

At a regular meeting of the Planning Commission of the County of Warren held in the Warren County Government Center Board Room on August 9, 2017:

Present: Scott Stickley, Chairman; Robert Myers, Vice-Chairman; Lorraine Smelser; Hugh Henry; also present Taryn Logan, Planning Director; Dan Whitten, County Attorney; Matt Wendling, Planner; Charlie Morrison, Zoning Officer; and Cindy Kokernak, Secretary.

Absent: Ralph Rinaldi

Call to Order:

Chairman Stickley called the meeting to order at 7:00 pm.

Adoption of Agenda:

Chairman Stickley announced the first item on the agenda is to adopt the agenda. Ms. Smelser moved to adopt the agenda as presented. Mr. Myers seconded the motion which passed on the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

Approval of Minutes:

Chairman Stickley stated that the next item is the approval of the regular meeting minutes of July 12, 2017. On a motion by Mr. Myers and seconded by Ms. Smelser, the regular meeting minutes of July 12, 2017 were approved as presented by the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

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 Stickley asked if anyone wished to come speak at this time. Seeing no one come forward, the Public Presentation was closed.

Public Hearing:

2017-07-01

Gail M. Pulford & Ann M. Davis

Chairman Stickley introduced a request for a conditional use permit for a short-term tourist rental. The property is located at 173 Apache Court, is zoned Residential One (R-1), and identified on tax map 26A, block 7A, as lot 11A.

Mr. Wendling shared that the applicants are requesting this conditional use permit for this structure. It is a second dwelling for them. They visit it periodically but they would be able to use it as a short-term rental to justify ownership costs for it. They also feel that it is a very peaceful and tranquil property and area to live and rent, so they have requested this permit. We have not received comments from the Health Department but the property is approved for a septic system for three (3) bedrooms which would allow for a maximum occupancy of six (6) occupants. The property itself does not lie in a property owners' association. There is a general contractor that is the road maintenance person; I believe they were the owner of this property prior to this and developers of this area. This property meets all the required setbacks from adjacent single-family dwellings. The closest dwelling is 286 feet. We have received comments from two nearby property owners. One was against this as a short-term tourist rental due to "it will draw crime and people with shady backgrounds." However, they would approve of renting the house on a lease basis (long-term lease). That property owner was Mr. Jeff Scheifla of 54 Apache Court. We also received a letter from Jack and Gloria Rickel of 59 Apache Court. She was completely in favor of this. They thought it was a good use of the property. They like to see these properties utilized as they have witnessed a couple of properties that are not being utilized; the houses are second homes, and the owners are not going there, and they are not taking care of the property. They thought this would be a good use as people would take care of the property for the use.

Staff recommends that, if the Planning Commission recommends approval of this application, the following conditions should be applied:

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.
2. The maximum number of occupants shall not exceed six (6) as determined according to the Health Department permit for a three (3) bedroom dwelling with a maximum occupancy of six (6) persons.

3. The applicant shall have the well water tested annually and a copy of the results shall be submitted to the Planning Department and Health Department.
4. The applicant shall have the septic system inspected annually by a DPOR licensed inspector and a copy of the results shall be submitted to the Planning Department and the Health Department. The system shall also be pumped every three to five years as recommended by the Health Department.
5. The property shall be in compliance with Section 180-56.4 of the Warren County Zoning Ordinance regarding supplemental regulations for short-term tourist rentals which includes a property management plan to be submitted to the Planning Department prior to staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of the Revenue's office for transient lodging tax purposes.

This Public Hearing has been properly advertised; adjacent property owners have been notified. Mr. Wendling offered to answer any questions and one of the applicants is here to answer any questions also.

There were no questions prior to opening the Public Hearing.

Chairman Stickley opened the Public Hearing; no one was signed up to speak and no one came forward to speak for or against the matter. Chairman Stickley closed the Public Hearing and asked the Commission for questions or comments.

Ms. Smelser said that this seems to be in compliance with our regulations and she moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Gail M. Pulford and Ann M. Davis for a short-term tourist rental with the conditions as recommended by Staff.

The motion was simultaneously seconded by Mr. Henry and Mr. Myers, and approved by the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

Chairman Stickley introduced a request for a conditional use permit for a contractor's storage yard. The property is located on Winner's Court, is zoned Industrial (I), and identified on tax map 5, as lot 11A.

Ms. Logan shared that this is the 1-acre parcel that Mr. Brugh owns. The property is currently vacant and the applicant is requesting this contractor's storage yard permit to have the site ready and prepped for that type of business if someone needs a readily available lay-down area. Like was shared last month, the applicant has been marketing this site for a while now. It was rezoned to Industrial (I) back in 2004, and they haven't had the right person come along yet. They are trying to get the site ready for a lay-down area in case someone does come along. They have had some interest for that. Several conditions are recommended if the Planning Commission chooses to recommend approval of this permit:

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Building Inspections, Town of Front Royal and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County before the building or land disturbing permit is issued showing improvements in compliance with the Warren County Zoning Ordinance.
3. The storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18. This full screen shall include a minimum of eight (8) foot high privacy fence and landscaping as required by Section 180-18 and as approved by the Warren County Planning Department. The fence will need to be installed and maintained in good condition.
4. No inoperable vehicles/equipment shall be located on the site.
5. All light fixtures shall be full cut-off fixtures and comply with the zoning ordinance requirements.

Ms. Logan offered to answer any questions. Mr. Brugh is not present; he did receive the letter about the Public Hearing. At this time, she has kept his permit requests separate. She did leave him a message that DEQ will consider this a common plan of development; he has not requested to combine the two permits, so we are going forward with them as they are. They were advertised as two requests.

Chairman Stickley asked if there were any questions.

Ms. Smelser asked if Mr. Brugh could do two (2) sites or does it have to be combined.

Ms. Logan said he could do two, selling one to someone and the other to someone else.

Chairman Stickley opened the Public Hearing; no one was signed up to speak and no one came forward to speak for or against the matter. Chairman Stickley closed the Public Hearing and asked the Commission for questions or comments.

Ms. Smelser moved the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Frank Brugh for a contractor's storage yard.

The motion was simultaneously seconded by Mr. Henry and approved by the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

2017-07-03 Frank Brugh

Chairman Stickley introduced a request for a conditional use permit for a contractor's storage yard. The property is located on Winner's Court, is zoned Industrial (I), and identified on tax map 5, as lots 11B and 11C.

Ms. Logan shared that this is also a lot owned by Mr. Brugh that is adjacent to the last parcel; this is approximately 11.5 acres. This parcel is 11B and 11C. They subdivided the property last year. The property was rezoned back in 2004 to Industrial (I). With that rezoning, they dedicated the right-of way for Winner's Court; that went in with the RSW Jail project. Then, they came back last year and subdivided these lots off of the newly dedicated State road. This is another site that they are looking to have a contractor's storage yard permit ready to go if someone needs a lay-down area or such. The same conditions are recommended as in the last permit:

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Building Inspections, Town of Front Royal and applicable environmental regulations and requirements.

2. The applicant shall submit a formal site plan to the County before the building or land disturbing permit is issued showing improvements in compliance with the Warren County Zoning Ordinance.
3. The storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18. This full screen shall include a minimum of eight (8) foot high privacy fence and landscaping as required by Section 180-18 and as approved by the Warren County Planning Department. The fence will need to be installed and maintained in good condition.
4. No inoperable vehicles/equipment shall be located on the site.
5. All light fixtures shall be full cut-off fixtures and comply with the zoning ordinance requirements.

The Public Hearing was properly advertised and all adjacent property owners have been notified.

Chairman Stickley asked if there were any questions before opening the Public Hearing. There were none. Chairman Stickley opened the Public Hearing; no one was signed up to speak and no one came forward to speak for or against the matter. Chairman Stickley closed the Public Hearing and asked the Commission for questions or comments.

Mr. Myers moved the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Frank Brugh for a contractor's storage yard.

The motion was seconded by Mr. Henry and approved by the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

2017-07-04 Terry Keaton

Chairman Stickley introduced a request for a conditional use permit for a short-term tourist rental. The property is located at 2892 Gooney Manor Loop, is zoned Agricultural (A), and identified on tax map 47, as lot 9D.

Mr. Wendling shared that the applicants want to utilize this as a second home in that they have moved to Strasburg and are working on a home there. They have lived in this home for the past ten (10) years. They would like to use this

dwelling as a short-term tourist rental to allow them to come back and visit and also use it periodically. They did express plans that they would be moving back to this property full-time in the future once their property in Strasburg is renovated and sold. Comments were received from the Loud Fairfax Health District; they did not find any files for this property in their files, but they did do a walkover with the property owner and were able to identify the conventional septic system that was installed. The septic tank had not been pumped in five (5) years and they did recommend that be taken care of along with numerous other items they would typically comment on. Mr. Beahm also commented the standard Building Inspection comments for the application. Mr. Boyce from VDOT commented that this proposed use will not generate any additional traffic other than an existing single-family dwelling would, and they have no objections. After your packets were distributed, Mr. Wendling had some nearby property owners (they are not directly adjacent but they are adjacent to the Perna property) come in. Mr. Clifford and Ms. Mary Presley came in on their own behalf and they also came in on behalf of Mr. Presley's mother, Phyllis Presley. She lives at 2840, which is the adjacent property entrance to this property, and I believe the Presley's live at 2816, 2810...they are here this evening. They did have some concerns that they expressed regarding the use. One of the principal concerns was that the property, because of its isolation, would be conducive for people to wander outside of the boundaries of the property. Our supplemental regulations require that the boundaries are clearly marked. But again, that is a valid concern based on the isolation of this area. The National Park is just to the rear of this and Perna farmland is pretty much surrounding the rest of it, and most of it is woodlands. Again, the Presleys were concerned that people would just kind-of start walking and end up on their property, which they've had happen many times in the past. Other concerns were that guests who were looking for the property would turn into his mother's driveway. It could happen at all hours of the night. We've had other short-term tourist rentals with these same concerns. Also, there are concerns about the gate being left open. It's one of the big cattle-guard gates and there are cows in the pasture just adjacent to this that have access to that gate and have gotten out before. They had some valid concerns. Mr. Wendling did address those with some additional conditions in the permit which has been put in front of you this evening. There is no property owners' association here. The house certainly meets the setbacks to any adjacent dwelling for the supplemental regulations. The house is limited to four (4) occupants as it is a two (2) bedroom structure. If the Planning Commission is to move this forward with their approval, Staff recommends the following conditions:

1. The applicant shall comply with all Warren County Health Department and Warren County Building Inspections and Virginia Statewide Fire Prevention Code regulations and requirements.

2. The maximum number of occupants shall not exceed four (4) as determined according to the Health Department permit for a two (2) bedroom dwelling with a maximum occupancy of four (4) persons.
3. The applicant shall have the well water tested annually and a copy of the results shall be submitted to the Planning Department and Health Department.
4. The applicant shall have the septic system inspected annually by a DPOR licensed inspector and a copy of the results shall be submitted to the Planning Department and Health Department. The system shall also be pumped every three to five years as recommended by the Health Department.
5. The property shall be in compliance with Section 180-56.4 of the Warren County Zoning Ordinance regarding supplemental regulations for short-term tourist rentals which includes a Property Management Plan to be submitted to the Planning Department prior to Staff issuing a certificate of zoning for this use.
6. The applicant shall register with the Commissioner of Revenue's office for transient lodging tax purposes.
7. The applicant shall provide a Knox Box Rapid Entry System for keyed access for Fire and Rescue and the Sheriff's Department.
8. The applicant shall clearly state in the Property Management Plan that guests shall stay within the marked property boundaries and have those boundaries clearly identified.
9. A directional sign with the property address shall be clearly visible from Gooney Manor Loop with reflective lettering and a solar light.
10. Signage shall be posted notifying guests to close the gate to the entrance after entering or exiting from Gooney Manor Loop and this statement shall be included in the Property Management Plan.

This Public Hearing has been properly advertised; adjacent property owners have been notified. The applicants are here this evening and Mr. Wendling offered to answer any questions.

Chairman Stickley asked if there were any questions before opening the Public Hearing. There were none, so Chairman Stickley opened the Public Hearing. There are two people signed up to speak; the first one is Win Smedley.

Win Smedley of 5811 Gooney Manor Loop in Browntown addressed the Planning Commission. He said that everything on that paper is fine on that paper. He bets you that out of 10 people that go up there, 9 of them are going to be everywhere except where they are supposed to be. Signs mean nothing. He has been going up there since 1970. Every year, you run somebody off of that property. Hunting season is right around the corner and he thinks all it's going to be to him is aggravation. Signs mean nothing to anybody any more. They don't like to lock the gate. Thursday, the gate was open for hours. Nobody likes it; nobody pays any attention. Everybody has in their own mind that what they do is right and everybody else is wrong. That's all I've got to say.

Chairman Stickley said the next names on the list were Cliff and Mary Presley. Cliff Presley spoke from the audience and said that as long as everyone stays on their own property, they have no problem whatsoever; as long as their guests stay there. Mary Presley added that if anyone has been up Gooney Manor Loop at night, there are no lights. The driveway is tucked back...

Chairman Stickley interrupted and told Mary Presley that if she wants to say some more she needs to come up to the podium so that way we can get the comments on record.

Mary Presley of 4511 Browntown Road; they own the adjacent property beside Perna's. The concern is at night. Her mother-in-law's driveway is the next driveway to this entrance. There is a large rock wall; as you approach the driveway is tucked back and recessed. If you miss it, you have two options: either go into my mother-in-law's driveway or to our property. We would suggest some illumination light reflection off of the mailbox or additional light of solar light or something to bring that attention because it would be very accessible just to drive into my mother-in-law's or our property.

Terry Keaton, the applicant, addressed the Planning Commission. He wanted to make one correction to what has been said and ask for one variance. The correction would be the fact that the livestock do not have direct access to the gate in question. As long as the fence is maintained by Mr. Smedley, and I have to say that he does a great job of doing that; in the ten (10) years that we've been up there, we have seen a handful of times that the cows or a cow has been out. There is one that seems to find a way no matter what. The other thing is that we have no problem with complying with the list of conditions with the exception of #9, a lighted sign at night. Since the nearest electrical service to which the

applicants have access to is a half mile from the gate, they would request that would be a reflective sign instead. Indeed, he is currently working on a sign that announces and will hang out from a tree, over the roadway enough to where people coming up the driveway will see it. He appreciates Ms. Presley's concern about that. They have the same concern. They certainly want their guests to be able to find the property without too much hassle. We would like to ask to be allowed to have a reflective sign rather than a lighted sign. Thank you.

Chairman Stickley asked if anyone else wished to speak for or against this application.

Cliff Presley of 4511 Browntown Road asked the Planning Commission if they have viewed the application thoroughly. He wanted them to be aware that the reason why Mr. Keaton stated that he doesn't have access to electric is because this is a right-of-way to this property. Are you guys aware of that? Because it is a rather long right-of-way to get to their property and I just want to make sure that you all know, if you have read through the application process, that you know it is a very long right-of-way to get to it. That's the reason why Mr. Keaton says that he will not have access to electricity. As far as having a temporary rental like this, is there any concern given to the fact that their guests are going to be traversing through a rather large piece of property to get to the property that they are renting. Is there any consideration given to that fact?

Chairman Stickley answered that the Planning Commission is not here to answer questions back and forth; however, they can discuss that.

Mr. Presley continued that he wanted to make sure the Planning Commission have thoroughly looked through the application.

Chairman Stickley clarified that what Mr. Presley is stating is that renters have to cross several parcels...

Mr. Presley interrupted and stated that he thinks it is just one owner and he wanted to explain the reason why Mr. Keaton might not be able to have electricity there.

Chairman Stickley said he appreciated the information.

Chairman Stickley asked if anyone else wished to speak for or against this application; no one came forward so Chairman Stickley closed the Public Hearing.

Mr. Wendling mentioned one thing with a prior short-term tourist rental; it was a similar situation. Mr. Fishman lived on a road with no illumination up in Blue Mountain. It was very dark at night. An adjacent property owner had a similar concern. Her property was before his property. It was approved and what he did was post a reflective sign with the property address and a solar light above that which illuminated that sign. They make numerous types of those signs out there. That should be sufficient without having to run electric to that gate. The one difference is that this property is along a significantly long right-of-way that goes through the Perna property; you have a map in your packets that show that.

Chairman Stickley said that is a recorded right-of-way.

Mr. Wendling said it is a recorded right-of-way that provides access.

Chairman Stickley said that whoever is traveling by that access has the right to get there.

Mr. Myers added that is the property owner or his guests.

Mr. Wendling continued and said that they will make sure that the signage and illumination, if you choose to go that route, is installed prior to issuing the certificate of zoning for the business. The applicant will not be able to start the business until (and that's if the Board approves this) all of the supplementary and conditions are met. We usually meet with the applicant and go over that property management plan prior to issuing a certificate of zoning.

Ms. Smelser asked if the right-of-way is owned by Perna or is it fenced off; is the right of way fenced off?

Mr. Wendling did not go down to the property; he just posted it at the road. He does know that there is a rock wall there on Gooney Manor.

Someone from the audience stated that it is approximately a $\frac{1}{4}$ of a mile to get there.

Ms. Smelser asked if the right-of-way is owned by Perna.

There was a response from the audience that it is on both sides.

Mr. Wendling added that it is a family subdivision that was done years ago and then it transferred hands after the property owned it for sufficient time.

Mr. Henry said he personally has no problem with a reflective sign. He was almost against a permanently lit sign, even though I know it would be very functional, because it is kind of dark and peaceful up there. A heavily lit sign to me would be an eyesore to a point. You still need a sign to stand out enough to be sure people can find the right place without a lot of grief. Those solar lights aren't super powerful so that is probably the right thing; I would almost prefer it over an AC-powered permanently lit stark bright sign. I am very acceptable to a solar light and reflective lettering.

Mr. Myers agreed; Ms. Smelser agreed; Chairman Stickley agreed as well.

Chairman Stickley asked if there were any further comments or questions. He stated that access is there; there's a right-of-way there.

Mr. Myers said it would be cost prohibitive to put power up there and put low sliding gates like you see at a mini storage warehouse.

Mr. Wendling said that one of the things that Staff will do is meet with Mr. Keaton on the property once everything is at that point; they can issue the certificate of zoning and just verify that his immediate boundaries are adequately flagged and identified. We will then also note that he will have something in his guest contract and property management plan for his guests. That's really the only way that we can enforce this, but we will do that prior to issuing a certificate of zoning. We will do that in this case because of the concerns of the neighbors.

Ms. Smelser moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Terry and Bess Keaton for a short-term tourist rental with the conditions as recommended by Staff.

Mr. Henry seconded the motion.

Chairman Stickley stated that there is a motion and a second. He had a question on the conditions if we are saying an illuminated sign. Is illuminated enough of a description to call out the reflective and solar-powered option to that?

Mr. Wendling said he could add "illuminated by a solar light" and they can pass that on to the Board if that works for you.

Mr. Henry said "solar light and reflective lettering." Just to clarify.

Mr. Whitten said that the motion needed to be amended.

Ms. Smelser amended the motion and moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Terry and Bess Keaton for a short-term tourist rental with the conditions as amended, #9 a directional sign with the property address shall be clearly visible from Gooney Manor Loop with reflective signage and solar lighting.

Mr. Henry seconded the motion which was approved by the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

2017-08-01 Michael & Linda Nicewarner

Chairman Stickley introduced a conditional use permit for a guesthouse. The property is located at 544 Jacksons Chase Drive, is zoned Agricultural (A), and identified on tax map 11, as lot 29A.

Ms. Logan shared that the applicants are requesting a conditional use permit in order to build a detached garage with living space for a guesthouse on their property at 544 Jacksons Chase Drive. The plans for the garage with living space are included in the packets. The applicants state that they have a large family and the space will be for their family to stay occasionally when they come to visit. We did receive comments from the Health Department which are at your desk. They were forwarded to Mr. Cline who is representing the applicants.

Planning Staff recommends the following conditions be added to the permit if the Planning Commission chooses to recommend approval of the permit:

1. The guesthouse shall not be used for full-time occupancy.
2. This dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.
3. The building structure to be used for the guesthouse shall be in accordance with all current state building code requirements.
4. The applicant shall comply with all Warren County Health Department regulations and requirements.

Ms. Logan offered to answer any questions. The Public Hearing was properly advertised and all adjacent property owners were notified.

There were no questions at this time, so Chairman Stickley opened the Public Hearing. No one signed up to speak and no one came forward to speak, so Chairman Stickley closed the Public Hearing.

Mr. Henry moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Michael and Linda Nicewarner for a guest house with the conditions as recommended by Staff.

Mr. Myers seconded the motion which passed by the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

Z2017-07-01 Warren County Planning Commission

Chairman Stickley introduced a request to amend and re-ordain Section 180-62 (Variances) of the Warren County Code to allow for a time extension on the decision of a variance by the Board of Zoning Appeals (BZA) upon agreement of the Applicant and the BZA.

Mr. Whitten shared that currently Section 180-62 of the Warren County Code states that the BZA must make a decision on a variance within sixty (60) days of the Public Hearing. The Virginia Code doesn't have such a requirement. There have been instances where the applicant has requested more time before the BZA makes a decision. The proposed amendment would grant the BZA additional time to make a decision if both the applicant and the BZA agree to an extension for the decision. The Public Hearing has been properly advertised and Mr. Whitten offered to answer any questions.

Chairman Stickley opened the Public Hearing; there was no one coming forward to speak so Chairman Stickley closed the Public Hearing.

Finding that the proposed amendment to Section 180-62 of the Warren County Code is required and appropriate for the public necessity, convenience and general welfare, and is good zoning practice, Ms. Smelser moved that the Planning Commission forward the proposed amendment to Board of Supervisors with the recommendation for approval.

Mr. Henry seconded the motion which passed by the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

Chairman Stickley introduced a request to amend and re-ordain Section 180-60 (Enforcement) and Section 180-68 (Violations and Penalties) of the Warren County Code to add language regarding notices of violations. Such amendments are proposed to bring the County Code in compliance with the Code of Virginia.

Mr. Whitten shared that Senate Bill 1559 went into effect July 1st and amends the Code to change the requirements for sending a notice of violation. Under the revised Virginia Code, the thirty (30) day appeal period now starts once the Notice of Violation is sent by registered mail or posted at the last known address of the property owner or its registered agent. The presumption is that the last known address is the address shown on the real estate records and the address of the registered agent is the address shown in the records of the SCC. The proposed amendments to Section 180-60 and Section 180-68 of the Warren County Code reflect this revised language. Mr. Whitten offered to answer any questions and stated that the public hearing has been properly advertised.

Chairman Stickley opened the Public Hearing; there was no one coming forward to speak so Chairman Stickley closed the Public Hearing.

Mr. Henry asked if this just matches the State language.

Mr. Whitten confirmed that it does.

Mr. Wendling shared that he and Mr. Morrison send out letters. They have a process where they send a Notice of Inspection first. Essentially, they give notice that someone is not in compliance and here's a friendly notification. They give them 30 days. Then the Notice of Violation goes out. This will help Mr. Wendling and Mr. Morrison keep within a 60-day period because at least once it has gone out they have an additional 30 days, and that's it. The problem really is going to lie in if they don't comply, and Mr. Morrison can address and speak to this, is once he brings it to the Magistrate, it's really out of our hands. Sometimes, that can really take some time to get service. So essentially, somebody has a minimum (if we go with the 2 letters) of 60 days to bring their property into compliance; even further if they end up going to Court. This will help us a little bit in that process.

Finding that the proposed amendment to Section 180-60 and Section 180-68 of the Warren County Code are required and appropriate for the public necessity, convenience and general welfare, and are good zoning practice, Mr. Myers

moved that the Planning Commission forward the proposed amendments to Board of Supervisors with the recommendation for approval.

Ms. Smelser seconded the motion which passed by the following vote:

Ayes: Stickley, Myers, Smelser, and Henry

Commission Matters:

Mr. Myers was glad to see they are finally making some good progress on the 522 bridge. The deck looks like it is done and they are working on the parapet which is the side and the sidewalk, that and the approaches. It should be getting close.

Chairman Stickley and Mr. Henry had no comments.

There was general discussion as to whether or not the railroad has to comply with the Warren County Code regarding a big pile of trash up in Bentonville.

Mr. Morrison responded that he has sent a letter.

Mr. Morrison said that he sent a letter to Richmond, to Norfolk & Southern a couple of years ago and it took them about 6 months to get the big magnet truck to come and pick some stuff up. He may give them a call.

Mr. Whitten shared that they did file an injunction against Mr. Salahi; he is still operating a short-term tourist rental. They found that the new residence that he shares with his wife is probably not a good address as mail that the Commissioner of the Revenue sent to him came back as "undeliverable." Once that comes back to the County Attorney's office that it is a bad address, they will keep looking for another address or may just post it on his house that is the short-term rental. The neighbors have said that he doesn't live there any longer; he comes by once a week to get the mail. We are still trying to shut down that operation. The neighbors are still complaining. If you ever drive by there at night on the weekends, you can see the light show and smoke screen, fireworks, etc. It looks like a carnival going on up there. The neighbors have been complaining ever since the Supreme Court denied the petition. We'll see. We tried to get service on him for criminal charges and weren't able to either. We used his Mosby Mountain address for that. We tried a different address this time.

Ms. Logan shared that they have been working to get the trolley service extended. The Town has their own trolley and the County received a grant

through the Regional Planning Commission for a trolley that has already started. It's going to go out to the Route 340/522 Corridor. Ms. Logan met this morning with the kennel owner on Ritenour Road and his neighbors. The neighbors came out against him at the Board level. That matter comes up next Tuesday evening. They have worked something out where they are now all in agreement that he does not expand the outside exercise area. She is just trying to nail that down and get a condition into place. Another item we will be handling from our department is the Board of Supervisors approved a joint tourism committee with the Town of Front Royal. Whereas the Town is in charge of tourism, the County is now going to be collecting an extra transient tax that is required to go towards tourism. So, they will be putting together a joint Board, and we have a meeting on Monday to go over this. The Town has their Community Development Director and then Ms. Logan, as the Planning Director, are representatives on the committee. They will have representatives from lodging partners and the Town Council will be appointing members.

Mr. Henry asked if there is any issue with the convicts riding with the shoppers.

Ms. Logan said they don't let work release out if they're violent.

Chairman Stickley said they are probably in for minor things.

Ms. Smelser thinks it is really good. There was something in the newspaper about it. She sees them; she volunteers at C-Cap and many of the people have no transportation. They are walking to get food. If they find a job, they have no way to get there.

Mr. Henry said there is a huge disconnect there and you need something.

Ms. Logan said she hopes people use it; it also goes to Lord Fairfax 4 days a week. It does a run to Lord Fairfax in the morning and then in the afternoon. Lord Fairfax was a partner in this. Toray is also going to do another expansion so they will be coming before the Planning Commission in the next month or two.

Mr. Wendling shared that he and Ms. Logan attended the APA Conference; they received a lot of good information and saw what some other municipalities are doing. They attended a sign ordinance session and Staff may be tasked with looking at the sign ordinance and going through it. Also, Mr. Wendling is reviewing the Flood Plain Overlay District ordinance. It is a requirement for participation in the community survey system that NFIP (National Flood Insurance Program) has. There may possibly be some minute changes, and that will actually (prior to coming through to you) go through DCR (the State Flood Plain Manager) and FEMA for review of that. Then we will take any

recommendations they have to modify it in order to be able to participate and get additional points for this community survey system. It will allow, if we can get into the system, us to potentially save folks who are paying flood insurance in the County a percentage on their premium. We hope that we can get into that within the next 6 months to a year.

Mr. Myers moved and Mr. Henry seconded to adjourn which was unanimously approved at 7:56 pm.

Chairman