated this property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district and has no previous zoning violations. The applicants had applied for a Short-Term Tourist Rental conditional use permit in November of 2021 but withdrew the application shortly afterward due to concerns voiced by his neighbors regarding guests being on-site without the property owners being there. We received comments from the homeowner’s association, primary concerns were safety concerns when turning on and off Route 55 East. They asked Mr. Suh to make his guests aware of the concern specially during winter months. The homeowner’s association also asked that he put a luminated sign on the property so the guests will go to his house and not the neighbors.

Mr. Wendling reported the staff recommends that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

1. The applicants shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department operational permit for a three-bedroom dwelling and septic system.
3. The applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the

Health Department and a copy of the service invoice shall be provided to the Planning Department.

5. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times.

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 Seung Wan (Brian) Suh for a Bed & Breakfast to the Board of Supervisors with conditions as recommended by staff.

Aye: Henry, Kersjes, Myers, Richardson

CUP2022-05-04 – Valley View Ventures, LLC (Brooklyn Steele) – A request for a conditional use permit for a short-term tourist rental. The property is located at 4315 Rivermont Drive and identified on tax map 28, lot 127B. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property she is currently renting from her mother-in law. With the owner's consent, the applicant would like to make the property available year-round as a quaint location for short-term visitations for individuals visiting the Warren County area. The applicant will manage the property personally. It is zoned Agriculture, surrounded by Agricultural zoning, a public park, Skyline High School, and Veterinary Clinic across 619.

The dwelling on the subject property was constructed in 1978. This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. No zoning violations have been recorded for the property. There is a Health Department construction permit and record of inspection on file confirming the Conventional Onsite Sewage System is designed for a maximum of six (6) occupants. The applicant has provided documentation requesting a maximum of four (4) occupants. Warren County Assessment data lists three (3) bedrooms in the dwelling. The property is fully screened from the road by elevation change and the dwelling is screened from all adjacent properties by existing woodlands. The subject property is not located within a subdivision governed by an HOA/POA. This dwelling does meet the setback requirement to adjacent single-family dwellings. The closest dwelling, located 220' to the south, is also owned by Carolyn Patterson and her husband.

Mr. Lenz reported Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

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

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

Mr. Kersjes-asked if this is for the main house or cottage?

Mr. Lenz-stated it is the 2.1-acre parcel with a 3-bedroom dwelling

On a motion by Ms. Richardson, seconded by Mr. Henry, and by the following vote, the Planning Commission forwarded the conditional use permit application of Valley View Ventures, LLC (Brooklyn Steele) for a Short-Term Tourist Rental with conditions as recommended by staff.

Aye: Henry, Kersjes, Myers, Richardson

CUP2022-05-05 – Edward Sperry – A request for a conditional use permit for a guesthouse. The property is located at 690 Comforter Lane and identified on tax map 10P, section 1, lot 11. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a guesthouse. He and his wife built this workshop in 2021 but due to life's circumstances they decided to convert it to a one-bedroom dwelling to be used for temporary housing. They have plans to build their

permanent residence within the next year but require the conditional use permit in order to keep this dwelling for friends and family when they visit. Their principal dwelling will be a three-bedroom structure with 6-person occupancy and they have approval for a four-bedroom septic system which will be used by both dwellings. They plan to continue living in the single bedroom cabin while the construction process is moving forward until they receive a certificate of occupancy for the other dwelling.

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district. The appropriate building and zoning permits have been issued for the existing one-bedroom dwelling. The property is accessed through an easement on Tax Map 10P-3 – 32 which is also owned by Mr. Sperry.

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

1. The guesthouse shall not be used for full-time occupancy.
2. This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.
3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system and carbon monoxide detectors.
4. The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that the rental or leasing of the dwelling for monetary compensation is prohibited and that it is limited to part-time occupancy up to six months.
5. After the approval by the County and recordation of a family subdivision of the guesthouse lot this conditional use permit shall become null and void.

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 Ms. Richardson, and by the following vote, the Planning Commission forwarded the conditional use permit application for Edward Sperry with conditions as recommended by staff.

Aye: Henry, Kersjes, Myers, Richardson

CUP2022-05-06 – Hunter E. Hughes & Rinku Sinha – A request for a conditional use permit for a short-term tourist rental. The property is located at 289 Heim-Jones Road and identified on tax map 23C, section 7, block 2B, lot 188. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicants recently purchased the property in 2022 and moved to the property full-time and telecommute to their jobs in the D.C. Metropolitan area. They would like to rent out rooms short-term and will be residing in the dwelling at the same time their guests would be there. They would not be serving food to the guests. This land-use would allow them to defray the costs of home ownership and to eventually renovate their unfinished basement. The applicants will be acting as the property managers and cleaning service since they reside on the premises.

This property has not had any previous Conditional Use Permits issued for uses in the Residential One (R-1) zoning district and has no previous zoning violations or conditional use permits issued to the property. The single-family dwelling was constructed in 2020. This dwelling meets the setback requirements to adjacent single-family dwellings which is 219' to the closest dwelling located to the northwest. The property is surrounded by 3 vacant lots with woodlands, 1 single family dwelling to the north with woodlands.

Mr. Wendling stated the Planning Staff is recommending the following conditions be added to this Short-Term Tourist Rental if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

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

Mr. Myers opened the public hearing. There being no further 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 Hunter E. Hughes & Rinku Sinha for a Short-Term Tourist Rental with conditions as recommended by staff.

Aye: Henry, Kersjes, Myers, Richardson

CUP2022-05-07 – James V. Elliott Jr. – A request for a conditional use permit for a short-term tourist rental. The property is located at 2633 Buck Mountain Road and identified on tax map 37, lot 63D. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Lenz stated the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in January of 2022. The owner hopes to promote local businesses and attractions by making the property available year-round for short-term visitations for individuals visiting the Warren County area. The applicant will manage the property personally as he currently resides in Bentonville, a few miles south of the subject property. This property is zoned Agricultural, adjacent to Agricultural-zoned lots with single-family dwellings, and vacant pastureland to the east.

Mr. Lenz stated the dwelling on the subject property was constructed in 1995. This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. No zoning violations have been recorded for the property. There is a Health Department operation permit on file approving four (4) occupants for the dwelling. Warren County Assessment data lists two (2) bedrooms in the dwelling. The property boundaries are clearly marked with the side and rear yards enclosed by a 4-foot-high fence. Additionally, the applicant will post a map of the property and its boundaries within the dwelling. The subject property is not located within a subdivision governed by an HOA/POA. This dwelling does meet the setback requirement to adjacent single-family dwellings. The closest dwelling is located 903' to the west.

Mr. Lenz reported Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

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 as determined according to the Health Department operation permit for a two-bedroom dwelling.
3. The applicants shall have the well/drinking water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.

4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and on the state, road shall be prohibited.

Mr. Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward.

David Scanlan, 77 Little Road, 22610

Mr. Scanlan- stated he fully supports their application for this permit

Phillip Vaught, 124 Luray Ave

Mr. Vaught- stated he supports the applicant, commenting on the ideal location of the property and the qualifications of the applicant.

James Elliott, 230 Timberland Manor Dr

Mr. Elliott signed the sign-up sheet for Public Hearing, he did not wish to speak

Farrah Brady, 230 Timberland Manor Dr

Ms. Brady signed the sign-up sheet for Public Hearing, she did not wish to speak

On a motion by Ms. Richardson, seconded by Mr. Henry, and by the following vote, the Planning Commission forwarded the conditional use permit application of James Elliott Jr. for a Short-Term Tourist Rental with conditions as recommended by staff.

Aye: Henry, Kersjes, Myers, Richardson

CUP2022-05-08 – Self-Realization Fellowship Church – A request for a conditional use permit for a Church. The property is located at 2660 John Marshall Highway and identified on tax map 30, lot 24A1. The property is zoned Agricultural (A) and located in the Happy Creek Magisterial District.

Mr. Wendling stated the applicant, Self-Realization Fellowship Church has been holding scheduled worship services for their small local congregation here at this site since the early 1980's. They meet in a small chapel that is currently located in the main residence on the property which serves as home for the worship leader as well as her two assistants. Average attendance for the weekday evening services has been 12 to 18 attendees, Sunday morning services may have up to 50 people on average and 30 to 50 for special fellowship events held on Saturday. The board

of directors and members of the church are requesting to build a new facility on the grounds so that the residents of the main dwelling can preserve their privacy and for health concerns that came about during the recent Covid-19 pandemic. The church does not intend to increase its size with the new building will be built to accommodate its current congregation and will also include handicapped and senior citizen accessible facilities that the existing chapel does not. The lot is a 5.12 acres parcel located within the 527 acres of land the church owns which is primarily undeveloped woodlands. See statement of justification and addendum sheet for further information and details regarding this request

Mr. Wendling stated this property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district. This property was the core area in which the Battle of Wapping Heights/Manassas Gap was fought on July 23, 1863 between Confederate General Robert E. Lee's Army of Northern Virginia and Union Maj. Gen. George G. Meade's Army of the Potomac. [Battle of Manassas Gap - Wikipedia](#) The current use as a church/chapel is non-conforming since it was established at the time the property was purchased in 1983 and has continued since that time. The request to construct a new chapel for worship services is an expansion of the non-conforming use and thus requires a conditional use permit for the listed use in the Agricultural district. County Planning staff have never received any complaints regarding the property and the use for church services that staff is aware of. The Health Department has approved plans for a system of 500 gallons per day or the use of a person at 5 gallons a per day each.

Mr. Wendling reported the Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors.

1. The chapel occupancy shall not exceed the number of occupants to be determined by the VA Uniform Statewide Building Code and VA Dept. of Health approval for an approved on-site sewage system.
2. The applicant shall comply with all Warren County Building Inspections, Virginia Department of Transportation (VDOT) and Warren County Health Department regulations and requirements. These include building code requirements for a smoke and fire detector system and change of use and occupancy to the authorized use group.
3. The applicants shall meet the requirements for Code Sections §180-15 for Off-Street parking for a church which requires one (1) parking space per four (4) fixed seats and §180-49.2 for outdoor lighting.

On a motion by Ms. Richardson, seconded by Mr. Henry, and by the following vote, the Planning Commission forwarded the conditional use permit application Self Realization Fellowship Church for a church with conditions as recommended by staff.

Aye: Henry, Kersjes, Myers, Richardson

Z2022-05-01 – Warren County Planning Commission - A request to amend Chapter 180 of the Warren County Code (Zoning Ordinance) 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 supplemental regulations for data centers.

Mr. Myers declared this would be a conflict of interest, his employer is an excavator, and contractor, and they do several data centers and doing some now, for the appearance of transparency he will not participate in the vote or the discussion on this item.

Mr. Wendling stated the requested amendments and additions are to update Warren County’s Zoning Ordinance to be economically competitive and proactive. The concept of Data Centers has been a discussion point for many years in our area and has most recently come up in Comprehensive Plan review sessions. In addition to the proposed changes to the Warren County Code, the Town of Front Royal is proposing similar code language so that both jurisdictions can be consistent with our approach to this ever-growing industry.

Mr. Kersjes asked on a full acre there will be a 21,000 By-Right Property: Mr. Wendling confirmed this is correct. Mr. Kersjes asked if there was any thought of exterior appearance since they usually don’t require windows Mr. Wendling replied: If it’s in our corridor it will have to go through a site-plan review. Mr. Kersjes asked if we have anyone that will be providing the band width?

Mr. Wendling replied he doesn’t know where or who the companies are, but we could get further information on that.

Mr. Henry opened the public hearing, he asked anyone wishing to speak for or against this matter come forward.

Citizen Rebuttal:

Mr. Darryl Merchant, 110 Kerfoot Ave. Front Royal

Speaking as a citizen not as an employee of the town, Mr. Merchant spoke about the data center ordinance. Data centers are a new use and thinks the town and county should get ahead of the curve on this and develop an ordinance. He would like to point out most sites of this development deal with setbacks. He would like to see it as a Conditional Use not By-Right use. They have the potential to be large buildings, data centers consume a lot of energy and water, and do not provide many jobs but have potential to add much to the tax base. Mr. Merchant doesn’t feel the performance standards address any of the issues, the by-rights standards would allow to move forward without the public or planning commission to receive information that may be useful. He is not opposed of having a data center and would welcome them. He feels a conditional use permit would be more appropriate for this matter.

Steven Sill, 2nd Street Front Royal

Not as a representative as the press but as a citizen today. Common practice is that Data Centers are by Conditional or Special Use Permit by the locality of where they are located. Demand for water, power, and network band width is extremely critical for any locality of a Data center. Asks county to pay close attention to citing a Data Center in Warren County so all systems are prepared for it.

Mr. Wendling clarified they would review the supplemental site plans, language to go along with the design and many other things that were mentioned.

Mr. Kresge asked if they buy in an area where they do not have the power, they need the county will be bringing in the power for the Data Center. Does the county have to bring in the Broad Band at our cost?

Mr. Wendling stated he didn't think so.

Mr. Henry- is it Industrial or Light Industrial? Do we have any land currently that is zoned Industrial or Light Industrial land that is not in the corridor?

Mr. Wendling-we have no Light Industrial right now.

Mr. Henry- if they are going to build then they would endure the cost of it. He likes that it's By-Right Industrial land. He wanted to clarify in the proposed ordinance that if additional utilities are needed the County is not responsible financially.

Ms. Jordan- She can do some research; she can't imagine that the County would be required to provide a private business utilities, she would be happy to look into it to make sure.

Mr. Henry asked to table this, Mr. Kersjes seconded it, Ms. Richardson agreed.

Mr. Kersjes motioned- stated to move the discussion and vote for zoning text amendment Z2022-05-01 to next month of for clarification on the Board's questions. Table for additional information for liability of funding of infrastructure for the Data Centers. Ms. Richardson seconded the motion.

Ayes: Henry, Kersjes, Richardson

Abstained: Myers

Z2022-05-02 – Warren County Planning Commission - A request to amend Sections 180-8 and 180-16 pertaining to the Floodplain Overlay District definitions and ordinance for corrections, additions, and deletions required by FEMA Region III.

Mr. Wendling stated on March 16, 2022, the Board of Supervisors approved a request to amend the Floodplain Overlay District ordinance with the recommended changes based on the 2019/2020

review of the County ordinance that were recommended by FEMA after their Community Assistance Visit (CAV) in March of 2019. These current amendments are for changes, additions, corrections and updates based on a third-party review of a FEMA consultant of the latest ordinance which were not observed during the review of the ordinance by FEMA, VA DCR and County staff in the most recent update. Most of these are definitions and duties relating to the flood plain administrator and a few other things.

Mr. Myers opened the public hearing, he asked anyone wishing to speak for or against this matter come forward.

Mr. Kersjes asked about the houses on the properties with the highest risk and if the County would be responsible for the clean up if something is to happen.

Mr. Wendling stated 45% is considered a higher standard. We hope there is not a flood that would take out the properties. County would probably cite them if there was a lot of debris left on the property. What he has seen is a property go up for tax auction then the new owner is responsible for taking care of it. Another option would be to apply for a grant from FEMA if this was to occur.

On a motion by Mr. Henry, seconded by Ms. Richardson, and by the following vote, the Planning Commission forwarded the proposed zoning text amendment to the Board of Supervisors.

Ayes: Henry, Kersjes, Myers, Richardson

Consent Agenda – Authorization to Advertise for Public Hearing

I. Consent Agenda (Authorization to Advertise):

- A. CUP2022-06-01 – Joseph Muniz** – A request for a conditional use permit for a short-term tourist rental. The property is located at 499 Rome Beauty Dr. and identified on tax map 22B, block K, lot 18. The property is zoned Residential One (R-1) and located in the Happy Creek Magisterial District.
- B. CUP2022-06-02 – Yulia Svetlichnaya** – A request for a conditional use permit for a short-term tourist rental. The property is located at 610 Joans Quadrangle Rd. and identified on tax map 15E, section 6, block 6, lot 767. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.
- C. CUP2022-06-03 – Thomas Cho** – A request for a conditional use permit for a short-term tourist rental. The property is located at 4359 Remount Rd. and identified on tax map 39F, section 1, lot 7A. The property is zoned Agricultural (A) and located in the South River Magisterial District.
- D. CUP2022-06-04 – Andrew Sickie** – A request for a conditional use permit for a short-term tourist rental. The property is located at 298 World's End Lane and identified on tax map 23A, section 1, block 2, lot 51A. The property is Residential One (R-1) and located in the Happy Creek Magisterial District.

- E. **CUP2022-06-05 - Jennifer Harp** - A request for a conditional use permit for a short-term tourist rental. The property is located at 608 Venus Branch Rd. and identified on tax map 15E, section 4, block 4 lot 123A. The property is zoned Residential One (R-1) and located in the Shenandoah Magisterial District.
- F. **CUP2022-06-06 - Lyndsey DePalma & Amanda Shipe** - A request for a conditional use permit for a short-term tourist rental. The property is located at 1945 Panhandle Rd. and identified on tax map 35, lot 8. The property is zoned Agricultural (A) and located in the South River Magisterial District.
- G. **CUP2022-06-07 - John Clarke** - A request for a conditional use permit for a short-term tourist rental. The property is located at 938 Fetchett Rd. and identified on tax map 44, lot 35B. The property is zoned Agricultural (A) and located in the South River Magisterial District.
- H. **CUP2022-06-08 - Royal Oak Estates, LLC - Larry Himelright** - A request for a conditional use permit for A cluster housing development, meeting the standards of § 180-40.5, with seven or more lots, not, to exceed 10, for single-family dwellings. The properties are located at 0 Reliance Rd and identified on tax map 11, as lots 8E, 12, 13 and 14. The property is zoned Agricultural (A) and located in the North River Magisterial District.
- I. **Z2022-06-01 - Cole & Danielle Haase** - An Ordinance to amend sections 180-8 Definitions and 180- 43 for supplemental regulations for Commercial Outdoor Recreational Operation.
- J. **CUP2022-06-09 - Cole & Danielle Haase** - A request for a conditional use permit for a Commercial Outdoor Recreational Operation. The properties are located at 19959 Fort Valley Rd. and identified on tax map 10, lot 110 and tax map 9, lot 36A2. The properties are zoned Agricultural (A) and located in the Fork Magisterial District.
- K. **CUP2022-06-10 - Shahi Food Group** - A request for a conditional use permit for a facility for Food Processing. The property is located at 426 Baugh Dr. and identified on tax map 5C as lot 5. The property is zoned Industrial (I) and located in the North River Magisterial District.

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

Aye: Henry, Kersjes, Longo, Myers

Commission Matters

- A. Comprehensive Plan Update: Mr. Wendling reported good progress at the infrastructure meeting. He will work with Ms. Logan to get additional information for the transportation and County Staff will work on updating the existing sections that have been addressed. We will look into updating and revising data on the Demographics and Economic Development. It's due time to update our community profile.

B. Commission Members:

Mr. Kersjes- June 14th Flag Day

Mr. Myers- welcomed Veronica, thanked the Sheriff for showing up, and a Happy 4th to everyone.

Mr. Henry-had no report

Ms. Richardson- had no report

C. Senior Assistant County Attorney: Mrs. Jordan had no report.

Planning Director: Mr. Wendling welcomed Veronica, said they have hired a part-time zoning officer will be starting the 22nd of June, Mr. Longo has stepped down and appreciated the time he spent with everyone. Commemorative ceremony for Dr. Joseph Warren June 17th at 11am, Sons of American Revolution will be here at the Warren County Govt. Center.

D. Planning Department Staff: Mr. Lenz-welcomed Veronica to the team, said there will be a zoning officer starting as well in a few weeks and looks forward to having a full team again.

Adjournment

Mr. Myers adjourned the meeting at 8:08 PM.