

A G E N D A
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
July 13, 2017
4:00 PM

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Minutes Adoption - May 11, 2017 Regular Meeting

D. OLD BUSINESS

E. NEW BUSINESS

1. Zoning Ordinance Revisions to Permit Short-Term Residential Vacation Rentals
2. Review and Discussion of the Planning Commission Bylaws as it pertains to Article IV.
Outside Meetings with Applicants

F. ADJOURNMENT

ITEM SUMMARY

DATE: 7/13/2017
TO: The Policy Committee
FROM: Paul D. Holt, III, Secretary
SUBJECT: Minutes Adoption - May 11, 2017 Regular Meeting

ATTACHMENTS:

	Description	Type
▣	Minutes of the May 11, 2017 Regular Meeting	Minutes

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	7/7/2017 - 2:27 PM
Policy	Holt, Paul	Approved	7/7/2017 - 4:12 PM
Publication Management	Trautman, Gayle	Approved	7/7/2017 - 4:28 PM
Policy Secretary	Secretary, Policy	Approved	7/7/2017 - 4:30 PM

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
May 11, 2017
4:00 PM

A. CALL TO ORDER

Mr. Robin Bledsoe called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:

Ms. Robin Bledsoe, Chair
Mr. Danny Schmidt
Mr. Heath Richardson
Mr. Jack Haldeman

Absent:

Mr. Rich Krapf

Staff:

Ms. Tammy Rosario, Principal Planner
Ms. Christy Parrish, Zoning Administrator
Ms. Terry Costello, Deputy Zoning Administrator
Mr. Tom Leininger, Community Development Assistant
Mr. Maxwell Hlavin, Assistant County Attorney
Mr. Tom Coghill, Director Building Safety and Permits Division

C. MINUTES

1. March 9, 2017, Meeting Minutes

Mr. Danny Schmidt made a motion to approve the March 9, 2017, meeting minutes.

The motion passed 2-0-2, with Ms. Bledsoe and Mr. Jack Haldeman abstaining, as they were not members of the Policy Committee at the time.

D. OLD BUSINESS

1. ZO-0015-2016, Zoning Ordinance Amendments to Address Family and Group Home Definitions

Ms. Robin Bledsoe explained to the public in attendance that staff would make their presentation, then she would open the room to public comment and limit each speaker to five minutes.

Ms. Terry Costello stated that last year the Board of Supervisors (BOS) passed an initiating resolution to look at the ordinance regarding group homes to make sure the County was in compliance with the state

code and the Fair Housing Act (FHA). She stated that the County went back through their definitions of family. Ms. Costello stated, that according to the state code, the County has to allow a residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside with one or more resident or non-resident staff persons, and which is licensed by the Department of Behavioral Health and Developmental Services. She stated that mental illness and developmental disability does not include current illegal use of or addiction to a controlled substance as provided for in the Code of Virginia. She also stated that the County also has to include a residential facility in which no more than eight aged, infirm or disabled persons residing with one or more resident counselors, or other staff persons, and which is licensed by the Department of Social Services.

Ms. Bledsoe asked if this wording came from the FHA.

Ms. Costello stated that the wording came from the state code.

Ms. Christy Parrish stated that in any neighborhood where a family is permitted, these scenarios have to be accepted according to the state code.

Mr. Maxwell Hlavin stated that this does not change anything from what the current code is now and that it is just switching phrasing. He stated that the County is just putting these definitions in with the family definition which is permitted everywhere.

Ms. Costello stated that item number five is the current definition of a group home. She stated that the current definition of group home is to be added to the definition of family.

Ms. Parrish stated that group homes are permitted uses in each residential zoning district. She stated that if there were nine or more, then it would require a special-use permit (SUP).

Ms. Costello stated that there were two different scenarios presented in the previous meeting. She stated the definition that was selected in the previous meeting is a residential facility housing the aged, infirm, disabled, or individuals with handicaps, mental illness, intellectual disabilities, or developmental disabilities, not meeting the definition of "family" in this Chapter. She stated that this shall be in accordance with requirements of the FHA. She stated that if anything changes with the FHA, the County wouldn't have to change their ordinance to remain compliant.

Ms. Parrish stated that the other option was a broad definition that would encompass anybody that was living in a group setting, but staff preferred a more defined definition that was more specific to the disabled.

Ms. Costello stated that when the County changed the definition of group home, the definition of retreat was crossed out because it was based on the original definition of a group home. She stated that it was recommended by the County Attorney's office to allow group homes by-right in the R-8 zoning district. She stated that performance standards were also suggested at the previous Policy Committee meeting. She stated that the lots must be three acres or more, receive public water and sewer, and have off street parking which is proposed to be two spaces per single family residence plus an extra space per bedroom. She stated that two spaces per single family residence is the current requirement. Ms. Costello stated that there could be more adults living in the home and this would help accommodate the parking.

Ms. Bledsoe asked what made R-8 is unique.

Mr. Hlavin stated that he recommended that a group home be a permitted use in at least one residential zoning district. He stated that it was left to the Policy Committee to decide which of those, based on the land-use criteria, would be most appropriate. He stated that at the last policy committee meeting it was

decided that R-8 would be most appropriate. Mr. Hlavin stated that since the last meeting, the staff looked into the performance standards.

Mr. Heath Richardson asked why the County should look for three acre parcels.

Mr. Hlavin stated that the Policy Committee in the previous meeting felt that was an appropriate size for the intensity of the use and that it may better accommodate the added number of people coming and going.

Mr. Richardson asked if that was the consensus of the committee.

Mr. Hlavin stated that R-8 requires a minimum of three acres and that the County does not want new uses permitted on nonconforming lots.

Mr. Danny Schmidt clarified that the County Attorney's office wanted at least one by-right residential zoning district.

Ms. Parrish stated that providing reasonable accommodations is the main goal through the FHA. She stated that providing the use by-right in at least one by-right residential zoning district would accomplish that goal.

Mr. Hlavin stated that a reasonable accommodation is more of an Americans with Disabilities Act (ADA) requirement and that the FHA requires that there be no discrimination.

Mr. Jack Haldeman asked what the difference is between a residential facility in which no more than eight people live together and a group home.

Ms. Parrish stated that a license issued by the state is the difference.

Mr. Hlavin stated that licensed facilities are what the state code mandates.

Ms. Bledsoe stated that eight or less is considered a residential facility and nine or more is considered a group home.

Mr. Richardson stated that a licensed group home can have less than eight.

Mr. Hlavin stated that if the licensed home has less than eight people, it will fall under the definition of family. He stated that an unlicensed home with any number of people, it would be considered a group home.

Ms. Parrish stated that redefining the terms and deciding a by-right path within a certain zoning district would be suitable. She stated that in all other residential other zoning districts group homes would be suitable with a SUP.

Ms. Betty Terry, 121 Deer Spring Road, asked if the homes would be supervised.

Ms. Parrish stated that it would depend on the type of uses within the group home. She stated that the County is looking at the definitions and not the specifics that would be going on right now.

Ms. Bledsoe asked if there are any other discussion items.

Ms. Costello stated that in the other residential zoning districts, a group home would require a SUP and

would go through the legislative process.

Ms. Bledsoe asked her to repeat the definition again.

Ms. Costello stated that a group would be permitted by-right in the R-8 residential zoning district with performance standards and in the other residential zoning districts a group home would require a SUP. Ms. Costello presented a map that highlighted the locations of the R-8 lots that meet the performance standards of a group home.

Ms. Tammy Rosario stated that if the user were proposed on parcels in the R-8 zoning district that did not meet the performance standards, the applicant could apply for a SUP.

Ms. Bledsoe asked the staff to repeat the performance standards.

Ms. Costello stated that the lot sizes needed to be three acres or more, served by public water and sewer, and the off street parking must comply with general provision standards which is two spaces per single family home and one extra space per bedroom. Ms. Costello stated that part of the process for a group home would be a new certificate of occupancy (CO) through Building Safety and Permits and that would also require a review by the Fire Department.

Ms. Bledsoe asked if that process was a performance standard.

Ms. Costello responded no, and that it would be part of the education materials that an applicant would receive as part of the process.

Ms. Rosario stated that at the last meeting, staff introduced this review and the general direction, and the Policy Committee gave direction for the performance standards, the use list and definitions. Ms. Rosario stated that a draft has been prepared and that today's meeting will provide further direction before a final draft is developed.

Ms. Bledsoe asked if there was anything the committee wanted to add.

Mr. Richardson stated that the processes that have been laid out with the SUP in the other zoning districts does not forbid certain group homes in those areas, yet a legislative process is required.

Ms. Rosario stated that a SUP process would be one where an applicant would apply to the Planning Division, the case would be reviewed and then it would proceed to the Planning Commission (PC). Ms. Rosario stated that the PC would make a recommendation and then the application would go to the BOS for a final decision on whether the application would be permitted or not. Ms. Rosario stated that there could be conditions written in specific to the situation and the parcels to address any type of impacts.

Ms. Bledsoe stated that the SUP process allows citizens to speak at the public hearings. She then asked the staff how the current group homes would be impacted.

Ms. Parrish stated that group homes that were permitted before the change may continue. She also stated that if the group home were to make any changes or expand their facility, they would have to conform to the current code once adopted.

Ms. Bledsoe stated that the parcels highlighted on the map are the permitted locations for a group home. She stated that all other parcels where a residential use is allowed would require a SUP and to go through the legislative process.

Ms. Parrish stated that if the group home is licensed by the state then it falls under the family definition and can go in any residential zoning district.

Mr. Schmidt asked if there was anything the County can do for anything less than eight.

Mr. Hlavin confirmed that there was nothing the County could do to restrict them. He also stated that the group homes could be licensed by either the Department of Social Services or the Department of Behavior Health.

Ms. Bledsoe asked if licensed group homes were the typical applicants.

Ms. Parrish responded by saying it is a mixture.

Ms. Bledsoe asked if the Commissioners had any further items for discussion before public comment.

Mr. Schmidt stated that he was in favor of the R-8 zoning district as a by-right option.

Mr. Richardson asked if after today's presentation and the public comment, there would be another presentation to the Policy Committee on the proposed changes.

Ms. Rosario stated that if the Policy Committee felt comfortable, the presentation on the proposed changes would next be made to the PC.

Ms. Bledsoe opened the floor to public comment.

Ms. Terry asked what the process was when the third home was selected to be placed in Indigo Park.

Ms. Parrish stated that there are two existing Oxford House operations in the Indigo Park neighborhood. She stated that an Oxford House is a group of individuals that live together and support each other. She stated that the individuals are a protected class through the FHA. She stated that James City County Zoning Ordinance must provide reasonable accommodations for that type of group home and other types of group homes. She stated that the goal for the meeting is to ensure that the County Code meets the criteria from the state.

Ms. Rosario asked how this new ordinance would address that.

Ms. Parrish stated that the ordinance provides an avenue for new homes to go through.

Ms. Rosario asked if Indigo Park was included as a by-right area for group homes in the new ordinance.

Ms. Parrish stated that Indigo Park does not fall in the R-8 zoning district.

Ms. Terry asked if there was a way for them to stop the new Oxford House from coming in.

Mr. Richardson stated that the current homes already exist.

Mr. Hlavin stated that the County does not have any involvement with any of the homes that are in Indigo Park. Mr. Hlavin stated that there's no County involvement in regards to group homes licensed or unlicensed that operate in the County.

Ms. Terry asked if the members are referred to the Oxford House by the FHA.

Mr. Hlavin stated that the FHA is not a County program. He stated that Oxford House is a non-profit organization that works with recovering individuals. He stated that recovering individuals are a protected class under federal case law. Mr. Hlavin stated that addiction is a disability under the FHA which places them under the protection of the federal act. He stated that the federal act supersedes the local ordinances and state law. Mr. Hlavin stated that at this point, there is nothing in the local ordinances that specifically addresses group home uses such as Oxford House.

Ms. Bledsoe stated that it was not the County that placed these homes and that the point of the meeting was to clarify why they were there and move forward on a policy that guides the County and keeps the County in compliance with the FHA.

Mr. Bob Enko, 117 Richards Road, asked who owned the property that Oxford House rent from.

Ms. Rosario stated that the home is not owned by the County.

Mr. Enko asked if the individual had to be in contact with the state in order to sell the property to be used as a halfway house.

Mr. Hlavin stated that a halfway house is referring to someone leaving incarceration and is placed in a residential area to transition back into civilian life. He stated that these do not deal with that situation.

Mr. Enko asked if the current homes are called group homes.

Mr. Hlavin confirmed that these are homes for people with disabilities living together.

Mr. Enko asked who funds the group home when the home goes into operation.

Mr. Hlavin stated that it depends if it is licensed or unlicensed or if it is run by Oxford House which is a non-profit organization.

Mr. Enko asked if the government contributes dollars to run the group homes.

Ms. Bledsoe stated that she is not sure if she could answer that question.

Mr. Enko stated that one of the websites outlined the steps necessary for community support within a home. Mr. Enko expressed concern with how a group home would benefit the community. Mr. Enko asked why a group home was placed in Indigo Park and how many group homes are in the County.

Mr. Hlavin addressed the question of why there is an Oxford House in Indigo Park. He stated that the County does not have any regulations on group homes. Mr. Hlavin stated that the Policy Committee is trying to create regulations that would address these type of uses from a zoning perspective. He stated this would allow the County control over where these particular uses can be located. Mr. Hlavin stated that because there are no regulations currently in place, there is nothing the County can do to say where they go and don't go. Mr. Hlavin stated that it is not the County placing these homes in Indigo Park. Mr. Hlavin stated that someone in Indigo Park owns these houses and can make money by turning them into a group home. He stated that the Policy Committee is trying to figure out some regulations to control where these homes are going moving forward. Mr. Hlavin stated that with the policy that is proposed, Indigo Park would not be included. Mr. Hlavin stated that Indigo Park would not be allowed by-right, but someone could apply for a SUP and this would allow residents to express their reasons why Indigo Park is or is not an appropriate location.

Mr. Enko asked why the first couple Oxford Houses were placed in Indigo Park.

Mr. Hlavin stated that it is a private matter.

Mr. Schmidt stated that the County is working towards a solution for all of the concerns the citizens of Indigo Park have regarding Oxford Homes.

Ms. Bledsoe introduced Mr. Kevin McCormick who represents Oxford House.

Mr. Kevin McCormick, Oxford House representative, stated that there are 132 Oxford Houses in Virginia and over 22,000 across the Country. Mr. McCormick stated that every house is self-supporting and self-run. He stated that the Anti-Drug Abuse Act signed by President Reagan mandated each state to have a certain amount of money to open Oxford Houses in those states. He stated the houses do get funding to open and once they are open, the houses are run like a family. He stated that the members hold each other accountable and that there is no drinking or drugs allowed on the property. Mr. McCormick stated that if someone was caught drinking, that person is expelled from the property.

Ms. Bledsoe asked if the houses are bought by Oxford House.

Mr. McCormick stated that the houses are privately owned by citizens and that the members rent the house from citizens. Mr. McCormick stated that the reason for these houses is for members to relearn how to become a productive member of society. Mr. McCormick explained the benefits of Oxford House that helped him through recovery. Mr. McCormick stated that there have been studies that show that Oxford Houses do not devalue the neighboring homes.

Ms. Bledsoe asked how Oxford House finds the homes for their members.

Mr. McCormick stated that they look for houses and also homeowners come to them.

Mr. Joe Fisher, 108 Richards Road, expressed his concern with the number of Oxford Houses within one neighborhood.

Mr. McCormick stated that there are six in one neighborhood in Virginia Beach.

Ms. Stacy Bacon, 115 Richards Road, expressed her concern with why the Oxford Houses in the neighborhood haven't reached out to the citizens in the neighborhood. Ms. Bacon stated that she felt that these homes have come in quietly and the neighbors are unaware of what is happening.

Ms. Bledsoe asked if it would be against the interest of the County to add a performance standard requiring a community meeting.

Mr. Hlavin stated that the County can't do that.

Ms. Bacon asked how CO's would determine the building code for the Oxford House to follow.

Ms. Parrish stated that a group home needs to apply for a new CO.

Mr. Tom Coghill confirmed because it is a change in the intensity of the use.

Ms. Bacon asked if the current homes have gone through the CO process.

Mr. Coghill did not have the information at the moment.

Mr. Stephen Moyer, 139 Stanley Drive, expressed his concern with the homes having parking on their lawns and how quickly the homes were sold. He also stated that the size of the homes are not large enough for the number of members in the home. Mr. Moyer also expressed concern with the Oxford Homes and how they would devalue his home.

Ms. Bledsoe stated that the new ordinance would address the parking issues. She asked if the number of occupants in a home would fall under the CO.

Mr. Coghill confirmed.

Ms. Bledsoe stated that the County can look into the specific Oxford Homes in the neighborhood.

Mr. Moyer commented that the number of homes in a neighborhood adds to the stress of a neighborhood.

Mr. Schmidt asked if the neighborhood has an active Homeowners Association (HOA).

Mr. Moyer stated they do not. Mr. Moyer asked if an HOA can prevent an Oxford House.

Mr. Richardson stated that an HOA can't prevent an Oxford House from coming in.

Mr. Tim McNelly, 135 Leon Drive, expressed his concern with one owner owning all three of the Oxford House in the Indigo Park neighborhood. Mr. McNelly also expressed his concern with the number of Oxford Houses in a small neighborhood. Mr. McNelly also stated that he has had a bad encounter with a member of the Oxford House and felt it was a safety concern for the neighborhood. Mr. McNelly asked if the neighborhood had a say in an unlicensed home with eight or fewer members.

Mr. Hlavin stated that if a home is unlicensed then it would need a SUP.

Mr. McNelly asked what the process would be for a new group home to come in.

Ms. Bledsoe stated that they would have to go through a legislative process. She stated an application would be filled out and be presented before the PC and the public would be allowed to speak. She stated that the PC would make a recommendation and then go to the BOS where the public would have a chance to speak again before a decision is made.

Mr. McNelly asked how long the SUP process took.

Ms. Costello stated that it would take three to six months.

Mr. Hlavin stated that if the Policy Committee decides to move the new ordinance to the PC, the next meeting would be the first Wednesday in June and the BOS would be in July.

Mr. Sean Coffey, 107 Gilley Drive, expressed how Oxford House has helped his life and helped him get back on his feet. He also stated that he would work with the neighborhood to help prevent any issues.

Mr. Michael O'Neal, 108 Deer Spring Road, stated that he lives next door to an Oxford House and does not have any issues with them. Mr. O'Neal stated that living next to an Oxford House he knows who is living next door to him. He expressed concern about the value of his house. Mr. O'Neal asked how many people can live in the house under the ordinance right now.

Ms. Parrish stated that there is a family definition, and the group home definition stated that there can

be up to eight with a licensed facility.

Ms. Bledsoe stated that there is no guidance at the moment, but after today, the ordinance will go to the PC. She also stated that there are more opportunities for the public to come and speak.

Mr. Enko asked if this is a done deal.

Ms. Bledsoe stated that the purpose of the meeting is to create regulations to prevent some of the frustrations and there is not a lot that the County can do that has already happened.

Mr. Richardson stated that the Commissioners find value in the comments that come from the public and encourage them to come to the upcoming public meetings.

Mr. Henry Heard, 107 Gilley Drive, expressed that he has worked with many members of the Oxford House in the Indigo Park neighborhood. Mr. Heard stated that he has met with many of the neighbors. He also stated that there are strict rules when there are issues within the home. Mr. Heard stated that the members have to work full-time, be a full-time student or if disabled, do community service for at least 20 hours a week. Mr. Heard stated that the houses are open and if anyone in the neighborhood is interested in seeing how the house is run, they are free to stop by. He stated that there is a strict process for inviting new members to join the house. Mr. Heard also stated that there are many rules to living in an Oxford House.

Mr. Roberto Guerrero, 140 Stanley Drive, asked if someone has 40 minutes to leave the premises, what the process is for removing a member.

Mr. Heard stated that it depends on the state of the person and the reason for person to be dismissed. Mr. Heard stated that they look into facilities for the member to be admitted to. He stated that members have 30 days to come back and get their belongings.

Mr. Marty Ripley, 114 Deer Spring Road, expressed safety concerns for the children in the neighborhood with the members in an Oxford House. Mr. Ripley asked what the process is to know what type of people are in the house.

Mr. McCormick stated Oxford House does not accept sex offenders in their house. He stated that once something is reported, that person is removed from the house.

Ms. Bledsoe asked if there is a website and the process of an Oxford House.

Mr. McCormick stated that there is a website and he is open to questions from anyone.

Ms. Bledsoe asked if he would stay at the end of the meeting and answer questions.

Mr. McCormick confirmed he would.

Ms. Kathi Mestayer, 105 Gilley Drive, stated that she hasn't had any issues with members of the Oxford House. Ms. Mestayer expressed concern with a single owner owning all three homes in the neighborhood.

Mr. Guerrero asked if there is anything the members of the neighborhood can do to block the third Oxford House coming in.

Mr. Hlavin stated that he can't give out legal advice for any private matter.

Mr. Guerrero expressed his issues with the new ordinance not coming up soon enough.

Ms. Bacon asked if it was possible for the parking not to be grandfathered in.

Ms. Parrish stated that the existing group homes will not have to change their parking and that the new ordinance will apply to new homes.

Ms. Barbara Glover, 124 Stanley Drive, expressed her concern with the person buying the houses and what the process was for someone to become an Oxford House.

Ms. Bledsoe stated that if there were more questions for Mr. McCormick he would be available after the meeting.

Ms. Bledsoe closed the public comment section.

Mr. Richardson stated that he wanted to thank everyone for coming to the meeting and showing concern for their neighborhood. Mr. Richardson stated that he is an advocate for pushing the new ordinance to the June PC meeting.

Mr. Schmidt motioned to recommend approval of the new ordinance and to advance it to the next PC meeting.

The motion passed 4-0.

Ms. Bledsoe stated the motion passed and the new ordinance will move forward to the full Planning Commission.

E. NEW BUSINESS

There was no new business.

F. ADJOURNMENT

Mr. Schmidt made a motion to adjourn.

Ms. Bledsoe adjourned the meeting at approximately 5:30 p.m.

Ms. Robin Bledsoe, Chair

Mr. Paul Holt, Secretary

ITEM SUMMARY

DATE: 7/13/2017

TO: The Policy Committee

FROM: Roberta Sulouff, Planner & Lauren White, Planner

SUBJECT: Zoning Ordinance Revisions to Permit Short-Term Residential Vacation Rentals

ATTACHMENTS:

	Description	Type
▣	Memorandum	Cover Memo
▣	SB 1578 - Short-term rental of property; registration of persons offering property for rental	Exhibit
▣	Current Use Definitions Related to Transient Occupancy in James City County	Exhibit
▣	List of Common Standards for Short-Term Residential Vacation Rentals	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date
Policy	Rosario, Tammy	Approved	7/7/2017 - 4:35 PM
Policy	Holt, Paul	Approved	7/7/2017 - 4:54 PM
Publication Management	Trautman, Gayle	Approved	7/7/2017 - 4:58 PM
Policy Secretary	Secretary, Policy	Approved	7/7/2017 - 4:58 PM

MEMORANDUM

DATE: July 13, 2017

TO: The Policy Committee

FROM: Roberta Sulouff, Planner
Lauren White, Planner

SUBJECT: Zoning Ordinance Revisions Regarding Short-Term Residential Vacation Rentals

INTRODUCTION

During the course of two recent public hearing cases, members of both the Planning Commission and the Board of Supervisors expressed a desire to address the emerging issue of short-term residential rentals, also known as “homesharing.” This sentiment was echoed at the May 23, 2017 Joint Board of Supervisors and Planning Commission Work Session. In the time since the latest public hearing dealing with this subject, staff has received several Conceptual Plan applications from citizens interested in pursuing this use on their properties.

In addition to developments at the local level, Commission and Board members have expressed interest in state legislation regarding short-term vacation rentals. During the 2017 General Assembly Session, the legislature approved SB 1578 (attachment 1) which allows a locality to create a short-term rental registry. This legislation does not “prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental property through general land use and zoning authority.”

Staff is proposing to evaluate short-term vacation rentals in a multiple stage process similar to review of Ordinance Amendments proposed during the 2016 Work Plan. In Stage I (the subject of this staff memorandum), staff will identify issues and possible directions for the proposed amendment. Later, in Stage II, staff will provide the Policy Committee with a proposed draft Ordinance for discussion. If needed, staff will draft the final Ordinance, accounting for any additional Policy Committee comments in Stage III.

CURRENT ZONING ORDINANCE LANGUAGE

1. Definitions: Under current Ordinance language, Rental of Rooms and Tourist Home have both been applied, on a case-by-case basis, to the type of short-term residential vacation rental uses that are the subject of this memorandum. The Rental of Rooms use describes the short-term rental of up to three bedrooms within a residence. In certain Zoning Districts, the Rental of One Room is listed as a separate use. Because the Rental of Rooms use is listed in the use tables of several districts but not defined in Section 24-2, interpretations of the Zoning Ordinance have traditionally determined that the homeowner or operator must continue to reside at the residence during the time of rental. While “Bed and Breakfast” is also not explicitly defined in the Ordinance, several traditional “bed and breakfasts” have been permitted under the Rental of Rooms use. Alternatively, Tourist Home is defined as “[a] dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients.” This use describes the short-term rental of *some or all* of the rooms of a residential building. In this option, the owner or operator does not need to occupy the dwelling at the time of rental.

These use categories apply only to transient occupancy. The Ordinance does not regulate instances where homes are rented to those who make the structure their primary place of residence (i.e., renting a home

long-term as an alternative to purchasing a home). See attachment 2 for a more comprehensive list of uses related to transient occupancy.

2. Process: In most Residential Zoning Districts, the above uses are either specially permitted, or, in a few cases, not permitted at all (see Table 1 below). In the R-3, Residential Redevelopment District as well as the R-5, Multifamily Residential District, the rental of *one* room is permitted by-right.

Table 1: Current Short-Term Residential Rentals Use Table by Zoning District

Zoning District	Rental of Rooms (Max 3)	Tourist Home
A-1	SUP	SUP
R-1	SUP	Not Permitted
R-2	SUP	SUP
R-3	Rental of One Room - Permitted by Right; Rental of 2-3 Rooms - SUP	SUP
R-4	Permitted by Right	Not Permitted
R-5	Rental of One Room–Permitted by Right; Rental of 2-3 Rooms–SUP	Permitted by Right
R-6	SUP	Not Permitted
R-8	SUP	SUP
PUD	Not Permitted	Not Permitted
MU	Permitted by Right	Not Permitted

During the SUP process, applications for these uses are evaluated for consistency with the adopted Comprehensive Plan. While most recent “homesharing” applications have generally proposed a use accessory to a primary residential use, both of the above uses are currently interpreted as commercial, and thus, are considered Group 2 Recommended Uses in the Land Use Descriptions and Development Standards section of the Comprehensive Plan. Uses in Group 2 are subject to development standards (see below). In both recent cases, staff found that the use of “homesharing” complied with these standards, which state that a use must:

- Complement the residential character of the area;
- Have traffic, noise, lighting and other impacts similar to surrounding residential uses;
- Act as a transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature;
- Provide adequate screening and buffering to protect the character of nearby residential areas; and
- Be generally intended to support the residential area in which they are located.

DISCUSSION ITEMS

1. Definition: As stated above, the Ordinance does not include a specific use or definition for the emerging category of rentals found on homesharing host websites such as homeaway.com or Airbnb.com. In an effort to develop a more current definition to this use, staff reviewed the definitions for short-term residential rentals in the Zoning Ordinances of several Virginia peer localities, including Williamsburg, Charlottesville, Virginia Beach, York County and Blacksburg as well as as Albemarle County and

Arlington County. Those definitions are as follows:

- *Williamsburg*: regulates short-term rentals through the Bed and Breakfast use. Bed and Breakfasts are defined as “a detached dwelling in which, for compensation, meals and overnight accommodations are provided for visitors. The detached dwelling shall be occupied by the owner-occupant and/or a full-time live-in manager.”
- *Charlottesville*: defines “homestay” as a type of home occupation in which an individual who owns a dwelling and uses it as his or her permanent residence within a dwelling hires out, as lodging: (i) such dwelling, or any portion thereof, or (ii) a lawful accessory dwelling (Sec. 34-1200).
- *Blacksburg*: defines “homestay” as the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short-term transient rental purposes in exchange for a charge for the occupancy. Under this definition, the primary use of the homestay unit must remain residential. The definition includes Type A and Type B rentals. Type A rentals require the host to be present during the homestay and no more than two bedrooms of the homestay unit are rented. Type B rentals consist of all other rentals, including ones where more than two bedrooms of the homestay unit are rented or the host is not present during the stay.
- *Arlington County*: Accessory homestay is defined as a home occupation use where an individual who owns a dwelling unit and occupies that dwelling unit as his/her primary residence hires out the dwelling unit or portion thereof, as lodging. Arlington County is in the process of potentially expanding their homestay definition to allow the use in rental units.
- *Albemarle County*: Tourist lodging is defined as a use composed of transient lodging provided within a single-family dwelling having not more than five guest rooms, where the single-family dwelling is actually used as such and the guest rooms are secondary to the single-family use, whether or not the guest rooms are used in conjunction with other portions of the dwelling.
- *Virginia Beach*: The Virginia Beach zoning ordinance does not expressly address the rental of dwellings nor does it differentiate between short-term and long-term rentals. Based on a zoning interpretation, Virginia Beach defines rentals based on the number of days the home is rented. Virginia Beach does not differentiate between rental of a certain number of bedrooms and rental of the whole residence.
- *York County*: Much like James City County, York County has two uses which have been applied to short-term residential rental applications. These uses include “Bed and Breakfast Inn,” which is defined as a dwelling in which, for compensation, breakfast and overnight accommodations are provided for transient guests. When the establishment is located in a Residential Zoning District, the owner of the property must live on the premises. York County also provides a definition for “Tourist Home,” which is a use subordinate to a private dwelling which provides temporary accommodations to “overnight transient guests” for a fee. York County defines “Transient Occupancy” as lodging on a temporary basis for under 90 days by a visitor whose permanent address is not the lodging unit occupied by the visitor.

Recommendation: Staff recommends creating a new definition for the use of “homestay.” Staff recommends treating the homestay use similar to the above models in which the new short-term residential rental use must be secondary to a primary residential use. Staff believes this approach would create a distinction between traditional bed and breakfasts and vacation rental properties and the new style of short-term rentals, which have come before the Planning Commission and Board and can be found on the

aforementioned websites. In addition to creating this new use, staff will also be reviewing the definitions of related uses as well.

2. Permitting and Standards: Staff reviewed permitting and standards for short-term residential rentals in several peer localities within Virginia and around the country. In many localities, such as York County, Williamsburg and Virginia Beach, short-term rentals are permitted in much the same way that they are currently permitted in James City County. With no formal definition for this burgeoning use, applications are considered under more broad uses, such as tourist homes or bed and breakfasts, and in York County and Williamsburg are subject to a typical legislative permit process, generally. In other localities such as Albemarle County, Charlottesville and Arlington County, the use is permitted by-right in most or all Residential Zoning Districts through an administrative permitting process. In some localities, such as New Kent County, the use is not regulated. In either case, the use is subject to a special set of standards.

When reviewing locality standards, except where otherwise noted, staff focused on the abovementioned localities. Across the localities reviewed, there were several common threads. Many of the concerns identified by the Board and Commission during recent public hearings were addressed in the standards of peer localities, including location of the use in relation to other residential dwellings, presence of the owner at the time of rental, ensuring that the site of use remained residential in character, density of the use within neighborhoods and the number of rooms being rented. For a full list of common standards, please see Attachment No. 3.

RECOMMENDATION

Staff recommends the Policy Committee consider updating the Zoning Ordinance definitions as discussed above. Staff would also like to receive feedback from the Policy Committee on which standards are important for inclusion in a draft policy that can be considered during a review of future SUP applications. Staff looks forward to a discussion with the Policy Committee on these items.

RS/LW/gt
ShrtTrmResRentl-mem

Attachments:

1. SB 1578 – Short-Term Rental of Property; Registration of Persons Offering Property for Rental
2. Current Use Definitions Related to Transient Occupancy in James City County
3. List of Common Standards for Short-Term Residential Vacation Rentals

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION
CHAPTER 741

An Act to amend and reenact §§ 4.1-100, as it is currently effective and as it shall become effective, and 4.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-983, relating to the short-term rental of property.

[S 1578]

Approved March 24, 2017

Be it enacted by the General Assembly of Virginia:

§ 15.2-983. Creation of registry for short-term rental of property.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55-360 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55-508 et

Attachment 2: Current Use Definitions Related to Transient Occupancy in James City County Zoning Ordinance

- Proposed: Homestay - A use clearly secondary to a primary residential use, subject to fitting performance standards. To apply to the short-term rental of rooms in a private home.
- Rental of Rooms - Not defined, but permitted by-right and SUP in different districts. Interpreted to require the home-owner to be present at time of rental. Limits number of rooms rented to 1-3 (depending on district). Has been used to permit traditional B&Bs.
- Tourist Homes - “A dwelling where lodging or lodging and meals are provided for compensation for up to five rooms which are open to transients.” Does not require homeowner to be present, allows for whole-home rental. Has also been used to permit traditional B&Bs.
- Hotel - “A building designed or occupied as the more or less temporary abiding place for more than ten individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.”
- Motel - “One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.”

Attachment 3: List of Common Standards for Short-Term Residential Vacation Rentals

- *Classification as a home occupation* –Charlottesville and Arlington County amended their zoning ordinance to classify short-term residential rentals as accessory homestays and to include this use in the home occupations zoning code. The accessory homestay use has additional requirements that aim to protect the health, safety, and welfare of the surrounding neighborhood.
- *Secondary use* – All of the above localities require the use to be clearly subordinate to the primary residential use of the home.
- *Location* – All of the above localities allow the use in all residential zoning districts either through permitting or a legislative process. Williamsburg allows bed and breakfasts only along the city’s designated entrance corridors.
- *Number of rooms to be rented* – Williamsburg allows for up to four bedrooms to be rented through the legislative Special Exception process and up to six bedrooms through the legislative Special Use Permit process. Albemarle County allows no more than five rooms to be rented at one time.
- *Primary residence* – All of the above localities limit the use to units that are used by the owner as his/her primary residence. Due to building code requirements, the owners must live in the unit for a minimum of 180 days per year (about six months) in order to retain the residential characteristic. The verification method varies among the localities but all ordinances state the verification method must be satisfactory to the locality’s attorney.
- *Number of guests* – Arlington County limits the use of the homestay to one simultaneous rental with one party only to avoid rental of multiple bedrooms to multiple parties. The number of lodgers is capped to the larger of either six lodgers or two lodgers per bedroom. Blacksburg and Charlottesville limit the number of adult guests to six per homestay.
- *Parking* – Charlottesville limits the parking in connection to the homestay to the driveway, garage, or available on street parking areas. Williamsburg requires two off street parking spaces for the use plus one off-street parking space for each bedroom rented to visitors. Albemarle County requires additional parking spaces for the use based on the number of guest rooms to be rented.
- *Signage* – All of the above localities prohibit exterior signage to advertise the location of the use.
- *Employees/Operators* – As stated above, all of the above localities require the home to be owner-occupied to be eligible for the short-term rental use and state that only the owner can be involved in the use. In addition to the resident, Charlottesville prohibits more than one other person from engaging in the home occupation business on the property. Arlington County does not allow anyone other than the host to be an employee of the homestay. Blacksburg limits the number of homestays a person may register to one.
- *Building code standards* – All of the above localities zoning ordinances include requirements for the use to be compliant with all applicable building codes specifically naming items such as safe ingress/egress, smoke detectors, and fire extinguishers. Blacksburg requires the submittal of a floor plan with the permit to verify the layout of the home. Blacksburg also allows for the inspection of a homestay by the building department to address complaints. Albemarle County requires all applicants to submit a floor plan showing the rooms to be rented and requires all units to be inspected by the Fire Marshall and the Building Inspections Division.
- *Host information* – All of the above localities require the host to post his or her contact information in a visible location within the home.

Attachment 3: List of Common Standards for Short-Term Residential Vacation Rentals

- *Accessory dwelling* – Arlington County allows for the use of an accessory structure as a homestay but if used in conjunction with the primary structure only one homestay contract is allowed at a time. Albemarle County allows the use in accessory structures.
- *Limits on use* – Arlington County limits the use of the accessory homestay to residential uses only. No commercial meetings, luncheons, banquets, weddings, or parties are allowed.
- *Shared walls and access* – Prior to each annual registration, Blacksburg requires written notification to all properties that share a wall or driveway with the homestay of intent to register.
- *Limits to the number of short-term residential rentals*–Williamsburg limits the number of bed and breakfast establishments to a minority of the houses on the specified streets in order to ensure the streets maintain their residential character. The city of Durango, Colorado placed a limit on the number of short-term residential units within a block to alleviate some of the concerns regarding some neighborhoods being utilized entirely for short-term residential rentals.

ITEM SUMMARY

DATE: 7/13/2017

TO: The Policy Committee

FROM: Paul D. Holt, III, Secretary

SUBJECT: Review and Discussion of the Planning Commission Bylaws as it pertains to Article IV. Outside Meetings with Applicants

ATTACHMENTS:

	Description	Type
▣	PC Bylaws	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Policy Secretary	Secretary, Policy	Approved	7/7/2017 - 1:27 PM
Publication Management	Trautman, Gayle	Approved	7/7/2017 - 1:30 PM
Policy Secretary	Secretary, Policy	Approved	7/7/2017 - 3:55 PM

B Y L A W S

PLANNING COMMISSION

COUNTY OF JAMES CITY, VIRGINIA

ARTICLE I. OBJECTIVES

This Planning Commission (the "Commission") was established by the Board of Supervisors of James City County (the "Board") on April 13, 1953, to direct the development of James City County (the "County") and ensure its prosperity, health, safety, and general welfare, in accordance with Chapter 22, Title 15.2, Article 2, *Code of Virginia*, 1950, as amended (the "Virginia Code").

The Commission shall be responsible for making recommendations to the board of supervisors on all phases of county planning, including a comprehensive plan, long-range planning, zoning, and subdivision regulations. The Commission shall also be responsible for preparing and submitting annual capital improvement programs to the governing body, in accordance with applicable state code. It shall also have the powers and duties provided by general law and such other powers and duties as may be assigned by the board of supervisors.

ARTICLE II. MEMBERSHIP

The Commission shall consist of 7 or 9 residents of the county, each appointed by the Board for a term of four years.

ARTICLE III. MEETINGS

1. All meetings of the Commission shall be open to the public.
2. Special meetings of the Commission may be called by the Chair or by two members upon written request to the Secretary. The Secretary shall deliver (via hand delivery, U.S. Mail, or electronic mail, return receipt requested) to all members, at least five days in advance of a special meeting, a written notice fixing the time, place and the purpose of the meeting.
3. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or at a previous special meeting at which all members were present.
4. A quorum of the Commission shall consist of a majority of the members of the Commission and a physical quorum is required. Notwithstanding, Planning Commissioners may participate in any meeting wherein the public business is discussed or transacted through electronic communication in accordance with §2.2-3708.1 of the Code of Virginia.
5. No action of the Commission shall be valid unless approved by a majority vote of those present and voting.

6. The annual meeting for the election of officers (Chair and Vice Chair) shall be held as the first order of business at a regular meeting to occur the third week of March of each year and thereafter the newly elected officers shall preside at the regular meeting in April. When a vacancy occurs for the Chair or Vice Chair, an election shall be held on the next regular meeting date.
7. All minutes and records of the Commission of its meetings, resolutions, transactions and votes, shall be kept by the Secretary.
8. The commission, by resolution adopted at a regular meeting, may fix the day or days to which any meeting shall be continued if the chair, or vice-chair if the chair is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required. The commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

ARTICLE IV. OUTSIDE MEETINGS WITH APPLICANTS

1. Planning Commissioners are permitted to meet with applicants outside of a Planning Commission meeting or public hearing pursuant to the following:
 - a. Commissioners shall publicly disclose all meetings by reporting them verbally at the Planning Commission meeting where the case is scheduled for public hearing.
 - b. Commissioners may find it helpful to contact Planning Division staff prior to such meetings to gather facts about the application; the staff may attend such meetings if requested by the Commission and approved by the Planning Director or designee.
 - c. The purpose of such meetings is limited to fact finding and clarification for all parties.
 - d. Commissioners should endeavor to include one other Commissioner, when possible, in the meeting.
 - e. Following such meeting, a summary of the discussion shall be provided to all Commission members.
 - f. Commissioners shall not make a commitment of their voting intent.

ARTICLE V. MATTERS PENDING BEFORE THE COMMISSION

1. All matters which require an advertised public hearing in accordance with Section 15.2-2204 of the Virginia Code and which meet submittal requirements filed with the Planning Division at least six weeks before the regular meeting are to be placed on the agenda for the advertised public hearing. All other matters filed at least 15 days before the regular meeting in the Planning Division are to be placed on the agenda. Any matter not placed on the agenda in advance of the meeting can be considered at the meeting by a majority vote of the Commission.

2. For each public hearing, notices shall be forwarded to the Commission members no less than 7 days prior to the public hearing.

ARTICLE VI. HEARINGS

1. Advertised public hearings shall be scheduled during a regular meeting, except in the event of a joint public hearing between the Commission and the Board.
2. For each public hearing item, presentations by staff, applicants, individuals or groups shall be limited as follows:
 - a. Presentations by staff, applicants and groups are limited to 15 minutes each;
 - b. Comments by individuals are limited to 5 minutes each.
 - c. At a meeting, the time limits set forth in a, b, and/or c above may be extended at the discretion of the Chair.

ARTICLE VII. VOTING

1. No member present shall abstain from voting on a roll call vote unless a member has a conflict of interest in the matter being voted upon. For the purposes of this paragraph, a "conflict of interest" shall exist when there is an actual conflict: (1) pursuant to the Virginia State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Virginia Code; or (2) pursuant to any applicable policy adopted by the Board of Supervisors; or (3) as stated by the Commission member unless objected to by a majority vote of the members of the Commission.
2. In reporting a vote to the Board, the Secretary shall indicate (in writing) the recorded roll call vote, including any abstentions.

ARTICLE VIII. DUTIES

A. CHAIR

The Chair shall have the following duties:

1. Preside at meetings and hearings of the Commission;
2. When authorized by the Commission, the Chair shall affix to any documents its signature on the Commission's behalf;
3. The Chair or the Chair's designee shall represent the Commission and keep it informed when not in session;
4. The Chair shall appoint all members and Chairs of committees and subcommittees; and

5. The Chair or the Chair's appointee shall act as a liaison to the Williamsburg and York County Planning Commissions.

B. VICE CHAIR

The Vice Chair shall perform the duties of the Chair during the absence or disability of the Chair.

C. SECRETARY

The Secretary of the Commission shall be the Director of Planning and shall have the following duties:

1. Keep a record of all regular, adjourned regular, special, and adjourned special meetings and public hearings and transcribe in a minute book of the Commission;
2. Prepare and cause to be delivered all notices of all meetings required to be sent under these Bylaws to Commission members;
3. Have charge of all official books, papers, maps, and records of the Commission and conduct all official correspondence relative to hearings, meetings, resolutions, decisions, and other business of the Commission as directed by the Chair or reflected by valid actions of the Commission;
4. Receive minutes of all committee meetings and preserve these as official records of the Commission; and
5. Notify the Vice Chair, by telephone or in person, on the day the Chair informs the Secretary that they will not be present at a scheduled meeting. It is the duty of the Secretary to brief the Vice Chair on items to come before the Commission when the Vice Chair presides.

D. MEMBER DUTIES

Members of the Commission shall have the duties assigned to it by the Virginia Code, the County Charter, and as assigned by the Board. With respect to attendance at meetings, the Commission shall have the following specific duties:

1. Attend regular, adjourned regular, special and adjourned special meetings and public hearings;
2. Attend regular, adjourned regular, special, and adjourned special committee meetings to which the member is appointed;
3. Represent the Commission at Board meetings in rotation; and
4. Attend ad-hoc committee meetings as agreed to by the Commission.

ARTICLE IX. COMMITTEES

1. The Director of Planning or the Director's designee shall serve as a non-voting, ex officio member of all standing and special committees.
2. All committee reports written or oral shall be an official record of the Commission.
3. The following committees and their Chair shall be appointed by the Commission Chair within thirty days after the Chair takes office:
 - a. Development Review Committee. This Committee shall be composed of at least four members and have the following responsibilities:
 1. Review those applications for subdivisions which are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission;
 2. Review those site plan applications that are required by law to be submitted to the Commission for approval, receive and review staff reports on them, and make recommendations to the Commission.
 3. Review those applications, where provided by law and as more specifically provided therein, that serve as an appeal of a decision by the planning director or his designee.
 4. Unless otherwise provided for by law, such decisions of the DRC shall be recommendations which are then forwarded to the full Commission for action.
 - b. Policy Committee. This Committee shall be composed of at least four members and shall have the following responsibilities:
 1. Address long-range planning goals of the Commission and explore strategies for achieving them; and
 2. Address ways to maintain and improve working relationships between the Commission, other County organizations, as well as with surrounding jurisdictions and organizations involved in planning initiatives.
 3. Conduct the Commission's initial review of the Capital Improvement Plan.
 4. Recommend and prepare new and revised policies for the Commission.
 5. Conduct the Commission's initial review of ordinance amendments, as directed by the Chair of the Commission.
 - c. Leadership Committee. This committee shall be composed of three members; the Chair and Vice Chair of the Commission and the Chair of the Policy Committee.

The Leadership Committee shall review concerns raised regarding the conduct of the Commission or any one of its members acting in his or her official capacity. The Leadership Committee shall, if deemed necessary by the Leadership Committee, recommend appropriate remedial measures to the Commission.

ARTICLE X. PARLIAMENTARY AUTHORITY AND ORGANIZATIONAL PROCEDURE

The Commission shall follow the most recent edition of Robert's Rules of Order, and more specifically, the provisions which pertain to the "conduct of business in boards" and in particular, the "Procedure in Small Boards."

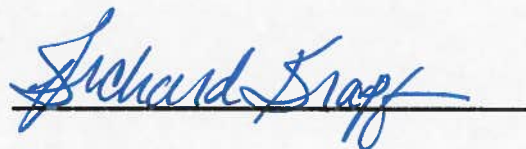
ARTICLE XI. AMENDMENT

Amendments may be made to these Bylaws by a two-thirds (2/3) vote of the Commission voting members only after a minimum 30 days' prior notice is given and only at a regular scheduled meeting.

ARTICLE XII. MISCELLANEOUS

The Commission may suspend any of these rules by not less than a two-thirds (2/3) vote of those Commission members present and voting at the meeting.

Adopted November 28, 1978
Amended July 10, 1990
Amended May 12, 1992
Amended March 8, 1994
Amended May 4, 1998
Amended June 1, 1998
Amended June 3, 2002
Amended August 5, 2002
Amended January 12, 2004
Amended January 6, 2010
Amended April 7, 2010
Amended March 5, 2014
Amended March 4, 2015



Richard Krapf, Chairman