

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on Wednesday, September 13th, 2023 at 7:00 PM.

Present: Robert Myers, Chairman (Happy Creek District); Scott Kersjes (North River District); Kaylee Richardson (South River District); William Gordon (Shenandoah District); and Caitlin Jordan, Senior Assistant County Attorney; also, present; Matt Wendling, Planning Director; Chase Lenz, Zoning Administrator; Allison Mutter, Clerk to the Planning Commission

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

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

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

Adoption of Regular Meeting Minutes

On a motion by Mr. Henry, seconded by Mr. Kersjes, and by the following the Planning Commission approved the minutes from August 9th, 2023, 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. Chairman Myers asked if anyone would like to speak on items not on the agenda, and told them to state their name and address.

Kathleen George, Shenandoah Farms Subdivision

Ms. George spoke on the proposed Shenandoah Farms Company Six Firehouse. She stated that the Board of Supervisors unanimously approved the special use permit on July 25th, 2023 and that no one from the community came and spoke about it. She stated that there was insufficient notice for the meeting. She stated that the location is not appropriate for emergency vehicle use due to it being on a blind curve. She also asked if the previous bunk house was going to be utilized and why that location was not the one being used for the new firehouse. She stated the surplus that is being used to build the firehouse is money that was specifically collected for use on the roads in Shenandoah Farms. She suggested that the committee find a better solution for building the firehouse.

Mr. Wendling stated that it has been approved by the Board of Supervisors and the Planning department and VDOT will address any issues with the property at the site plan phase.

No one else came forward.

Public Hearings:

R2023-07-01 – Slate Run Farm, LLC. A request to amend the Warren County Zoning Map and rezone approximately 448.21+/- acres from Agricultural (A) to Industrial (I) and Commercial (C). The property identified as Tax Map 12, as lot 9 is requested to be rezoned from Agricultural (A) to Commercial (C) is 4.47 acres. The properties identified on tax map 12, as lot 6 and tax map 4 as lot 41 are requested to be rezoned from Agricultural (A) to Industrial (I) and are 443.74+/- acres. The properties are located off Winchester Road in the North River Magisterial District.

Mr. Kersjes recused himself as he has fiduciary duties to both the HOA as he is the president and to the county as a member of the planning commission.

Mr. Wendling stated the applicants are proposing a rezoning and have proffered that no more than two million five hundred thousand square feet (2,500,000 sq ft.) of buildings be placed on the property for the industrial lot and twenty-five thousand square feet (25,000 sq ft.) for commercial land uses. The applicant is applying for rezoning with no specific land uses indicated. VDOT has received traffic impact analysis from the applicant and their traffic engineer. VDOT based their trip generation on an industrial park in the industrial use area and on a strip retail plaza for the commercial use area. These are moderate uses that would generate moderate amounts of traffic. Since the previous meeting, VDOT has placed the TIA under review by their Staunton Office and their Edinburg residency and the planning staff has not received comments back from them. VDOT is planning on holding an engineering meeting in the next couple of weeks and would hope to have comments by the next Planning Commission meeting. Staff is recommending that the public hearing take place but that the application either be tabled or the closing of the public hearing be postponed until VDOT provides comments to the Planning Commission. Planning staff has received comments from outside agencies and the Town of Front Royal has agreed and passed a resolution that they do provide sewer and water to commercial and industrial zoned properties. The applicant has submitted a revised proffer statement which addresses some of the transportation, site access, and prohibitions of land uses in the industrial zoning district. The voluntary proffers are subject to change based on comments from VDOT on the traffic study and from the Planning Commission and staff. Staff will recommend that all roads within the property be built within state standards and it will be a proffer request for the applicant.

Mr. Myers asked if the applicant would like to come forward to speak?

Marisa Whitacre, Greenway Engineering.

She stated that VDOT requested changes to the plans which is the cause of delay for the traffic study. VDOT requested that the applicant show the future Route 340/522 improvements on the plan. With the proposed plan, there is shown two entrances, an emergency access easement, and an inter-parcel connector. Per the Warren County zoning ordinance, the property only needs to have one entrance and the second entrance can be addressed in the future as the development progresses.

Ms. Whitacre stated the emergency access easement, which is a concern of Blue Ridge Shadows community members, would be specifically for emergency vehicles only. There will be no use by tractor trailers or employers of the property. The Fire Marshal's office was contacted for the

requirements for gating the easement. The Fire Marshal stated that it was not a requirement, but the applicant would be willing to gate and add a lock box on the industrial side of the property as additional protection for the residents.

Ms. Whitacre stated, returning to the second entrance. The Board of Supervisors has it on the agenda to vacate a sixty-foot easement. There is a future road that will go through that easement, as shown on the comp plan.

Ms. Whitacre then proposed a minimum of a five hundred fifty-foot buffer between the Blue Ridge Shadows subdivision and the industrial part of the property. She then requested that the Planning Commission pass the application on to the Board of Supervisors with their approval.

Mr. Myers opened the public hearing.

Sheila Asbury 86 Albatross Ct.

The Blue Ridge Shadows community offers conditional support so long as the following resident concerns are addressed:

1. The easement granted for the Seekford farm should remain for the farm and not for the construction equipment. Residents are concerned that use of this easement will allow for unrestricted access to the neighborhood causing increased traffic by over-sized vehicles.
2. Future VDOT and other unrestricted vehicle access to John's Hopkins Drive North will cause adverse effects on the subdivision because of a lack of sidewalks, shoulders, or lighting for foot traffic.
3. Residents believe the tree-save area is too narrow and does not provide adequate depth to prevent the passage of traffic behind Blue Ridge Shadows.

Janet Wildman, 110 Niblick Sq.

Stated that the area would be unsafe for emergency vehicles because the area is unlighted and full of hazards for pedestrians.

Harry Davis, 110 Niblick Sq.

He stated he disagreed with the Blue Ridge Shadows board and would like to see more restrictions on what kind of industry goes into industrial areas. He also stated there is inadequate soundproofing for the plan. He also thinks the emergency access is needed if there are two entrances for the location.

Curtis Smith, 50 Bogey Ct.

He believes that a five hundred fifty foot buffer is enough and objects to a connector road between Fairgrounds Road and Reliance Road.

The following citizens spoke in opposition to the proposed rezoning Slate Run Farm, LLC:

- Phil and Kathy Yanulites, 49 Bogey Ct.
- Michael Rogers, 46 Hickory Shaft Ct.
- Liz Watson, 46 Hickory Shaft Ct.
- John Brown, 19 Flagstick Ct.
- Bill and Ellen Howell, 10 Bogey Ct.

With no other people coming forward to speak, Mr. Myers closed the public hearing.

Rebuttal:

Ms. Whitacre clarified that the buffer would be one hundred fifty feet (150'), not the five hundred fifty feet (550') stated previously. She offered to address the noise level and soundproofing. Some of the places with a tree safe have over a two hundred (200') buffer, but in some of the places it is a little bit less.

Ms. Whitacre stated that the property owners would be willing to remove the emergency access easement and that the applicant would be willing to move that to the inter-parcel connector at Cabel Road.

Mr. Wendling stated that county staff is aware that the 2013 Future Transportation Plan does need to be reviewed and are looking to have a third party review and assess where than plan is now and accommodate comments made by the general public.

Mr. Myers asked for questions or comments from the Commission?

Mr. Henry stated that if the connector road was put in and gated, Fire and Rescue could get into Blue Ridge Shadows and would recommend that the road be put in, gated, and only allow access to Fire and Rescue. Having more than one way in or out was always a concern for the subdivision and that he would want a second way into the subdivision in case of an emergency. He stated that the trees in the buffer area would be very important for sound dampening and visibility. Is the language in the proffer?

Mr. Wendling stated that it could be verified that the buffer area would be in the proffers and that the one hundred fifty feet meets the active and inactive buffer requirements in the ordinance and it would be up to the applicant to include additional buffer.

Mr. Henry asked what is the minimum buffer required?

Mr. Wendling stated that he believed that it is two hundred fifty feet for totally inactive buffer, one hundred fifty for active and inactive buffer, and then asked Mr. Lenz for confirmation of the code?

Mr. Lenz stated that for the category between suburban residential and industrial, a full screen requires a fifty foot inactive buffer and a twenty-five foot active buffer for a total of seventy five feet. With a landscape screen, it is a one hundred foot inactive buffer and a fifty foot active buffer for a total of one hundred and fifty feet. And if there is no screen at all, it requires two hundred and fifty feet of an inactive buffer and fifty feet of an active buffer for a total of three hundred feet.

Mr. Henry asked if the applicant would meet the second criteria and does the current vegetation meet level one or level two?

Mr. Lenz stated that fifty feet of existing woodland would meet the definition of a full screen.

Mr. Henry asked that if the wooded buffer was to remain, would the applicant be doing twice what the current code requires?

Mr. Lenz stated that if there was at least fifty feet of the wooded strip on the property boundary, the applicant would qualify for the seventy-five foot buffer.

Mr. Henry stated that they have one hundred fifty feet and would hope that every tree possible be left.

Mr. Myers stated that a sound berm could be built on the other side of the road.

Mr. Henry agreed and asked what would be in the report that VDOT is providing?

Mr. Wendling stated that the scope of VDOT's requested TIA extended to Interstate 66. He stated of the potential entrances, the one that is proposed by the property owner which would provide a sixty-foot easement next to Mr. Long's property has a twenty-five foot easement request with the Board of Supervisors on behalf of the natural gas company. VDOT has provided comments on Mr. Long's request to dissolve the agreement to provide and easement.

Mr. Henry stated he hopes there is enough room for the road.

Mr. Wendling stated that about thirty-five feet would remain after the twenty-five foot easement for the gas company and that the remaining land space would not be sufficient for VDOT's usage.

Mr. Henry asked if the gas line would be run under the road?

Mr. Wendling stated that the gas line would be run under the road but was not aware of what else would be in the easement.

Mr. Henry stated that the gas company usually fenced off those easements and did not expect them to fence the area that goes under Route 522.

Mr. Wendling stated that there were plans to fence off the gas line in the area of the twenty-five foot by seventy-five foot easement.

Mr. Henry asked, as is, the plan has two entrances, with a possible third, depending on what happens with Mr. Long?

Mr. Wendling confirmed that that there is the potential for three and that there is another potential access easement on another piece of land in the middle. And that the comments VDOT will be providing will be on the southern most access to the property.

Mr. Henry stated that he is willing to support the application being moved on to the Board with a blanket rezoning as long as the tree buffer remains and there is a locked gate on the access road.

Mr. Wendling stated that the staff would have to evaluate the proffers once VDOT's comments are received.

Mr. Myers stated he was willing to postpone the vote until VDOT comments were received.

On a motion from Mr. Gordon, seconded by Ms. Richardson, and by the following vote, the Planning Commission tabled the rezoning application until the October 11th, 2023 meeting.

Ayes: Myers, Henry, Richardson, Gordon

Abstained: Kersjes

CUP2023-08-01 - Renee Grebe & Matthew Iden/Kyrrheim LLC. - A request for a conditional use permit for a Short-term Tourist Rental. The property is located at 7 Cresthill Lane and identified on tax map 24D, section 1, block 100, as lot 1102. The property is zoned Residential-One (R-1) and located in the Shenandoah Magisterial District.

Mr. Lenz stated that the applicants are requesting a conditional use permit for a short-term tourist rental for the property they purchased in April of this year. The owners would like to share their second home with visitors of the Warren County area by making the property available for short-term lodging when they are not occupying the property for personal use. Primarily residing in Alexandria, VA, the applicants will partner with the manager of the nearby Blue Mountain Lodge and a local property management company to manage the property. The property is located in the Blue Mountain Subdivision which is zoned Residential One (R-1) and comments were requested, but none were received from the Blue Mountain POA. There is a Health Department permit on file limiting the occupation of the dwelling to six occupants. The applicants have included a property management plan. The applicants are requesting a waiver as the dwelling does not meet the required 100' setback to neighboring dwellings. The dwelling located on the adjacent property to the south is 95' from the dwelling on the subject property. The applicants have indicated in their statement of justification the area in between the dwellings is heavily wooded and they will minimize the impact on the neighboring property by limiting the areas their guests will have access to and by strongly enforcing property rules.

Mr. Lenz stated the Planning Staff is recommending the following conditions be added to this conditional use permit to the Board of Supervisors:

1. The applicants 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 applicants shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments.
4. The applicants shall have the septic system inspected annually by a State licensed inspector and a copy of the results shall be submitted to the Planning and Health Departments. The system shall also be serviced every five years as recommended by the Health Department and a copy of the service invoice shall be provided to the Planning Department.
5. The discharge of firearms and hunting on the property by guests shall be prohibited.
6. The use of All-Terrain Vehicles (ATVs) by guests on the property and within the subdivision shall be prohibited.

7. Outdoor burning and use of fireworks by guests shall be prohibited.
8. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 95' setback to the dwelling south of the subject property.

Mr. Meyers invited the applicants to speak.

Renee Grebe & Matthew Iden, Kyrnheim LLC.

The applicants stated that they have really enjoyed the nature that the county has to offer and are looking for a permit to use the house part of the time as a rental and part of the time as a second home. They have partnered with Blue Mountain Lodge and Shenandoah Host Services for a local contact and a full service property management company. They have been in contact with all of their adjacent neighbors and they are currently awaiting a survey to establish property lines so that signs can be posted to warn off trespassers.

Mr. Meyers opened the public hearing, no one came forward, and the public hearing was closed.

On a motion from Mr. Henry, seconded by Ms. Richardson, and by the following vote, the Planning Commission moved to forward the application to the Board of Supervisors, recommending approval.

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

Z2023-08-02 - Short-Term Tourist Rentals - Warren County Planning Staff

A request to amend Chapter 180 of the Warren County Code Section §180-22.D(14) to modify the listed use for Short-Term Tourist Rental in the Residential-One (R-1) zoning district and Section §180-56.4 to modify a number of the supplemental regulations.

Mr. Lenz stated that there are two options for the amendment of the ordinance. The short term tourist rental was added to the Warren County Zoning ordinance in 2012 as a use permitted by right for properties over 5 acres in the agricultural zoning district and by conditional use permit on properties under five acres in the agricultural zoning district and all properties in the residential one zoning district. The ordinance was amended in November 2014 to add to supplementary regulations and to make all agricultural zoned properties to be by conditional use permit only. In 2017, the Board of Supervisors approved an amendment to allow short term tourist rentals in the rural-residential zoning district by conditional use permit.

In the years since these amendments were made, the Planning Commission, Board of Supervisors, and the public have identified the need for modifications for the sake of clarity. Planning Staff is presenting two options in response to these comments. The proposed amendments to sections A, E, I, J, and N of the supplementary regulations are recommended by Planning staff for the purposes of clarification and organization.

The proposed amendment to subsection H of the supplementary regulations is recommended by Planning staff in response to a request from the Board that the property management plan be submitted with the initial conditional use permit application, that the meaning of "local" in local

points of contact be given clear and measurable context, and since the property management plan, emergency evacuation plan, and County noise ordinance are required to be posted in the dwelling, Planning staff believes these requirements should all be under a single subsection for the purpose of improving organization.

The proposed amendments to subsections K, L, and M of the supplementary regulations are in response to a request from the Planning Commission that these specific activities be prohibited for transient guests. All conditional use permits for short-term tourist rentals since the beginning of 2022 have approved conditions prohibiting guests from hunting, shooting of firearms, use of all-terrain vehicles, outdoor burning, and use of fireworks.

The proposed amendment to subsection O of the supplementary regulations to remove the one-hundred foot setback requirement from neighboring dwellings is recommended by Planning staff in response to a request from the Board of Supervisors that this requirement be reviewed and options be presented to replace the existing requirement. The current placement of this one-hundred foot dwelling to dwelling setback requirement in the supplementary regulations allows for the requirement to be waived by the Board of Supervisors, which has led to confusion and debate. Option A and Option B of the draft ordinance propose separate options for addressing this issue.

Option A proposes moving the requirement of one hundred feet of separation between the dwelling used as a short-term tourist rental and all neighboring dwellings in the residential one zoning district regulations. If Option A is adopted, the setback requirement only applies in the residential one district, it cannot be waived, and all dwellings on properties in the residential one zoning district which do not have one hundred feet of separation from neighboring dwellings are prohibited from being used as a short-term tourist rental.

As of July 26, 2023, the Board has been presented with a request to waive the setback requirement for 15 separate conditional use permit applications for short-term tourist rentals and has only denied three of those applications. Fourteen of the applications with a setback waiver request were for properties in the residential one zoning district and the one application for a property in the agricultural district was approved with a waiver. Planning staff has observed that the setback requirement is largely only applicable in the residential one zoning district. Planning staff recommends if the Board is to keep the setback requirement that the requirement only be applied to the Residential-One (R-1) district and that the requirement cannot be waived.

Option B of the draft ordinance proposes completely removing the requirement of one hundred feet of separation between the dwelling used as a short-term tourist rental and neighboring dwellings. If Option B is adopted, there will be no minimum separation requirement from neighboring dwellings for short-term tourist rentals in any zoning district where a short-term tourist rental is a permitted use.

Support for Option B is evidenced by the fact that as of July 26, 2023, the Board has granted 80% of the requests for waivers to the setback requirement. Planning staff believes a regulation which is only enforced 20% of the time weakens the ordinance. Code §180-63D lists general standards and conditions to consider when approving or denying a conditional use permit or applying a

condition. The Board has required screening via a condition to address the issue of the impact of proximity between dwellings when granting setback waivers and can continue to do so to address this issue if Option B is adopted and the setback requirement is removed.

Mr. Myers opened the public hearing.

Gary Smullen, 537 Bifrost Way

He contacted the leadership of the other subdivisions and came to the conclusion that the associations needed a county-wide governing body, tentatively named Organization of Community Associations. A third option, Option C, was delivered to and voted on by their boards of directors, and it was delivered to the Planning Commission. The organization is requesting an annual review process and a process to report violations that could be use to revoke permits.

Watts Hill, 208 Mountain Top Rd

He wanted to stress that property owners are concerned that the amendment would override the covenants that are currently in place between the associations and home owners.

Tracie Lane, 645 Bragg Dr.

She wanted to request that the issue be tabled until all of the associations had a chance to meet and vote on Option C as an amendment.

Matt Williams, 115 Lonesome Flats Rd

He is a property owner and manager and would appreciate clarity of standards.

The following citizens spoke in opposition to the proposed amendment and in support of the public comment Option C:

- James Longworth, 4911 Howellsville Rd.
- Eric Peterson, 1215 Stoney Bottom Rd.
- Dorothea Lucier, 402 Greenfield Rd.
- Carol Phillips, 202 Greenfield Rd.
- Maureen Diaz, 30 Luchase Rd.
- Don Broadway, 57 Pepper Ct.
- Mike Bentley, 201 Rawley Ridge Dr.
- Kathleen Mancini, 1085 High Top Rd.
- Erica Santiana, 4012 Blue Mountain Rd.

With no one else coming forward, Mr. Myers closed the public hearing.

Mr. Wendling stated that staff had the opportunity to review Option C, but decided to move forward with the public hearing.

Mr. Henry stated that the Board cannot enforce the covenants of the owner's associations, that it is a matter to be taken up in civil court. He also stated that there would be less stress on the wells because the usage would not be constant and that it could clean up derelict properties by outside agents buying those properties and turning them into rentals. He is opposed to removing the hundred foot setback and is against a blanket application of the setback because

there will be situations where the setback needs to be waived. He stated he would prefer to leave the ordinance the way it is currently written.

Mr. Wendling stated that the impetus for the amendment was the Board wanted clarification for what a "local" property manager would be. And that there was a need for clarification on what the standard for a waiver for the setback would be and that it would be easier to make the determination based on the suggestions offered by the staff. He stated that, in regard to option C, staff would not be opposed to adding a request for comments from the owner's associations as a part of the annual review. He also stated that staff cannot revoke a permit without complaints being issued to staff members.

Mr. Gordon stated that removing the hundred foot setback is not functionally different than how the ordinance is written currently because the Commission and the Board can approve or deny applications based on factors that are not the setback.

Ms. Richardson stated that the removal of the setback will cause an increase in short term tourist rentals and does not agree with the full removal of the setback because there will still be people living near these rentals.

Mr. Wendling clarified that with the setback requirement in Option A, it becomes an administrative decision. If the requirement is not met in a Residential-One (R-1) zoning district, the application would not be presented to the Planning Commission.

Mr. Henry stated that he does not agree with that choice because if one owner has two pieces of property to use as rentals, that would result in an automatic denial, even though it would not be affecting the neighbors. He stated that he does not agree with Option A because mandating the hundred foot setback could result in properties that are best used as short term rentals not being allowed to be used at all.

Mr. Gordon stated that the addition of a request for comments from the homeowners associations on annual renewal of the permits would be helpful.

Ms. Jordan stated that the Commission has the option to recommend denial to the Board of Supervisors because revisions have been requested and there has not been a public hearing about Option C.

On a motion from Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the amendments to the Board of Supervisors with the recommendation of denial.

Ayes: Myers, Henry, Richardson, Kersjes

Nays: Gordon

Z2023-08-03 - Lighting

A request to amend Chapter 180 of the Warren County Code to amend §180-8C to add the definitions of Footcandle, Fully Shielded Fixture, Glare, Outdoor Lighting Fixture, and Recessed Canopy Fixture and to amend §180-49.2 to modify and update the lighting requirements and standards in all zoning districts, including special requirements relating to review of site plans for commercial and industrial uses.

Mr. Lenz stated this amendment to Warren County Code §180-8C is to add the definitions of Footcandle, Fully Shielded Fixture, Glare, Outdoor Lighting Fixture, and Recessed Canopy Fixture and to amend §180-49.2 for Lighting in the supplemental regulations section to modify and update the lighting requirements and standards in all zoning districts, including special requirements relating to review of site plans for commercial and industrial uses in the Warren County.

Staff has received complaints about glare and exterior flood lights aimed toward neighboring homes causing a nuisance and also excessive lighting into roadways from commercial properties. The current code has no way to enforce and regulate these issues. Staff has written this new code which would give staff the ability to help all residents that are having these concerns by sending "Notices of Violation" citing the new section.

This new code also puts lighting restrictions on property lines, roadways, parking lots and other locations in the Residential, Commercial and Industrial districts which would be measured by footcandles and not by the wattage of the specific bulb and the definitions in the current code section §180-49.2 will be moved to Section §180-8 Definitions.

Mr. Myers opened the public hearing.

Judy Baho, 38 South River Road

She is in support of these changes because it would help curtail light pollution on her land zoned Agricultural.

With no other speakers, Mr. Myers closed the hearing.

Mr. Henry asked Mr. Lenz if the exemption for residential uses also applies to the Section C: General Outdoor Lighting Standards?

Mr. Lenz clarified that the exemption states that no permit is required to install a lighting fixture on a residential or agricultural parcel nor does it have to meet certain requirements also laid out by the ordinance. In those areas, the violation is based on the footcandles generated by the lighting fixture.

Mr. Henry asked if the footcandle requirement and Mr. Lenz confirmed and clarified that the fixture would be exempt, but the light that is generated would not be.

Mr. Myers asked if this would be enforced retroactively?

Mr. Lenz confirmed that it should be enforceable for the lighting amounts.

On a motion from Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the amendments to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Richardson, Gordon, Kersjes

Z2023-08-04 - Family Subdivisions

A request to amend Chapter 180 of the Warren County Code to amend Section §180-21 to move the listed accessory use for subdivisions and combinations of subdivisions and cluster housing developments to subsection E and to add provisions for family subdivisions and combinations of subdivisions and family subdivisions to the Agricultural (A) zoning district regulations.

Mr. Wendling stated that the amendment is to move the listed accessory use for subdivisions and combinations of subdivisions and cluster housing developments to subsection E and to add provisions for family subdivisions and combinations of subdivisions and family subdivisions to the Agricultural (A) zoning district regulations.

This request is being requested by County staff in order to meet the need for additional options for housing for families who live and work in Warren County and the goal of the Comprehensive Plan.

The Land Use and Development Chapter #4 of the Comp Plan section #3 on Housing and Community Development states as a goal, "To provide, throughout the County, residential areas that offer quality, residential development that does not deplete County resources and protects rural character." The Agricultural zoning district which includes nearly 60% percent of the land in the County offers more flexible housing alternatives such as manufactured/modular, modular, and standard "stick" built homes as an alternative for housing in that zoning district. This lower density use of the subdivision of land allows for a broader distribution of residential development in the Agricultural areas dedicated for families who want to continue to reside in the County near other family members be they elderly or young families. Family subdivisions are not required to have an access road built to State standards as required for Cluster subdivisions or have direct access to a state road or with frontage along as State as required by a Class A subdivision. Family subdivisions can also be a minimum of 1.5 acres which allows for the 6 subdivisions of land in a lot of 10 acres, the minimum acreage for a non-family (Class A) lot in the Agricultural zoning district is 2 acres.

The request provides a solution to property owners of Warren County who have lived and owned their properties for more than 5 years to have an additional two lots for family members who plan to stay in the County for 5 or more years once the subdivision has been approved. It also allows for parents to remain in their homes or build smaller homes on the new lot and allow their immediate family member to purchase the home they may have grown up in, providing housing to for both existing and future needs of families and to the County without losing the rural character of the community.

The amendments to the Code now require that all Family Subdivisions of land be required to meet the rules and regulations of the Health Department for the approval of the subdivision by the County Subdivision Administrator.

The amendment also moves the listed use from an accessory use subsection C to §180-21.E.

Mr. Myers opened the public hearing, no one came forward, and the public hearing was closed.

Mr. Kersjes asked after the subdivision, the family member could immediately sell the property?

Mr. Wendling clarified that the new lot must remain with the family member for five years and the residual lot may be sold off at any time.

Mr. Kersjes clarified that the five years does not appear in the ordinance.

Mr. Wendling stated the five years and the definitions for family member would be located in Code Section 155.

On a motion from Mr. Henry, seconded by Ms. Richardson, and by the following vote, the Planning Commission moved to forward the amendments to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Richardson, Gordon, Kersjes

Z2023-08-05 - Definition of Family Subdivision

A request to amend Chapter 155 of the Warren County Code Section §155-3(B)(1)(b) Family Subdivisions to add subsection [9] Family subdivisions shall only be permitted for land located in the Agricultural zoning district.

Mr. Wendling stated that the ordinance does not allow for small lot subdivisions on private roads and it addresses creating more density in the Residential-One (R-1) districts and the purpose was to prevent any subdivisions in those districts.

Mr. Henry asked is there are any subdivisions on five acre lots in the Residential-One (R-1) areas?

Mr. Wendling stated that there might be one in South River.

Mr. Myers opened the public hearing, no one came forward, and the public hearing was closed.

On a motion from Mr. Henry, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to forward the amendments to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Henry, Richardson, Gordon, Kersjes

Consent Agenda – Authorization to Advertise for Public Hearing:

On a motion from Mr. Kersjes, seconded by Mr. Henry, and by the following vote, the Planning Commission moved to accept the consent agenda as presented.

Ayes: Myers, Henry, Richardson, Gordon, Kersjes

New Business

S-03-2023 Buck Mountain Land LLC - A request for final plat approval for a Class B subdivision submitted by Buck Mountain Land LLC for subdivision containing six (6) lots. The property is located at 1820 Buck Mountain Road (State Rt. 622) and is identified on the parent tax map 37, as parcel 63. The new tax map is identified as 37I and parcels 1 thru 6.

Mr. Wendling stated that the staff has reviewed and approved the final plat, the Health Department has approved the proposed well and drain field sites, and VDOT has approved entrance sites and recommended entrance improvements onto Buck Mountain Road. The applicant has shown a fifty by fifty private access easement to a twenty foot wide easement connecting lots five to six per VDOT's comments. Both agency comments have been incorporated to the plat. Both agencies have submitted comments on the subdivision and will have to sign the plat if approved. The Building Official sent comments for erosion and sediment and VA DEQ for comments on stormwater management and appropriate building permits. The comments were provided to the Commission. The Planning Commission has the right to hold a public hearing on the matter if they choose to.

On a motion from Mr. Henry, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to approve and authorize the Chairman sign the approved plat and request that staff inform the Board of Supervisors of the decision.

Ayes: Myers, Henry, Richardson, Gordon, Kersjes

Commission Matters:

A. Planning Director: Mr. Wendling welcomed and introduced the new office manager and Clerk to the Planning Commission, Allison Mutter, stated the withdrawal of Shenandoah Club Properties LLC rezoning application, and thanked Chase Lenz for his additional work on the amendments.

B. Commission Members:

Mr. Kersjes stated that he reviewed the traffic studies and that Greenway Engineering had the traffic flow at one car every twenty seconds. He wanted to know if there was some kind of problem. Mr. Wendling stated that Gorove Slade provided the TIA and that VDOT is using those numbers for their assessment.

Mr. Myers also welcomed Allison to the Commission.

C. Senior Assistant County Attorney, Caitlin Jordan: Ms. Jordan stated that would be her last Planning Commission meeting and that it has been a pleasure working with the Commission members.

D. Zoning Administrator – Mr. Lenz had nothing to report.

Adjournment: On a motion made by Mr. Henry, seconded by Mr. Kersjes, and the following vote, the meeting was adjourned at 9:30 PM

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



Warren County Planning Commission
Chairman