

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on September 11th, 2024.

Present: Robert Myers, Chairman (Happy Creek District); Hugh Henry, Vice-Chairman (Fork District); Scott Kersjes (North River District); Kaylee Richardson (South River District); William Gordon (Shenandoah District); also, present; Jordan Bowman, of Litten & Sipe LLP, attorney for the County; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Kelly Wahl, Planner; Allison Mutter, Clerk to the Planning Commission

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

Moment of Silence in remembrance of 9/11

ADOPTION OF THE AGENDA:

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission approved the Adoption of the Agenda.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon.

ADOPTION OF THE REGULAR MEETING MINUTES:

On a motion made by Mr. Kersjes, seconded by Mrs. Richardson, and by the following vote, the Planning Commission approved the minutes from the August 14th, 2024 meeting and work session, as presented.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon.

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.

Jeff Baggarly, 339 River Ridge Drive, Middletown

Mr. Baggarly stated that he is concerned about safety because he is 67 feet from the firing range. He stated that, based on his research, the Sherriff's Office will be firing approximately 3,200 rounds each day that they are on the range which amounts to one bullet every 11.25 seconds and that he is concerned for his safety because of that distance and volume of bullets fired.

John Jenkins, 241 Gimlet Ridge Road, Bentonville

Mr. Jenkins stated that he was not very impressed by Deputy Roy's presentation for the Board of Supervisors the night before, especially in regard to the cost of the building, safety, and the noise regulations. He stated that he wonders if anyone had consulted

with the County Attorney about the legality of the application. He was also wondering about the costs associated with the construction of the range.

Drew Baggarly, 215 River Ridge Drive, Middletown

Mr. Baggarly is deeply concerned about the safety of his family and is concerned about the Sheriff's Office abiding by their Code of Ethics.

PUBLIC HEARINGS:

CUP2024-08-01 - Caroline Hersh & Brian Stechschulte - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 289 Catron Ridge Road and identified on tax map 42B, section 1, as lot 10A. The property is zoned Residential-One (R-1) and is located in the Thompson Hollow Acres subdivision in the South River Magisterial District.

Mrs. Wahl stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased this July. The applicants would like to make the property available for short-term lodging for visitors seeking to experience Warren County while not serving as their second residence. The property will be managed by a local property manager, Jackie Rowles, who will oversee maintenance, cleaning, and the booking of rental requests.

No previous conditional use permits have been issued for the subject property for land uses in the Residential (R-1) zoning district. There are currently two active conditional use permits for a Short-Term Tourist Rental in the Thompson Hollow Acres Subdivision. There are no records of any active zoning violations for this property.

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 applicant shall comply with all Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system 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. Myers opened the public hearing.

James DeBarr, 55 Catron Ridge Road

Mr. DeBarr stated that the neighborhood does not need more traffic because the road is already in poor condition. He is concerned about the safety of his small children and animals if there is an increase in traffic.

Glenn Ferguson, 158 Catron Ridge Road

Mr. Ferguson is also concerned about the additional traffic given the current state of the road.

Mr. Myers closed the public hearing.

Caroline Hersh and Brian Stechschulte, 289 Catron Ridge Road

Ms. Hersh stated that as applicants, they, too, are concerned about the condition of the road and they are willing to maintain the road. There was a road maintenance agreement but, for reasons she was not aware of, it was stopped.

Mr. Henry stated that there would be less traffic if there was a permanent resident. He also stated that the County can't enforce road maintenance and encouraged the residents to come up with a plan for road maintenance.

Mr. Wendling suggested that the homeowners explore establishing a sanitary district.

On a motion made by Mr. Henry, seconded by Mr. Gordon, and by the following vote of 5-0, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon

CUP2024-08-02 - John Myers & Helen Park for Short Term Tourist Rental - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 557 Drummer Hill Road and identified on tax map 15E, section 4, block 4 as lot 300A. The property is zoned Residential-One (R-1) and is located in the Shenandoah Farms - Mountain Lake subdivision in the Shenandoah Magisterial District.

Mrs. Wahl stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in August of 2023. The applicants would like to make the property available for short-term lodging for visitors seeking to experience Warren County while not being used as their second residence. The property will be managed by a local property manager, Tiffany Peer with TNL Cleaning, who will oversee maintenance and cleaning.

No previous conditional use permits have been issued for the subject property for land

uses in the Residential (R-1) zoning district. There have been several conditional use permits approved for a Short-Term Tourist Rental in the Shenandoah Farms-Mountain Lake Subdivision. The dwelling was constructed in 2023 and there are no records of any active zoning violations for this property. Standard conditions are being recommended for this property.

Mr. Myers stated that he is not related to the applicant and there are no conflicts of interest. He then opened the public hearing. With no one coming forward, Mr. Myers closed the hearing.

On a motion made by Mr. Henry, seconded by Mr. Gordon, and by the following vote of 5-0, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon

CUP2024-08-03 - Andres Barkil-Oteo - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 351 Donna Court and identified on tax map 15D, section 2, block 5 as lot 282A. The property is zoned Residential-One (R-1) and located in the Shenandoah Farms - Riverview subdivision in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he purchased in April of 2024. The owner would like to make the property available for short-term lodging for tourists and visitors of the Warren County area. The applicant will retain a local property manager to help oversee maintenance, cleaning, and the booking of rental requests.

A conditional use permit for a short-term tourist rental was applied for earlier this year. On June 4, 2024, the Board of Supervisors failed to pass a motion to approve the conditional use permit request on a 2-2 vote, resulting in denial. This request is a reapplication following the sale of the neighboring property within the 100' setback required from neighboring residences for short-term tourist rentals. The dwelling finished construction this year and there are no records of any active zoning violations for this property. The neighboring property applied for and had been approved for a short-term tourist rental.

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 applicant shall comply with all Warren County Health Department, Warren

County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed the system capacity as determined by the Health Department permit per Warren County Code §180-56.4B. The Certificate of Zoning shall only be issued with approved Health Department records.
3. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicant shall have the septic system maintained annually by a licensed operator as required for an alternative onsite sewage disposal system. The applicant shall also have the septic system pumped every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 35' setback to dwelling west of the subject property.

Mr. Myers opened the public hearing.

George Hewitt, Lake Drive

Mr. Hewitt is concerned about the septic permit authorization for the property because the drain-off could be over his well. He wants to know what effects that would have on his property should he elect to replace a septic system.

Mr. Henry stated that he installed the septic system of the neighbor and that all of the houses have to maintain a 100' setback from septic to well.

On a motion made by Mr. Henry, seconded by Mrs. Richardson, and by the following vote of 5-0, the Planning Commission moved to forward the conditional use permit to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon

NEW BUSINESS:

CUP2024-09-02- Balachander Rajasekaran - Short-Term Tourist Rental - A request for a conditional use permit for a Short-Term Tourist Rental. The property is located at 377 Avalon Drive and is identified on tax map 20C, section 1, block 2, as lot 21. The property is zoned Residential-One (R-1) and is located in the Shenandoah River Estates subdivision in the Shenandoah Magisterial District.

Mr. Lenz stated that it was brought as new business because the location of the home is in the Shenandoah River Estates subdivision, the setbacks between the applicant and the nearest neighbor is 12' away. He observed that it is a very large setback waiver that is being requested but, because of the property's location in the floodway, it would be better

suited to be used as a short-term tourist rental. The applicant has received written approval from the neighbor that is 12' away.

Mr. Henry stated that if there were a waiver request, he would like the approval of the closest neighbor.

Mrs. Richardson agrees that this is better suited to being a short-term tourist rental because of the possibility of flooding.

Mr. Wendling stated that there had been short-term tourist rentals approved on Beckwith Drive and Old Dam Road, so approving this application would not be setting a precedent in the Special Flood Hazard Area.

On a motion made by Mrs. Richardson, seconded by Mr. Henry, and by the following vote of 5-0, the Planning Commission moved to authorize the advertisement of the public hearing for the application.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon

CUP2024-09-03- SouthFork RiverSide Campground, LLC Land-use Campground - The applicant is requesting a conditional use permit for a campground located at 204 Russ Johnson Rd. off Rivermont Drive. The property tax is identified on tax map 28 as parcel 17 and zoned Agricultural (A). It is located in the Wayland subdivision and in the Fork Magisterial District. The property is approximately 142.09 acres.

Mr. Wendling stated that applicant is requesting this conditional use permit for a campground for a hundred camp sites for motor motorized recreational vehicles, campers, and primitive tent camping. The existing barn will be renovated and converted to an office for campground check-in and management and general store to provide goods and materials for campground guests. The proposed construction of two sanitary facilities and the installation of a drain field in the areas as shown on the general concept plan. The majority of the land will continue to be farmed and used for agricultural purposes.

All of the campsites will actually be within the special flood hazard area. County staff will review those site locations to verify it meets the County Ordinance requirements for a campground of that density.

Mr. Wendling stated that he wanted to recommend two conditions at the present moment.

1. The camping areas shall be inspected by planning staff prior to an issuance of the certificate of zoning and certify a fire safety and emergency egress plan has been posted for guests of the campground.
2. The campground shall have one fire extinguisher for every five primitive

campsites available for use by campground guests.

He also stated that the applicants are looking to put a river sports outfitter business in for rental of canoes, kayaks, boating and fishing equipment which would be an accessory use to the campground.

Sean Newman, 138 Passage Manor Drive

Joe Brogan, Brogan Land Surveying, 143 Brogans Lane

Mr. Newman gave a short presentation about their plans for the campground and how they plan on keeping the natural beauty of the area at the forefront of the property.

Mr. Henry asked if the entrance was VDOT approved?

Mr. Brogan stated that the entrance was approved when the subdivision was completed years ago.

Mr. Henry asked if the campsites would be visible from Rte. 619?

Mr. Newman stated that the only thing that would be visible from Rte. 619 would be the barn that they would be using for the front office.

Mr. Wendling stated that there would need to be infrastructure improvements, including a hard surfaced road.

Mr. Brogan stated that Mr. Beahm, the Building Official, and the Fire Marshal had required an 18' road width to allow passage of emergency vehicles and that's what is presented on the concept plan. He also stated that the fire hydrant had been moved to the pond on the request of the Fire Marshall.

Mr. Gordon asked who reviews the emergency plans?

Mr. Wendling stated that Mr. Maiatico, the Fire Marshall, would review the plans.

Mr. Brogan stated that there would also be monitoring of the river as a part of the evacuation plan.

Mr. Newman stated that there would be staff on the property at all hours.

On a motion made by Mr. Henry, seconded by Mr. Kersjes, and by the following vote of 5-0, the Planning Commission moved to authorize the advertisement of the public hearing for the application.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon

CONSENT AGENDA – Authorization to Advertise for Public Hearing:

On a motion made by Mr. Kersjes, seconded by Mr. Gordon, and by the following vote, the Planning Commission approved the Authorization to Advertise.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon.

COMMISSION MATTERS:

Planning Director: Mr. Wendling asked for the Planning Commission to provide any comments they had for chapter 7 of the Comprehensive Plan before Planning Staff submits it to VDOT. Staff is also making edits to chapters 4 and 5 of the Comprehensive Plan regarding the Rural Villages and addressing the comments provided by the Alliance for the Shenandoah Valley on behalf of the Rockland Community and the Browntown Community Citizens Association (BCCA). Both of these reports will be added as appendices in the Comprehensive Plan. The plan is to have a completed draft for public commentary in early October, with a public hearing in November.

Attorney for the County: Mr. Bowman had nothing to report.

Commission Members: Mr. Henry stated that he had done some research and communicated with community members about the contractor storage yard. Legal questions have been brought up and they want to communicate with the County Attorney to make sure everything is done correctly. He suggested that County Staff schedule a meeting with members of the Warren County Builders Association to answer questions on the proposed ordinance.

Zoning Administrator: Mr. Lenz stated that the text amendments for fairground and rural resort center had been approved by the Board of Supervisors.

Planner: Ms. Wahl stated that an update provided by Sheriff Cline for chapter 5 and some of those goals were put into the County's overarching vision statement for the Comprehensive Plan. The community outreach has been moved to a later date because Staff would like to have VDOT comments on Chapter 7 - Infrastructure, if possible.

ADJOURNMENT:

On a motion made by Mr. Henry and the following vote, the meeting was adjourned at 8:11 PM.

Ayes: Myers, Henry, Kersjes, Richardson, Gordon.



Warren County Planning Commission
Chairman