

At a Special Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on March 12th, 2024, at 7:00 PM.

Present: Cheryl L. Cullers, Chair (South River District); Jerome K. Butler, Vice Chair (Happy Creek District); Victoria L. Cook, (Fork District); John W. Stanmeyer (Shenandoah District), and Richard A. Jamieson (North River District) also, Dr. Edwin Daley, County Administrator; Jason Ham, County Attorney; Jane Meadows, Deputy County Administrator; Mike Berry, Public Works Director; Chase Lenze, Zoning Administrator; Matt Wendling, Planning Director; Alisa Scott, Finance Director; Zach Henderson, Deputy Clerk of the Board

Call to Order:

Ms. Cullers called the meeting to order at 7:22 PM after the conclusion of the Board of Supervisors Work Session with the Warren County School Board.

2024 VPSA Spring Pool Refunding:

Ms. Scott stated that the maturity is 2025-2031, par amount of \$11M, and \$20,000 interest rates ranging from 3.0 to 5.0 with a call date of July 15th, 2024. The County may have the opportunity to refund the remaining 2014 bonds on a tax-exempt basis through 2024 VPSA Spring Pool Issuance to achieve debt service savings.

Mr. Wilson of Davenport stated that the resolution will give the Board Chair and County Administrator the ability to make the call later in the spring on whether or not to move forward with the refunding.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board approved the Warren County Resolution as presented.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

Board Reports:

Mr. Stanmeyer reported the following:

- Commented on the ongoing Budget Hearings and the good discussions the Board has had with various departments.
- Attended a meeting in Rockland regarding the JPGMA School that is looking to purchase the Bowling Green and commented on the variety of opinions shared.
- Will be attending a Disaster Preparedness Drill in Culpeper on March 7th.

Mr. Butler reported the following:

- Attended the meeting at Rockland and was appreciative of the school for their community outreach.
- Attended the Parks and Recreation Bi-monthly meeting and spoke highly of the work they do that is geared to young people in the County.

Dr. Jamieson reported the following:

- Attended the Joint School Board Budget Committee meeting to discuss and understand their fiscal needs.
- Attended a second Board of Supervisors Advance and discussed methodology for tracking goals and their progress throughout the year.
- Will be attending a Disaster Preparedness Drill in Culpeper on March 7th.

Ms. Cook reported the following:

- Commented on the ongoing Budget Hearings and the good discussions the Board has had with various departments.
- Attended an Airport Commission meeting and commented on the new management model moving forward.

- Stated that there will be a Finance and Audit Committee meeting on March 13th that is open to the public.
- Attended the meet and greet at Rockland and stated that it was informative and was thankful for the public outreach efforts involved for those in that community.

Ms. Cullers reported the following:

- On February 29th, visited the 4-H center with Ms. Meadows and spoke to staff there about their amenities and what could be upgraded and updated.
- Recognized Women's History Month and spoke to the women who serve in the County and thanked them for their service.
- On March 4th, attended Fireman Trevor Brown's funeral in Loudoun County.
- On March 11th attended a Browntown Community Meeting and discussed the ongoing Broadband process in the community.
- Presented Matt Wendling with a plaque that said Warren County successfully participates in the National Flood Insurance program community rating system, and the community has undertaken a series of meaningful activities to protect its citizens from losses caused by flooding and has significantly exceeded the requirements for participation and effective flood plain management.

Dr. Daley reported the following:

- Reminded the Board of an upcoming work session Thursday March 14th.

Mr. Ham reported the following:

- *No report given.*

7:30 PM – Public Hearings

CUP 2024-01-05 Plein Smith Ventures, LLC:

Mr. Wendling stated that the applicant is a conditional use permit on behalf of Total Development Solutions, LLC and KT Enterprises Inc., which provides landscaping and development. The applicant has submitted this request on behalf of Total Development Solutions, LLC, a site development company and KT Enterprises, Inc., which provide services for landscaping and development for a conditional use permit for a contractor's storage yard. The proposed use includes storage areas for vehicles and equipment related to the businesses, an area for temporary storage of landscaping products for off-site jobs, and buildings to be used for their respective offices and shop facilities. The property is currently owned by the FR-WC Economic Development Authority and is under contract and within a review period for the land-use request. No retail operations for landscaping have been identified as part of the use and the materials being stored are for off-site landscaping contracts and those materials will be delivered here and temporarily stored between planting seasons.

Ms. Cullers opened the Public Hearing and the applicant spoke on behalf of the CUP and spoke about the company and the intended use of the land in question. There were no additional comments from the Board or public and Ms. Cullers closed the hearing.

On a motion by Mr. Stanmeyer, seconded by Ms. Cook and the following vote, the Board approved the conditional use permit request of Plein Smith Ventures, LLC for a Contractor Storage Yard with the conditions as recommended by the Planning Commission and staff.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Z2023-08-02 Short Term Tourist Rentals:

Mr. Lenz stated that this is a draft ordinance to amend Warren County Code §180-56.4 to add new supplementary regulations for short-term tourist rentals and modify the language of existing supplementary

regulations. Planning staff began working on this text amendment in early 2023 when the Planning Commission and Board of Supervisors indicated they would like to see the property management plan submitted prior to the public hearing phase of the conditional use permit process and for the term "local" in local property manager to be given more context. After several work session discussions on potential changes to the 100' setback requirement from neighboring dwellings, Planning staff has reduced the scope of the amendment to only include updated property management plan requirements, and changes for clarity and organization. Also included in the draft ordinance are restrictions on transient guests from discharging firearms, hunting, using ATVs, outdoor burning, and using fireworks. These prohibited activities have been identified as issues in the past and are currently included as standard conditions for all conditional use permits for short-term tourist rentals. No change to the 100' setback requirement from neighboring dwellings is being proposed at this time.

The short-term tourist rental use was originally added with supplementary regulations to the Warren County zoning ordinance on April 17, 2012 as a use permitted by right for properties over five acres in size in the Agricultural (A) zoning district and as a use permitted by conditional use permit in the Residential-One (R-1) zoning district and for properties under five acres in size in the Agricultural (A) zoning district. The zoning ordinance was amended on November 18, 2014 to amend and add to the supplementary regulations for short-term tourist rentals and to modify the listed uses in the Agricultural (A) zoning district to make all short-term tourist rentals permitted by conditional use permit. On January 17, 2017, the Board approved an amendment to add short-term tourist rental as a use permitted by conditional use permit in the Rural Residential (RR) zoning district. The supplementary regulations for short-term tourist rentals have not been updated since 2014.

Ms. Cullers opened the Public Hearing and Ms. Cook asked if it was correct that this came about due to citizens coming and asking about the setback variance. Mr. Lenz stated that I was more centered around the Property Management Plan and that it is going from post-approval to pre-approval and more up front. Dr. Jamieson asked about the specific changes to the Ordinance itself. Mr. Lenz stated that the ordinance makes changes to the property management plan requirements and cleans up confusing language and adds in some of the standard conditions officially.

The following is a list of individuals who spoke at this public hearing in support of the ordinance and the proposed modifications:

- Watts Hill
- Gary Smullen
- Eric Peterson
- Kathlee Mancini

There were no additional comments from the Board or public and Ms. Cullers closed the hearing.

On a motion by Mr. Butler, seconded by Ms. Cook, and the following vote, the Board approved the proposed amendment.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

CUP 2024-01-01 Vesta Property Management:

Mr. Lenz stated that the owner is requesting a conditional use permit for a short-term tourist rental for the property he purchased in October of 2018. The owner would like to make his property available for short-term lodging for traveling nurses, remote-working professionals seeking a change in scenery, and other visitors of the Warren County area. With the owner being the manager of the local Vesta Property Management, the property will be managed by this company. This property has not had any previous Conditional Use Permits issued for uses in the Agricultural zoning district. The dwelling was constructed in 1900 per real estate listings. The property is located approximately 500 feet north of the Front Royal-Warren County Airport.

Ms. Cullers opened the Public Hearing, and the applicant came and spoke on behalf of the CUP. Ms Cook asked about the preferred use of the applicant as to who can stay there and how it can be properly monitored. The applicant stated that the preference would initially be for family and friends but sees the potential in eventually partnering with AIRBNB or a Furnished Finder platform. There were no additional comments from the Board or public and Ms. Cullers closed the public hearing.

On a motion by Dr. Jamieson, seconded by Mr. Stanmeyer, and the following vote, the board approved the conditional use permit request of Vesta Property Management (40 Acre Wood, LLC) for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

CUP 2023-01-02 Gregory & Margo Steadman:

Mr. Lenz stated that the applicants are requesting a conditional use permit for a guesthouse to allow them to pursue a two-stage construction plan for their property. The first stage would be the construction of a 1,600 square foot dwelling and boat/recreational equipment storage building. For the second phase, the owners would reside in this dwelling unit while financing for and constructing a larger dwelling to be used as their primary residence. Upon completion of the primary residence, the smaller dwelling will be converted into a guesthouse for temporary lodging for family and friends on a non-commercial basis.

Ms. Cullers opened the public hearing, no comments from the public or Board were presented, and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Ms. Cook, and the following vote, the Board approved the conditional use permit request of Gregory & Margo Steadman for a guesthouse with the conditions as recommended by the Planning Commission and staff.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

CUP 2024-01-03 Kenny & Sylvia Day:

Mr. Lenz stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in July of 2023. The owners would like to make their property available for short-term lodging as a “friendly home base” for visitors of Warren County seeking to explore everything the County has to offer when they are not using the property as an escape from their hectic lives in Washington, D.C. The applicants will manage the property personally with assistance from local professional services for trash removal, cleaning, and maintenance.

Ms. Cullers opened the public hearing, no comments from the public or Board were presented, and the hearing was then closed.

On a motion by Mr. Stanmeyer, seconded by Ms. Cook, and the following vote, the Board approved the conditional use permit request of Kenny & Sylvia Day for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

CUP 2024-01-04 Jacquelyn Gunn:

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property she purchased in May of 2023. The owner would like to make the property available for short-term lodging for visitors of the Warren County area seeking to experience the local attractions when she is not using the property personally. Primarily residing in Woodbridge, VA, the applicant will manage the property personally with assistance from her immediate neighbor on Khyber Pass Road

Ms. Cullers opened the public hearing, no comments from the public or Board were presented, and the hearing was then closed.

On a motion by Mr. Butler, seconded by Dr. Jamieson, and the following vote, the Board approved the conditional use permit request of Jacquelyn Gunn for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

CUP2023-05-04 David Downes:

Mr. Wendling stated that the applicant is requesting a conditional use permit for a short-term tourist rental on behalf of the estate of his close friend who is now deceased and as a representative for his friend's young daughter. The property was purchased in 2018 by the deceased father and uncle of the child. The permit would allow for the applicant to generate income on the property until the daughter turns 21 years old and relocates to the United States from the Philippines. The applicant would like to make the property available for short-term lodging for guests of the Warren County area and will manage the property personally with assistance from local professional services for trash disposal, cleaning, landscaping and maintenance. This application was temporarily withdrawn until Mr. Downes was able to have a legal Order giving him the "additional fiduciary powers" to represent Kathleen Rhea Gulley (a minor who lives in the Philippines) for submission of the CUP application and management of the Short-Term Tourist Rental if approved. The order was recorded with the Warren County Circuit Court Clerk on December 20, 2023 and Mr. Downes has requested that the Planning Commission and Board of Supervisors reevaluate the application after public hearings are held.

Ms. Cullers opened the public hearing, and the applicant came and spoke on behalf of the CUP and opened the floor to any additional questions from the Board. There were no comments from the public or Board were presented, and the hearing was then closed.

On a motion by Ms. Cook, seconded by Mr. Stanmeyer, and the following vote, the Board approved the conditional use permit request of David A. Downes for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

R2023-12-01 Foresight Design Services:

Mr. Wendling stated that the property is located at 99 Cedar Park Court in Front Royal, VA, and identified on tax map 12E as lot 6. The property is located in the North River Magisterial District. The property is currently zoned Agricultural (A) and the applicant is requesting that the property be zoned to Commercial (C) in order to construct a hotel/motel on the site which is a by-right use. The property is identified in the Comprehensive Plan's Future Land-Use map to be Commercial.

The subject property is located in part in the Highway Corridor Overlay District adjacent to the Marriot hotel off Country Club Road and Caroline Ct. The applicant is proposing the rezoning of the property for a hotel/motel. A conditional use permit is being requested to allow for the 5-story hotel with an increase in height of the building to 62' which is over the allowed height of 40' for the Commercial and Industrial zoning districts. The concept plan for this property also identifies areas of future development for a retail strip plaza and restaurant which are by-right uses in the Commercial zoning district.

Ms. Cullers opened the public hearing and the applicant, John Neil, came and spoke on behalf of the rezoning request and provided visuals and plans for the building as well as property. Ms. Cullers asked for a size comparison to the hotel that is currently near the planned lot. Mr. Neil stated that this new structure will be approximately 9 feet taller. Dr. Jamieson commented and was thankful for the quick addition of a fence during the construction to prevent trash and wind debris being scattered to other properties.

Mr. Ron Clatterbuck spoke on behalf of the five Warren County residents that live on Cedar Park adjacent to the construction and spoke on his concerns regarding mitigation, noise pollution, light pollution, trash and construction etc., and emphasized the negative impact this has had on his life as well as the others in the area. There were no additional comments from the public and Ms. Cullers closed the hearing.

Dr. Jamieson commented on Mr. Clatterbuck's statement and stated anything that County can do to mitigate their situation should be considered. One of the primary concerns he's heard is that a construction on this scale can damage their property and suggested the County support and assist them with their needs. One option being they collectively come together and market their land to rezone as commercial and sell as one.

Mr. Stanmeyer commended Dr. Jamieson for thinking outside the box and for his empathy for these residents and added that their property is also adjacent to County owned land as well.

Ms. Cook asked about the logistics on what specifically can be done to help them and what steps need to be taken next.

Dr. Daley stated that the County can meet with them about how they can market their property commercially and rezoning for that purpose. However, the County cannot accept the liability for what contractors may or may not do. There were no additional comments and Ms. Cullers closed the hearing.

On a motion by Ms. Cook, seconded by Dr. Jamieson, and the following vote, the Board approved the request to rezone and change the zoning map classification of the property identified on tax map 12E as parcel 6 from Agricultural to Commercial.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

CUP2023-12-03 Foresight Design Services:

Mr. Wendling stated that The property is located at 99 Cedar Park Court in Front Royal, VA, and identified on tax map 12E as lot 6. The property is located in the North River Magisterial District. The subject property is located in part in the Highway Corridor Overlay District adjacent to the Marriot hotel off Country Club Road and Caroline Ct. The applicant is proposing the rezoning to Commercial for a hotel/motel as a by-right use but the County Zoning Ordinance section §180-13. G ordinance requires that any structure above the maximum height allowed in the zoning district must have a conditional use permit, in this case it's 40'.

The applicant is requesting a conditional use permit for a structure in the Commercial zoning district and Highway Corridor Overlay District which exceeds the allowed 40' height limit. They are proposing that the structure be allowed to be 62' in height, which exceeds the allowed limit by 22'. The applicant has submitted a revised concept plan which also show proposed by-right uses for a restaurant and retail stores.

Ms. Cullers opened the Public Hearing and Mr. John Neil spoke again on behalf of the CUP and stated that he appreciated the comments from Dr. Jamieson and that they want to be "good neighbors" during construction.

Dr. Jamieson asked about design and aesthetics. Mr. Wendling stated that we follow the Highway Corridor Overlay district standards, they are also reviewed by staff and submitted to the agency for comments. There were no additional comments and Ms. Cullers closed the hearing.

On a motion by Ms. Cook, seconded by Mr. Butler, and the following vote, the Board approved the conditional use permit request of Foresight Design Services for a hotel with a maximum height of sixty-two feet (62') in the Highway Corridor Overlay District with the conditions as recommended by the Planning Commission and staff.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Lease Agreement of Hangar A2 to Edward Carroll:

Mr. Berry stated that this lease is for Hangar A-2 located at 229 Stokes Airport Road to Edward Carroll for a monthly rent of \$350 per month.

Ms. Cullers opened the Public Hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board approved the lease of Hangar A2 located at 229 Stokes Airport Rd., Front Royal, VA 22630 with Edward Carroll for a monthly rent of \$350.00.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

Lease Agreement Hangar B-12 for Kirk McComas:

Mr. Berry stated that this lease is for Hangar B-12 located at 229 Stokes Airport Road to Kirk McComas for a monthly rent of \$350 per month.

Ms. Cullers opened the Public Hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Mr. Butler, seconded by Mr. Stanmeyer, and the following vote, the Board approved the lease of Hangar A2 located at 229 Stokes Airport Rd., Front Royal, VA 22630 with Edward Carroll for a monthly rent of \$350.00.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Lease Agreement of 201 East 2nd Street, Front Royal, VA 22630, The Chamber of Commerce of Front Royal and Warren County:

Mr. Berry stated that this lease is for 201 East 2nd Street, Front Royal to the Chamber of Commerce for a monthly rent of \$1,400.

Ms. Cullers opened the Public Hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Mr. Butler, seconded by Dr. Jamieson, and the following vote, the Board approved the lease of 201 E. 2nd St. Front Royal, VA 22630 with the Chamber of Commerce for a monthly rent of \$1,400.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

Storage Yard Lease:

Mr. Ham stated that the lease is for a 10-Acre vacant parcel that was used by Dominion Power for their building construction. It is for \$3,000 a month with a 5% escalation clause after the first year, and this will go month to month after the first year is over. However, there is a 6-month cancellation by either party.

Ms. Cullers opened the Public Hearing but there were no comments from the Board or public and the hearing was then closed.

On a motion by Dr. Jamieson, seconded by Mr. Butler, and the following vote, the Board authorized the County Administrator to enter a storage yard lease with FDMS, LLC at such terms and conditions as determined by the County Administrator and in consultation County Attorney.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Consent Agenda:

1. Authorization to Advertise for Public Hearing: CUP2023-12-02 - Catholic Diocese of Arlington - A request for a conditional use permit for a Church.

2. Authorization to Advertise for Public Hearing: CUP2024-02-01 - David Kamminga (Hill of Beans, Inc.) - A request for a conditional use permit for a Short-Term Tourist Rental.

3. Authorization to Advertise for Public Hearing: CUP2024-02-02 - Michael & Jean Adair - A request for a conditional use permit for a Short-Term Tourist Rental.
4. Authorization to Advertise for Public Hearing: CUP2024-02-03 - Kayla James (2207 Marys Shady Lane, LLC) - A request for a conditional use permit for a Short-Term Tourist Rental.
5. Warren County Public Schools - Appropriation from School Capital Reserve Fund
6. Fire and Rescue - Pumper Tools and Equipment Acquisition
7. Authorization to Advertise for Public Hearing - Lease Agreement - Front Royal Little League use of Champs 53 Field Complex
8. Authorization to Advertise for Public Hearing - Lease Agreement - Little League Complex License Agreement with Front Royal Little League
9. Authorization to Advertise for Public Hearing - Lease Agreement - Front Royal Soccer Association
10. Authorization to Advertise for Public Hearing - Lease Agreement - Warren County Girls Little League Softball Association
11. Authorization to Advertise for Public Hearing - Lease Agreement - Front Royal Midget Football.

Ms. Cook stated that she would like to pull item, I5 Warren County Public Schools - Appropriation from School Capital Reserve Fund for discussion.

On a motion by Mr. Stanmeyer, seconded by Mr. Butler, and the following vote, the Board approved the Consent Agenda as amended to exclude item #5.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye

#I-5 Warren County Public Schools - Appropriation from School Capital Reserve Fund:

Ms. Cook stated that she wanted clarification on what exactly was being asked for and which fiscal year it will be spent from.

Ms. Scott stated that it is for this current fiscal year, and it is not any new money. They have some invoices that they need to pay and so this amount going to be appropriated from the County's Capital Reserve Account, which is where it's been appropriated currently into the school's fund.

On a motion by Ms. Cook, seconded by Mr. Butler, and the following vote, the Board approved the request of Warren County Public Schools to appropriate \$308,200 from the Capital Reserve fund for the conversion of E. Wilson Morrison Elementary School auditorium into a multi-purpose room. And further authorize the Treasurer to transfer to the School Capital Improvements Fund on an needed basis those amounts up to \$308,200 total necessary to cover approved project progress payments as they are submitted.

Mr. Stanmeyer, Aye; Mr. Butler, Aye; Ms. Cullers, Aye; Dr. Jamieson, Aye; Ms. Cook, Aye

Adjournment:

On a motion by Mr. Stanmeyer, seconded by Mr. Butler, and the following vote, the Board adjourned the meeting at 9:50 PM.

Ms. Cook, Aye; Dr. Jamieson, Aye; Ms. Cullers, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye