At a Regular Meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on December 9, 2025, at 7:00 PM

Present – Warren County Board of Supervisors and County Staff: Jerome K. Butler, Chair (Happy Creek District); John W. Stanmeyer, Vice Chair (Shenandoah District); Cheryl L. Cullers, (South River District); Hugh B. Henry, (Fork); Richard A. Jamieson, (North River District); also, Bradley N. Gotshall, County Administrator; Jordan Bowman, County Attorney; Kelly Wahl, Planner; Chase Lenz, Zoning Administrator; Gerry Maiatico, Assistant Fire Chief; Zach Henderson, Deputy Clerk to the Board of Supervisors.

Call to Order:

Mr. Butler called the meeting to order at 7:00 with an opening Prayer from Pastor DeSantis.

E. Wilson Morrison Elementary School Choir Performance:

Mr. Thomas Hassett led a Holiday Choir performance from the E. Wilson Morrison Elementary School Students.

Adoption of Agenda:

On a motion by Mr. Henry, seconded by Mr. Stanmeyer, and the following vote, the Board adopted the agenda as presented.

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

Presentation and discussion on a community farm proposal at Rockland Park:

Mr. Jarret Fox discussed establishing a Community Farm in Warren County near Rockland Park that uses No-till and organic practices. Rockland Park itself was the original intended location but after further review, there are 4 empty plots near the park that will serve as a better location and is asking for permission to use the land and potentially minor funding. The farm will mostly be run by volunteers and could possibly sustain itself that way. Additionally, the farm would serve as an education center for local schools from surrounding counties.

Mr. Stanmeyer thanked Mr. Fox for coming and asked what the approximate acreage would be. Mr. Fox stated that it would most likely be less than two acres in production overall. Mr. Stanmeyer then asked if he had looked at getting any private land donations from donors. Mr. Fox stated that he has not, in terms of land, but he has looked into several grants that would apply to this. Lastly, Mr. Stanmeyer asked if he considered partnering with 4-H for the educational aspects. Mr. Fox stated that that is on his “bucket list” as well as other organizations to get in touch with.

Dr. Jamieson asked if there were any other organization in the community or State that he could pattern himself after. Mr. Fox stated that the Fauquier Community Educational Farm is a major one as well as another from out of the State.

Mr. Gotshall stated that the reason he asked Mr. Fox to attend the meeting tonight was to have him present to the Board on this matter and based on feedback, staff could continue to work with Mr. Fox to develop the plan and answer specifics and have a more formal proposal soon that the Board can then act on.

Public Comment for Items on the Agenda:

1. **Lewis Moten:** spoke regarding the public comment period policy, emphasizing that citizens were told that they could only speak once per comment period and that the policy allowed for the chair to call for a show of hand which has not been utilized, and combined with warnings of criminal penalties, the tone made the policy feel not like open government and causes confusion. Additionally, commented on the Second

Amendment Sanctuary item, stating that the term sanctuary is more common for immigration and suggested more modern language or a definition to prevent confusion.

Board Reports:

- **Mr. Henry reported the following:**
  - Appreciated Mr. Butler's support in getting him on the Board early and wished him the very best moving forward and wished everyone a merry Christmas.
- **Dr. Jamieson reported the following:**
  - Thanked Mr. Butler for his service and hopes that he enjoys his retirement,
- **Mr. Stanmeyer reported the following:**
  - Congratulated Mr. Butler on his term and thanked him for the work he has done and wished him luck in his future endeavors.
- **Ms. Cullers reported the following:**
  - Hopes that Mr. Butler enjoys his continued retirement and wished everyone and merry Christmas and a Happy New Year.
  - Gave a shout out to the E. Wilson Morrison choir for their performance.
- **Mr. Butler reported the following:**
  - Stated that the last 4 years have been interesting and both challenging and enlightening and that he has enjoyed his time here as well as working with all Board members and staff.
- **Mr. Gotshall reported the following:**
  - Thanked Mr. Butler for his service and is looking forward to further conversations in the future.
  - Stated that since December 5th, staff have been reviewing departmental budget requests and that will continue over the next four weeks.
  - Stated that January 27th the first public presentation of the budget will be presented to the Board and will continue to workshop with the final proposed budget to be shown on March 17th with a Public Hearing Scheduled for April 7th with the final adoption being April 21st.
- **Mr. Bowman reported the following:**
  - Thanked Mr. Butler on behalf of Mr. Ham and himself.

Appropriations and Transfers:

On a motion by Mr. Stanmeyer, seconded by Dr. Jamieson, and the following vote, the Board approved the appropriations and transfers as presented.

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

Approval of Accounts:

On a motion by Dr. Jamieson, seconded by Mr. Henry, and the following vote, the Board approved the accounts as presented.

Ms. Cullers, no; Mr. Stanmeyer, Aye; Mr. Butler, Aye; Dr. Jamieson, Aye; Mr. Henry, Aye

Approval of Minutes - November 18th Regular Meeting:

On a motion by Mr. Stanmeyer, seconded by Dr. Jamieson, and the following vote, the Board approved the minutes for November 18th as presented.

Mr. Henry, Aye; Dr. Jamieson, Aye; Mr. Butler, Abstain; Mr. Stanmeyer, Aye; Ms. Cullers, Aye

<u>Public Hearings:</u>

CUP2025-09-03 - Short-Term Tourist Rental - 138 Wooded Lane:

Ms. Wahl stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property constructed in 2024. The applicant wishes to establish a short-term tourist rental consistent with the zoning ordinance and will manage the property in a way that preserves the character of their home and surrounding neighborhood. The applicant has hired a property manager out of Stephens City who resides 13.6 miles away from the subject property.

Mr. Butler opened the public hearing and the following individuals spoke:

1. **Lewis Moten:** stated that over the past year several CUP's have come before the Board, some approved and some denied, then emphasized that from the outside the reasons often aren't clear and each applicant spends money on plans, fees, management etc. but no one really knows what the deciding factors will be. The called for a consistent and transparent rubric or a scoring guide that would help applicants and neighbors with what is expected and considered, and consistent standards.

There were no other comments from the public or Board and the hearing was then closed.

On a motion by Mr. Henry, seconded by Dr. Jamieson, and the following vote, the Board approved the conditional use permit 2025-09-03 for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

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

CUP2025-10-01 - Short-term Tourist Rental - 565 Ridgeway Road:

Ms. Wahl stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he and his wife recently constructed for their large, extended family to utilize while visiting their family farm. The owner would like to make the property available for short-term lodging between family visits. The applicant does not intend for frequent, heavy, year-round tourist traffic as its main purpose is to serve his family first. The applicant and his wife will serve as the property managers, residing a few hundred yards away on the adjacent parcel. A natural tree buffer has been left between the road and neighboring residences as well as the construction of a fence to ensure the privacy of neighbors and guests.

Mr. Butler opened the public hearing and the following individuals spoke:

<u>Public Speakers:</u>

1. **Lewis Moten:** acknowledged how the short-term industry has changed, stating that the original spirit was Airbnb was closer to "couch surfing" and homeowners renting a separate room to make ends meet. But now that model has shifted to entire homes being used as full tourist lodging that charge far more than hotels with additional fees and guest rules. Then emphasized there is no routine revenue verification, occupancy tax transparency, or clear way for the public to understand their income.

Dr. Jamieson stated that on August 25th the Board received a suggestion from Mr. Scott Turnmeyer that there was a more quantitative and grid matrix approach to Short Term Tourist rentals and suggested that it be revisited at a later date. He then commented that it was his impression that the County does receive Lodging Tax income from Short Term Tourist Rentals. Ms. Wahl stated that there is a 5% Transient Lodging tax that is collected every month from the owners of the transient lodge.

Mr. Henry stated that from Warren County's perspective, Short Term rentals have almost always been full houses, and a good number of them were derelict properties in Shenandoah Farms that were restored that ultimately puts the Property Tax back in the tax base. The County has tried before to narrow the target of what's accepted or not and it appeared that it could not be done fairly because of the County being so diverse with neighborhoods and HOAs and so forth, and the State legislature has indicated that these are not commercial businesses and therefore the County cannot treat them as such.

Mr. Butler commented on the possibility of a moratorium on Short Term rentals on new construction, suggesting that two years from now it would be grandfathered do that anyone who has already started one for the purpose of a short-term rental, but after that period, the Board would not approve any short-term rentals on new construction.

There were no additional comments from the Board and the hearing was then closed.

On a motion by Mr. Henry, seconded by Dr. Jamieson, and the following vote, the Board approved the conditional use permit 2025-10-01 for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

Mr. Henry, Aye; Dr. Jamieson, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Abstain; Ms. Cullers, Aye

CUP2025-10-02 - Short-term Tourist Rental - 262 Woodcliff Lane:

Ms. Wahl stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property she and her family purchased in 2017. The owner would like to make the property available for short-term lodging to offer a tranquil lodging experience that provides easy access to the Shenandoah River while contributing to the community and its growth and sustainability efforts. Residing on the same parcel, approximately 290 ft away, the applicant will serve as the property manager, overseeing all aspects of the rental process

Mr. Butler opened the public hearing and the following individuals spoke:

<u>Public Speakers:</u>

1. **Lewis Moten**: stated that he had met with one of the applicants about a year ago and was shown before and after photographs and agreed that a lot of people are coming and improving Warren County, however they are not improving it for people who wish to be permanent residents. He then emphasized that they can be successful, but they introduce a lot of moving parts such as guests who don't know the area, vehicles that aren't used to the roads, noise, parking, safety etc.

There were no additional comments from the public or Board and the hearing was then closed.

On a motion by Ms. Cullers, seconded by Mr. Henry, and the following vote, the Board approved the conditional use permit 2025-10-02 for a short-term tourist rental with the conditions as recommended by the Planning Commission and staff.

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

CUP2025-10-03 - Accessory Dwelling Unit - 150 High Bluff Road:

Mr. Lenz stated that the applicants are requesting a conditional use permit for an accessory dwelling unit detached from the existing principal dwelling at 150 High Bluff Rd. The owners would like to construct a detached accessory dwelling unit for temporary occupancy by family members and guests. The submitted statement of justification provides additional context to their more personal needs for an accessory dwelling unit.

Warren County Code §180-8C defines *"Accessory Dwelling Unit" as, "A subordinate dwelling unit located on the same lot as a principal single-family dwelling that includes permanent provisions for living, sleeping, eating, cooking, and sanitation. The accessory dwelling unit shall comply with the supplementary regulations set forth in § 180-30.2 of this chapter"*

Mr. Butler opened the public hearing and the following individuals spoke:

Public Speakers:

1. **Lewis Moten**: stated that this borders on a variance because it looks like the applicants are experiencing a hardship, and that is only concern with ADU's is that it feels almost like a skirt around short-term rentals but stated that this case is much different because there will be someone living there permanently
2. **Jeff Baggarley**: stated that he lives across the street from the applicants and commented that the setbacks are far enough from the road and that he will not be able to see it from his house, and recommended the Board approve this item.
3. **John Daley**: commented on the increasing amount of Short-term rentals scattered throughout the County and suggested a survey or audit of the finances and the uses to ensure proper compliance and sales tax information etc.

There were no additional comments from the public or Board and the hearing was then closed.

On a motion by Mr. Stanmeyer, seconded by Dr. Jamieson, and the following vote, the Board approved conditional use permit 2025-10-03 for an accessory dwelling unit with the conditions as recommended by the Planning Commission and staff.

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

R2023-07-01 - Tax Map #12---------9, 12---------6, and 4--------41 - Rezoning from Agricultural (A) to Industrial (I) and Commercial (C):

Mr. Lenz stated that the applicants are requesting to rezone two parcels identified on Tax Map 4 parcel 41 and tax map 12 parcel 6 consisting of a total 443.74+/- acres from Agricultural (A) to Industrial (I) all of which apply to the amended proffers. Additionally, the applicants are requesting to rezone the property identified on tax map 12 as parcel 9 from Agricultural (A) to Commercial (C), which is 4.47+/-acres of land. The properties are located off Winchester Road in the North River Magisterial District just north of the Blue Ridge Shadows golf course and subdivision.

The applicants are proposing four land bays which will be phased in for industrial development with a total of 2,500,000 square feet. The commercial property will be 25,000 square feet for commercial land use. This application does not have a specific land-use identified but the applicant plans to market it for warehousing due to its proximity to the Virginia Inland Port. Warehousing and distribution facilities are a land-use allowed by-right in the Industrial zoning district and is compatible with the current Warren County Zoning Ordinance.

The Future Land Use Map in the Comprehensive Plan identifies this area to be used for Industrial land uses and zoned Industrial (I). The request currently is compatible with the Future Land Use map of the Comprehensive plan since this property is shown to be Industrial (I). The Industrial (I) district is intended, "…for a variety of industrial uses which, with appropriate screening and without the emission of noise, dust, smoke, odor, toxic gases or hazardous substances, can be conducted in such a manner as to not adversely affect nearby properties."

The Board of Supervisors tabled this item for one year on November 28, 2023, at the request of the applicant. Upon request of the applicant, this item was tabled for an additional year on November 19, 2024. The applicant requested to move forward with the public hearing before the Board of Supervisors in November 2025. Planning staff have also received a letter from the applicant with a request to move forward with the public hearing but desire to have decision tabled beyond the January 1st date.

Mr. Butler opened the public hearing and a representative from Greenway Engineering stated that one of the biggest changes from the original plan is they have moved the entrance from Toray Drive over to Cable Road in order to help reduce the sight and sound for Bluer Ridge Shadow residents. Additionally, the active buffer is 150 feet which is triple what the ordinance requires. Lastly, she clarified that emergency access is required by VDOT and that it will be gated and that only Fire and Rescue have the key to access and there will not be any traffic, or tractor trailers.

Public Speakers:

1. **Angie Robinson:** emphasized the point regarding the future of Slate Run Farms and its role in community's long-term development. Additionally, the comprehensive plan that was adopted with public input already identifies the Slate Run Farms area as suitable for transition from Agricultural to Industrial and is part of the long-term vision for responsible growth, Economic Development, and land use that reflects the needs of the community.
2. **Lewis Moten:** commented on the proffer updates but emphasized that they have not mentioned anything regarding data centers, he did see something regarding water but nothing about well water or limitations.
3. **Philip Yanulites:** stated that his property, as well as many others, back up to the property that is to be rezoned and stated that they are a 55+ community that will be most affected by the rezoning. The hope is to work with Slate Run to achieve a more acceptable and successful outcome. The expressed concerns regarding quality-of-life issues with noise, traffic, and negative sight lines, probably negative impacts on property value, decreased safety for residents and pedestrians. Then requested the buffer be extended to 350 feet, the sight density to be shifted north bound, and a 15-foot sound barrier be required.
4. **Gerald Stalker:** stated that his home sits above the cul-de-sac proposed as the industrial egress point and emphasized that it is the Board's responsibility and requirement under VA Code 15.2-2284 to consider traffic safety and transportation adequately. The proposed egress feeds industrial traffic into the most pedestrian active area of the neighborhood and has no sidewalks, and introducing heavy construction traffic creates a public safety hazard under that VA Code and this rezoning is not compatible with the community.
5. **David Stubbs:** asked for concessions to be made for the residents of 55+ community and for the Board to consider the concerns of the residents and give them the ability to continue to have a peaceful life there by increasing the green space to 350 feet with the 15-foot sound barrier etc.
6. **Kristie Kim:** stated that she had moved to Warren County a year ago with her husband with the main attraction to that being peace and quiet and good air quality, and that she feels tricked about this rezoning going on so near her property. Then she stated that she appreciates that the applicants can consider the residents of the community and asked what the definition of the industrial zoning will be and does not have good information on the impacts and what that entails and expectations in the industrial zone.
7. **Laurence Flynn:** stated that his house is directly across the street from the emergency access to Slate Run Farm, and that his builder had told him lots across from his home would be emergency access to his farm but had experienced several large trucks consistently on that access. He then stated that his concern is not that they build, but the access through the neighborhood given that Blue Ridge Shadows only has one entrance and the construction vehicles that will be constantly going through the neighborhood.
8. **John Daily:** stated that this is not about tax revenue, this is about what is being done to the neighborhood and emphasized the cleared trees and the land that is being moved up and that 150 feet does nothing for a sound barrier. He then stated that there is another back road off 271 into the back of Slate Run and therefore would not have to create another emergency access road.
9. **Janet Davis:** asked if there were any plans or future plans when the subdivision was constructed in the first place and stated that if the County wants good schools and neighborhoods then they can't be built only for them to be taken away and emphasized her concerns on safety with construction vehicles coming in and out near her house.

10. **Scott Kersjes:** stated that all of the streets in Blue Ridge Shadows are VDOT streets and they do not reserve any expense nor do they pay for snow removal, with the exception of the townhouse community.

Raymond Heflin spoke as one of the owners of Slate Run and spoke regarding the access point, emphasizing that this is for emergency access which would work both ways. In terms of the right-of-way off Flagstick Court, it is not intended for the development or traffic construction and was given to the property by DR Horton, it will not be closed but it will not be used for the purpose of development.

The representative from Greenway Engineering stated that currently the property is still an active farm, and there was a fencing project done at that location, so trucks were being used to access the property via the right-of-way that they own. Additionally, she stated that there will never be construction traffic associated with the development of Slate Run Farm in the Blue Ridge Shadow Subdivision.

Mr. Henry asked for clarification on the right-of-way and if the actual industrial development in terms construction will not be used. Mr. Heflin stated that they will not be given a right-of-way period, and the only thing that VDOT recommended was to have emergency access through those rights-of-way passages.

Dr. Jamieson asked if emergency access is only on John Hopkins Road. Me. Heflin stated that there are two options for emergency access, and VDOT recommends John Hopkins Road and how it is drawn in the submission.

Dr. Jamieson then stated that the source of the consternation from the residents was the large amount of truck traffic and based on his understanding of the drawings is the main entrance has been changes to further north and that Fire and Rescue would have the lock to the emergency gate which is at Johns Hopkins Road, emphasizing that the vision of all the traffic going through there during construction and after it's an industrial site is a forbidden element. The representative agreed but stated that there will still be situations where continued work will be needed on the farm and the traffic correlated with that, and there will still be traffic that used their recorded access to that property but none of it will be related to the Industrial Development in the rezoning is approved.

Dr. Jamieson asked, from a County perspective, if there is any kind of enforcement regarding the right-of-way use and if VDOT had any involvement of if there is any enforcement possibilities from the State or County emphasizing that there is a separation of concerns as plans are being submitted for this rezoning, there is no traffic associated with the industrial zone. Mr. Heflin stated that there will be zero traffic for any industrial construction or development while being built or afterward.

Mr. Heflin introduced a transportation consultant who stated that traditionally when there is an emergency only access between uses that are not the same use, in order to control that there is either a gate or something that is locked and does not allow the passage of small, medium, or large vehicles. If that is included in the conditions or proffer, then it would be considered a zoning violation if that is not maintained and enforced by the County.

Mr. Butler asked what type of businesses they are looking at putting back there and referred to the expanding neighborhood across the street from the new hospital, and residents' concerns of wooded land being removed for new housing. The representative from Greenway Engineering stated that currently there is not an end user, however in the proffers they have listed uses that will not be allowed in there but everything else is open otherwise.

Dr. Jamieson stated that the Board does not have the ability to negotiate proffers, nor is it permissible to approach a vote based on said negotiations, they can only offer and suggest and then commented on the recently revised proffers that agree to put in an escalator and increase the proffer by 50%. In regard to the drawings that have been used throughout this process, he emphasized that they are not a site plan and that nobody who buys that property has any legal obligation to any of those, and whomever does acquire that property will have to go through a rigorous site planning process. In regard to the question if this is appropriate and good for the County at large, he commented that during his initial campaign he was asked his thoughts about the rezoning with which he responded that it is in the comprehensive plan and that that it would eventually be the case. He emphasized, in correlation to benefits to the County, that Warren County has an underdeveloped industrial base and the corridor is in the comprehensive plan and has been for decades, and acknowledged that it is not an ideal situation and that many people object to a blanket rezoning. Additionally, he addressed a comment from a property owner who stated that they felt betrayed and tricked and emphasized the area in question was originally planned for industrial development and when site planning comes, the County can be involved in that and be looking for the best possible outcome for people that are most negatively impacted. Lastly, he stated that if he believes that this land that's in the comprehensive plan is industrial zoned will be beneficial to the County in the long term, then it is appropriate for him to vote for this rezoning.

Mr. Stanmeyer agreed with Dr. Jamieson regarding the 150 versus 350-foot buffer in that the Board does not have the ability to negotiate directly with that but hopes that the applicant will take that into consideration because it could create goodwill with residents. In addressing what may or may not end up going there, he referenced language in the packet that stated the applicants intended market will be for warehousing and distribution due to the proximity to the Virginia Inland Port but acknowledged the applicants are not bound by that.

Mr. Bowman stated that on the proffer first page the site plan still referred to the original 2023 plan, given the conversation from the Board about amendments to that plan, there is likely a more recent revision date on that. This will make it clear that one of things changing in the site plan was the entrance and wanting to have zoning enforcement regarding that entrance.

Mr. Henry stated that he supports the applicants' request to table this item, but he would like to see more up-to-date entrance drawings by that time.

Dr. Jamieson asked how a zoning violation gets reported in the emergency access condition is not maintained. Mr. Lenz stated that if a call or complaint is received, then they would visit the property and if nothing is observed directly then the owner and/or operator of that development will be contacted to clarify the conditions of the proffer. If it persists, then it will be cited as a proffer violation.

On a motion by Ms. Cullers, seconded by Mr. Henry, and the following vote, the Board tabled this item to the first meeting in January 2026.

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

Unfinished Business:

R2025-03-01 - Rezoning from Agricultural (A) and Commercial (C) to Industrial (I) - Tax Map #12--------6F, 4--------43A, 4--------44B, and a Portion of 4--------45B:

Me. Lenz stated that the Board of Supervisors held a public hearing on October 21st for this rezoning request. After the conclusion of the public hearing, the Board passed a motion to table the request until the December meeting to allow time for staff and the applicant to evaluate the potential impacts on Fire & Rescue Services. Comments were received on October 30th from the Fire Chief and cover the limitations on assessing impact without a specific land use identified, potential impacts on call volume, risk profile, infrastructure requirements, and radio communications, which could result in increased demand for services, response time degradation, and specialized resource strain. The comments include an example calculation methodology for determining a more objective fiscal impact to use when evaluating a potential proffered monetary contribution to offset impact. Following the example, an industrial impact factor would need to be determined and agreed upon by the applicant and County. Determination of an impact factor would require an impact study to be completed by the applicant and a fiscal impact model to be developed by the County.

The applicant indicated the proffered monetary contribution is their budget for addressing impact, so any additional impact study would have to be funded by the proffered contribution, and such a study would quickly surpass the total amount due to the large number of possible land uses permissible in the Industrial district they would need to evaluate. In lieu of a full-scale study, the applicant has submitted a community impact study dated November 13, 2025, which addresses potential impacts on law enforcement, fire and rescue services, educational facilities and services, parks and recreation, library, solid waste facilities, County administrative services, and transportation.

Planning staff held an initial scoping meeting with Administration, the Sheriff's Office, Fire & Rescue, Public Schools, Parks and Recreation, Building Inspections and Public Works on November 14th to begin discussion and data collection for the development of a fiscal impact model. Staff is hoping to have the fiscal impact model developed over the coming months. Once the fiscal impact model is ready for use, staff plans to work toward establishing clear voluntary proffer guidelines that rezoning applicants will be able to follow moving forward.

The applicant representative stated that they did meet with staff and other members of the locality to discuss the proffers but they will be remaining at $150.00 per 1000 square feet, and the applicant is already engaged in the site plan process and is looking forward to investing in Warren County.

On a motion by Mr. Henry, seconded by Mr. Stanmeyer, and the following vote, the Board accepted the proffers dated September 15, 2025, and approved the request to rezone and change the zoning map classification of tax map #12-6F, 4-43A, 4-44B, and a portion of 4-45B from Agricultural and Commercial to Industrial.

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

CUP2025-03-01 - Building in Excess of 50,000 SF within the Highway Corridor Overlay District - Tax Map #12--------6F, 4--------43A, 4--------44B, and 4--------45B:

Mr. Lenz stated that the public hearing for this was also held on October 21st and the motion to table was passed to keep in line with the rezoning requests then went over the following conditions as there was a subsequent request from the applicant requesting changes to those conditions.

1. The applicant shall comply with all Virginia Department of Transportation, Town of Front Royal Public Works Department, Warren County Building Inspections, Virginia Department of Environmental Quality and any other applicable regulations and requirements.
2. The applicant shall submit a formal site plan, building elevations, and exterior finishes color rendering samples to the County prior to issuance of a building permit and zoning permit.
3. Off-street parking shall be provided in the amount of 2.0 spaces per worker on the main shift, as required for a manufacturing establishment per Warren County Code §180-15.
4. The development shall meet the requirements of the Highway Corridor Overlay District set forth under Warren County Code §180-29.1
5. The total developed area of the property shall not exceed 220,000 square feet.

Mr. Lenz then stated that the request is to strike condition #3 regarding parking, the applicants are looking to keep that more open since they do not have a specific user identified, and these changes will be addressed during the site planning phase.

Mr. Stanmeyer asked if the number of parking spaces would still be reopened for discussion in the site plan process when that time arrives. Mr. Lenz stated that it is covered by the zoning ordinance for warehouse and distribution facilities.

On a motion by Mr. Henry, seconded by Dr. Jamieson, and the following vote, the Board approved the conditional use permit request for a building in excess of 50,000 square feet within the Highway Corridor Overlay District on Tax Map 12-6F, 4-43A, 4-44B, and 4-45B with the conditions recommended by the Planning Commission and Staff excluding condition #3 regarding off-street parking and to modifying condition #5 to read "The total building area constructed on the property shall not exceed 220,000 gross square feet of building area" as requested by the applicant.

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

New Business:

Consent Agenda:

1. Contract Renewal - Carroll Construction Company
2. Purchase of 2 Fleet Vehicles for Warren County Sheriff's Office - Vehicle Replacement
3. Contract Renewal - LaBella Associates, for Engineering Services
4. **Resolution - Legal Services Transparency and Review Policy (removed for discussion)**
5. **Procurement of Two Ambulance Transport Units (removed for discussion)**
6. **Adoption of a Resolution Regarding the Second Amendment of the Constitution of the United States of America (removed for discussion)**
7. Amendment to the 2026 Board of Supervisors Meeting Schedule
8. Contract Assignment - Talbert, Bright & Ellington, LLC
9. Authorization to Advertise for Public Hearing - CUP2025-11-01 - Short-Term Tourist Rental - 422 Bowman Hollow Road
10. Authorization to Advertise for Public Hearing - CUP2025-11-02 - Short-term Tourist Rental - 3221 Freezeland Rd
11. Authorization to Advertise for Public Hearing - CUP2025-11-03 - Short-Term Tourist Rental - 137 Wendy Hill Road
12. Authorization to Advertise for Public Hearing - CUP2025-11-04 - Contractor Storage Yard - 444 Baugh Drive
13. Authorization to Advertise for Public Hearing - CUP2025-11-05 - Short Term Tourist Rental - 347 Riley Court
14. Authorization to Advertise for Public Hearing - R2025-08-01 - Rezoning from Residential-One (R-1) to Commercial (C) - Tax Map #12A--1-9---1B (8363 Winchester Road)
15. Authorization to Advertise for Public Hearing - Z2025-11-01 - Zoning Text Amendments for Rooster Exception to Backyard Chickens in the Residential-One (R-1) Zoning District

Dr. Jamieson stated that he would like to pull item #4 (Resolution - Legal Services Transparency and Review Policy), Mr. Stanmeyer stated that he would like to pull item #6 (Adoption of a Resolution Regarding the Second Amendment of the Constitution of the United States of America), and Mr. Henry stated that he would like to pull item #5 (Procurement of Two Ambulance Transport Units) for discussion.

On a motion by Mr. Henry, seconded by Dr. Jamieson, and the following vote, the Board approved the Consent Agenda as amended.

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

Resolution - Legal Services Transparency and Review Policy

Dr. Jamieson provided a presentation that detailed the following:

- Overview
    - The purpose is to enhance informed Board decision making through more visibility in closed sessions, oversight of expenditures, and access to written legal analysis.
    - The Core principle to ensure the that the Supervisors have access to the information needed to fulfil their responsibilities.

- Written Legal Work Product and analysis for ordinances, comprehensive plan amendments, regulatory items etc. and the benefits of that,
- Closed Session Procedures that include 48-Hour Active Notice that require specificity and the statutory requirement and effect.
- Quarterly Legal Service Review that includes County Administrator legal expenditures that are itemized by category and compared to the budget and addresses major matters.
- A comparative review of legal expenditures with surrounding county populations and legal expenditures per capita.
- A summary of what the policy establishes and the result of its implementation.

Mr. Henry stated that he appreciated Dr. Jamieson's work on this, but he is still in disagreement. He emphasized that in terms of the 48-hour notice, there could be a situation that arises during a meeting that can't be predicted and having to have a written review of every ordinance preemptively would be expensive. The Board can still ask for that on certain ordinances, and items can be tabled and legal can be consulted regarding written reviews but that should be a Board vote due to the costs of that. Then stated that if the Board does not wish to go into closed session, then they can vote not to. Then stated that if the Board absolutely discloses why a closed session is taking place, then the Board has indicated what they don't want disclosed, and the Board still has the voting power to not go into closed and disagree with counsel, and that a resolution is not needed to exercise those rights.

Dr. Jamieson stated that the emergency situations are provided for, and that it's not impossible and common practice to motion to go into closed session without revealing the confidential matter, and referenced the FOIA counsel opinion that stated, "the following opinions of the Supreme Court and the Attorney General, that legal matters exemption could not be properly evoked absence such contractual negotiation or other specific legal transaction or dispute." Additionally, some of the words in the resolution were changed to make sure there is flexibility, and the goal is to ensure that things that are the most impactful are the things the Board needs the highest assurance of and legal reasoning. This is aimed at increasing visibility to the public.

Ms. Cullers stated that the County Attorney expenses are itemized each month for the Board to see, and with the exception of personnel and other specific things, once the Board receives documents then it becomes FOIA-able, and the job of the attorney is to protect the Board and give them the best advice in order to protect the community because Board members can also be sued individually, but all comes back to the end result of tax payer dollars. She then stated that she has never felt that she was asked to go into a closed session that she did not feel was right, and that she was uncomfortable with this and does not want to add to the legal costs, emphasizing that the Board still makes the same decisions and the legislative capabilities.

Mr. Stanmeyer stated that there are pros and cons to the written work product and can be circulated as attorney client privilege and FOIA exempt. One of the cons is verbal conversation can be more give and take and can pivot down a tangential line of thought but does like the idea of getting written in advance, given how some closed sessions may have several discussion topics to cover in a shorter amount of time. Additionally, he stated that he likes the idea of getting institutional memory and having records for what was discussed can be helpful in filling in the context of long living issues. In terms of the reporting, he stated that it's good that the Board has transparency on legal billings.

Dr. Jamieson stated that the reporting just offers a closer look and evaluation of the types of things that we're spending money on and that legal reasoning doesn't mean that it should be closed session and emphasized that none of this compromises the Board's ability to go into closed session when it's necessary.

Mr. Henry stated that he would support the quarterly reports and adding more definition to the taxpayer dollars that are being spent, however does not believe that a resolution is needed to accomplish a rationale as to the reasons to go into a closed session or not.

Dr. Jamieson states that making it more public and getting it into policy will make the process more consistent.

On a motion by Dr. Jamieson, seconded by Mr. Stanmeyer, and the following vote, the Board adopted the Resolution for the Legal Services Transparency and Review Policy.

Mr. Henry, No; Dr. Jamieson, Aye; Mr. Butler, Aye; Mr. Stanmeyer, Aye; Ms. Cullers, No

Procurement of Two Ambulance Transport Units:

Mr. Henry stated that it looks like a portion of this purchase was money that was originally approved for a grant but that grant had failed, and as a result, would come back to the general fund, and asked if this was library funding.

Mr. Maiatico stated that it was money that originally came from Samuel's Public Library that was moved by Resolution of the Board. That Resolution was to earmark those funds specifically for the safer grant for 12 positions were applied for. Additionally, per the Resolution, if the grant as not awarded, Fire and Rescue would be afforded the opportunity to utilize those funds for Capital and Asset Replacement. Due to the lack of correspondence or notifications from FEMA, it is projected that Fire and Rescue did not receive the grant.

Mr. Henry voiced his support for Fire and Rescue and concerns over library funding, emphasizing that since Samuel's has not received any funding and if the funding was originally from them, then he would not automatically put it to Fire and Rescue. He suggested maybe holding that money to see how the new Board could readjust it when the budget process starts over again, and maybe a portion of that could go to them.

Ms. Cullers asked if the money was to be pulled back, that would not mean that these ambulances are out three years, and this is not an immediate takeaway. Then stated that it would be to use that money to hypothetically fund the library but replace this with a new budget because that's a payment that will be due in three years. Mr. Maiatico stated that once the agreement is executed, then there is an approximate 18-month window.

Mr. Butler asked for clarity that if Fire and Rescue does not get funds now, that means they lose that money. Mr. Maiatico stated if the Board chooses not to approve it, then they would not be in a position to order two medical units but would most likely advocate moving forward with ordering one from the Cost Recovery funds.

On a motion by Dr. Jamieson, seconded by Mr. Stanmeyer, and the following vote, the Board approved the County Administrator to execute all procurement contracts and agreements for the acquisition of two (2) 2026 Ford F450 4x4 Wheeled Coach Ambulance Transport Units from Atlantic Emergency Solutions in the amount of $827,396.00 and associated Stryker ProCare agreements in the amount of $43,819.70.

Ms. Cullers, No; Mr. Stanmeyer, Aye; Mr. Butler, Aye; Dr. Jamieson, Aye; Mr. Henry, No

Adoption of a Resolution Regarding the Second Amendment of the Constitution of the United States of America:

Mr. Stanmeyer stated that this is a Resolution reaffirming a position that the County already took in December of 2019, stating that Warren County is a second amendment sanctuary County. All that really means is that the Board is affirming the second amendment, and anything that comes from higher ups declaring firearm ownership to be illegal, that would be against the second amendment, and the County would not actively enforce that. He then addressed Mr. Moten's comments regarding the term sanctuary being a loaded or misleading term, and stated that he understands the concerns, but it is language that has been standardized across the states and the unity that's contained in that declaration amongst multiple counties carry's weight

On a motion by Mr. Henry, seconded by Dr. Jamieson, and the following vote, the Board adopted the Resolution regarding the Second Amendment of the Constitution of the United States of America.

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

General Public Comment Period:

1. **Lewis Moten:** stated that he has had the opportunity to speak with the Chamber of Commerce to take their leadership program and has learned a lot, and has recently completed the Sheriff's Office citizens academy, and is interested in the County doing a similar program.

Adjournment:

The meeting adjourned at 10:31 PM with the following vote.

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