

At a regular meeting of the Planning Commission of the County of Warren held in the Warren County Government Center Board Room on June 14, 2017:

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

Absent: Hugh Henry

Call to Order:

Chairman Stickley called the meeting to order at 7:01 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 Rinaldi

Approval of Minutes:

Chairman Stickley stated that the next item is the approval of the regular meeting minutes of May 10, 2017. On a motion by Ms. Smelser and seconded by Mr. Rinaldi, the regular meeting minutes of May 10, 2017 were approved as presented by the following vote:

Ayes: Stickley, Myers, Smelser and Rinaldi

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.

Unfinished Business:

2017-04-02

Michael Gibson

Chairman Stickley announced a request for a conditional use permit for a commercial kennel. The property is located at 387 Ritenour Hollow Road, is zoned Agricultural (A), and identified on tax map 12, as lot 35.

Ms. Logan shared that the public hearing on this request was held at our last Planning Commission meeting and the item was tabled in order to give the applicant time to respond; he was not present during this item at the last meeting. Ms. Logan has spoken with the applicant and sent him a copy of the minutes and an email detailing the main items of discussion and concerns, specifically, that he have a back-up helper in case something would happen. Someone would be able to take care of the dogs, whether it's a contract with another kennel operation or something of that nature; also, the insurance issue and the setback. The setback has always been an issue and item of concern that his run is too close to the property line. I have not received anything back in writing, although we did speak at length. On the one item, he did say that he has renter's insurance that does cover the insurance issue and he is willing to raise the amount of insurance, if needed. Other than that, that's all she had to share. The conditions were read at the last meeting and are in the Commission's packet. Ms. Logan offered to answer any questions and Mr. Gibson did say he would be present at this meeting.

Chairman Stickley recounted that we have had the public hearing last month and we are just continuing with the discussion. Chairman Stickley opened the floor to the Commission members to see what they had to say.

Mr. Rinaldi said that Mr. Henry had brought up before about waste disposal and he asked Ms. Logan if that was detailed in the conditions.

Ms. Logan answered that there is a condition on the permit that says, "All animal waste related to the kennel shall be disposed of properly by double-bagging, placed in an approved solid waste container and removed by a professional waste management company twice per month." We had already addressed that; it is in the conditions.

Mr. Rinaldi asked if he was to contract with a commercial waste hauler for that.

Ms. Logan said the condition says professional waste management company. Mr. Gibson is here if you'd like to ask him any questions. The Planning Department

would follow up on the condition and get a copy of the contract and put it in the file.

Chairman Stickley added that in our packets it says that the applicant currently double-bags animal waste and is working on a permanent solution for either hiring commercial trash removal service or to lease a dumpster.

Ms. Smelser said that Condition #8 addresses that and asks for a professional waste management company. I think we've got it covered on this condition. That is her opinion.

Ms. Logan said it is covered and the Planning Department would have to follow up on that.

Ms. Smelser said that her greatest concern is the distance for the run; 60 feet from an adjacent property dwelling when we should be having 100 feet.

Chairman Stickley read that it says, "...a waiver on the property line setback shall be granted due to the existing house being located 80 feet within the required 100 foot setback, and due to the animal exercise area being located within 60, 85 and 160 feet of adjacent dwellings."

Chairman Stickley said the dwelling is 80 but the exercise area is 60, which is less than the 100 foot setback that's required by ordinance.

Ms. Logan asked Mr. Wendling if the run was 60 feet to an adjacent dwelling or if it was 60 feet to an adjacent property line.

Mr. Wendling said the run is from the backside to the adjacent dwelling on the closest portion. It is 80 feet at the house to the fence. The other side is 60 feet because it goes on kind-of an angle to Quarter Horse Lane. I think its 85 feet to the one house on Ritenour Hollow Road. This is from the proposed run area.

Ms. Smelser asked if it should be 200 feet from the nearest dwelling.

Ms. Logan said yes, and 100 feet from the property line.

Ms. Smelser said then you're talking about a waiver of 140 feet, is that correct, Matt?

Mr. Wendling said yes, that's correct.

Ms. Logan added that it is the proposed run.

Mr. Wendling said that right now the applicant is not using that portion of the run for the dogs. Not at this point. At the last meeting it was discussed if there is additional area. There is to the front of the house. As far as the convenience, I'm not sure if that's as convenient as the door to the back of the house which accesses this proposed area. He is currently using the immediate area by the house.

Ms. Smelser said she has an issue with the 60 foot; she can live with the others. But the 60 foot to the nearest residence for the run presents a problem as far as I'm concerned as we have an ordinance that says 200 feet. If he can work out something where he can...

Chairman Stickley added "relocate..."

Ms. Smelser said if he could relocate the run, I would be in favor of approval. I just have an issue with the 60 feet.

Mr. Myers said he tends to agree with Ms. Smelser on that and also (I know this is being "nit-picky" but) when is a puppy considered a dog.

Ms. Logan replied that our ordinances say at 6 months.

Mr. Wendling added that Code Section 66 requires dogs to be licensed and tagged at 4 months, with their rabies shots.

Mr. Myers' concern is that if those puppies don't sell, then all of a sudden you have more dogs, and you're in violation of having too many.

Ms. Logan said that is why the applicant had requested more than the 15 dogs.

Ms. Smelser asked if it is limited to 15 and that is the current population as of now.

Ms. Logan asked Mr. Gibson if he would like to come up and address the Commission.

Mr. Gibson stated that currently he has 16 adult dogs, and he has asked for 20. When he took this property, he read the ordinance, and the ordinance said that he was allowed up to 25. He originally asked for 20 because everyone seems to think that I can't manage my dogs, even though the Animal Control has written glowing reports.

Ms. Smelser said that she had seen that.

Mr. Gibson continued and said that he has discussed this with Matt (Mr. Wendling) and Taryn (Ms. Logan) that he would go with 20, with the expectation that if he ever needed to expand, and then he could come back and ask for 25. He has no intentions of having 25 dogs. It is a lot to have the 16 that he has. He is a breeder who does contract every one of his puppy-buyers to bring their dog back; they can't re-sell it; they can't dump it off at a shelter; they can't give it to rescue. I feel like you are already cutting me down 1 dog on my adults at this proposed 15, and I question why. [If Animal Control said they are counting the puppies, even though the puppies as of the end of this month, those puppies will have to be licensed.] They are going to come of age. I don't know how to remedy that other than that eventually they are to be going. But you're not talking to a breeder who hands their dogs over to somebody that comes to his farm with cash. They all have to... I don't know if you have the complete packet that I submitted to Matt (Mr. Wendling), but everybody has to sign an application, I check their references; that is the process. Some people are offended by it. They think if they have the cash they should just be able to buy a dog. That makes it harder to place a dog sometimes. On top of that, the older litter was an accident. I admitted that to him (Mr. Wendling). They are a cross between 2 different registries. That makes people upset. The people don't want a dog that is out of a CKC mother and an AKC father. On top of that, they are black. I would never have paired them together. I am responsible for those puppies and 2 of them have been re-homed. That leaves me with 6. They are just about to turn 7 months old. I'm not happy about it, but they are my responsibility. That's the only frustration that I have with this process is that I feel that this Board, or this County, is making me have to make decisions that I am uncomfortable with to cut down to a number that you are comfortable with, even though I have had no complaints; no noise complaints; no dogs running at large. I have been inspected by everybody that you could possibly send out there and everybody is saying that everything's fine...with the exception of a few people who have formed opinions. But an opinion is not necessarily fact or law. So I'm just asking for this Board to give me the benefit of the doubt. If this permit is revocable, if I'm not performing the way those stipulations you put in those things, then it's revocable. I'm always going to be a breeder that takes my dogs back. I don't care if I have 15 and you say I have 15, and 2 come back in one year and it takes me 6 months...I'm going to be in violation, and I really don't want you to put me in that position.

Mr. Rinaldi asked Mr. Gibson what is CKC? Is that Canadian?

Mr. Gibson answered it is Continental Kennel Club. AKC is the American Kennel Club.

Mr. Rinaldi asked if Mr. Gibson would explain his breeding program to the Planning Commission as he thought that might help.

Mr. Gibson asked if there was something specific. He has already admitted that he has dogs from different registries.

Mr. Rinaldi asked if there was a stud dog on premises or if he outsources his female dogs for breeding away from his location, or are you using artificial insemination. He is just curious.

Mr. Gibson responded that he has 4 stud dogs. Any breeder with their oats does all of the above.

Mr. Rinaldi asked if Mr. Gibson was doing all of the above.

Mr. Gibson replied that he has only had 3 litters. You're not talking to a breeder who has had a lot.

Mr. Rinaldi asked how many litters a year are in Mr. Gibson's plan.

Mr. Gibson shared that he has had 3 litters and has owned Great Danes for 4 years. You start out with puppies and they don't mature until they are 2.

Mr. Rinaldi asked if Mr. Gibson was anticipating having 1 litter per year at his location.

Mr. Gibson said he understands that based on the proposal that that's what the Planning Commission would like for him to say, but no breeder can say that they can agree to one litter per year. This process has sort-of made him re-evaluate; does he need to have 15 adult dogs. He color tests all of his dogs so he knows what they can make. If you were to ask my vet when I had the "accidental tie" (breeding is called a tie) my only 2 options were to spay that dog or give her a pill that would make her infertile forever, and my vet asked what did I want to do. I have a European dog that he spent a lot of money on that had an accidental tie with a dog that he wouldn't have necessarily put her with because genetically they are going to make black puppies. I knew that was going to happen. I also had to pay for a cesarean section for that litter, so listen. I am not happy about it. You know what I am saying? It was an \$1,800 surgery for 8 black puppies that I have had to give 2 of them away. But, in giving them away, it took some time to find a home that I trusted to give a dog away to.

Mr. Rinaldi commended Mr. Gibson for trying to find the right home and the right match for each animal. He can relate to that. He went back to his other question. You must have some idea as to how many litters you would have in a year's period. You say you've had them for 4 years and you've had 3 litters...

Mr. Gibson said that he started with the dogs 4 years ago, got puppies. You raise puppies until they were the age of 2. His first litter...he has had 3 litters in a year and a half; two were purposeful and one was accidental.

Mr. Rinaldi asked if that was going to be a pretty good average that he can use in his decision-making here.

Mr. Gibson said that if he were doing this for money, he would say that he doesn't want to be limited to the amount of puppies. At this point, he has been trying to get through this process. It's just been a holding pattern. He hasn't really looked at the dogs and figured out what's going to come of next year's breedings or 2017 breedings.

Mr. Rinaldi asked if Mr. Gibson also shows these dogs.

Mr. Gibson said he does not show. He raises European dogs and the American Kennel Club does not support that body style.

Mr. Rinaldi thanked Mr. Gibson for the lesson.

Mr. Gibson added that every one of his puppy-buyers will tell you that he spends more time yakking his mouth about his dogs...it's a passion. It has to be to do this, in order to spend the amount of money. When he moved out here, he switched to Southern States for his feed and supplies. In the last 4 months they tallied that he has spent \$3,200.00. That's a fact. And that's money out of my pocket. Clearly, because of my numbers, I haven't sold very many puppies. I've tried my best to be a good neighbor. The only people who seemed to have showed up to this meeting is people who are for me. I heard that somebody called in from Quarter Horse Lane; but I also have text messages from Quarter Horse Lane neighbors before I started this process, before I spent \$500.00 on this. I asked if this was okay, if everything stays as it is today...the noise level, the fencing situation...if everything stays the same as it is today, will that be fine with you? The neighbor said that his sister and he had no problem. I guarantee you that they are the ones that called in from Quarter Horse Lane to voice their concerns about the fence line. I want to address the fence line because you seem to have an issue with it, and I'm sitting on my hands over here. It's my back yard. This is not an area that the dogs live in. It is my back yard that I intend to fence in. Essentially, I think Matt said that it is an acre-and-a-half. This is not

where my dogs live; this is where my dogs play. I have to admit that I'm slightly offended that everybody is focusing on the fact that I want to fence in my back yard for my dogs. If I had 4 dogs, we wouldn't be here and I could still fence it in with no issues. So, I'm only asking again... And, the previous kennel permit that was on this property had a waiver of this back, 80-foot thing... The previous kennel permit that was on this property had that waiver. It's frustrating, you know. I realize it's a different application and a different process, but it's the same neighbors back there. And they've met my dogs. Before I moved into this place, I brought a couple of my biggest Danes, because if they're going to be intimidated by the biggest ones, they will certainly be intimidated by the smaller ones. I've done everything I can to be a responsible neighbor. And all I want to do is enjoy my farm, enjoy my dogs, and until I create a problem, a problem doesn't exist. That's all I'm asking for is the benefit of the doubt. I did get the dumpster. Does anyone want to see a picture? I have a commercial dumpster. I did insurance... One of you, I don't remember who it was, said something about insurance. I did make sure that my insurance does cover liability, \$500,000 worth of liability; half-a-million dollars on dogs that have never been a problem. We don't have dangerous propensities. I don't have to get an umbrella policy because my dogs are not listed on a dangerous breeds list. I've done everything I can.

Ms. Smelser asked about his back-up. You obviously are doing a good job from the reports that I have read. But, what's your back-up plan?

Mr. Gibson said that originally he did not think of a back-up plan, because no one ever thinks that they are going to be incapacitated. This has been one of the big, bold things for you guys...for this Board. It had never been pushed on me to think about this. I did have a conversation over the phone. I'm working on some proposals...he had talked to someone in Planning about another house on the property. There is another building, a concrete building down in the middle of the property. It is his goal to, within the next year, move the kennel down there and have some friends of mine move from Pennsylvania and help him with the farm and the dogs. He can't tell the Board that that's going to happen, because it all depends on a lot of things. There are a lot of renovations needed to that bigger building to make it more comfortable for his dogs. He never intended for his dogs to be separated from him. The garage is about as far as he wanted them from him. If they are yelping, he can hear them. If there's a fire, I know that's been your big concern because of previous history recently...if there's a fire, I can be there. Whereas, if it is down in the middle of the property or somewhere else, I may not know it until it's too late. There are plans in the making. But to be quite frank with you, I can't make plans because ya'll have me in limbo. I don't even know whether... I love this property, but the process has been hard on me emotionally. I'm ready to just hang it up. There's got to be other places that I can

fall in love with and see my dogs playing and running in the field. It's my hope that you will give the opportunity to at least prove that I am one responsible breeder.

Mr. Rinaldi said that there is no doubt from what you've said, and I read people pretty well, I believe you. I believe you are a responsible breeder. I hope that this all works out for you. During the day, is there anyone home?

Mr. Gibson responded no. There was an original plan, but taking in some of your concerns and quite frankly, I've realized that I have 47 acres. You know, the back field is this tall because I have 47 acres and I take care of 16 dogs plus 2 litters of puppies that I haven't sold. I do it all and I own my own business which is one of the reasons why I was late for the previous 2 meetings. I have my hands full. I can honestly tell you that there are no puppies in the making or in the plans at this point. I'm not crazy...I'm not. I've got my hands full. My goal is to get some help...not just for the dogs because I'm managing my dogs just fine...but you know I've also got fences to mend and fields to do, weed-eating to do...there's a lot of things that do fall behind, but the care of my dogs is not one of them.

Ms. Logan mentioned that when she and Mr. Gibson spoke, he clarified that he is not in DC or wherever for 12-14 hours at time, and that is something to mention.

Mr. Gibson said that was a good point. He is self-employed. He owns his own business. He doesn't do a 9-5 like maybe the general public does, so that does enable him to manage his dogs in the way he is able to manage them. He is only gone 4-5 hours per day. His dogs are done in the morning and then done in the evening, and on the weekends that's when he's really there doing deep cleaning, a lot more exercising and puppy pictures, you know. Mostly during the week it's just the basic maintenance and I get a lot of my extra stuff done, puppy visits.

Mr. Rinaldi said that it might not be appropriate to ask him but how do you market these dogs. Because that would affect how fast or how slow you move them out.

Mr. Gibson said that is also something he is re-evaluating. Previously, it was just intimate relationships because he felt that was the best way he could know people. A stranger is a stranger to me. They could come and smile in my face and take my dog and do something terrible with it. But, I have realized after having the 2 litters of puppies that now I'm going to have to be paying licenses for and asking for your patience with respect to my numbers, that maybe I need to look at some other avenues. I do use Puppy Find and that's where most of my puppies have actually been sold. I do have a Facebook page. Again, a lot of the breeding, if you're doing breeding right and you're doing it passionately, a lot of

that is repeat customers, a family of customers, you know...family and friends. I just sold a puppy tonight. They bought a puppy 4 months ago and they came back and bought a second. So, I must be doing something right. These folks are telling their friends. The bigger issue is that I don't want to give a dog away and I feel that if I am dropping my prices down to \$200 then I'm bringing in a type of puppy-buyer that I'm going to be worried that I put that puppy in the wrong hands. I also can't spay and neuter these dogs prematurely because it affects their hormones when you take out the testicles of a male, a young male, or the uterus of a young female...they don't reach their potential maturity. So, when I sell a dog to "Joe Blow down the road" for \$200, "Joe Blow down the road" may disappear with my \$200 dog and breed them in the back yard. There are a lot of challenges that I have come to realize as a breeder in today's world where everybody is trying to make money. I'm not doing this for the money. Yes, I do sell my puppies but I'm not doing it for the money. I'm doing it because I love Great Danes. I love it when people come to me and they've got a puppy that I've raised and it's sleeping on their couch. I can show you tons of pictures of previous buyers that have done that. So, I'm not doing it for the money.

Mr. Rinaldi clarified that he asked some of those hard questions, Sir, because he was in a rescue league for Springer Spaniels and he saw the worst. He is not saying that you are anywhere near that level but it is an emotional thing.

Mr. Gibson shared that he did spend 7 years as an Animal Control officer before he became a breeder.

Mr. Rinaldi interjected, so you have seen the same thing.

Mr. Gibson said that he has probably seen even worse. That affects him in his decision-making. He doesn't know that he will be a breeder forever. He said he is here to tell them that he's got 6 black 7-month-old puppies that love him. Right? If he can't find the right home for them, he's going to have 6 black 7-month-old puppies that love him. Regardless of the numbers, he's being very frank and honest with you. It is his goal to stay within the parameters that you put in this Conditional Use Permit, but the care of his dogs will always come before paperwork. He doesn't mean that to insult you or be disrespectful. If any of his dogs are in jeopardy, they're going to come back to his farm. And then we'll work on getting the number back to where it is. I just hope that you understand that it's a passion for me. It's a passion that I'm not afraid to tell all of these people that I cry when I let my puppies go. This is not something that I take lightly. I'm asking you for just a little bit...I know it's uncomfortable because you do have some obligations to my neighbors. But, if my neighbors really truly thought that I was going to be making things bad for them, they would be sitting here with all these folks, with their hands up ready to challenge everything that

I'm saying. I'm just asking you for a little bit of leeway. The 15 dogs is going to have to force me to get rid of 1 of my dogs or move. If that happens, then I'll have to move because I can't get rid of 1 of my dogs.

Chairman Stickley said he understood and thanked Mr. Gibson for sharing with them.

Mr. Gibson re-stated that he has addressed the insurance issue, he's addressed the dumpster issue, and for the next 4 weeks, the dumpster will be picked up once a week because he has collected about 20 bags of shavings and... Before that, he was taking it a couple of bags at a time every day to the recycling place over here. It started collecting when he had to take it to Bentonville on the other end of the County. He doesn't mind spending the money on the dumpster for the convenience of it and having it there. It appeases the Board and then maybe you'll give me the benefit of the doubt. That's all he is asking.

Ms. Smelser asked if Mr. Gibson was saying that the run has to be where it is.

Mr. Gibson said that what he did was...he rents this farm, he does not own it, and unfortunately, it's not the original house. The lower house is the original house and the owners built the house up on top of the hill so that they could have (up on top of the hill) the view that he loves so much. But, they built that 80 feet from the back of the house to the fence line/property line. Trust me, that's the worst part of the house. Just beyond some cedar trees is my neighbor's house. It's a ways away, but the only thing that's visually blocking her in my windows is those cedar trees. That's the worst part of it. I put up a privacy fence and I intended to fence in the entire 600 feet. It's 600 feet from corner to corner of the property line. And I did that mostly because when I moved in the lady said make sure you put blinds on your windows 'cause I don't want to see you naked. I should have known then that I was moving in to a situation. But, I love the property. They are good neighbors. They are nice neighbors; I have no problems with them. I'm a little frustrated that they weren't honest with me at first. They tell me to do one thing and then try to be sneaky and do something else. That is a bit of a frustration. But, as long as I get my permit, I'll get over it. The yard was intended to give my dogs an acre-and-a-half to run in, plus I have 2 mature males that cannot be out together; they will fight. If I have multiple yards, it gives me some ability to rotate and gives me the ability to have more exercise for dogs that can't be out with each other.

Ms. Smelser said that if they decide to pass this forward to the Board, with 15 dogs, he's already in non-compliance, so I'd rather give him 20.

Mr. Rinaldi agreed about giving him 20 and said that they do not want to set him up to fail. Maybe the 20 is the way to go.

Ms. Smelser said she would support that.

Mr. Myers added that it gives a little leeway if he has to bring one back.

Mr. Rinaldi said that if he got to 21, he's sure that nobody's going to beat the door down anyway.

Mr. Gibson said he has been very transparent. This is not where the neighbors turned him in; he (Mr. Gibson) started this process because he wants to be compliant. The whole difference is that he breeds Great Danes and the previous people had Yorkies. Everybody thinks that Yorkies are cute and Great Danes are vicious; and that is completely not the case at all. You'll be bit faster by a Yorkie than you will be my Great Danes. He has no intentions of being non-compliant. Even though the situation has been frustrating, he has let Matt (Mr. Wendling) in every time, he's let Animal Control in...there's no mystery here. I intend to be compliant and I want to be happy. Being non-compliant isn't going to make me happy.

Chairman Stickley thanked Mr. Gibson, and asked what is the Commission's favor? Is there any further discussion or do we have a motion?

Mr. Rinaldi said he felt that they should discuss if they do want to take the number of dogs to 20. Like he had previously said, they don't want to set the man up for failure before he starts.

Ms. Smelser agreed and said that Mr. Gibson has dogs that he hasn't been able to get rid of that are going to be 7 months old, so right away he would be non-compliant. So, she would favor moving the number to 20. Again, her biggest concern is the run being within 60 feet, because if the neighbors complaining already...that's really my only concern. The neighbor wasn't here to speak and we have no documentation, nothing saying that they are complaining, so she is ready to send it forward.

Mr. Myers said if that neighbor wants to complain, they can come to the Board of Supervisors' meeting.

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 Michael Gibson for a commercial kennel with the

conditions as recommended by Staff with the exception of the number of dogs that she would like to see moved to 20.

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

Ayes: Stickley, Myers, Smelser and Rinaldi

Chairman Stickley announced that the motion had carried and told Mr. Gibson that this will be on the Board of Supervisors' meeting agenda for Tuesday evening, June 20th.

Public Hearing:

2017-05-01 Valerie Fox

Chairman Stickley introduced a request for a conditional use permit for a short-term tourist rental. The property is located at 4014 Gooney Manor Loop, is zoned Agricultural (A), and identified on tax map 47, as lot 19A.

Mr. Wendling shared that this structure was built in 2004 as a second home by the Fox's and Mrs. Fox has stated that it has been used as a weekend and vacation home for family and friends. She would like to start advertising to lease it as a short-term tourist rental. It's pretty isolated. It lies off Gooney Manor Loop which is now a paved, State road, so the access to it is a little bit better. In the time since the last meeting, we have had 1 adjacent property owner come in and her only concern was that her pasture land is located north of the adjacent property which is owned by Mrs. Fox's father. She just had concerns of potential guests trespassing on that either with ATV's or just wandering over there. He did speak with Mrs. Fox and she said that it is fenced and that her father has posted some trespassing signs. She would be willing to put a statement in her property management plan regarding the matter of no trespassing on those lands. We did receive the Health Department's comments and they reiterated that this is a 2-bedroom home with a 4-person occupancy and the applicant would be limited to 4 people. If the Planning Commission is to approve this application, 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 conditional 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 the 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.

This application and public hearing have been properly advertised; adjacent property owners have been notified. The applicant is here to answer any questions you might have. Mr. Wendling offered to answer any questions.

Chairman Stickley opened the public hearing and said there are 2 people signed up to speak.

Robert Colverstone of 13172 Fort Valley Road (Shenandoah County) stated that he is here to represent the Cool Springs Church of God at 3705 Gooney Manor Loop which is next to their property. Our congregation is in 100% approval of this permit. Thank you.

John M. Stover of 263 Donald Drive stated that he is here to represent the Isaac Walton League. He just wanted to make the following conditions known that as members of the Isaac Walton League, they do have an active shooting range where rifles, shotguns and pistols are shot. They have a hiking trail on the ridge, so they want them to realize that we have members walking on the ridge and stuff in case they do shooting on their properties. We do allow our members to

hunt in the hunting season on our properties and we want to make sure that they honor the boundaries and do no trespassing on our properties as we would honor their boundaries. That's all I have.

Chairman Stickley asked if anyone else wishes to speak.

Sean Bordener of 177 Ridgedale Lane said he is also with Isaac Walton League as well. I echo everything that Mr. Stover just mentioned and I do have a couple of more specific questions around my lack of understanding of what a Short-Term visitor is...what is that definition? Is it like an Airbnb situation or what are we talking about here? What seasons is it...is it a seasonal thing or is it just year-round, different people going to be there? What is the plan on letting the guests understand the property lines, beyond expecting the bordering properties to post it or have fences? What's going to be done on their side to make sure that if I'm a guest at her place, I understand it is serious; stay on this property. You'll see ribbons or lines or whatever where people are shooting; people could be hiking or things of that nature. I think the other questions were pretty much addressed when Matt (Mr. Wendling) was speaking. I do just want to inject that that's like a sanctuary for a lot of people, a lot of us members we go there. Friends don't work there; that's wonderful; just bring the kids up there. They're disconnected. It's quiet. Once in a while, I know for one Sunday a year for sure we'll have a live band in there during regular business hours on a Sunday, but then other than that, it's a sound pollution question. Are these people going to be blasting music and partying while they are there like a typical Airbnb situation would be? Those are the only questions I have. I'm all for people doing what they want with their property, I just have those questions.

Chairman Stickley asked if anyone else wishes to speak. No one came forward, so Chairman Stickley closed the public hearing.

Mr. Wendling mentioned the supplemental regulations number: D. Property boundaries, or limitations within the property's boundaries where transients are allowed, must be clearly marked at all times. So, we will verify that there is some sort of no trespassing signs or that kind of thing. The applicant can also put a copy of the plats in their property management plan and maybe identify some of the internal trails that they will allow on their property. Again, it is her father's property that's the adjacent property and she has mentioned that her father would allow people to walk on that property. But certainly properties outside of those boundaries would have to be off limits. So, we would look for something like that maybe in the property management plan. Any noise related items, certainly we could get the call, but the Sheriff's Department would also be the ones to be notified to enforce the noise ordinance if there was an issue for that.

Chairman Stickleby asked what the frequency of the Planning Staff's review of the permit.

Mr. Wendling responded that they do an annual review. They can schedule a time to meet the applicant on the property if we feel it is needed.

Ms. Logan added that it might be good for her to post something on her refrigerator or somewhere where it is not just a plan in a book, somewhere where they can see like bullet points of the most important rules of the property and maybe a map too; just somewhere where they are always going to be looking. In rentals we've stayed at, at beaches, they normally have something right on the fridge so you can't miss it. Rentals are in a frequency of 30 days or less, so it could just be for a day or up to 30 days. That's what a Short-Term Tourist Rental is defined as.

Chairman Stickleby said that one of the other questions was is it seasonal.

Ms. Logan responded that it is year-round. We have a noise ordinance that goes on a complaint basis.

Chairman Stickleby asked if there were any further comments.

Mr. Rinaldi moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the Conditional Use Permit requested by Valerie Fox for a Short-Term Tourist Rental, with the conditions as recommended by Staff.

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

Ayes: Stickleby, Myers, Smelser and Rinaldi

Chairman Stickleby said that the motion passed and thanked speakers for their input. This will be forwarded to the Board of Supervisors for the June 20th hearing, next Tuesday, and it will be the same for the rest of tonight's public hearings.

2017-05-02

Robert and Linda Poe

Chairman Stickleby introduced a request for a conditional use permit for private use camping. The property is located on Farms River Road, is zoned Residential-One (R-1), and identified on tax map 15B, section 1, block 1, as lot 29.

Mr. Wendling shared that the property is located in the flood way of the Special Flood Hazard Area (also known as the 100-year Flood Plain.) The applicants have owned the lot since 2000, and their family is interested in camping on it; they have been using it for other outdoor recreational pursuits since then. This conditional use permit would also allow them to install an accessory structure for storage of maintenance and recreational equipment with a building permit as it establishes the use as a recreational lot. The Health Department has submitted their comments and some of the recommendations they make is not to store liquid flammable fluids on the property, and then, have an approved septic and maintenance system in place. If the Planning Commission is to approve this application, Staff recommends the following conditions:

1. The campers are to be kept in road worthy condition with valid tags and inspection decals.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Campers shall be on site fewer than 180 consecutive calendar days in any one year for recreational use of the property only.
4. The applicant shall comply with all Warren County Health Department regulations and requirements.
5. No more than two (2) major recreational vehicles, as defined by Section §180-10(B)(1) of the Warren County zoning Ordinance, or tents shall be parked, stored or used on any lot or combination of contiguous lots under the ownership of one (1) property owner.
6. This permit shall be reviewed by the Warren County Planning Staff annually for compliance.
7. The applicant shall comply with Section §180-40.1 of the Warren County Zoning Ordinance regarding non-commercial camping (Private Use Camping).
8. The applicant shall post the property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles prior to a predicted flood event.

This application and public hearing have been properly advertised; the adjacent property owners have been notified. The applicants are here this evening to answer any questions and Mr. Wendling offered to answer any questions.

Chairman Stickley opened the public hearing. There was no one signed up to speak. He asked if anyone wishes to speak. No one came forward so Chairman Stickley closed the public hearing and asked for comments, concerns or a Motion.

Ms. Smelser said that Mr. Poe is her cousin, but she has no financial or recreational interest in their property so she does not feel there is any conflict.

Mr. Myers said everything looks in order to him so he moved the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the Conditional Use Permit request of Robert and Linda Poe for private use camping with the conditions as recommended by Staff.

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

Ayes: Stickley, Myers, Smelser and Rinaldi

Chairman Stickley said that the motion passed and this will be forwarded to the Board of Supervisors for their June 20th meeting.

2017-05-03 Pam August

Chairman Stickley introduced a request for a conditional use permit for a guesthouse. The property is located at 75 Stonegate Court in Hidden Valley Estates Subdivision, is zoned Agricultural (A), and identified on tax map 21I, section 1, as lot 9.

Mr. Morrison shared that the applicant is requesting a conditional use permit for a guest house on the property located at 75 Stonegate Court in Front Royal, VA. There is an existing guest house on the property that was built before the applicants purchased the property. The guest house serves currently as space for relatives and family friends to stay when visiting on a part-time basis. In your packets you will see comments were received from the Health Department and Building Inspections Department. We have also received a water quality report that was submitted recently and everything was favorable there. We have received several letters of support from adjacent property owners as they were notified. The Staff recommends approval with the following conditions for a guesthouse:

1. The guesthouse shall never 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.

The property and this notice have been properly advertised; the adjacent property owners have been notified. The applicant is present tonight at this meeting. Mr. Morrison offered to answer any questions.

Chairman Stickley opened the public hearing.

Greg August of 75 Stonegate Court in Front Royal addressed the Planning Commission. He thanked the Commission for receiving them and taking a look at this request. They really appreciate the opportunity to bring this forward. In addition, they are here to answer any questions that you may have regarding this matter.

Chairman Stickley asked if anyone else wishes to speak at this time; no one came forward so Chairman Stickley closed the public hearing. Chairman Stickley asked if there were any questions or comments; there were none.

Ms. Smelser said that everything appears to be in order 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 Pam August for a guesthouse, with the conditions as recommended by Staff.

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

Ayes: Stickley, Myers, Smelser and Rinaldi

Chairman Stickley said that the motion passed and this will be forwarded to the Board of Supervisors for their June 20th meeting.

Chairman Stickleby introduced a request for a conditional use permit for private use camping. The property is located on Farms River Road, is zoned Residential-One (R-1), and identified on tax map 15D, section 1, block 3, as lot 16.

Mr. Morrison shared that the property is located in the flood way of the Special Flood Hazard Area. The applicants have owned the lot for several years, and is now interested in camping along with the existing recreational pursuits. This location and this permit would allow them to install an accessory structure for storage of maintenance and recreational equipment. Staff recommends that the permit be approved with the following conditions:

1. The campers are to be kept in roadworthy condition with valid tags and inspection decals.
2. Materials associated with the campers are to be stored in a neat and orderly fashion during the time of use and are to be removed from the site when not in use.
3. Campers shall be on site fewer than 180 consecutive calendar days in any one year for recreational use of the property only.
4. The applicant shall comply with all Warren County Health Department regulations and requirements.
5. No more than two (2) major recreational vehicles, as defined by Section 180-10(B)(1) of the Warren County Zoning Ordinance, or tents shall be parked, stored or used on any lot or combination of contiguous lots under the ownership of one (1) party.
6. This permit shall be reviewed by the Warren County Planning Staff annually for compliance.
7. The applicant shall comply with Section 180-40.1 of the Warren County Zoning Ordinance regarding noncommercial camping (Private Use Camping).
8. The applicant shall post property with a lot/parcel number for Fire and Emergency Rescue Services and have an emergency egress plan for removal of the recreational vehicles prior to a predicted flood event.

9. If a port-a-john is leased for use, a copy of the contract shall be submitted annually to the Planning Department.

This meeting has been properly advertised; adjacent property owners have been notified. I believe we received favorable comments from the Health Department regarding the use. The applicant is here this evening and Mr. Morrison offered to answer any questions.

Chairman Stickley opened the public hearing; no one signed up to speak and no one came forward, so Chairman Stickley closed the public hearing. Chairman Stickley asked if there were any questions or comments; there were none.

Mr. Rinaldi moved that the Planning Commission forward this application to the Board of Supervisors with the recommendation to approve the conditional use permit request of Heather Pitsenbarger for private use camping, with the conditions as recommended by Staff.

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

Ayes: Stickley, Myers, Smelser and Rinaldi

Chairman Stickley said that the motion passed and this will be forwarded to the Board of Supervisors for their June 20th meeting.

Authorization to Advertise:

2017-06-01

Samuel and Sally Adams

Chairman Stickley introduced a request for a conditional use permit for private use camping. The property is located on Farms Riverview Road in Shenandoah Farms, is zoned Residential-One (R-1), and identified on tax map 15D, section 1, block 3, as lot 41.

Mr. Wendling shared that with the exception of the applicants' names being Samuel and Sally Adams and the fact that they have owned this property since 2006, I would just like to say "ditto" to the previous two (2) applications. They are applying for a camping permit because they have recently purchased some campers. This would also allow them to install an accessory structure on the lot in order to store maintenance and recreational equipment. This is the Authorization to Advertise so he will forego reading the conditions. The applicants are here.

Mr. Rinaldi asked if this property's location is...you go down Myers and take a right on Farms River, right?

Mr. Wendling said it is directly across from the Shenandoah Farms Church area. It is a little overgrown right now, so they will probably be doing some maintenance to the property to make it usable.

Sally Adams of 1038 Hites Road in Middletown, addressed the Planning Commission. They have been down to the property with weed-whackers and cleaning up. They are getting it straightened up. The church people are lovely. She and her husband are really pleased with that area. Everybody down there is wonderful. Her only concern is the house that is on the corner of Myers that has a lot of old cars sitting there. She is just wondering, if there was a flood...it's been there for a long time, ever since they've owned the property which is 12 years. She asked if there was any action being taken about that. They plan on keeping their lot immaculate. That is her only concern.

Mr. Rinaldi told Ms. Adams that the gentleman on that lot will be her best neighbor. He will look after your property and not cause you any problems. Mr. Rinaldi said he knows the owner personally. He is a good guy. Mr. Rinaldi suggested that she stop in and introduce herself.

Ms. Adams said she just wondered about the pollution that might happen going down the river if there is a flood.

Mr. Rinaldi said that he lives just up on Howellsville Road, just before Myers.

Ms. Adams said she loves the area.

Chairman Stickley stated that Mr. Rinaldi knows the folks in the area and is a good resource.

Mr. Rinaldi said that gentleman is the best neighbor that he has.

Ms. Adams said the only thing she was worried about was the concern of pollution coming down the river.

Mr. Morrison said he would be happy to address that for Ms. Adams. He and Mr. Wendling, the Flood Plain Manager, can answer her questions. Mr. Morrison is not under the impression that right now the flood plain goes up that far; however, when a flood event is in the forecast that's when they do their best to address those matters at the time. Some of those cars might be "grandfathered in" from just being on the property for so long. As Mr. Rinaldi mentioned, he is a

very nice gentleman. On that note, Mr. Rinaldi will be your other good neighbor on Howellsville, I guarantee that.

Ms. Adams said on another note, she just wants to give kudos to these two people. She doesn't know Matt as good as she knows Charlie, but Charlie is a #10.

Mrs. Smelser said they know that about Charlie.

Mr. Rinaldi moved that the Planning Commission authorize the proposed conditional use permit request for advertisement for a public hearing.

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

Ayes: Stickley, Myers, Smelser and Rinaldi

Chairman Stickley said that the motion passed and they will see the applicants next month, on the second Wednesday, for the public hearing.

Commission Matters:

Planning Commission By-Laws:

Ms. Logan shared that the members have a current copy of the Planning Commission By-Laws in their packet. They were last revised in August 2009. She has proposed several amendments that were brought to the Commission at their April meeting. The By-Laws can be amended after thirty (30) days prior notice, by a majority of the entire membership. The two changes are that the nomination of officers is to be each January; currently, it says at the last meeting of every year. The other change is that the time each year when the Annual Report is to be forwarded to the Board of Supervisors; we typically present the report at the beginning of each year for the previous year. I had given a copy of the By-Laws out to someone and realized that these two items needed to be amended. Ms. Logan offered to answer any questions.

Ms. Smelser moved that the Planning Commission approved the proposed amendments to the By-Laws.

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

Ayes: Stickley, Myers, Smelser and Rinaldi

The next item was Commission Matters.

Mr. Rinaldi wanted to bring up that on the conditional use permits for private use camping, Farms Riverview is a great place for this. He has always supported it. They do have an issue down there with noise. There have been a couple of complaints registered. He believes Mr. Stanley is involved in this a little bit. The reason why he is asking this, and he's sorry Hugh (Mr. Henry) isn't here, is...should we or can we, number one, revoke a conditional use permit and/or make adjustments to the conditions. For example, when you go camp at a State Park, it will have signage through the campground, "Quiet Time 10:00 PM" ...some sort of pleasant sign that indicates no loud music, whooping and hollering, and that sort of thing. The other night, on Farms Riverview, it went on until about 2 or 3 o'clock in the morning. There are some year-round people that live in the vicinity of all that noise. In fact, Edna and I are two of them. You can't sleep with the window open on a cool night when it's going on down there. I just was wondering if we could do something with the future conditional use permits on private use camping. It's too late for that area. But put something in there that indicates a violation, if you're making too much noise. I've read the noise ordinance. Matt (Mr. Wendling) gave me a copy of it. It is pretty specific. I don't know how many decibel readers we have for the Sheriff to use. The last time this came up on The Mint House, we really didn't have too many of that. If we put on a conditional use permit that "quiet time" starts at 10:00 pm, then we're ruling a bit more than the County ordinance, and perhaps people will read that correctly. Also, on the property I'm speaking of, #2 says two (2) campers (or a tent is considered a camper) and all stuff that is on the lot needs to be picked up when it is not in use. That is not happening on that lot either. I just wanted to voice my concerns because this is not just me complaining to the Sheriff. We're all involved in approving these conditional use permits, and I'm just wondering if we need to take it a step further. Just food for thought; think about it and when Mr. Henry gets back we can discuss it again, and our Staff might have some recommendations. That's all I'm thinking about.

Ms. Logan said that she believes Mr. Wendling sent them a letter last week.

Mr. Wendling added that it is the Clems; it is one of the oldest CUPs that we have. It was issued in 1996; they have been there forever.

Ms. Logan said that the Board of Supervisors can revoke a permit. We've never gone back and added conditions, but she would think that would be the same process as a revocation at the Board of Supervisors' level. Possibly the Shenandoah Farms POA could get, right as you go down Myers at the end, an easement from a property owner to put up a sign that says something like "this area is subject to the Warren County noise ordinance..."

Mr. Wendling interrupted and said that the County ordinance designates times.

Ms. Logan said that it can be put on the conditional use permit but it's basically already there.

Mr. Rinaldi said that the noise ordinance in that situation is monitored down there. The fella on the corner has told Mr. Rinaldi, more than once, that the Sheriff has come down there. He doesn't fault the deputies, because that's got to be a tough job. Sometimes there are 80 people on that lot. There is more than one lot; there are four or five lots down there. They are all side-by-side. It's a little intimidating for the Deputy. I wouldn't want to go down there.

Chairman Stickley added that the Sheriff would need to bring an entire crew down there.

Mr. Rinaldi said that's what they need to do; to have a "raid" with the lights on and all of that commotion. In Clem's defense, he's not the only one. A year-round resident down there is also a problem. One time, the Sheriff went down there on a "Clem report" and it was actually the guy across the street from Clem. Mr. Rinaldi has talked with Mr. Clem about all this.

Ms. Smelser said it doesn't matter what we put in the ordinance, it is still enforcement. How do you enforce it? We've got the noise ordinance and they are not complying. It still boils down to enforcement and it wouldn't matter what we wrote on a piece of paper.

Mr. Rinaldi said that it holds them accountable for the conditional use permit.

Ms. Smelser said that it still does.

Mr. Wendling said the thinking might be as you do three (3) strikes and you're out. Then we take it to the Board and give them the sixty (60) days to say why they shouldn't revoke it. They can submit the letter by Code; we're required to give them sixty (60) days, and that would be their probationary time. If they continue the problem, obviously it would give the Board ammunition to say, we're going to revoke the permit.

Chairman Stickley clarified that Mr. Rinaldi is saying even though it's in the County ordinance and the Sheriff's Department can enforce it; they can enforce it however many times they have to enforce it. It's not tied to the conditional use permit. By putting it in the permit, we have a mechanism to revoke it by the Board.

Ms. Logan said that with a conditional use permit, you can make it more restrictive than the County ordinance.

Chairman Stickley asked if tying it to an ordinance makes it easier to revoke.

Ms. Logan said that an argument could be made that it's easier to revoke if it's in there.

Mr. Wendling said that typically, with the private use camping, if Planning Staff gets a call, they can make a note on the file review sheet. If we feel it's important enough to send them a letter, we'll send them a letter. That's our tracking mechanism. Charlie and he have been doing that and they keep a spreadsheet to help them stay up on them.

Mr. Rinaldi said it's not only the year-round residents that are affected by this. It's all the people with the private use camping permits. They are down there trying to enjoy and then they've got a band down there until late in the evening. It's not fair to the campers that are down there or the year-round residents. The man on the corner will lose it one day with this. That's what he is concerned about.

Mr. Wendling said that the commercial campgrounds have the same problem except they are right there and they will shut them down and kick them off that property. He has heard that a number of times with the Low Water Campground. They do not take anything and I guess the same would be for North Fork also. If there's an issue, they're going to kick them out. We don't have that option and the option would be to revoke the permit.

Mr. Myers said that with the campgrounds, you're renting a piece of property rather than owning it.

Mr. Rinaldi said that the POSF Directors virtually have no enforcement rights within the community. That is an issue. We can write a letter but it really doesn't mean anything. I think if it is tied to the conditional use permit, it gives us a little more "teeth" ... I'm just asking you to think about it. Thank you for listening.

Mr. Myers said that all he can say is that he is glad that Leach Run Parkway and the Middle School are supposed to be wrapping up at the end of this month. There have probably been a lot of complaints that they are tying up 55, but...it looks like except for a little bit of striping and activating the signal, it looks like they are done.

Chairman Stickley said that he actually came in that way from Warrenton this evening and it is the first time he's been through there in a long time. So it's like, wow, they are getting really close.

Mr. Myers said he came that way and felt the same.

Mr. Rinaldi asked if it is open.

Ms. Logan said it is to be open in 2 weeks, by June 24th or the end of June. The Middle School should be done by the end of July.

Chairman Stickley and Ms. Smelser didn't have anything to share.

Ms. Logan asked the County Attorney's Intern to introduce himself, especially since he sat through the whole meeting; his name is Eric and he is Mr. Whitten's intern for the summer.

Ms. Logan said that we have an intern in the Planning Department for the summer, as well, and he is helping us out. He goes to Mary Washington and was actually in Doug Stanley's planning course there this last semester.

Mr. Wendling shared about the spreadsheet in the packets for private use camping. It is actually kind of abbreviated because there are a few more fields with comments. It is on front and back. Mr. and Mrs. Adams are the 50th private use camping application.

Ms. Smelser moved to adjourn; Mr. Henry seconded the motion which was unanimously approved at 7:46 pm.

Chairman