

At a regular meeting of the Warren County Planning Commission held in the Warren County Government Center on April 15, 2026.

Present: Robert Myers, Chairman (Happy Creek District); William Gordon, Vice-Chairman (Shenandoah District); Paul Barnhart (Fork District); Scott Kersjes (North River District); also, present; Daniel Rose, of Litten & Sipe LLP, attorney for the County; Kelly Wahl, Interim Planning Director; Allison Mutter, Clerk to the Planning Commission

Absent: Brigitte Miller (South River District)

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

Adoption of the Agenda

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

Ayes: Myers, Gordon, Kersjes, Barnhart

Adoption of Regular Meeting Minutes

Mr. Kersjes stated that the mover to approve the minutes and the second was missing.

On a motion made by Mr. Kersjes, seconded by Mr. Gordon, and by the following vote, the Planning Commission continued the minutes from March 13th, 2026 to next month for revisions.

Ayes: Myers, Gordon, Kersjes, Barnhart

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.

Public Hearings:

CUP2026-03-01 - Church - 0 Russ Johnson Road - A request for a conditional use permit for a church. The property is located at 0 Russ Johnson Road and is identified on tax map 28R, section 2, as lot 4. The property is zoned Agricultural (A) and is located in the Fork Magisterial District.

Mrs. Wahl stated that the applicant is requesting a conditional use permit for a church for the property identified on tax map 28R, section 2, as lot 4, which is currently owned by Southfork Riverside Campground LLC. The applicant intends to develop the property with a 4,800 square foot church and associated parking areas. A conceptual sketch plat prepared by Joseph Brogan, Jr. was submitted with this application and shows the proposed church and parking lot. The applicant plans to develop the property to allow for a capacity of 80 people with services primarily held on Sundays and occasional weekday

evening meetings.

The property is proposed to be accessed from Russ John Road (Route 680), which is regulated and maintained by the Virginia Department of Transportation. This property has not had any previous conditional use permits issued for uses in the Agricultural zoning district. There are no active zoning violations on file for the subject property. The Future Land Use Map in the Comprehensive Plan identifies this area to be used for residential and agricultural land uses. A church is a use allowed by conditional use permit in the Agricultural zoning district and is compatible with the current Warren County Zoning Ordinance.

There are no supplementary regulations in the Warren County Zoning Ordinance for a church. Recommended conditions are based on comments received by the Warren County Building Official, Warren County Fire & Rescue Services, Town of Front Royal Public Works, and state agencies. The applicant shall meet County Zoning requirements for off-street parking and outdoor lighting.

Warren County Code §180-8C defines Church as, *"A place where persons regularly assemble exclusively for worship. The term "church" includes the term "synagogue," "mosque," "monastery," or other terms for a house of worship, and shall include, where appropriate, real estate of not more than 250 acres, provided that such acreage is or is to be devoted exclusively to a church building, chapel, monastery, cemetery, offices used only for administrative purposes of the church, a Sunday school building, church manse, parsonage or rectory, playgrounds, recreation areas or parking lots for the convenience of those attending any of the foregoing."*

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. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

1. The chapel occupancy shall not exceed the number of occupants determined by the Virginia Uniform Statewide Building Code and Virginia Department of Health approval for an on-site sewage disposal system, whichever is fewest.
2. The applicant shall comply with all Virginia Department of Environmental Quality, Warren County Health Department, Warren County Building Inspections, and Virginia Statewide Fire Prevention Code regulations and requirements.
3. The applicant shall submit a site plan showing parcel boundaries, proposed building footprints, dimensions of proposed buildings, setbacks from buildings to nearest property boundaries, ingress/egress, internal access roads, outdoor lighting, parking, including handicapped parking, and public utility infrastructure/easements or private well, septic, and drainfield locations to the County prior to issuance of building and zoning permits.

4. The applicant shall meet the requirements of Warren County Code §180-15 for off-street parking for a church and Code §180-49.2 for outdoor lighting.

5. The applicant shall meet all permitting requirements and complete the necessary entrance improvements as identified and recommended by the Virginia Department of Transportation prior to issuance of a Certificate of Occupancy for the structure by the Building Official.

Mr. Myers opened the public hearing and, with no one coming forward, closed the public hearing.

On a motion made by Mr. Kersjes, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to forward the conditional use permit 2026-03-01 for a church to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Gordon, Kersjes, Barnhart

CUP2026-03-02 - Short-Term Tourist Rental - 112 Woods Way - A request for a conditional use permit for a short-term tourist rental. The property is located at 112 Woods Way and is identified on tax map 11E as lot 32. The property is zoned Agricultural (A) and is located in the South River Magisterial District.

Mrs. Wahl stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property constructed in 2005. The applicant wishes to establish a short-term tourist rental in compliance with all applicable county regulations to promote sustainable land use, economic development, and community vitality and to offset the cost of maintaining a second home. The applicant has hired a local property manager out of Stephens City who resides 7.3 miles away from the subject property. No previous conditional use permits have been issued for the subject property for land uses in the Agricultural (A) zoning district.

There is a Health Department operation permit approving a maximum of eight (8) occupants for the four-bedroom dwelling. The property is located within a subdivision that is not governed by an HOA/ POA who has submitted comments provided to you in your packet. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 846' to the east.

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 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 and, with no one coming forward, closed the public hearing. He then stated that while he understands the concerns of the neighbor, the neighbor is also 1.6 tenths of a mile away.

Mr. Kersjes stated that all the applicants coming forward had the noise ordinance included in their property management plan.

Mrs. Wahl stated that Staff has provided applicants with a sample property management plan to work off of and that is a requirement to have the noise ordinance posted on site of the tourist rental.

On a motion made by Mr. Kersjes, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to forward the conditional use permit 2026-03-02 for a short-term tourist rental to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Gordon, Kersjes, Barnhart

CUP2026-03-03 - Short-Term Tourist Rental - 375 Orchard Road - A request for a conditional use permit for a short-term tourist rental. The property is located at 375 Orchard Road and is identified on tax map 31E, section 1, block 3, as lot 3. The property is zoned Agricultural (A) and is located in the Happy Creek Magisterial District.

Mrs. Wahl stated that the applicant is requesting a conditional use permit for a short-term tourist rental for the property he recently constructed. The owner would like to make the dwelling available for short-term rental to help offset the costs associated with owning and maintaining a second home while ensuring that the dwelling is responsibly managed year-round and supporting the local economy through spending at nearby restaurants, wineries, and small businesses in Warren County. The owner and a local property manager will oversee all aspects of the rental process and management of the rental property. No previous conditional use permits have been issued for the subject property for land uses in the Agricultural (A) zoning district.

There is a Health Department construction permit approving a maximum of six (6) occupants for the three-bedroom dwelling. The PMP has been provided and reviewed by Planning staff. The local property manager, Hambleton Handman, is located in Front Royal which is 11 miles (21 minutes) from the subject dwelling. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 1076' to the southwest.

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 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.

Susan Jermusyk, 24 Old Orchard Road

Ms. Jermusyk stated that she has concerns about the strain on the infrastructure because they have private, gravel roads that are maintained by the homeowner's association. She also has concerns about policing the noise that will be generated by the rental.

Ms. Jermusyk's statements were agreed with by:

Sam Maxey, 6676 Ridgeway Drive, Springfield
Vallary Maxey, 6676 Ridgeway Drive, Springfield
Lynda Cann, 671 Mosby Springs Road
Butch Cann, 671 Mosby Springs Road
John Jean, 947 Mosby Springs Road
Mike and Brigit Newman, 515 Cherokee Run Road
Donald Dolly, 915 CCC Road
Allen and Elena Shillingburg, 60 Cherokee Run Road
James and Colleen Hall, 474 Cherokee Run Road

William Miller, 375 Old Orchard Road

Joey Grimmer, 375 Orchard Road

Mr. Grimmer stated that their intent is to enjoy the community and use it for their own enjoyment. They are looking to follow the rules and not cause a disruption. He had contacted the President of the homeowner's association about operating a tourist rental and had been told it was allowed.

Mr. Myers closed the public hearing and then stated that, according to the Commonwealth of Virginia, short-term tourist rentals are not considered to be businesses. He then agreed that there could be concerns about hunting, but the ordinance does not allow firearms, fire pits, or ATVs.

Mr. Barnhart asked if there were covenants that would restrict short-term tourist rentals?

Mr. Myers stated that it was not their job to enforce the covenants.

Mr. Barnhart stated that the weekend traffic would not increase the traffic any more than a long term rental. He then stated that he has concerns about the percentage of the property owners that are at the meeting objecting but at the same time, the homeowner has the right to operate a tourist rental under the ordinance.

Mr. Kersjes stated that he would recommend taking a video of the road to the Board of Supervisors to demonstrate what renters would be encountering.

Mr. Gordon stated that any complaints about the tourist rental need to be reported to the Planning Department.

On a motion made by Mr. Barnhart, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the conditional use permit 2026-03-03 for a short-term tourist rental to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Gordon, Kersjes, Barnhart

CUP2026-03-04 - Building Service Establishment - 10358 Stonewall Jackson Hwy -

A request for a conditional use permit for a building service establishment. The properties are located at 10358 Stonewall Jackson Highway, identified on tax map 28 as lot 21; 6567 Browntown Road, identified on tax map 28 as lot 122; and identified on tax map 28 as lot 122A. The properties are zoned Agricultural and are located in the South River Magisterial District.

Mrs. Wahl stated that the applicants are requesting a conditional use permit for a building service establishment for the property they are under contract to purchase from Pittman Enterprises L C. The applicants, the owners of an HVAC company, Dave's Diversified Services, would like to use the property as a materials and equipment storage for their business. If the conditional use permit is approved, the applicants have stated they will

operate a low-intensity, service-based HVAC contractor business at 10358 Stonewall Jackson Hwy also identified as tax map 28, lot 121, while maintaining the remaining two parcels (28-----122, 28-----122A) as agricultural to serve as a natural buffer to the surrounding properties. The applicants have also committed to remove the abandoned structure located on the upper parcel, eliminating existing blight, and further improving the overall appearance of the property.

Warren County Code §180-8C defines building service establishment as, *"A facility providing services for residential, commercial, institutional, or light industrial structures such as exterminator, plumber, decorator, electrician or heating, ventilation and air conditioning (HVAC) or other appliance service and related equipment storage, staging and repairs. This use shall comply with the supplementary regulations set forth in § 180-36.1 of this chapter."*

There is an existing conditional use permit for the operation of a tree surgery and landscaping business for the subject property that was issued on July 18, 1995. A Notice of Inspection was issued to the property owner in April of 2025 where Staff identified that the subject property was not in compliance with conditions #3 and #5 placed on the conditional use permit regarding inoperable vehicles and the screening of the equipment area. In June of 2025, Staff confirmed the property was brought up to the standards of the conditions and was found compliant.

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 Virginia Department of Transportation, Warren County Building Inspections, Warren County Fire & Rescue Services, Warren County Health Department, and any other applicable agency regulations and requirements.
2. The number of employees onsite shall not exceed the maximum occupancy as determined by the certificate of occupancy issued for the building or the operation permit issued for the onsite sewage disposal system, whichever is lesser
3. Onsite customer service and retail sales shall be prohibited.
4. The applicant shall submit an illustrative development plan including schematic details on ingress/egress, building locations, off-street parking, storage/staging areas with setback distances to property lines labeled, screening, landscaping, outdoor lighting, and signage. Planning staff shall review and approve the illustrative development plan prior to issuance of a certificate of zoning.
5. Areas used for outdoor storage or staging of equipment shall be fully screened from view and shall be set back a minimum of twenty-five feet (25') from all adjacent property lines.

6. The applicant shall maintain the existing tree line along Browntown Road as a buffer and screening from the roadway.

7. The hours of operation shall be between 7:00 AM and 6:00 PM, Monday through Saturday.

8. A waiver to the required direct state road access and to allow for the continued use of the existing entrances to lots 28-----121, 28-----122, 28-----122A.

9. Conditional use permit 1995-07-01 shall be deemed null and void.

Mr. Myers offered the applicant an opportunity to speak.

Dustin Santmyers, 352 Downing Farm Road

Mr. Santmyers stated that, based on their VDOT review, will be accessed from Browntown Road to minimize the traffic impact and be the safer option for access. .

Mr. Myers opened the public hearing and, with no one coming forward, closed the public hearing.

Mr. Kersjes asked which building was being demolished?

Mr. Santmyers stated that the house on Browntown Road was the one being removed.

Mr. Kersjes stated that he has concerns about the environmental hazards may still remain.

Mr. Santmyers stated that the remaining equipment would be removed and location had been cleaned up.

Mr. Gordon asked if the intent was for the main entrance to be off of Browntown Road?

Mr. Santmyers confirmed.

Mr. Barnhart asked if there would be a VDOT approved entrance?

Mrs. Wahl stated that, as a part of the conditions, they would have to complete any requirements set forth by VDOT.

Mr. Gordon asked why they were using a rear entrance instead of the entrance that was established?

Mr. Santmyers stated that VDOT determined that there were not adequate site distances for the entrance off of 340 and did not want the added traffic onto the road.

Mr. Gordon asked if the existing CUP would be void?

Mrs. Wahl stated it would be voided upon approval of the application by the Board of Supervisors.

On a motion made by Mr. Barnhart, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved to forward the conditional use permit 2026-03-04 for a building service establishment to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Gordon, Kersjes, Barnhart

CUP2026-03-05 - Short-Term Tourist Rental - 77 Eagles Crag Road - A request for a conditional use permit for a short-term tourist rental. The property is located at 77 Eagles Crag Road and is identified on tax map 15H, section 4, as lot 8. The property is zoned Residential-One (R-1) and is located 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 constructed in 2024. The owners would like to make the dwelling available for short-term rental to offer a safe and welcoming lodging option to visitors of Warren County while also supporting the local economy. The owners will oversee all aspects of the rental process and management of the rental property.

No previous conditional use permits have been issued for the subject property for land uses in the Agricultural (A) zoning district. There is a Health Department operation permit approving a maximum of six (6) occupants for the three-bedroom dwelling. The PMP has been provided and reviewed by Planning staff. The applicant is acting as the local property manager and is 19 miles away from the subject property. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 170' to the south.

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.

Rex Christensen, 77 Eagles Crag Road

Mr. Christensen stated that he sits on the Board for Shenandoah Farms and he is aware of the concerns of the community.

Mr. Myers opened the public hearing and, with no one coming forward, closed the public hearing.

On a motion made by Mr. Barnhart, seconded by Mr. Gordon, and by the following vote, the Planning Commission moved to forward the conditional use permit 2026-03-05 for a short-term tourist rental to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Gordon, Kersjes, Barnhart

CUP2026-03-06 - Short-Term Tourist Rental - 103 Luchase Road - A request for a conditional use permit for a short-term tourist rental. The property is located at 103 Luchase Road and is identified on tax map 23A, section 4, block 9, as lot 15A. The property is zoned Residential-One (R-1) and is located 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 recently constructed. The owners would like to make the dwelling available for short-term rental to offset some of the investment and cost of the mortgage while being very close to both properties to manage and oversee them themselves. The owners and a local property manager will oversee all aspects of the rental process and management of the rental property.

There are three (3) approved and active short-term tourist rentals and one (1) short-term tourist rental that has been applied for adjacent to the subject dwelling. There is a Health Department operation permit approving a maximum of six (6) occupants for the four-bedroom dwelling. The PMP has been provided and reviewed by Planning staff. The applicant will be serving as the local property manager as they will be renting out the lower floor of the dwelling that they currently reside in. The dwelling meets the setback requirement to adjacent single-family dwellings. The closest dwelling is 128' to the east.

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 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 and, with no one coming forward, closed the public hearing.

Mr. Kersjes asked that, since there is a family of four living in the house, shouldn't the occupancy be limited to two?

Mrs. Wahl stated that the applicant could leave the property and it could be modified in the property management plan.

Mr. Barnhart stated that he had concerns about the lower level becoming a long term rental.

Mr. Gordon asked if they would be allowed to have a full rental in the basement?

Mrs. Wahl stated that ADU's are not allowed in the residential-one zoning district.

Mr. Gordon asked if they would be allowed to rent without a kitchen?

Mrs. Wahl confirmed that they could rent long term without a second kitchen.

On a motion made by Mr. Kersjes, seconded by Mr. Barnhart, and by the following vote, the Planning Commission moved to forward the conditional use permit 2026-03-06 for a short-term tourist rental to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Gordon, Kersjes, Barnhart

CUP2026-03-07 - Short-Term Tourist Rental - 530 Wilderness Road - A request for a conditional use permit for a short-term tourist rental. The property is located at 530 Wilderness Road and is identified on tax map 23A, section 319, as lot 72. The property

is zoned Residential-One (R-1) and is located 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 recently constructed. The owners would like to make the dwelling available for short-term rental to offset some of the investment and cost of the mortgage while being very close to both properties to manage and oversee them themselves. The owners and a local property manager will oversee all aspects of the rental process and management of the rental property.

There are two (2) approved and active short-term tourist rentals and one (1) short-term tourist rental that has been applied for adjacent to the subject dwelling. There is a Health Department operation permit approving a maximum of four (4) occupants for the two-bedroom dwelling. The applicant is requesting a waiver to this supplementary regulation as the dwelling does not meet the 100' setback requirement from neighboring residences. The neighboring residence, 540 Wilderness Rd, is located approximately 62' to the east of the dwelling on the subject 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 applicant 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.
5. A waiver to the required setback of 100' to neighboring dwellings shall be granted for the existing 62' setback to the dwelling east of the subject property.

Janna Bricco, 103 Luchase Road

Mrs. Bricco stated that they are not intending to rent 103 Luchase very frequently and were looking to rent 530 Wilderness more frequently. The home was previously abandoned and they are now renovating.

Mr. Myers opened the public hearing and, with no one coming forward, closed the public hearing.

Mr. Kersjes stated that he has a concern with the setback waiver because there is not a letter of support from the neighbor, as they have previously requested. He also recommended that the applicant communicate with the neighbor to get approval before they go before the Board of Supervisors.

Mr. Gordon stated that he has less concerned about having the letter because of the state of the neighboring house.

Mr. Myers stated he understood Mr. Gordon's sentiment, but he was not willing to compromise their protocol.

Mr. Barnhart agreed with Mr. Gordon as well, but agreed with Mr. Myers that the neighboring owners should have a say in whether or not a tourist rental should be allowed.

Mrs. Wahl stated the neighbor was an adjacent property owner and would have been sent a letter to their legal mailing address. She then stated that Planning Staff had not heard from the property owner.

On a motion made by Mr. Kersjes, seconded by Mr. Barnhart, and by the following vote, the Planning Commission moved to forward the conditional use permit 2026-03-07 for a short-term tourist rental to the Board of Supervisors with the recommendation of approval.

Ayes: Myers, Gordon, Kersjes, Barnhart

New Business:

S-03-2026 - Comprehensive Plan Review - 386 Ashby Station Road - A request for a Comprehensive Plan Review for an Electric Substation. The property is located at 386 Ashby Station Road and is identified on tax map 5 as lot 5. The property is zoned Agricultural (A) and located in the North River Magisterial District.

Mrs. Wahl stated that attached is a request from Rappahannock Electric Cooperative for a determination that a proposed site for an electric substation at 386 Ashby Station Road (Route 340/522N Corridor) is in compliance with the Warren County Comprehensive Plan. The site is zoned Agricultural (A) and located on tax map 5 as parcel 5. Along with this request is an application for a 20-acre exempt subdivision that will subdivide a 25.12 acre portion of tax map 5-----5 along the southeast portion of the parcel. A copy of the sketch layout of the site is included.

Section 180-8(C) of the Warren County Ordinance defines Public Utility Distribution Facilities as *"Telephone lines, cable lines, fiber optic lines, electrical lines carrying electrical current not in excess of the Medium Voltage Class as defined by American National Standards Institute (ANSI) C84.1, as amended, poles supporting such lines, transformers, pipes, meters, and other similar facilities, and facilities ancillary thereto,*

necessary for the distribution of public utility services to the residents of Warren County, shall be permitted in all districts. This definition shall not be construed to include power generation or energy storage unless such uses are incidental."

Section 180-10(E) of the Warren County Zoning Ordinance states that, *"Unless otherwise prohibited by this chapter, and subject to any relevant use limitations and development standards set forth in this chapter, public utility distribution facilities shall be permitted in all districts." The proposed site is not located within the Highway Corridor Overlay District. The site should be screened appropriately pursuant to Section 180-18 of the Warren County Code (Zoning Ordinance) or as otherwise recommended by the Planning Commission."*

Section 180-65(B)(1) of the Warren County Zoning Ordinance requires that no public building, public structure, or public utility shall be constructed, established, or authorized, until the general location or approximate location, character and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted Comprehensive Plan or part thereof. The Commission shall communicate its findings to the Board indicating approval or disapproval with written reasons therefor. The Commission may hold a public hearing if it feels that one is necessary.

As stated in the applicant's statement of justification, the County's Comprehensive Plan identifies Goal VI (Chapter 6, page 172) as providing infrastructure to support industrial and commercial development, including: a. providing business and industry with the infrastructure required for future development and expansion; b. review and explore public water and sewer options and alternatives; and c. work with electric providers on current and future capacity limits.

Mr. Myers invited the applicant to speak.

Charlie Payne, General Council for Rappahannock Electric Co-Op.

Mr. Payne gave a presentation in respect to the request for the Comprehensive Plan Review. He stated that state code requires a review for compliance with the locality's comprehensive plan. The site is about 2,000 feet from Winchester Road and is adjacent to existing transmission lines. The intent for the project is to address the carrying capacity of the electrical system to support residential and commercial growth in Warren County.

Mr. Kersjes asked if there was access to Ashby Station Road?

One of the representatives from Rappahannock Electric stated that there is only the 200 foot access easement that connects to Route 340/522. He then stated that they had met with VDOT and that because of the minimal use they are willing to sight the location before they proceed.

Mr. Kersjes stated that the request is rather generic and requested more detail about how much area the substation would cover, what is the current maximum demand, and what

the current need is. He then stated that he has concerns that the Planning Commission would make a decision about this application without holding a public hearing. He also stated that he had concerns about the noise generation on livestock and wildlife.

Mr. Payne stated that they are following the process that was laid out for them. He then stated that the footprint is the standard size for a substation for addressing current needs and future growth.

One of the representatives from Rappahannock Electric stated that the noise from the generators is dictated by national electric code with 71 or 72 decibels.

Mr. Kersjes asked about the pitch?

The representative stated that he did not know the pitch and that the footprint would be dependent on First Energy as they are the ones providing the transmission. And that the last substation was built at Riverton in the 1980's.

Mr. Payne stated that the location was selected because of it's proximity to the transmission lines in an effort to minimize the impact to the neighbors.

Mr. Myers stated that he was glad to see that it was not being built to support a data center.

Mr. Gordon stated that the applicant had noted that the use is by-right in the agriculturally zoned land but he does not see it listed.

Mrs. Wahl stated that §180-65B(1) allows for the comprehensive plan review, §180-10E allows for public utilities to be constructed in all districts, and §180-8C provides the definition of public utility distribution facilities and where the use is permitted.

Mr. Gordon stated that this feels more like an industrial use and with the noise level, that would only be allowable in the industrial zone.

One of the representatives from Rappahannock Electric stated that the decibel level in the 70s would only occur when the substation is operating at the full load of the transformer.

Mr. Gordon stated that during the Comprehensive Plan Review, the parcel in question had been offered up for industrial use on the future land use map and had received pushback from the community and that coming back with the desire to put in a substation less than a year later is not going to go over well with the community.

Mr. Payne stated that the use is allowable in the zoning that they are currently in and they attempt to concentrate the substations in areas where there are compatible uses and are near to transmission lines to prevent more need for right of way easements for transmissions.

One of the representatives from Rappahannock Electric stated that they had approached other property owners in the industrial park to build the substation and they had been consistently declined.

Mr. Kersjes asked if they had considered the property on the other side of 340/522, Slate Run Farms?

One of the representatives from Rappahannock Electric stated that the site in question was chosen because of the proximity to the transmission lines. It would be difficult for them to obtain easements and to have First Energy build a new line. It would also be cost prohibitive; the last project they had where they had to extend the transmission lines came out to over \$500,000 to extend half a mile as well as an 18 month time frame to get the project completed.

Mr. Barnhart stated that the substation is a necessity due to the growth in the area.

One of the representatives from Rappahannock Electric stated that the substation at Riverton is close to capacity.

Mr. Kersjes stated that he is not against the construction of the substation, but thinks that a public hearing with the information that Rappahannock could provide would be beneficial because it would demonstrate that they are trying to operate with transparency and it would give the public an opportunity to review the documentation and comment upon it.

Mr. Barnhart asked how long had Rappahannock been working on the project?

One of the representatives from Rappahannock Electric stated that they had been working on it for over a year and were reaching the end of their option period with the landowner.

Mr. Gordon asked Staff if the Planning Commission were the approvers or if they were providing a recommendation to the Board of Supervisors?

Mrs. Wahl stated that they are the approving body unless they were to deem it necessary to hold a public hearing but that the code dictates that "in connection with any such determination, the Commission may, and at the direction of the Board, hold a public hearing after notice as required by §180-61B of this article", which refers to the advertisement regulations.

Mr. Gordon asked that if they were to hold a public hearing the following month, would they still be the approving authority?

Mr. Barnhart asked if they could really deny it?

Mr. Payne stated that if the Planning Commission denied the request, then they would appeal to the Board of Supervisors. He then asked Staff if that appeal would be a public hearing?

Mrs. Wahl stated that it would be the same process as the Planning Commission: there would not be a public hearing.

Mr. Myers noted that the Rockland Community is very active and recommended that Rappahannock give a presentation to their community association to make them aware of what is happening.

Mr. Payne stated that they would be amenable to meeting with the community.

Mr. Barnhart asked what the procedure was?

Mrs. Wahl stated that procedure states that *"the Commission shall communicate its findings to the Board indicating its approval or disapproval with written reasons therefore, the Board can overrule the action of the Commission by a vote of a majority of the membership and failure of the Commission to act within 60 days of such submission unless such time shall be extended by the Board, shall be deemed approval. The owner owners or their agents may appeal the decision of the Commission to the Board within 10 days after the decision of the commission and the appeal shall be by written petition to the Board setting forth the reasons for the appeal. And a majority vote to the Board shall overrule the Commission."*

Mr. Barnhart asked if they vote to approve, would the application then go to the Board?

Mrs. Wahl stated that if the Planning Commission votes to approve then the application would not go to the Board. The only thing provided to the Board are the written reasons for approval and the findings thereof. The Board can overrule the decision at that point.

Mr. Barnhart asked if that is going to be a public meeting?

Mrs. Wahl stated no it would not; it would be just like the meeting they were having.

Mr. Payne stated that if they would need to have a community meeting and a public hearing, that would be putting them in a position of needing to spend more money to extend their option to purchase.

Mr. Kersjes stated that his concern was that the public was not made aware that the application was on the agenda that evening.

Mrs. Wahl stated that the application was a part of the agenda but would only be advertised if there was a public hearing.

Mr. Kersjes expressed concern about the appearance of impropriety based on them not

holding a public hearing.

Mr. Payne stated that it would be more advantageous for them to hold the public meeting after they have the site engineered to be able to provide the community with the most amount of data that they can.

On a motion made by Mr. Barnhart, seconded by Mr. Kersjes, and by the following vote, the Planning Commission moved that the Planning Commission determine that the proposed site for an electric substation at 386 Ashby Station Road (Route 340/522N Corridor) is in compliance with the Warren County Comprehensive Plan.

Ayes: Myers, Gordon, Barnhart
Abstained: Kersjes

Consent Agenda – Authorization to Advertise for Public Hearing:

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

Ayes: Myers, Gordon, Kersjes, Barnhart

Commission Matters:

Attorney for the County:

Mr. Rose didn't have anything.

Commission Members:

Mr. Barnhart stated he had concerns about the short-term tourist rentals and wonders what, if anything, could be done to get out in front of it.

Mrs. Wahl stated that there have been attempts to amend the ordinance several times and that she does not know of the legalities of a moratorium.

Mr. Kersjes asked how Rappahannock get caught so close to the deadline?

Mrs. Wahl stated that the application was received two months prior, but she withheld it to receive agency comments.

Mr. Barnhart asked what the next steps for Rappahannock were?

Mrs. Wahl stated that she would speak to Mr. Myers to draft verbiage to present to the Board.

Interim Planning Director:

Mrs. Wahl stated that Staff had created a new comment form for items that are on the agenda.

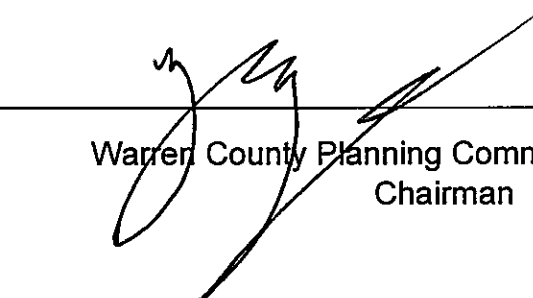
Clerk to the Planning Commission:

Ms. Mutter expanded on the new form.

Adjournment:

On a motion made by Mr. Kersjes and the following vote, the meeting was adjourned at 9:10 PM.

Ayes: Myers, Gordon, Kersjes, Barnhart



Warren County Planning Commission
Chairman