

**PLANNING COMMISSION**  
**February 21, 2018**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, FEBRUARY 21, 2018, AT 6:30 PM IN THE COUNTY MEETING ROOM.

Members present were: Jay Willer, Chairman  
William Saunders, III, Vice-Chairman  
Ron Williams, Member  
John McCloskey, Member  
Steve Kruskamp, Jr., Member

Staff present were: Dale Herring, Ex-Officio Member  
Bart Svoboda, Planning Director  
Stephanie Golon, County Planner  
Shawn Leake, Zoning Officer  
Marsha Alley, Secretary

**CALL TO ORDER**

The Chairman called the meeting to order.

**DETERMINATION OF QUORUM**

Each member stated their name on the record to determine a quorum.

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

Mr. Willer led the group in the Pledge of Allegiance and a Moment of Silence.

**PUBLIC HEARINGS**

**Greene County Zoning Ordinance Revision: Revise Article 5-Residential, R-1, Article 16-25-Tourist Lodging, Article 22-Definitions, and all applicable references to include Tourist Lodging as a permitted use in the R-1 zoning district. (OR#18-001)**

Mr. Willer read the request and asked Mrs. Golon for a report.

Mrs. Golon reviewed the request and presented the packet information which included zoning maps and the proposed language revisions. She noted that staff was directed by the Board of Supervisors in a resolution that was adopted on January 18, 2018 to prepare a draft zoning text amendment for consideration by the Planning Commission. She explained that the resolution directed staff to include tourist lodging as a by right use in the R-1 zoning district and to update all applicable references. She stated that staff approached the requested zoning text amendment by expanding on the existing supplemental regulations and existing definitions which allow the use in A-1 and C-1 zoning districts. She

noted that 18 zoning certifications have been issued for Tourist Lodging since the approval in 2016. She pointed out that the number does not include previously approved uses by special use permit. She stated that the Commissioner of the Revenue does collect the Transient Occupancy Tax (TOT) on the Tourist Lodging use.

Mr. Willer mentioned that other uses, such as restaurants, may be included in the TOT revenue.

Mrs. Golon stated that it was her understanding that restaurants were not included in the TOT.

There was discussion regarding the TOT and the uses that generate revenue through the TOT.

Mrs. Golon stated that there was a 30% overall increase in the TOT in that two year period. She stated that those citizens interested in tourist lodging work with the EDA who then directs them to the appropriate agencies for approval and permits. She explained that in order to ensure the purpose of promoting the health, safety, or general welfare of the public, the governing body has adopted 10 zoning districts as part of our official zoning map. She read the intent statement of the R-1 Zoning district, noting that the intent is the guiding statement for the district.

Mrs. Golon reviewed the map of the zoning districts, specifically the R-1 portion, pointing out that many R-1 lots are located in subdivisions. She stated that the proposed revision would not apply to the R-1 zoning district in the Town of Stanardsville.

Mrs. Golon explained that various agencies had provided comments on the 2016 language revision and that staff had reviewed those comments to identify any changes in those regulations. She reviewed the potential impacts related to septic issues and vehicle traffic as well as the Code of Virginia requirements for lodging. She summarized that regulations for single-family dwellings are applied equally for a single-family dwelling that is owner occupied, rented short-term, or rented long-term. She stated that the consideration is whether to allow the use by-right or by special use permit if the by-right thresholds are exceeded.

Mrs. Golon referred to the Comprehensive Plan and reviewed the goals for tourism and economic development. She offered a comparison of pros and cons for short-term rentals as described in an American Planning Association (APA) article. She noted the specific language as proposed and the specific ordinance sections that would be revised. She noted that the use has been excluded in the R-2 district as it is a denser housing area. She pointed out the existing thresholds for Tourist Lodging as specified in Article 16-25 noting that these thresholds would also apply to the use in the R-1 zoning district.

Mr. Williams asked what activity would constitute an event.

Mrs. Golon gave an overview of the existing temporary event language and regulations.

Mr. Willer pointed out that an event certification would be needed.

Mrs. Golon explained that a zoning certification would be necessary if the temporary event exceeded the allowed criteria.

There was discussion regarding temporary events.

Mr. Williams clarified that the event is by right but requires a permit.

Mrs. Golon explained that the Zoning Certification is the tracking mechanism for the tourist lodging and that all of the existing tourist lodging uses are located within the A-1 and C-1 zoning districts. She noted that the list does include Bed & Breakfast uses and things of that nature.

Mr. McCloskey asked if the Home Owners' Association (HOA) could place restrictions on the tourist lodging use.

Mrs. Golon stated that it is possible for the HOA to place restrictions.

Mr. Willer clarified that the county would not enforce those restrictions.

Mrs. Golon agreed that the county could not enforce the HOA restrictions and explained that the HOA restrictions cannot be less restrictive than the ordinance but that they could be more restrictive than the ordinance. She restated that the county does not enforce HOA restrictions.

Mr. Willer referred to the TOT tax and noted that it was his understanding that most or all of those funds go to the Tourism Council supported by the EDA and are not county revenues for schools, libraries, etc.

There was discussion regarding the TOT, what is included in the TOT, how the TOT is collected, and what those funds are used for.

Mrs. Golon explained that when a Tourist Lodging application is approved, the Commissioner of the Revenue is notified and that he handles the collection of the TOT.

Mr. Saunders stated that much of this revision is designed to have the county align with the Commonwealth's direction towards promoting tourism and tourist lodging.

Mrs. Golon agreed noting that the revision would expand the existing use. She added that zoning permits are the tracking method for the use.

Mr. Willer restated that the original revision allowed the use in A-1 and C-1 and this revision would allow the use in R-1.

The Chairman opened the public hearing.

There being no public comment, the public hearing was closed.

Mr. Williams asked if there would be a specific body that would check the tourist lodging advertised on Airbnb that may not have the appropriate approvals.

Mrs. Golon stated that a friendly reminder was sent to operators to encourage them to complete the certification process. She noted that 18 operators came into compliance, adding that the EDA will not advertise the business on their web site if they are not in compliance with county regulations. She reminded the Commission that zoning enforcement is complaint driven.

Mr. McCloskey noted that he had expected there to be more public involvement at this point.

Mrs. Golon stated that she had several citizens make inquiries about including Tourist Lodging in R-1 zoning districts.

Mr. Willer stated that this is something that can be decided while staying within the guidelines of the state code. He added that he is the only member who resides in an R-1 district and that he concerns with the revision and with temporary event component. He stated that he could not support the revision as a by-right use but could possibly support it as a use allowed by special use permit.

Mr. McCloskey stated that he finds that it is a different impact in an R-1 area.

Mrs. Golon reviewed the temporary event criteria.

There was discussion regarding temporary events, guidelines, setbacks, lighting, parking, etc.

Mr. Willer stated that it does affect his own property and that it drives some of his thinking.

There was discussion regarding the frequency of and the difference between short-term rentals and long-term rentals.

Mr. McCloskey asked Mr. Willer how the language could be changed to address his concerns.

Mr. Willer stated that he could see that some places would be amenable to tourist lodging but that some may not. He noted that allowing the use by special use permit may provide an opportunity to sort that out. He reminded the

Commission that a special use permit runs with the property. He stated that he could not support the revision as a use allowed by-right but could consider supporting it if it is allowed by special use permit.

Mr. Svoboda stated that a special use permit would allow conditions to be added to address the possible impacts.

Mr. Willer asked if the language could be redrafted to reflect the criteria if the Commission recommends approval by special use permit.

Mrs. Golon stated that the language would be drafted to reflect the concerns of the Commission. She noted that the pre-application meeting would provide the applicant with input from all agencies.

Mr. Willer asked if it would be appropriate for the Commission to defer to allow staff to provide a draft with revised language to allow by special use permit only.

Mrs. Golon stated that it would be the discretion of the Commission, noting that staff would revise the language as directed by the Commission.

There was discussion regarding the consideration of allowing the use by special use permit and how the language would read within the ordinance.

Mr. Williams stated that he understands the concern regarding opening the use up to such a large population. He asked if the language could be amended at tonight's meeting.

Mrs. Golon stated that she believed that the Commission appeared to want to bring this revision back at next month's meeting.

There was discussion regarding the schedule for next month's meeting and the clarification of how the language would be presented regarding the use being allowed by special use permit.

Mr. Saunders stated that it appears that the key issue is the temporary events component.

Mr. Willer stated that the key issue is not just the special events but also the possible impacts of the use being allowed by-right in the R-1 zoning district.

Mr. Saunders made a motion to defer action of ordinance revision OR#18-001 until the March 21, 2018 meeting to allow staff to give the Commission the opportunity to consider any conditions or restrictions, but basically look at the option of special use permits for these types of properties rather than by-right.

Mr. Williams seconded the motion.

The vote was taken.

AYE

Mr. Kruskamp  
Mr. McCloskey  
Mr. Williams  
Mr. Saunders  
Mr. Willer

NAY

The motion to defer OR#18-001 carried by a 5-0 vote.

**OLD/NEW BUSINESS**

Review of the Bylaws

Mr. Svoboda stated that it is a good idea to recodify the bylaws every couple of years. He added that the last date of approval was in July 2016. He asked if anyone had any changes.

There was discussion noting that the previous changes were related to meeting start time and opening with the Pledge of Allegiance and a moment of silence. There was also discussion regarding whether or not there needs to be mention of the Commission's Town of Stanardsville duties.

Mr. Svoboda noted that staff would research the need to include the Town of Stanardsville reference.

The Commission determined that the by-laws did not need to be revised at this time.

**APPROVAL OF MINUTES**

Mr. Williams made a motion to approve the January 17, 2018 meeting minutes as presented.

Mr. Kruskamp seconded the motion.

The minutes for the January 17, 2018 meeting were approved by a 4-0 vote with Mr. Saunders abstaining as he was not present for the meeting.

Mr. Saunders noted that the January 31, 2018 minutes reflect that he was present when in fact he was absent.

Mr. McCloskey made a motion to approve the January 31, 2018 training session minutes with the correction noting Mr. Saunders' absence.

Mr. Williams seconded the motion.

The minutes for the January 31, 2018 training session were approved with the correction by a 4-0 vote with Mr. Saunders abstaining as he was not present for

the meeting.

## **OTHER PLANNING MATTERS**

### Ruckersville Area Plan

Mrs. Golon gave an update regarding the Ruckersville Area Plan (RAP) and the upcoming timeline. She stated that an update from VDOT is anticipated relating to the Route 29 study. She added that there is a public work session scheduled for the April Planning Commission meeting and the next step would be to decide whether to move forward to a public hearing or make any necessary revisions. She mentioned that one recommendation is to maintain a work group to meet quarterly to continue to address county needs and goals relating to the RAP.

Mr. Willer commended staff for the hard work and good effort throughout this project.

### Town of Stanardsville Information

Mr. McCloskey gave an update from the recent Town Council meeting. He noted that the TJPDC gave a presentation at the last meeting regarding the Hazard Mitigation Plan, part of which should be referenced in the Comprehensive Plan.

Mr. Svoboda stated that the Hazard Mitigation Plan covers various aspects of events. He added that the plan is under review by FEMA and that process is coming to a close in order for it to be adopted by the Town Council.

Mr. Willer noted that the county may not have railroads, but it does have two (2) interstate natural gas pipelines crossing the county.

Mr. Svoboda stated that FEMA is also performing Flood Plain Map updates.

Mrs. Golon reminded that there will be a VDOT presentation and public comment period held on April 5, 2018 from 4:30 pm to 6:00 pm at the Ruckersville Elementary School relating to the Smart Scale project for Routes 29 & 33.

There was discussion regarding the VDOT work to be done at the Routes 29/33 intersection and the timeline for the work.

Mr. Willer stated that during the RAP planning meetings, county staff has been complimented for their participation and preparedness.

### Next Month's Agenda

Mr. Svoboda stated that next month's agenda would include a work session on animal kennels and the continued review of tourist lodging.

There was a brief discussion related to the items on next month's agenda as to planning and scheduling for those items.

Mrs. Golon referred to the work program memo and noted the accomplishments and asked for feedback if other items should be included.

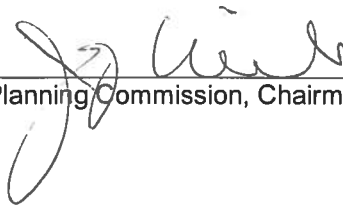
Mr. Willer noted that the Commission works at the guidance and instruction of the Board of Supervisors and that they could add items to the work program as well.

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary

  
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Planning Commission, Chairman                      4.18.18  
Date