

MINUTES
JAMES CITY COUNTY POLICY COMMITTEE
REGULAR MEETING
Building A Large Conference Room
101 Mounts Bay Road, Williamsburg, VA 23185
November 9, 2017
4:00 PM

A. CALL TO ORDER

Mr. Jack Haldeman called the meeting to order at approximately 4 p.m.

B. ROLL CALL

Present:

Jack Haldeman, Chair
Rich Krapf
Heath Richardson
Danny Schmidt

Absent:

Felice Pete

Staff:

Tammy Rosario, Principal Planner
Christy Parrish, Zoning Administrator
Roberta Sulouff, Senior Planner
Lauren White, Planner
Tom Leininger, Community Development Assistant
Max Hlavin, Assistant County Attorney
Darryl Cook, Assistant Director of Stormwater and Resource Protection, Floodplain Manager

C. MINUTES

1. October 12, 2017 Meeting Minutes

Mr. Rich Krapf made a motion to Approve the October 12, 2017, meeting minutes.

The motion passed 4-0.

D. OLD BUSINESS

1. Case No. ZO-0001-2017. Proposed Amendments to the Zoning Ordinance, Division 3. Floodplain Area Regulations – Stage III

Mr. Jack Haldeman opened the discussion.

Ms. Christy Parrish stated that the purpose of the Zoning Ordinance amendment was to add a separate construction standard for small accessory structures being located in the floodplain. She stated that staff has also received feedback from the Department of Conservation and Recreation (DCR) which she would review item by item.

Ms. Parrish stated that the first page of the ordinance defines an accessory building or structure as non-residential. Ms. Parrish stated that the next change is in Section 24-588 where Item C states that staff will keep all of the records in perpetuity. She stated that the change would be in compliance with DCR. Ms. Parrish stated that the next change is in Section 24-590. She stated that flood-prone areas not defined by a study are not enforceable; therefore, it was recommended by DCR to remove the reference from the ordinance. She stated that the Federal Insurance Agency (FIA) was changed to Federal Emergency Management Agency (FEMA).

Mr. Haldeman asked how the changes would affect the insurance rates of the County.

Ms. Parrish stated that the recommendations were from DCR and they would not have any impact on the insurance rates.

Ms. Parrish continued summarizing the ordinance changes. She stated that the next change to the ordinance is in Section 24-592. She stated the language clarifies that a permit is required for all proposed construction and other developments, including the placement of manufactured homes, within the floodway or any floodplain district. Ms. Parrish stated that the next ordinance change is in Section 24-595 (2) and the information did not change from the previous meeting regarding floodproofing standards. She stated that the ordinance change in Section 24-595 (7) stated that requirement applies to all floodplain zones. Ms. Parrish stated that Section 24-595 (5) states that nonresidential structures may use dry floodproofing instead of watertight floodproofing.

Mr. Heath Richardson asked what the reasoning was behind adding the text regarding an application being reviewed to ensure that the proposed construction would be reasonably safe.

Ms. Parrish stated that the purpose is to make sure any new construction or any addition would not impact the floodplain. She stated that for Section 24-595 (9) accessory structures shall comply with specific elevation or floodproofing requirements in Section 24-595 (2) or conform to the standards in Section 24-595 (9). She stated that the Planning Director recommended that an accessory structure should not be used to store hazardous material as listed in Section 24-593. She stated that hazardous material could cause damage. She stated that all other federal and state permits shall be obtained along with a building permit. Ms. Parrish stated that Section 24-597 clarifies the regulations for replacing a manufactured home. She stated that the permanent foundation shall be elevated in accordance with the construction standards identified in Section 24-595. She stated that in Section 24-598 staff added a phrase stating that the anchoring and elevation would depend on the floodplain it is located in. She stated that in Section 24-603 (13) no variance shall be granted for any accessory structure to be wet floodproofed if that structure exceeds 600 square feet.

Ms. Parrish stated that DCR has reviewed the amended ordinance twice. She stated that the County is scheduled to be audited in 2018, and these revisions are expected to put the County in a good position for the audit.

Mr. Richardson asked what the timeline would be going forward.

Ms. Parrish stated that the advertisement for the December Planning Commission (PC) is currently being worked on and then the ordinance would proceed to the Board of Supervisors (BOS) in January.

Mr. Danny Schmidt asked if the DCR was involved in recommending the two-foot freeboard.

Ms. Parrish stated that DCR does not suggest freeboard recommendations. She stated that freeboard is a higher standard and that the County requires two feet.

Mr. Haldeman asked for a motion to recommend the ordinance changes to the PC.

Mr. Richardson made a motion.

Motion passed 4-0 by voice vote.

2. Zoning Ordinance Revisions to Permit Short-Term Residential Rentals - Stage III

Ms. Roberta Sulouff presented a graphic to the Policy Committee.

Mr. Rich Krapf asked if an Airbnb is considered a homestay.

Ms. Sulouff stated that an Airbnb is a medium to rent a home. She stated that someone would use Airbnb to rent the room out.

Mr. Krapf stated that a person could reserve a tourist home or short-term rental through Airbnb and that it depends on the intensity of the dwelling.

Ms. Sulouff confirmed. She stated that the proposed amendments would only have two types of short-term rentals. She stated that those are homestays and tourist homes.

Mr. Haldeman asked where rental of rooms fall in these definitions.

Ms. Sulouff stated that rental of rooms would be long-term rentals exceeding the family definition.

Mr. Richardson asked if a tourist home can be a primary residence.

Ms. Sulouff confirmed.

Mr. Haldeman asked what the definition of transient would be.

Ms. Lauren White stated that the transient definition is located in the Commissioner of Revenue section of the ordinance in Chapter 20.

Ms. Sulouff stated that the intent is to include the definition in the zoning ordinance.

Ms. Sulouff stated that during the September meeting the Policy Committee had suggested feedback on the proposed draft language to address short-term rentals. She stated that staff has prepared more formal draft language. She stated that the language is similar to what was presented in September. She stated that the updated definitions draw a more clear distinction for tourist homes being more commercial and homestay being residential. Ms. Sulouff stated that previously, the rental of rooms had been interpreted to include both. She stated that the updated use-list for all residential zoning districts is also included. She stated that homestays of one room are permitted in all residential zoning districts. Ms. Sulouff stated that homestays with two rooms or more are more intense and require a Special-Use Permit (SUP) in all but a few zoning districts. She stated that a tourist home requires an SUP in most zoning districts. She stated that the new ordinance for tourist homes in addition to homestays package includes a guidance policy. She stated that staff recommends the more intense tourist home to be geographically constrained. She stated that they should be located on collector or arterial roads. She stated that staff would like the Policy Committee's feedback regarding the tourist home policy concerns raised during recent public hearings for tourist homes. She stated that the proposed definitions and performance standards are intended to create a logically consistent and predictable framework for short-term rentals. She stated that staff is seeking

Policy Committee feedback on the proposed changes. She stated that staff would include this feedback in future draft language to the PC at the December PC meeting.

Mr. Krapf stated that the homestay limits the number of separate contracts. He asked if tourist home can have the same limitations. Mr. Krapf stated that a home with five rooms could have five separate contracts. He stated that a tourist home does not require the owner to be onsite. He stated that his concern is with the potential for disruption. He asked if it would be worth adding the contract restriction to tourist home.

Ms. Sulouff stated that each tourist home case could have that limitation with the SUP process. She stated that staff would advise putting the limitations in the policy language because the tourist home use includes bed and breakfasts and boarding homes, and not just private homes. She stated that those specific business models rely on the separate contracts. She stated that most recent cases could have included a single contract per night restriction.

Mr. Richardson expressed concern regarding the equity of local hotels and the unfair competition. He asked how tourist homes with multiple contracts would be handled.

Ms. Sulouff stated that restricting the contracts for tourist homes overall would impact applicants for bed and breakfasts as bed and breakfast fall under the tourist home use. She stated that if such a restriction was added, a new definition would be needed to differentiate bed and breakfast. She stated that as the PC and BOS see individual cases there will be individual conditions applied. She stated that for the most recent tourist home there could be specific guidelines.

Mr. Schmidt asked if a condition limiting contracts per night could be applied to the most recent tourist home case.

Ms. Sulouff stated that the PC asked staff to add such a condition. She stated that when the case is presented to the PC in December, there will be an added condition.

Mr. Haldeman stated that he liked the idea of applicants providing their contact information to neighbors.

Mr. Schmidt agreed. He asked if there was a mechanism to make sure applicants notify neighbors.

Ms. Sulouff stated that a possible idea is similar to the adjacent property letters for site plans. She stated that when a site plan comes in, applicants are required to submit a sample letter and a list of addresses. She stated that the application could have that attachment.

Mr. Haldeman stated he thought that it would help neighbors feel more comfortable living near a tourist home.

Mr. Richardson asked if other municipalities use an adjacent property notification method.

Ms. Lauren White stated that Blacksburg requires neighbors to be notified if a wall is being shared such as townhome.

Ms. Sulouff stated that Roanoke publishes all of their registered transient listings on their website. She stated that staff has not explored the feasibility of that method yet for James City County. She stated that in that example consumers can check to see if the person they rent from went through the proper procedures.

Mr. Richardson stated that he was in favor of a website-based registry for public access.

Mr. Krapf stated that this method would help the applicant and reduce the extra work of sending out letters.

Ms. Tammy Rosario stated that the application can state that the contact information would be disclosed on the website.

Mr. Max Hlavin stated that the registry could be published.

Mr. Haldeman stated that the Policy Committee was in favor of the registry system being published.

Mr. Krapf asked if the condition restricting the number of contracts was due to the proximity to other residential homes.

Ms. Sulouff stated that the condition restricting the number of contracts is a performance standard for homestay. She stated that the intention of the condition to limit the intensity of the use.

Mr. Schmidt asked what would happen if there were any disputes between neighbors.

Mr. Krapf stated that it would be a homeowner issue and not so much a County issue.

Mr. Richardson asked what other definitions were needed besides transient. He asked if Chapter 20 would be referenced in the policy.

Ms. Sulouff stated that the homestay and rental of rooms' definitions were created. She stated that tourist home was amended and the materials show the original with a strike-through. She stated that the intent was to provide further clarification of the distinctions between the uses.

Ms. White stated that, according to Chapter 20, the definition of transient means any individual or group of same individuals who, for a period of fewer than 30 consecutive days, either at his own expense, or at the expense of another, obtains lodging at any hotel as defined herein. She stated that hotel means any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, travel campground or tourist camps, or other lodging place within the County offering lodging, as defined herein, for compensation, to any transient as defined herein.

Ms. Sulouff stated that the definition presented in the previous meeting modified the definition of transient from Chapter 20 to create less confusion.

Mr. Richardson stated that the Policy Committee is comfortable with the definition as found in September's meeting materials.

Ms. Sulouff stated that the transient definition was presented last month. She stated that the definition of transient is a period of less than 30 days and specifically relating to the lodging of occupants. She stated that staff defines transient as a period of time.

Mr. Haldeman stated that if there were not any other questions or discussion then a motion would need to be made to move the draft ordinance to the PC on December 6.

Mr. Richardson made a motion to move to the PC.

Motion passed 4-0 by voice vote.

Ms. Sulouff stated that there was one member of the public attending the meeting.

Mr. Krapf stated that the Policy Committee would listen to comments made from the public.

Ms. Patricia Spayd, 3550 Cedar Branch, stated that she opens her home up for people to stay with her for a couple of nights. She stated that she is a widow and a disabled veteran and has lived in the County for eight years. She has had good experiences with having people stay with her. She stated that women tend to stay with her because they feel safe. She stated that she would be in favor of the language as proposed.

Mr. Richardson asked if they expect any pushback from Homeowners Associations (HOA).

Ms. Sulouff stated that she has not received any feedback from HOA's.

Mr. Richardson stated that, like chicken keeping, he sees HOA's becoming more restrictive on homestays.

Ms. Sulouff stated that the County can't force an HOA to allow homestays.

Ms. Parrish stated that the chicken keeping application states that the County cannot supersede the HOA. She stated that the new application could have similar text.

E. NEW BUSINESS

There was no new business.

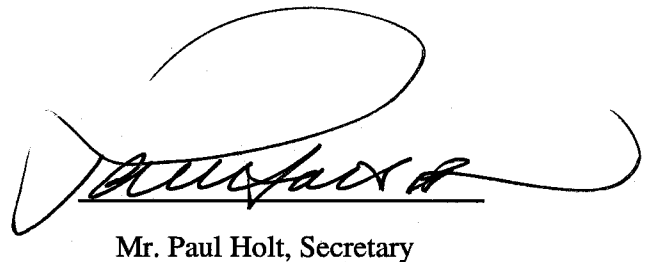
F. ADJOURNMENT

Mr. Richardson made a motion to Adjourn. The motion passed 4-0.

Mr. Haldeman adjourned the meeting at approximately 4:45 p.m.



Mr Jack Haldeman, Chair



Mr. Paul Holt, Secretary