

Warren County Planning Commission Meeting Minutes of November 10th, 2021

At a regular meeting of the Planning Commission of Warren County held in the Warren County Government Center on November 10th, 2021, at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Scott Kersjes (North River District); Joseph Longo (Shenandoah District); Kaylee Richardson (South River District); Caitlin Jordan, Assistant County Attorney also, present Joe Petty, Planning Director; Matt Wendling, Deputy Planning Director; and Chase Lenz, Zoning Officer; and Chloe Phillips, Administrative Assistant

Absent: Hugh Henry, Vice Chairman (Fork District)

Adoption of Agenda:

On a motion by Mr. Longo, seconded by, Mrs. Richardson and by the following vote, the Planning Commission adopted the agenda as amended and to move to the consent agenda prior to the public hearings to create an efficient workflow:

Ayes: Myers, Longo, Kersjes, Richardson

Consent Agenda (Authorization to Advertise):

- A. CUP2021-11-01 - Katherine Stallings** - A request for a conditional use permit for a short-term tourist rental. The property is located at 377 Brandy Road and identified on tax map 22C, lot 69. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.
- B. CUP2021-11-02 - Dennis Flynn** - A request for a conditional use permit for a short-term tourist rental. The property is located at 484 Creek Road and identified on tax map 39C, block B, lot 27. The property is zoned Residential-1 (R-1) and located in the South River Magisterial District.
- C. CUP2021-11-03 -Joshua Branson** - A request for a conditional use permit for a guesthouse. The property is located at 0 Buck Mountain Road and identified on tax map 37, lot 56. The property is zoned Agricultural (A) and located in the South River Magisterial District.
- D. CUP2021-11-04 - Gillian Greenfield & Richard Butcher** - A request for a conditional use permit for a short-term tourist rental. The property is located at 1043 Riverview Shores Drive and identified on tax map 13C, section 4, block 4, lot 602. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.
- E. CUP2021-11-05 - David Kondner** - A request for a conditional use permit for a short-term tourist rental. The property is located at 153 Beckwith Drive and identified on tax map 21B, section 1, block 1, lot R. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

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- F. **CUP2021-11-06 – Terry Hartson** – A request for a conditional use permit for a short-term tourist rental. The property is located at 1538 Riverview Shores Drive and identified on tax map 13C, section 6, block 6, lot 1044. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.
- G. **CUP2021-11-07 – Danielle & David Kibiloski** – A request for a conditional use permit for a bed-and-breakfast. The property is located at 990 Hillandale Road and identified on tax map 30C, section 1, block 5, lot 50. The property is zoned Agricultural (A) and located in the Happy Creek Magisterial District.

On a motion by Mr. Longo, seconded by, Mrs. Richardson and by the following vote, Planning Commission authorized the proposed condition use permit requests for advertisement for their public hearings as presented:

Ayes: Myers, Longo, Kersjes, Richardson

Approval of Minutes:

On a motion by Mr. Kersjes, seconded by Mr. Longo and by the following vote, the Planning Commission approved the minutes from October 13th, 2021, as presented:

Ayes: Myers, Longo, 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 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:

CUP2021-10-01 – Carl & Jennifer Ey – Rural Events Facility

A request for a conditional use permit for Rural Events Facility. The property is located at 1406 Panhandle Road and identified on tax map 35, lots 5-1, 5-2, 5-3 & 5B-1. The property is zoned Agricultural (A) and located in the South River Magisterial District
New

Mr. Wendling stated the applicants are requesting a conditional use permit for a Rural Events Facility to allow for events up to 200 guests. The owners were recently approved for conditional use permits for Short-Term Tourist Rentals for their properties located at 1406 Panhandle Rd. (CUP#2021-01-03) and 1408 Panhandle Rd. (CUP#2021-01-04). The

properties proposed for the Rural events use are currently vacant, approximately 41 acres and located off of both Panhandle Road and Oakview Drive and accessed through Tax Map 35 parcel 5-1 (1406 Panhandle Rd.). The properties are currently used as pastureland and forestry uses and the applicants plan to keep the properties in land-use with the Commissioner of the Revenue since only a portion these lots will be used for the Rural Event Facility. They have discussed the use with the Health Department and had an on-site soil evaluator come to the property and expect to install a conventional septic system which will serve the Rural Events Facility. The applicants state that they have experience with small event venues for family reunions and business events at Short-Term Tourist Rentals they currently own and operate in Page County. They mention they will intend to meet all requirements and regulations regarding noise, traffic, outdoor lighting and any additional supplemental regulations and have retained a local property manager to act as the caretaker of their properties.

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

Mr. Wendling stated that Planning Staff is recommending the following conditions if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation (VDOT), Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall comply with the County's noise ordinance in Warren County Code Section §123.
4. All events must be within the hours of 9:00AM and 11:00PM.
5. The access to the properties for the events facility shall be off of Panhandle Road and Oakview Drive and shall have an approved VDOT entrance.
6. Any buildings constructed on the property for the Rural Events Facility shall be cohesive with the agricultural/rural nature of the surrounding areas in their appearance.
7. The total number of guests shall be the amount no greater than 200 at one time.

Mr. Wendling shared that he would be happy to answer any questions and the applicant is present.

Chairman Myers thanked Mr. Wendling and opened the public hearing, he asked anyone wishing to speak for or against this matter to come forward; no one came forward.

Chairman Myers closed the public hearing. There was no discussion by the Planning Commission.

Mr. Longo moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Carl & Jennifer Ey for Rural Events Facility.

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Kersjes, Longo, Richardson

CUP2021-10-02 – Travis Dodson – Commercial Outdoor Recreation Operation

A request for a conditional use permit for a Commercial Outdoor Recreation Operation. The property is located at 650 Water Plant Road and identified on tax map 1, lots 3, 3A and 3AA. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mr. Petty the applicant is requesting a conditional use permit for a Commercial Outdoor Recreation Operation, which would consist of a private outdoor gun training facility and classroom. The owner/applicant currently owns and operated a well-established gun shop in Middletown, Virginia, and understand the need for a safe place to provided firearms training and education for both citizens and law enforcement officers. The business would operate year-round and is only available to those who have made reservations for private classes and appointments. The facility is not a public gun range for citizens and customers.

Mr. Petty stated staff is recommending the following conditions for this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors

The applicants shall comply with all Warren County Health Department regulations and requirements.

1. The applicant shall comply with all Virginia Department of Transportation (VDOT), Warren County Building Inspections, Warren County Health Department, Warren County Sheriff's Department and applicable environmental regulations and requirements.
2. A site plan shall be prepared and approved by the Warren County Planning Department prior to the issuance of a Certificate of Zoning, showing the buildings, parking area, outdoor lighting, trash receptacles, signage, outdoor firing range, and other applicable zoning requirements.

3. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.
4. Activities associated with the commercial operation shall not produce sound levels which exceed 60 decibels during hours of operation at the nearest property line.
5. Activities associated with the commercial operation shall be by appointment or reservation only. Such activities shall only take place during the following hours:
 - a. Classroom Instruction: Monday through Saturday 8:00 AM to 7:00 PM, and Sunday 10:00 AM to 5:00 PM.
 - b. Outdoor discharge of firearms: Monday through Saturday 9:00 AM to 6:00 PM/or sunset, and Sunday 12:00 PM to 4:00 PM.
6. The maximum number of occupants per class shall not exceed twenty-five students and five instructors; and or as determined by the Warren County Health Department.
7. Special events which exceed the occupants listed in Condition #6, shall be limited to no more than ten events per calendar year with no more than seventy-five people per event. Such events shall meet Warren County Building Inspections and Warren County Health Department requirements.

Mr. Petty shared that he would be happy to answer any questions and the applicant is present.

Ashley and Travis Dodson, **Applicants**

Applicants stated the property history, and goals they had for the proposed use. They stated the importance of firearms safety and that the community needs a safe facility. Some of the education ideas proposed would be cleaning firearms and a variety of responsible firearms ownership.

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

The following spoke against:

Karen Beck-Herzog, NPS (Cedar Creek & Belle Grove Foundation)

Ashley Sauntag, Cedar Creek Museum

Kristen Laise, Executive Director for Belle Grove

Dan Downing

Robert Luze

John Adamson, Belle Grove Board of Directors

The following spoke for:

Glen White

Bonnie Mitchell

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Amy Adams
Brian Adams
Sherry McBrayer
Russel Koon
Jim Baker
Joe Mitchell
Dwayne Caton
Ian Berry
Adam Luthi
Craig Anderson
Dan Ariko
Jeff Jones
Bruce Jones
Miles Adkins
Lorne Copper
Jay Lyons
Brain Taft
Daniel Morgan
Jeremy Hilliard
Jeff Goldberg
Ken Long

Chairman Myers closed the public hearing.

Rebuttal-

Mrs. & Mr. Dodson stated they have complied with code since notified with county violation. They can be flexible and change business hour according to surrounding events. A sound test did take place and passed. I-66 & 81 did contribute when closer to property lines.

Chairman Myers did clarify that this is just a recommendation to the Board.

Mr. Longo stated there is a firearm discharge ban in Shenandoah Farms, believes all gunowner should be required to take training.

Mr. Kersjes stated he has concerns with the berms, could be an issue with the ricochet bullets. Suggested alterations with the berms to reduce the risk. He also suggested the use of baffles to reduce noise.

Mr. Dodson agreed to look into the baffles.

Mrs. Jordan, Assistant County Attorney, noted the conditions require site plan approved prior to Certificate of Zoning issued. Conditions can be added during site plan review or by Board of Supervisors.

Mr. Longo moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Travis Dodson for Commercial Outdoor Recreation Operation.

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Kersjes, Longo, Richardson

CUP2021-10-03 – Michael & Leslie Hofbauer – Short-Term Tourist Rental

A request for a conditional use permit for a short-term tourist rental. The property is located at 223 Chapel View Drive and identified on tax map 21N, lot 4. The property is zoned Agricultural (A) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicants are requesting this conditional use permit for a Short-Term Tourist Rental in order to rent their home and property during certain times of the year while they are traveling and away from their home. They stated the property is conducive to this use due to its location off a private road and the views of their pond and the mountains from their home. This property is located a short distance away from Christendom College and could be a resource for family and friends visiting the students at the college. The property's principal use is a single-family dwelling, but it has woodland, a creek and pond and some pastureland. The west side of the property does abut land that is under a conservation easement held by the County. The applicant plans to manage the property himself since he has experience with rental properties, but he does intend to have a handyman to contact in case of emergencies when he is out of town.

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

The applicants shall comply with all Warren County Health Department regulations and requirements: as it is 590 feet to the nearest dwelling.

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 eight (8) as determined according to the Health Department operational 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.

Mr. Wendling stated there would be no swimming or boating in the pond located on the property.

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

Dan Riordan- 254 Chapel View Drive- **For**

Mr. Riordan stated that he shares the pond with the Hofbauers and that he has concerns when it comes to the pond and people staying in the house. He requested that a condition be added regarding the pond.

Chairman Myers closed the public hearing. There was no discussion by the Planning Commission.

Rebuttal:

Mr. Hofbauer stated he would accept recommendations and conditions. That they have never had an issue with the pond. He believes restricting access would be excessive. He stated he would check with insurance company about the liability coverage for the use of the pond.

Mrs. Richardson moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Michael & Leslie Hofbauer for Short-Term Tourist Rental.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Kersjes, Longo, Richardson

Z2021-10-01 – Lorne Cooper – Text Amendment for Gunsmithing Services

The applicant is requesting a text amendment to allow for gunsmithing services as use allowed by conditional use permit in the Residential One (R – 1) zoning district. This is an existing use in the Agricultural zoning district, however currently there is no definition or supplemental regulations for the use. A request to amend Chapter 180 of the Warren County Code (Zoning Ordinance) to add the definition of “gunsmithing services”; to add “Gunsmithing services in conjunction with a single-family residential dwelling unit” as a use allowed by conditional use permit in the Residential One (R-1) zoning district; and to supplemental regulations for gunsmithing services.

Mr. Petty stated the applicant is requesting a ordinance to amend sections 180-22 of the Warren County Code to permit the use of gunsmithing service by conditional use permit within the Residential One (R-1) zoning district. In addition, add the definition of gunsmithing services to section 180-8, and add supplemental regulations pertaining to gunsmithing services, Chapter 180, Article V, Section 180-47.1.

AN ORDINANCE TO AMEND SECTION 180-22 OF THE WARREN COUNTY CODE TO PERMIT THE USE OF GUNSMITHING SERVICES BY CONDITIONAL USE PERMIT WITHIN THE RESIDENTIAL-1 (R-1) ZONING DISTRICT. IN ADDITION, ADD THE DEFINITION OF GUNSMITHING SERVICES TO SECTION 180-8, AND ADD SUPPLEMENTAL REGULATIONS PERTAINING TO GUNSMITHING SERVICES.

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Sections 180-8, 180-22, 180-47.1 & 180-47.2 of the Warren County Code (Zoning) be amended, added, and re-ordained as follows:

Chapter 180. Zoning

§ 180-22. Residential - 1 (R-1) District.

[Amended 12-20-1994; 1-16-1996; 12-17-1996; 5-20-1997; 8-17-1999; 3-21-2006]

- A) Statement of intent. This district is intended for family living in safe and suitable surroundings in areas where low-density residential development may be situated without degrading the environment. Such areas shall be developed in a manner that will protect and preserve natural resources, watersheds and topographic features and protect and enhance the natural beauty of the land.

...

- 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:

...

15) Gunsmithing services

Chapter 180. Zoning
Article II. Application
§ 180-8. Definitions.

GUNSMITHING SERVICES:

A commercial enterprise, activity or profession where a gunsmith performs repairs, renovations, safety inspections, modifications, alterations for special uses, and appraisals of firearms. The sale of firearms is permitted with proper local, state, and federal licensing and regulations. Gunsmithing Services shall not be deemed as a home occupation or home enterprise.

Chapter 180. Zoning
Article V. Supplementary Regulations
§ 180-47.1. GUNSMITHING SERVICES

Statement of intent. The regulations for gunsmithing services are intended to protect the residential integrity of the surrounding community and the health and safety of the residents.

- A. Where allowed, Gunsmithing Services shall meet the following requirements:**
- 1. Areas used for the shooting and/or discharge of firearms shall be reviewed and approved by the Warren County Sheriff's Department to ensure safety precautions are met. However, properties located in locations defined in Warren County Code § 177-3 shall be prohibited from shooting of firearms.**
 - 2. Storage of hazardous, toxic, explosive, flammable materials shall meet Local, State, and Federal requirements.**
 - 3. Business owner shall obtain all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.**
 - 4. Property shall meet the screening and buffering requirements of §180-18; lighting requirements of §180-49.2; and sign requirements of §180-14.**
 - 5. On-site parking shall be provided for customers.**
 - 6. The hours of operation shall be specified in the conditional use permit.**
 - 7. When combined with a residential dwelling the following additional regulations shall apply:**
 - a. No person other than members of the family residing on the premises shall be engaged in such activity.**
 - b. All customer service and sales shall be on an appointment-only basis.**
 - c. Activity may be conducted in dwelling or in accessory structure; however, the business shall only occupy an area equal to, or less than, 25% of the floor area of the principal dwelling, regardless of structure containing the business.**
 - d. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such activity other than one nonilluminated sign. Maximum sign area: two square feet.**

- e. If the property is located within a subdivision governed by a HOA/POA, the Owner and the Planning Department shall notify the HOA/POA of the request to operate the commercial gunsmithing services. If the Planning Department receives no written response from the HOA/POA within 30 days of the date of sending the letter, the request for HOA/POA comments shall be considered complete.

180-47.1 **180-47.2** Home enterprises. [Added 10-17-1995]

Chairman Myers thanked Mr. Petty and opened the public hearing, he asked anyone wishing to speak for or against this matter to come forward; no one came forward.

Chairman Myers closed the public hearing. There was no discussion by the Planning Commission.

Mr. Longo moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve a request to amend Chapter 180 of the Warren County Code (Zoning Ordinance).

Mr. Kersjes seconded the motion which passed by the following vote:

Ayes: Myers, Kersjes, Longo, Richardson

CUP2021-10-05 – Lorne Cooper – Gunsmithing Services

A request for a conditional use permit for gunsmithing services in conjunction with a single-family residential dwelling unit. The property is located at 49 Wild Cherry Way and identified on tax map 24A, section 2, block 7, lot 306. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Petty stated the applicant is requesting a conditional use permit for gunsmithing services in the Residential One (R- 1) zoning district. The property is located at 49 Wild Cherry Way in the Blue Mountain subdivision within the Shenandoah Magisterial District. If Z2021-10-01 is approved gunsmithing services is defined as, “A commercial enterprise, activity, or profession where a gunsmith performs repairs, renovations, safety inspections, modifications, alterations for special uses, and appraisals of firearms. The sale of firearms is permitted with proper local, state, and federal licensing and regulations. Gunsmithing Services shall not be deemed as a home occupation or home enterprise” and is subject to specific supplemental regulations. Given the state and federal regulations related to firearms and services, this is not considered a Home Occupation; and the proposed operation would be conducted in an accessory structure.

The supplemental regulations and conditions are consistent with those of a Home Occupation to preserve the character of a residential neighborhood by no change in the outside appearance of the building or premises or other visible evidence of the conduct of such activity. Due to the nature of the operation the accessory structure provides a safe space to work outside of the residential dwelling. Per the application, supplemental regulations, and Warren County Code § 177-3 there will be not discharge of firearms at the property.

Mr. Petty also stated that Planning Staff is recommending the following conditions should be applied if approved:

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 applicant shall all Local, State, and Federal licensing and permits to operate commercial gunsmithing services.
3. There shall be no discharge/shooting of firearms on the property associated with the gunsmithing services.
4. Appointments for customers shall be permitted the during the hours of 10:00 AM to 6:00 PM, Monday through Saturday. One only customer at any given time, and off-street parking shall be provided.
5. Natural vegetation buffer between neighboring parcels shall remain intact and replaced when necessary.

Chairman Myers thanked Mr. Petty and opened the public hearing, he asked anyone wishing to speak for or against this matter to come forward; no one came forward.

Chairman Myers closed the public hearing. There was no discussion by the Planning Commission.

Mr. Longo moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Lorne Copper for Gunsmithing Service.

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Kersjes, Longo, Richardson

CUCUP2021-10-06 – Michael Blevins – Short-Term Tourist Rental

A request for a conditional use permit for a short-term tourist rental. The property is located at 267 Trillium Trail Road and identified on tax map 24B, section 3, block 13, lot

481. The property is zoned Residential-1 (R-1) and located in the Shenandoah Magisterial District.

Mr. Wendling stated the applicant is requesting this conditional use permit for a Short-Term Tourist Rental for the property they recently purchased with the intent to use as in-part as a second home but primarily to lease on a short-term basis. He states that he has retained a property management company, "Be Still Getaways" to manage the property the applicant states has a good reputation. He also mentions that though the dwelling is on 4 acres of wooded areas in a secluded location of the property he plans to carefully review the guests so that no large and loud parties take place and for the sake of the neighbors.

Mr. Wendling also stated Blue Mountain POA voiced for approval.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved: and the property meets the required 100' setback as it is 230 feet to the nearest dwelling.

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 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.

Chairman Myers thanked Mr. Wendling and opened the public hearing, he asked anyone wishing to speak for or against this matter to come forward; no one came forward.

Chairman Myers closed the public hearing. There was no discussion by the Planning Commission.

Mrs. Richardson moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Michael Blevins for Short- Term Tourist Rental.

Mr. Longo seconded the motion which passed by the following vote:

Ayes: Myers, Kersjes, Longo, Richardson

CUP2021-10-07 - Edwin Wright - Commercial Campground

A request for a conditional use permit for a commercial campground. The property is located at 2905 Gooney Manor Loop and identified on tax map 47, lot 12. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Commercial Campground on the family's property in Browntown. The property has been owned by his family since the 1950's and Mr. Wright will be the acting farm manager of the property and campground. The property is 153+ acres and is currently accessed by Gooney Manor Loop which is a rural state road (Rt. 631). The applicant is requesting to have 100 primitive campsites to allow for tents and small campers. The campers would be owned by the campground and be permanently parked, serviced, and maintained by the property owners. The applicant plans to construct pad sites for camping and have centrally located portable restrooms and bathing facilities service the campsites. The applicant is also applying for a Conditional Use Permit for a Rural Event Facility on this property. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances such as noise and lighting and any outside agency regulations in the establishment of the use which includes a site plan approved by the County Planning Department.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. A commercial campground site plan shall be approved by the Planning Department.
3. An open burning management plan shall be submitted to the Warren County Fire Marshall and Planning Department.
4. A woodland management and preservation plan shall be submitted to the Virginia Tech Cooperative Extension office for review and submitted with the site plan.
5. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
6. All events associated with the campground must be within the hours of 9:00AM and 10:00PM.

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7. The only access to the property for the commercial campground shall be off of Gooney Manor Loop with an approved VDOT entrances.
8. Any buildings constructed on the property for the Commercial Campground shall be cohesive with the agricultural and rural nature of the surrounding area in their appearance.
9. The total number of campsites shall not exceed 100.

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

The following spoke for:

Diana Dryer- Wright

Phillip Vaught

The following spoke against:

Alan Thompson

Emily Partlow

Alfred Paulisch

Mark Thomas

Jeff Parsons

Pam Parsons

Jonlaya Haines

Marianna Thomas

James Keller

Angela Keller

Stacie Mikels

Stephen Colwell

Ross Michaels

Eric Swanson

Gary Kushner

Mark Heisic

Angel Thomas

Dan Gull

Sara Ernet

Kim Harrin

Sallyanne Leynard

Steve Luckman

Fire Chief of South Warren

Maddie Keller

Leslie Mathews

Kelly Campbell

Michael Massie

Ken Furlong

Chairman Myers closed the public hearing.

Rebuttal:

Mr. Wright stated he appreciates everyone for coming out, he has gone over the data given from VDOT and the Health Department. Mr. Wright stated that the road can support the additional traffic, he hopes to address all concerns.

Mr. Kersjes stated the concern of open fires and lack of lights. As well as EMS concerns.

Mrs. Richardson stated the farm is beautiful, Browntown too, but that the infrastructure does not support vision for business.

Chairman Myers stated his concerns regarded the roads and water.

Mr. Longo believes application does not support the health and safety that would be compromised. Fears based on the things that already exists in the area. Believes proposal is reasonable.

Mrs. Richardson moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation of denial for the conditional use permit request to Edwin Wright for Commercial Campground.

Mr. Kersjes seconded the motion which was denied by the following vote:

Ayes: Myers, Kersjes, Richardson

Nays: Longo

CUP2021-10-08 – Edwin Wright – Rural Events Facility

A request for a conditional use permit for a rural events facility. The property is located at 2905 Gooney Manor Loop and identified on tax map 47, lot 12. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Rural Events Facility on his family's property in Browntown. The property has been in his family for since the 1950's and Mr. Wright took over management of the farm in 2010 and is currently used for grazing cattle and making hay. The property is 150+ acres and has a significant amount of road frontage on Gooney Manor Loop which would qualify it for a number of subdivision rights according to our subdivision ordinance. The owner has stated in lieu of exercising their rights to subdivide as a number of owners have done in

the past ten years on this road and currently are doing so, his family would like to establish this land-use in order to preserve the rural quality of the property through agritourism, wedding, and outdoor educational events. The applicant plans to use the existing barn and may construct an outdoor pavilion with a primitive amphitheater, small camping supply store and portable restroom and bathing facilities in the future. The applicant is also applying for a Conditional Use Permit for a Commercial Campground for primitive tent camping on this property. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances such as noise and lighting and any outside agency regulations in the establishment of the use.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
4. All events must be within the hours of 9:00AM and 10:00PM.
5. The only access to the property for the events facility shall be off of Gooney Manor Loop with an approved VDOT entrance.
6. Any buildings constructed on the property for the rural events facility shall be cohesive with the agricultural and rural nature of the surrounding area in their appearance.
7. The total number of guests shall be the amount approved by the Board of Supervisors.

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

The following spoke for:
Diana Dryer- Wright
Phillip Vaught

The following spoke against:
Alan Thompson
Emily Partlow
Alfred Paulisch
Mark Thomas
Jeff Parsons

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Pam Parsons
Jonlaya Haines
Marianna Thomas
James Keller
Angela Keller
Stacie Mikels
Stephen Colwell
Ross Michaels
Eric Swanson
Mark Koszyk
Gary Kushner
Mark Heisic
Angel Thomas
Tammie Hanna
Dan Gull
Sara Ernet
Kim Harrin
Sallyanne Leynard
Steve Luckman
Fire Chief of South Warren
Maddie Keller
Leslie Mathews
Kelly Campbell
Michael Massie
Ken Furlong
David Dallins
Joseph Correlli

Chairman Myers closed the public hearing.

Rebuttal:

Mr. Wright stated he appreciates everyone for coming out, he is excited to share property with community.

Mr. Kersjes stated roads do not support activities.

Mrs. Richardson stated the infrastructure does not support vision for business.

Chairman Myers stated traffic about the same over a short duration. Residential vs. Rural Events Facility.

Mr. Longo stated VDOT must approve, and use is not permitted without approval.

Mr. Kersjes moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation of denial for the conditional use permit request to Edwin Wright for Rural Events Facility.

Mrs. Richardson seconded the motion which was denied by the following vote:

Ayes: Myers, Kersjes, Longo, Richardson

CUP2021-10-09 – Edwin Wright – Commercial Campground

A request for a conditional use permit for a commercial campground. The property is located at 0 Wellspring Road and identified on tax map 44, lot 25. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Commercial Campground on his sister's property in Browntown. The property was purchased by his sister in March 2021 and Mr. Wright will be the acting farm manager of the property and campground. The property is 100+ acres and is currently accessed by Wellspring Road which is a private road. The applicant is requesting to have 100 primitive campsites to allow for tents and small campers that don't require electrical or water hook-ups. The campers would be owned by the campground and be permanently parked, serviced, and maintained by the property owners. The applicant plans to construct pad sites for camping and have centrally located portable restrooms and bathing facilities service the campsites. The applicant is also applying for a Conditional Use Permit for a Rural Event Facility on this property. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances such as noise and lighting and any outside agency regulations in the establishment of the use which includes a site plan approved by the County Planning Department.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. A commercial campground site plan shall be approved by the Planning Department.
3. An open burning management plan shall be submitted to the Warren County Fire Marshall and Planning Department.
4. A woodland management and preservation plan shall be submitted to the Virginia Tech Cooperative Extension office for review and submitted with the site plan.

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5. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
6. All events associated with the campground must be within the hours of 9:00AM and 10:00PM.
7. The only access to the property for the commercial campground shall be off of Gooney Manor Loop with an approved VDOT entrance and as an easement through the applicant's property identified on tax map 43 as parcel 48.
8. Any buildings constructed on the property for the Commercial Campground shall be cohesive with the agricultural and rural nature of the surrounding area in their appearance.
9. The total number of campsites shall not exceed 100.

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

The following spoke for:

Diana Dryer- Wright

Phillip Vaught

The following spoke against:

Alan Thompson

Emily Partlow

Michael Noel

Alfred Paulisch

Mark Thomas

Jeff Parsons

Pam Parsons

Jonlaya Haines

Marianna Thomas

James Keller

Angela Keller

Stacie Mikels

Stephen Colwell

Ross Michaels

Eric Swanson

Gary Kushner

Mark Heisic

Angel Thomas

Dan Gull

Sara Ernet

Kim Harrin

Sallyanne Leynard

Steve Luckman

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Fire Chief of South Warren
Maddie Keller
Leslie Mathews
Kelly Campbell
Michael Massie
Ken Furlong
Joseph Corrello
Stephen Barlow

Chairman Myers closed the public hearing.

Rebuttal:

Mr. Wright stated he appreciates everyone for coming out.

Mr. Kersjes stated same as previous two.

Mrs. Richardson stated same as previous two.

Chairman Myers stated the Dylan Rule in Virginia.

Mr. Longo same as before.

Mr. Kersjes moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation of denial for the conditional use permit request to Edwin Wright for Commercial Campground.

Mrs. Richardson seconded the motion which was denied by the following vote:

Ayes: Myers, Kersjes, Richardson
Nays: Longo

CUP2021-10-10 – Edwin Wright – Rural Events Facility

A request for a conditional use permit for a rural events facility. The property is located at 0 Wellspring Road and identified on tax map 44, lot 25. The property is zoned Agricultural (A) and located in the South River Magisterial District.

Mr. Wendling stated the applicant is requesting a conditional use permit for a Rural Events Facility on his sister's property in Browntown. The property was purchased by his sister in March 2021 and Mr. Wright will be the acting farm manager of the property and Rural Event Facility. The property is 100+ acres and is accessed by Wellspring Road

which is a private road. The owner has stated in lieu of exercising their rights to subdivide as a number of owners have done in the past ten years on this road and currently are doing so, his family would like to establish this land-use in order to preserve the rural quality of the property through agritourism, wedding, and outdoor educational events. The applicant plans to construct an outdoor pavilion with a primitive amphitheater, small camping supply store and portable restrooms and bathing facilities in the future. The applicant is also applying for a Conditional Use Permit for a Commercial Campground for primitive tent camping on this property. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances such as noise and lighting and any outside agency regulations in the establishment of the use.

Mr. Wendling also stated that Planning Staff is recommending the following conditions should be applied if approved:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall comply with the County's noise ordinance in Warren County Code Section 123.
4. All events must be within the hours of 9:00AM and 10:00PM.
5. The only access to the property for the events facility shall be off of Gooney Manor Loop with an approved VDOT entrance.
6. Any buildings constructed on the property for the rural events facility shall be cohesive with the agricultural and rural nature of the surrounding area in their appearance.
7. The total number of guests shall be the amount approved by the Board of Supervisors.

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

The following spoke for:

Diana Dryer- Wright

Phillip Vaught

The following spoke against:

Alan Thompson

Emily Partlow

Michael Noel

Alfred Paulisch

Mark Thomas

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Jeff Parsons
Pam Parsons
Jonlaya Haines
Marianna Thomas
James Keller
Angela Keller
Stacie Mikels
Stephen Colwell
Ross Michaels
Eric Swanson
Gary Kushner
Mark Heisic
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Dan Gull
Sara Ernet
Kim Harrin
Sallyanne Leynard
Steve Luckman
Fire Chief of South Warren
Maddie Keller
Leslie Mathews
Kelly Campbell
Michael Massie
Ken Furlong
Joseph Corrello
Stephen Barlow

Chairman Myers closed the public hearing.

Rebuttal:

Mr. Wright stated he appreciates everyone for coming out.

Mr. Kersjes stated same as previous.

Mrs. Richardson stated same as previous.

Chairman Myers stated the Dylan Rule in Virginia.

Mr. Longo same as before.

Mrs. Richardson moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation of denial for the conditional use permit request to Edwin Wright for Commercial Campground.

Mr. Kersjes seconded the motion which was denied by the following vote:

Ayes: Myers, Kersjes, Richardson

Nays: Longo

Z2021-10-02 – Warren County Planning Commission – Zoning Text Amendment

A request to amend Chapter 180 of the Warren County Code (Zoning Ordinance) to amend the definition of “substantial damage”; to amend the supplemental regulations for floodplain overlay district; dam break inundation zones.

Mr. Wendling stated on November 15, 2016, the Board of Supervisors approved a request to participate in National Flood Insurance Program and the NFIP Community Rating System (CRS) in order to encourage higher standards of community floodplain management which can benefit the citizens who pay flood insurance with lower costs to their current insurance rates. In order to qualify for the program, the County was required to participate in a Community Assistance Visit (CAV) overseen by FEMA at which time they reviewed the County’s Floodplain Overlay District ordinance section §180-16.

The last major review and revision to the ordinance was done between 2012 and 2013 and adopted by the Board on May 21, 2013. During the CAV both FEMA and the VA Department of Conservation and Recreation assisted in the current review of the proposed amended ordinance providing recommendations based on the FEMA Region III Ordinance Review Checklist and the FEMA publication on Higher Standards.

In order for the County to meet the requirements of FEMA and the NFIP to participate in the CRS program the County’s Floodplain Overlay District ordinance must meet certain provisions and incorporate the voluntary higher standards in order to gain credits for the CRS scoring system.

County staff has incorporated some changes and higher standards from what has been learned in the management of the floodplain and land-use requests that have been experienced since the last ordinance review. Staff has searched out input from State agencies, FEMA, local contractors and citizens regarding some of these modifications which we hope allows us to incorporate fair and wise floodplain management practices. These changes specifically relate to the use of “Freeboard” in residential construction, and the construction requirements and limitations of accessory structures in both the Agricultural and Residential zoning districts.

Please find a proposed amendment to Sections §180-8 and §180-16 of the Warren County Zoning Ordinance, included in the ordinance are the proposed changes with staff

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comments. In addition, supplemental information includes the ordinance review checklist, CRS information and historical data relating to flood events in Warren County.

Mr. Wendling shared that he would be happy to answer any questions.

There was no further discussion by the Planning Commission regarding the application.

Mr. Kersjes requested some clarification of the code in reference to freeboard.

Mr. Wendling provided the answers.

Mr. Kersjes moved that the Planning Commission forward this request to the Board of Supervisors with the recommendation to approve the conditional use permit request of Travis Dodson for Commercial Outdoor Recreation Operation.

Mrs. Richardson seconded the motion which passed by the following vote:

Ayes: Myers, Kersjes, Longo, Richardson

Commission Matters:

Mr. Petty informed the Planning Commission that Comprehensive Plan Review will resume January 2022.

Mrs. Jordan stated she had nothing to add.

Adjournment:

Chairman Myers moved a motion to adjourn; unanimously approved. The meeting was adjourned at 1:00 AM.

Warren County Planning Commission
Chairman