

Department of Planning & Community Development



Franklin County Planning Commission Agenda July 14, 2020

I. Call to Order

II. Roll Call

III. Consent Agenda

- A) Approval of Minutes from June 9, 2020 meeting
- B) Welcome to David Pendleton
- C) Election of Chairman and Vice-Chairman

IV. Public Hearings:

1. **APPLICATION for SPECIAL USE PERMIT** – Application of George I. Vogel, III, Applicant, and Westlake Pointe Property Owners Association, Inc., Owners, requesting a Special Use Permit with possible conditions, to allow for a boat storage yard on an approximate 12.00 acre property, currently zoned RPD, Residential Planned Unit Development District, located on Morewood Road in the Gills Creek District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0150003309. Boat storage yards are a permitted use by Special Use Permit in RPD, Residential Planned Unit Development, zoning districts. The property is located in the Westlake Hales Ford Designated Growth Area with a future land use designation of Suburban Residential two (2) units per acre (Case # 06-20-16610).

- 1) Staff Presentation (Terry Harrington)
- 2) Applicant Presentation
- 3) Public Comment

V. Citizen Comment

VI. Work Session:

- a. Short Term Rentals

VII. Adjourn

**** The Planning Commission's next site visits are scheduled for August 5, 2020

1255 Franklin Street, Suite 103, Rocky Mount, Virginia 24151

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on June 9, 2020 in the Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

Earl Webb- Blackwater District
Jim Colby- Gills Creek District (on phone)
Angie McGhee- Boone District (on phone)
Debbie Crawford- Union Hall District
David Clements- Rocky Mount District
C.W. Doss, Jr.- Blue Ridge District
Sherrie Mitchell- Snow Creek District (on phone)

OTHERS PRESENT:

Terry Harrington- Senior Planner
Lisa Cooper- Principal Planner
Tina Franklin- Clerk

The meeting was called to order by Chairman Webb at 6:00 p.m. The first order of business was the roll call. The next order of business was the approval of the minutes from the May 12, 2020 meeting. Chairman Webb asked of the Planning Commission if there were any comments or corrections to the minutes as written; there were none. Chairman Webb announced the minutes would stand as written.

Chairman Webb introduced the first item on the agenda and asked for the staff report.

AMENDMENT TO FRANKLIN COUNTY COMPREHENSIVE PLAN- Application of Franklin County, requesting a comprehensive plan amendment of the Franklin County Facilities Map, identified as Map # 21, in the 2007 Franklin County 2025 Comprehensive Plan adopted by the Board of Supervisors in May 2007. The purpose of requesting the review is to update the existing Franklin County Facilities Map by adding existing and proposed public safety facilities, to add existing or proposed government office and facilities, and to update all existing elementary schools. The Franklin County Facilities Map is located in the Appendix 2 of the Comprehensive Plan.

Lisa Cooper began by explaining that staff is requesting a comprehensive plan amendment of the Franklin County Facilities Map, identified as Map # 21, in the 2007 Franklin County 2025 Comprehensive Plan. The purpose is to update the existing Franklin County Facilities Map by adding existing and proposed public safety facilities, to add existing or proposed government office and facilities, and to update all existing elementary schools.

Mrs. Cooper concluded that staff recommends that the Planning Commission adopt "Franklin County Facilities Map" dated May 26, 2020 and incorporate this new Facilities Map as part of the County's Comprehensive Plan.

Mrs. Cooper offered to answer any questions.

Mr. Webb asked if there was currently an updated map that showed where all cell towers are located.

Mrs. Cooper answered that there was not a map of cell towers but that it could be done.

Mr. Webb then opened the public hearing and asked if there was anyone present that would like to speak; there was not. Chairman Webb then closed the public hearing and the members had discussion among themselves.

Mrs. Crawford made a motion to approve, stating that she found that pursuant to the requirements of Section 15.2-2232 (A) of the Code of Virginia, I find that the Franklin County Facilities Map identified as Map #21 dated May 26, 2020 be amended, adopted and incorporated into the County's Comprehensive Plan as an amendment.

Mr. Colby seconded the motion.

The motion to approve was approved. Voting on the motion was as follows:

AYES: Doss, Crawford, McGhee, Clements, Mitchell, Colby, Webb
NAYES: None
ABSENT: None
ABSTAIN: None

Chairman Webb introduced the next item on the agenda and asked for the staff report.

APPLICATION for SPECIAL USE PERMIT- Application of Franklin County Public Safety, and County of Franklin, Owners, requesting a special use permit, with possible conditions, to allow for the construction of an emergency services facility for the Glade Hill Fire/EMS Station. The property is approximately 5.43 acres, currently zoned A-1, Agricultural, and located at 9825 Old Franklin Turnpike in the Union Hall District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0660004201. The property has a future land use designation of Low Density Residential. Emergency service facilities are a permitted use by issuance of a special use permit in A-1 zoning districts.

Mr. Harrington began by explaining that Franklin County proposes to construct an 11,597 square foot combined fire station and EMS facility on a 5.43 acre parcel of land owned by the County, and located at 9825 Old Franklin Turnpike (Route 40). The property is zoned A-1, Agricultural, and is located at the intersection of Route 40 and Turtle Hill Road (SR 869). Emergency Services facilities are permitted by special use permit in A-1 zoning districts. The proposed station will include areas devoted to fire and EMS vehicles, bunk rooms, training/community room, day room and kitchen and dining area. Office space will be devoted to career and volunteer personnel.

Mr. Harrington said that traffic in the community will increase as a result of emergency response vehicles and fire and EMS personnel using the site as a base of operations. Lighting will likely be installed on site. Intensity of installed lighting will be controlled by zoning standards and will not exceed .5 foot candles at any property line. These impacts will likely be minor yet be greatest on the three single family properties that are located on Turtle Hill across from the proposed facility.

Mr. Harrington concluded that staff believes the proposal is in conformance with the amended community facilities map in the comprehensive plan and recommends approval of this special use permit request with the following condition:

- 1) The property shall be developed in general conformity with the schematic site plan entitled "Franklin County Fire/EMS Station at Turtle Hill; prepared by Thompson & Litton and dated June 2019.

Mr. Harrington offered to answer any questions.

Chairman Webb then opened the public hearing and asked if there was anyone present that would like to speak; there was not. Chairman Webb then closed the public hearing and the discussion between the members ensued.

Mrs. Crawford made a motion to approve, stating that she found that (1) the approval of the special use permit for the Glade Hill Fire/EMS Station will not result in substantial detriment to adjacent property (2) that the character of the zoning district will not be changed, and (3) that the proposed fire and EMS station will be in harmony with the purpose and intent of the Franklin County Zoning Ordinance consistent with the purpose and intent of the Comprehensive Plan and good zoning practice and will not be of substantial detriment to the community. I therefore recommend approval of the request with the following condition:

- 1) The property shall be developed in general conformity with the schematic site plan entitled Franklin County Fire/EMS Station at Turtle Hill, prepared by Thompson & Litton and dated June 2019.

Mr. Doss seconded the motion.

The motion to approve was approved. Voting on the motion was as follows:

AYES: Clements, Doss, Mitchell, McGhee, Crawford, Colby, Webb
NAYES: None
ABSENT: None
ABSTAIN: None

Chairman Webb announced the next item as citizen comment and asked if there was anyone present that would like to speak on any topic; there was not.

With no other business, the meeting was adjourned at 6:30 p.m.

_____, Clerk
Franklin County Planning Commission

Date

DRAFT

Chapter 1

The County and Its Boards, Commissions, and Officers: Composition, Powers and Duties

1-100 The county¹

Counties, like cities, are subordinate agencies of the State government and are invested by the General Assembly with subordinate powers of legislation and administration relative to local affairs within their prescribed areas. *Murray v. City of Roanoke*, 192 Va. 321, 324, 64 S.E.2d 804, 807 (1951). Localities have “no elements of sovereignty.” *Sinclair v. New Cingular Wireless*, 283 Va. 567, 576, 727 S.E.2d 40, 44 (2012).

1-110 Powers

Under the Virginia Constitution, all county powers are delegations of authority granted by the General Assembly and, unless otherwise indicated by statute or the constitution, are vested in the board of supervisors. *Constitution of Virginia, Art. VII, § 3; Virginia Code § 15.2-1401; see the discussion in section 1-220.* With respect to the regulation of land use, the General Assembly has granted counties numerous powers to provide for comprehensive planning and to regulate the use and development of land by adopting zoning and subdivision ordinances. *Virginia Code § 15.2-2200 et seq.*

1-120 Limitations on powers

Of course, the county’s powers are not unlimited. One limitation on the county is that the exercise of its powers must not violate any constitutional principles. These principles include, but are not limited to, due process and equal protection. Another limitation is that the exercise of the county’s powers may not be inconsistent with the general laws of Virginia or of the United States. *Virginia Code § 1-248.* This means that the county’s exercise of its powers may not be contrary to any supreme law, and may be preempted by a supreme law. Finally, the county’s powers are limited by the rule of statutory construction known as the Dillon Rule. The Dillon Rule limits the county’s powers to those that are expressly granted by the General Assembly, those that may be necessarily or fairly implied from those powers expressly granted, and those that are essential and indispensable. *Marble Technologies v. City of Hampton*, 279 Va. 409, 417, 690 S.E.2d 84, 88 (2010). These issues are discussed in chapters 5, 6 and 7 of this handbook.

1-200 The board of supervisors

The board of supervisors is the governing body of the county. Its members are elected by the residents of the county.

1-210 Composition

As noted above, the county is governed by the board of supervisors, and the number of members may range between 3 and 11. *Virginia Code § 15.2-1400.* Some alternative forms of county government may specify a different range. For example, the county executive form of government requires that the number of members range between 3 and 9. *Virginia Code § 15.2-502(A).* Albemarle County operates under the county executive form of government, and its six-member board is elected by the qualified voters of single-member magisterial districts. *See Virginia Code § 15.2-502; Albemarle County Code § 2-100 et seq.* Board members are elected for four (4) year terms. *Albemarle County Code § 2-201.*

¹ Because this chapter emphasizes the County of Albemarle and counties generally, a discussion of cities, towns, and their governing bodies is not included.

1-220 Powers and duties

Unless expressly provided otherwise, all powers granted to localities are vested in their respective governing bodies. *Virginia Code* § 15.2-1401 (applicable to all counties); *Miller v. Highland County*, 274 Va. 355, 365, 650 S.E.2d 532, 536 (2007) (“the governing body of a locality is a distinct legal entity authorized in Title 15.2 to exercise the statutory powers of that locality”). The powers of the county as a body politic and corporate are vested in the board of supervisors. *Virginia Code* § 15.2-502 (applicable to counties such as the County of Albemarle that have adopted the county executive form of government). Albemarle County is one of two counties in Virginia that operates under the county executive form of government. *Virginia Code* § 15.2-500 *et seq.* Under this form of government, the board is the policy-making body of the county and is vested with all policy-making powers and responsibilities conferred by general law upon county governing bodies.

A board of supervisors can act only at authorized meetings as a corporate body and not by the actions of its members separately and individually. *Campbell County v. Howard*, 133 Va. 19, 59, 112 S.E. 876, 888 (1922). An individual board member is a public officer whose duties are fixed by law. *Old v. Commonwealth*, 148 Va. 299, 302, 138 S.E. 485, 486 (1927). The chairman of the board has no significant substantive powers. The only special powers granted to the chairman are to “be the head of the local government for all official functions and ceremonial purposes.” *Virginia Code* § 15.2-1423. Otherwise, there do not appear to be any official powers conferred on an individual member of a board of supervisors. *1984-85 Va. Op. Atty. Gen. 23*.

As the policy-making body of the county, the board is empowered to make all of the legislative decisions pertaining to land use, and this power may not be delegated to other boards, commissions or employees in the absence of express statutory authority. *Sinclair v. New Cingular Wireless*, 283 Va. 567, 581, 727 S.E.2d 40, 47 (2012). Thus, the board makes the final decision on those land use matters that are legislative in nature – comprehensive plan amendments, zoning text amendments, zoning map amendments, and special use permits. An example where the delegation of a legislative power is expressly authorized is found in *Virginia Code* § 15.2-2309(6), which enables a governing body to authorize a board of zoning appeals (“BZA”) to review and approve special use permits. A board also may delegate the responsibility for non-legislative matters to subordinate bodies and officers, provided that the delegation does not run afoul of the Dillon Rule, as discussed in chapter 5, and the common law rules of delegation, as discussed in chapter 8, of this handbook.

1-300 The planning commission

A planning commission is an administrative entity established by the board of supervisors pursuant to *Virginia Code* § 15.2-2210 *et seq.*

1-310 Composition

A planning commission must consist of between 5 and 15 members. *Virginia Code* § 15.2-2212. The Albemarle County planning commission is composed of eight members appointed by the board of supervisors. *Virginia Code* § 15.2-2212; *Albemarle County Code* § 2-401(A). The members of the commission must be residents of the county, and are qualified by knowledge and experience to make decisions on questions of community growth and development. *Virginia Code* § 15.2-2212; *Albemarle County Code* § 2-401(A). At least one-half of the members of the commission must be owners of real property. *Virginia Code* § 15.2-2212; *Albemarle County Code* § 2-401(A).

Seven members of the Albemarle County planning commission are voting members, and of those seven, six come from each of the county’s six magisterial districts and the other is appointed at-large. The eighth member is a non-voting member appointed by the board with the advice of the president of the University of Virginia. *Albemarle County Code* § 2-401(B). The terms of the commissioners from each of the county’s magisterial districts are coterminous with the four-year terms of the board members in the district they serve; the term of the at-large member is two years; the term of the non-voting member is one year. *Albemarle County Code* § 2-401(B).

1-320 Powers and duties

Planning commissions are part of the locality and operate under the authority granted to planning commissions under State law. *Sinclair v. New Cingular Wireless*, 283 Va. 567, 582-583, 720 S.E.2d 40, 48 (2012); see *Board of Supervisors of Fairfax County v. Washington, D.C. SMSA LP*, 258 Va. 558, 522 S.E.2d 876 (1999).

The planning commission has specific powers related to individual development applications. On legislative matters such as comprehensive plan amendments, zoning text amendments, zoning map amendments and special use permits, the commission is advisory to the board of supervisors and makes recommendations to the board. (*Virginia Code* §§ 15.2-2223 (*comprehensive plan*), 15.2-2285 (*rezonings*), 15.2-2286 (*rezonings and special use permits*)).

On ministerial matters such as subdivision plats and site plans, the subdivision and zoning ordinances may designate the planning commission as the decision-making body. When the commission is acting on a subdivision plat or on an appeal of the disapproval of a site plan, it is acting in a ministerial capacity, and its role is to determine whether the subdivision plat or site plan meets the minimum requirements of the applicable regulations.

The planning commission also has the following powers and duties:

- *Advisor to the board*: Serves as an advisory body to the board of supervisors to promote the orderly development of the county and its environs and to accomplish the objectives set forth in Virginia Code § 15.2-2200.
- *Comprehensive plan*: Prepares and recommends a comprehensive plan for the physical development of the county as provided in Virginia Code § 15.2-2223 *et seq.*
- *Official maps*: At the direction of the board of supervisors, or on its own initiative, makes or causes to be made an official map as provided in Virginia Code § 15.2-2233 *et seq.*
- *Capital improvement program*: At the discretion of the board of supervisors, or on its own initiative, annually prepares and revises a capital improvement program based on the comprehensive plan of the county for a period not to exceed the ensuing five years as provided in Virginia Code § 15.2-2239.
- *Subdivision ordinance*: At the request of the board of supervisors, or on its own initiative, prepares and recommends amendments to the subdivision ordinance as authorized by Virginia Code § 15.2-2253.
- *Zoning ordinance*: At the direction of the board of supervisors, or on its own initiative, prepares and recommends amendments to the zoning ordinance including a map or maps showing the zoning districts of the county as provided in Virginia Code § 15.2-2285.
- *Annual report*: Makes recommendations and an annual report to the board of supervisors concerning its operation and the status of planning within the county.

Virginia Code § 15.2-2221.

1-400 The architectural review board

An architectural review board (“ARB”) is an administrative entity that may be established by the governing body, pursuant to Virginia Code § 15.2-2306.

1-410 Composition

An ARB consists of five members who are appointed by the locality’s governing body to administer the Historic Districts Law. *Virginia Code* § 15.2-2306. In Albemarle County, this enabling authority is implemented through the entrance corridor overlay district. *Albemarle County Code* §§ 18-30.6, 18-34.A. The members of the ARB must be

residents of the county and must have a demonstrated interest, competence or knowledge in architecture and/or site design. *Albemarle County Code § 18-34A.*

In Albemarle County, ARB members are appointed for four-year terms and serve at the pleasure of the board of supervisors. *Albemarle County Code § 18-34A.*

1-420 Powers and duties

An ARB is a creature of statute (Virginia Code § 15.2-2306), and it possesses only those powers expressly conferred by statute. *Norton v. City of Danville*, 268 Va. 402, 407, 602 S.E.2d 126, 129 (2004). An ARB has no implied powers.

In Albemarle County, the board of supervisors has granted the ARB the following express powers under Albemarle County Code § 18-34A:

- *Administer the regulations of the overlay district:* Administer the entrance corridor overlay district in accordance with the duties stated in Albemarle County Code § 18-30.6, which include promulgating appropriate design guidelines that must be ratified by the board of supervisors. The key duty of the ARB under Albemarle County Code § 18-30.6 is to consider requests for certificates of appropriateness, discussed below.
- *Consider requests for certificates of appropriateness:* Consider requests for certificates of appropriateness by determining whether a proposed building or structure, including signs, is architecturally compatible with the historic landmarks, buildings or structures within the entrance corridor overlay district.
- *Recommend areas to be included in overlay district:* Recommend areas to be included within the entrance corridor overlay district.
- *Act as an advisor to other bodies on land use matters:* Act as an advisor to the board of supervisors, the planning commission, and the board of zoning appeals on zoning map amendments, special use permits, site plans, subdivisions, variances and other matters pertaining to lands within the entrance corridor overlay district.

Under Albemarle County Code § 18-30.6, the scope of Albemarle County's ARB's authority may be defined by both the territory under the ARB's authority and the extent of its review:

- *Physical reach of the ARB:* The entrance corridor overlay district exists along certain arterial streets in the county identified in the zoning ordinance. These streets are "significant routes of tourist access" to the county or to designated historic landmarks, buildings, structures or districts in the county or in a contiguous locality. *Virginia Code § 15.2-2306(A)(1).*
- *Regulatory reach of the ARB:* Within those lands subject to regulation by the ARB, the ARB may issue a certificate of appropriateness for any development requiring a building permit or a site plan for that part of the development that is visible from a designated entrance corridor street. Localities are enabled to require an applicant for a certificate of appropriateness to submit documentation that any development in an area of the locality of known historical or archaeological significance will preserve or accommodate the historical or archaeological resources. *Virginia Code § 15.2-2306(A)(1).* The ARB also reviews projects requiring a special use permit to allow outdoor storage or display within an entrance corridor, and, as noted above, acts in an advisory capacity when requested to do so.

The certificate of appropriateness is a certification that the proposed development is consistent with the ARB's design guidelines. The ARB may issue a certificate if the proposed development satisfies the requirements for issuance and the design guidelines.

In issuing a certificate, the ARB may impose certain conditions or require modifications to the extent they are authorized in the design guidelines such as: (1) the appearance of any architectural feature including motif and style,

color, texture and materials; (2) limitations on the mass, shape and height of buildings and structures; (3) the location and configuration of parking areas; and (4) landscaping and buffering requirements. The certificate of appropriateness also may require any additional landscaping in order to ensure that the design guidelines are satisfied, and identify the existing trees, wooded areas, and natural features to be preserved.

1-500 The board of zoning appeals

A board of zoning appeals (“BZA”) is a public body established by the governing body pursuant to Virginia Code § 15.2-2308.

1-510 Composition

In most localities, the members of a BZA are appointed by the circuit court. *Virginia Code § 15.2-2308(A)*. In localities within two judicial circuits, the court appoints the members with the concurrence of the locality. *Virginia Code § 15.2-2308(A)*. In the City of Virginia Beach, the city council, rather than the circuit court, appoints the BZA. *Virginia Code § 15.2-2308(E)*.

A BZA may consist of five or seven members. *Virginia Code § 15.2-2308(A)*. Albemarle County’s BZA consists of five members. *Albemarle County Code § 18-34.1*. The members of the BZA must be residents of the locality, and are appointed for five-year staggered terms. *Virginia Code § 15.2-2308(A)*. Members may be reappointed to succeed themselves. *Virginia Code § 15.2-2308(A)*. A member whose term expires continues to serve until his successor is appointed and qualifies. *Virginia Code § 15.2-2308(A)*.

Members may not hold any other public office in the locality, except that one member also may be a member of the locality’s planning commission. *Virginia Code § 15.2-2308(A)*. A planning commissioner is not appointed to the BZA in Albemarle County.

By ordinance, localities may create a joint BZA consisting of two members who are residents of each participating jurisdiction, plus one member from the area at large. *Virginia Code § 15.2-2308(B)*. The members are appointed by the circuit courts of the respective jurisdictions. A locality may request that the circuit court appoint up to three alternate members. *Virginia Code § 15.2-2308(A)*.

A BZA member may be removed for malfeasance, misfeasance or nonfeasance in office, or for any other just cause, by the court that appointed him, following a hearing held after at least 15 days’ notice. *Virginia Code § 15.2-2308(D)*. *Malfeasance* means doing an act which a person ought not do at all; *misfeasance* is the improper doing of an act that a person might lawfully do; *nonfeasance* means the omission of an act that a person ought to do.

1-520 Powers and duties

The BZA is a creature of statute and it possesses only those powers expressly conferred by statute. *Board of Zoning Appeals of Fairfax County v. Board of Supervisors of Fairfax County*, 276 Va. 550, 552, 666 S.E.2d 315, 316 (2008) (holding that the BZA does not have the power to sue because that power is not expressly granted by statute); *Board of Zoning Appeals of James City County v. University Square Associates*, 246 Va. 290, 294, 435 S.E.2d 385, 388 (1993); *Board of Zoning Appeals of Fairfax County v. Cedar Knoll, Inc.*, 217 Va. 740, 743, 232 S.E.2d 767, 769 (1977). The BZA has no implied powers. The BZA’s powers and duties include the following:

- *Appeals of decisions by the zoning administrator or an administrative officers*: Hear and decide appeals from any order, requirement, decision, or determination made by the zoning administrator or an administrative officer in the administration or enforcement of the zoning ordinance.
- *Variances*: Hear and decide applications for variances.
- *Special use permits*: Hear and decide applications for special use permits if the power is delegated to the BZA by the governing body.

- *Interpretations of the district map*: Hear and decide applications to interpret the district map where there is any uncertainty about the location of a district boundary.

Virginia Code § 15.2-2309. The BZA also is required to keep a full public record of its proceedings and submit a report of its activities to the governing body or bodies at least once each year. *Virginia Code § 15.2-2308(C)*.

The BZA does not have the power to rezone property. See *Foster v. Geller*, 248 Va. 563, 568, 449 S.E.2d 802, 806 (1994) (reversing trial court and upholding decision of the BZA, which determined that the decision of the director of planning and community development to issue a development permit was erroneous because it did not comply with the requirements of the zoning ordinance for development of substandard land). A BZA is authorized to interpret the zoning ordinance. *Town of Jonesville v. Powell Valley Village Limited Partnership*, 254 Va. 70, 74, 487 S.E.2d 207, 210 (1997). However, a BZA does not have the authority to rule on the validity of a zoning ordinance, which is a determination within the sole province of the courts. *Powell Valley Village, supra*.

1-600 The zoning administrator

The zoning administrator is an officer appointed by the board of supervisors. *Virginia Code § 15.2-2286(A)(4)*.

The primary duty of the zoning administrator is to administer and enforce the zoning ordinance on behalf of the governing body, and the office has all necessary authority to do so. *Virginia Code § 15.2-2286(4)*. The zoning administrator's powers and duties include: (1) interpreting the zoning ordinance; (2) ordering in writing that a violation of the zoning ordinance be abated; (3) ensuring compliance with the zoning ordinance by bringing appropriate legal actions; (4) if authorized by the zoning ordinance, reviewing and approving modifications; and (5) in specific cases, making findings of fact and, with the concurrence of the locality's attorney, conclusions of law, regarding vested rights under Virginia Code §§ 15.2-2307 and 15.2-2311(C). *Virginia Code § 15.2-2286(A)(4)*.

Like the BZA, the zoning administrator does not have the authority to rule on the validity of the zoning ordinance. *Town of Jonesville v. Powell Valley Village Limited Partnership*, 254 Va. 70, 74, 487 S.E.2d 207, 210 (1997).

1-700 The subdivision agent; the site plan agent

A locality may designate an agent to review and act on subdivision plats and site plans. *Virginia Code §§ 15.2-2259, 15.2-2260*. The agent acts in lieu of the locality's planning commission on these matters. *Virginia Code §§ 15.2-2259, 15.2-2260*.

**Roles of the Albemarle County Board of Supervisors, Planning Commission,
and Architectural Review Board on Various Land Use Matters**

Land Use Matter	Board of Supervisors	Planning Commission	Architectural Review Board
Comprehensive plan amendments	Final action	Recommendation to BOS	Advisory on matters within the Entrance Corridor Overlay District ("ECOD")
Zoning text amendments	Final action	Recommendation to BOS	Advisory on matters within the ECOD
Zoning map amendments (rezonings)	Final action	Recommendation to BOS	Advisory on matters within the ECOD
Special use permits	Final action (except those delegated to the BZA)	Recommendation to BOS (except those delegated to the BZA)	Advisory on matters within the ECOD
Special exceptions	Final action	Recommendation to BOS if referred to PC	Advisory on matters within the ECOD
Variances	None	None	Advisory (to BZA) on matters within the ECOD
Site plans	Final action if appealed from PC decision (if disapproved by PC)	Final action unless appealed to BOS (if disapproved by PC)	Advisory on matters within the ECOD
Subdivision plats	Final action if appealed from PC decision (if disapproved by PC)	Final action unless appealed to BOS (if disapproved by PC)	Advisory on matters within the ECOD
Certificates of appropriateness	Final action if appealed from ARB decision	None	Final action unless appealed to BOS
Approval of private street under Subdivision Ordinance	Final action if appealed from PC decision (if disapproved or approved with objectionable conditions)	Final action unless appealed to BOS (if disapproved or approved with objectionable conditions)	Advisory on matters within the ECOD

Note: Site plans and subdivision plats are approved administratively. Site plans and subdivision plats disapproved by the agent, or approved with objectionable conditions, may be appealed by the developer to the commission and thereafter to the board. Disapproved site plans and subdivision plats may be challenged in circuit court in lieu of pursuing administrative appeals.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

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JAN 15 1964

FROM
DR. J. H. GOLDSTEIN

TO
DR. R. F. SCHNEIDER

RE
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POLYMER SOLUTIONS

ATTENTION
DR. R. F. SCHNEIDER

DEPARTMENT OF CHEMISTRY
UNIVERSITY OF CHICAGO

CHICAGO, ILLINOIS 60637

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Art. X. The Officers and the Minutes.

58. Chairman or President

59. Secretary or Clerk

60. The Minutes

61. Executive Secretary

62. Treasurer

58. Chairman or President. The presiding officer, when no special title has been assigned him, is ordinarily called the Chairman, or the President, or, especially in religious assemblies, the Moderator. In organized societies the constitution always prescribes his title, that of President being most common. In debate he is referred to by his official title and is addressed by prefixing Mr. or Madam, as the case may be, to that title. In referring to himself he should never use the personal pronoun; he generally says, "the chair," which means the presiding officer of the assembly, regardless of whether his position is permanent or temporary. If his position is only temporary he is called the chairman.

His duties are generally as follows: To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon [65]; to recognize members entitled to the floor [3]; to state [6] and to put to vote [9] all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them [40]; to assist in the expediting of business in every way compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if he thinks it advisable; to restrain the members when engaged in debate, within the rules of order; to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly [21]; to inform the assembly, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business; to authenticate, by his signature, when necessary, all the acts, orders, and proceedings of the assembly declaring its will and in all things obeying its commands.

In case of fire, riot, or very serious disorder, or other great emergency, the chair has the right and the duty to declare the assembly adjourned to some other time (and place if necessary), if it is impracticable to take a vote, or in his opinion, dangerous to delay for a vote.

The chairman should rise to put a question to vote, except in very small assemblies, such as boards or committees, but may state it sitting; he should also rise from his seat (without calling any one to the chair) when giving his reasons for his decision upon a point of order, or when speaking upon an appeal, which he can do in preference to other members. During debate he should be seated and pay attention to the speaker, who is required to address his remarks to the presiding officer. He should always refer to himself as "the chair," thus, "The chair decides," etc., not "I decide," etc. When a member has the floor, the chairman cannot interrupt him excepting as provided in 3, so long as he does not transgress any of the rules of the assembly.

If a member of the assembly, he is entitled to vote when the vote is by ballot (but not after the tellers have commenced to count the ballots), and in all other cases where the vote would change the result. Thus, in a case where a two-thirds vote is necessary, and his vote thrown with the minority would prevent the adoption of the question, he can cast his vote; so, also, he can vote with the minority when it will produce a tie vote and thus cause the motion to fail; but he cannot vote twice, first to make a tie, and then to give the casting vote. Whenever a motion is made referring to the chairman only, or which compliments or condemns him with others, it should be put to vote by the Vice President if in the room, or by the Secretary, or on their failure to do so, by the maker of the motion. The chair should not hesitate to put the question on a motion to appoint delegates or a committee on account of his being included.

The chairman cannot close debate unless by order of the assembly, which requires a two-thirds vote; nor can he prevent the making of legitimate motions by hurrying through the proceedings. If members are reasonably prompt in exercising their right to speak or make motions, the chair cannot prevent their doing so. If he has hurriedly taken and announced a vote while a member is rising to address the chair, the vote is null and void, and the member must be recognized. On the other hand the chairman should not permit the object of a meeting to be defeated by a few factious persons using parliamentary forms with the evident object of obstructing business. In such a case he should refuse to entertain the dilatory or frivolous motion, and, if an appeal is taken, he should entertain it, and, if sustained by a large majority he may afterwards refuse to entertain even an appeal made by the faction when evidently made merely to obstruct business. But the chair should never adopt such a course merely to expedite business, when the opposition is not factious. It is only justifiable when it is perfectly clear that the opposition is trying to obstruct business. [See Dilatory Motions, 40].

If it is necessary for the chairman to vacate the chair the first Vice President, if there is one, should take the chair, and in his absence the next one in order should take it. If there is no vice president in the hall, then the chairman may, if it is necessary to vacate the chair, appoint a chairman *pro tem.*, but the first adjournment puts an end to the appointment, which the assembly can terminate before, if it pleases, by electing another chairman. But the regular chairman, knowing that he will be absent from a future meeting, cannot authorize another member to act in his place at such meeting; the secretary, or, in his absence, some other member should in such case call the meeting to order, and a chairman *pro tem.* be elected who would hold office during that session, unless such office is terminated by the entrance of the president or a vice president, or by the election of another chairman *pro tem.*, which may be done by a majority vote.

The chairman sometimes calls a member to the chair and takes part in the debate. This should rarely be done, and nothing can justify it in a case where much feeling is shown and there is a liability to difficulty in preserving order. If the chairman has even the appearance of being a partisan, he loses much of his ability to control those who are on the opposite side of the question. There is nothing to justify the unfortunate habit some chairmen have of constantly speaking on questions before the assembly, even interrupting the member who has the floor. One who expects to take an active part in debate should never accept the chair, or at least should not resume the chair, after having made his speech, until after the pending question is disposed of.¹ The presiding officer of a large assembly should never be chosen for any reason except his ability to preside.

The chairman should not only be familiar with parliamentary usage, and set the example of strict conformity thereto, but he should be a man of executive ability, capable of controlling men. He should set an example of courtesy, and should never forget that to control others it is necessary to control one's self. A nervous, excited chairman can scarcely fail to cause trouble in a meeting. No rules will take the place of tact and common sense on the part of the chairman. While usually he need not wait for motions of routine, or for a motion to be seconded when he knows it is favored by others, yet if this is objected to, it is safer instantly to require the forms of parliamentary law to be observed. By general consent many things can be done that will save much time [see 48], but where the assembly is very large, or is divided and contains members who are habitually raising points of order, the most expeditious and safe course is to enforce strictly all the rules and forms of parliamentary law. He should be specially careful after every motion is made and every vote is taken to announce the next business in order. Whenever an improper motion is made, instead of simply ruling it out of order, it is well for the chairman to suggest how the desired object can be accomplished. [See "Hints to Inexperienced Chairman" below.]

The by-laws sometimes state that the president shall appoint all committees. In such case the assembly may authorize committees, but cannot appoint or nominate them. The president, however, cannot appoint any committees except those authorized by the by-laws or by a vote of the assembly. Sometimes the by-laws make the president *ex-officio* a member of every committee. Where this is done he has the rights of other members of the committees but not the obligation to attend every committee meeting. [See 51.]

A chairman will often find himself perplexed with the difficulties attending his position, and in such cases he will do well to remember that parliamentary law was made for deliberative assemblies, and not the assemblies for parliamentary law. This is well expressed by a distinguished English writer on parliamentary law, thus: "*The*

great purpose of all rules and forms is to subserve the will of the assembly rather than to restrain it; to facilitate, and not to obstruct, the expression of their deliberative sense."

Additional Duties of the President of a Society, and the Vice Presidents. In addition to his duties as presiding officer, in many societies the president has duties as an administrative or executive officer. Where this is desired, the by-laws should clearly set forth these duties, as they are outside of his duties as presiding officer of the assembly, and do not come within the scope of parliamentary law.

The same is true of vice presidents. Sometimes they have charge of different departments of work and they should be chosen with those duties in view as prescribed by the by-laws. It must not be forgotten that in the case of the absence of the president the first vice president must preside, and in case of the illness or resignation or death of the president that the first vice president becomes president for the unexpired term, unless the rules specify how vacancies shall be filled. In such case the second vice president becomes the first, and so on. It is a mistake to elect a vice president who is not competent to perform the duties of president.

Hints to Inexperienced Chairmen. While in the chair, have beside you your Constitution, By-laws, and Rules of Order, which should be studied until you are perfectly familiar with them. You cannot tell the moment you may need this knowledge. If a member asks what motion to make in order to attain a certain object, you should be able to tell him at once. [10.] You should memorize the list of ordinary motions arranged in their order of precedence, and should be able to refer to the Table of Rules so quickly that there will be no delay in deciding all points contained in it. Become familiar with the first ten sections of these Rules; they are simple, and will enable you more quickly to master parliamentary law. Read carefully sections 69-71, so as to become accustomed to the ordinary methods of conducting business in deliberative assemblies. Notice that there are different ways of doing the same thing, all of which are allowable.

You should know all the business to come regularly before the meeting, and call for it in its regular order. Have with you a list of members of all committees, to guide you in nominating new committees.

When a motion is made, do not recognize any member or allow any one to speak until the motion is seconded and you have stated the question; or, in case of there being no second and no response to your call for a second, until you have announced that fact; except in case of a main motion before it is seconded or stated some one rises and says he rises to move a reconsideration, or to call up the motion to reconsider, or to move to take a question from the table. In any of these cases you should recognize the interrupting member as entitled to the floor [3]. If you have made a mistake and assigned the floor to the wrong person, or recognized a motion that was not in order, correct the error as soon as your attention is called to it. So, when a vote is taken, announce the result and also what question, if any, is then pending, before recognizing any member that addresses the chair. Never wait for mere routine motions to be seconded, when you know no one objects to them. [See 8.]

If a member ignorantly makes an improper motion, do not rule it out of order, but courteously suggest the proper one. If it is moved "to lay the question on the table until 3 P.M.," as the motion is improper, ask if the intention is "to postpone the question to 3 P.M.;" if the answer is yes, then state that the question is on the postponement to that time. If it is moved simply "to postpone the question," without stating the time, do not rule it out of order, but ask the mover if he wishes "to postpone the question indefinitely" (which kills it), or "to lay it on the table" (which enables it to be taken up at any other time); then state the question in accordance with the motion he intended to make. So, if after a report has been presented and read, a member moves that "it be received," ask him if he means to move "its adoption" (or "acceptance," which is the same thing), as the report has been already received. No vote should be taken on receiving a report, which merely brings it before the assembly, and allows it to be read, unless some one objects to its reception.

The chairman of a committee usually has the most to say in reference to questions before the committee; but the chairman of an ordinary deliberative assembly, especially a large one, should, of all the members, have the least to say upon the merits of pending questions.

Never interrupt members while speaking, simply because you know more about the matter than they do; never get excited; never be unjust to the most troublesome member, or take advantage of his ignorance of

parliamentary law, even though a temporary good is accomplished thereby.

Know all about parliamentary law, but do not try to show off your knowledge. Never be technical, or more strict than is absolutely necessary for the good of the meeting. Use your judgment; the assembly may be of such a nature through its ignorance of parliamentary usages and peaceable disposition, that a strict enforcement of the rules, instead of assisting, would greatly hinder business; but in large assemblies, where there is much work to be done, and especially where there is liability to trouble, the only safe course is to require a strict observance of the rules.

1. "Though the Speaker (Chairman) may of right speak to matters of order and be first heard, he is restrained from speaking on any other subject except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact." [Jefferson's Manual, sec. XVII.]

"It is a general rule in all deliberative assemblies, that the presiding officer shall not participate in the debate or other proceedings, in any other capacity than as such officer. He is only allowed, therefore, to state matters of fact within his knowledge; to inform the assembly on points of order or the course of proceeding when called upon for that purpose, or when he finds it necessary to do so, and, on appeals from his decision on questions of order, to address the assembly in debate. [Cushing's Manual, §202.]

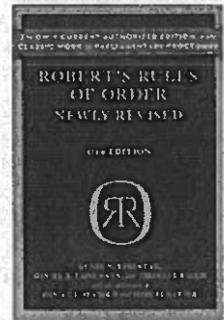
59. Secretary, or Clerk. The recording officer is variously called Clerk, or Secretary, or Recording Secretary (where there is also a Corresponding Secretary), or Recorder, or Scribe, etc. The secretary is the recording officer of the assembly and the custodian of its records except such as are specifically assigned to others, as the treasurer's books. These records are open, however, to inspection by any member at reasonable times, and where a committee needs any records of a society for the proper performance of its duties, they should be turned over to its chairman. The same principle applies in boards and committees, their records being accessible to members of the board or committee, as the case may be, but to no others.

In addition to keeping the records of the society and the minutes of the meetings, it is the duty of the secretary to keep a register, or roll, of the members and to call the roll when required; to notify officers, committees, and delegates of their appointment, and to furnish committees with all papers referred to them, and delegates with credentials; and to sign with the president all orders on the treasurer authorized by the society, unless otherwise specified in the by-laws. He should also keep one book in which the constitution, by-laws, rules of order, and standing rules should all be written, leaving every other page blank; and whenever an amendment is made to any of them, in addition to being recorded in the minutes it should be immediately entered on the page opposite to the article amended, with a reference, in red ink, to the date and page of the minutes where it is recorded.

In addition to the above duties, when there is only one secretary, it is his duty to send out proper notices of all called meetings, and of other meetings when necessary, and to conduct the correspondence of the society, except as otherwise provided. Where there is a *Corresponding Secretary* these duties devolve on him, as well as such others as are prescribed by the by-laws. The by-laws should always clearly define the additional duties of the corresponding secretary if any are to be imposed on him. When the word "secretary" is used it always refers to the recording secretary if there is more than one.

The secretary should, previous to each meeting, for the use of the chairman, make out an order of business [65], showing in their exact order what is necessarily to come before the assembly. He should also have, at each meeting, a list of all standing committees, and such special committees as are in existence at the time, as well as the by-laws of the organization and its minutes. His desk should be near that of the chairman, and in the absence of the chairman (if there is no vice president present), when the hour for opening the session arrives, it is his duty to call the meeting to order, and to preside until the election of a chairman pro tem., which should take place immediately. He should keep a record of the proceedings, stating what was done and not what was said, unless it is to be published, and never making criticisms, favorable or otherwise, on anything said or done. This record, usually called the minutes, is kept as explained in the next section. When a committee is appointed, the secretary should hand the names of the committee, and all papers referred to it, to the chairman of the committee, or some other of its members. He should indorse on the reports of committees the date of their reception, and what further action was taken upon them, and preserve them among the records, for which he is

Small board rules are different



The different rules for small boards are one of the best-kept secrets of Robert's Rules of Order. If you serve on a small board (up to about 12 people) you may benefit from the flexibility that the rules for small boards offer.

Robert's Rules of Order Newly Revised, 11th edition (the only current valid version of Robert's Rules) says on page 487, "some of the formality that is necessary in a large assembly would hinder business" in small boards.

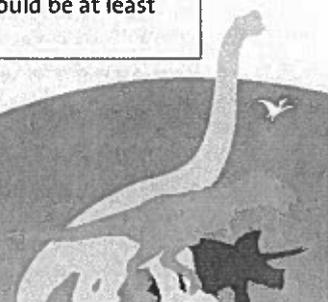
The book goes on to list seven significant bullet points about the ways that the rules for small boards are different.

Jurassic Parliament agrees with some of these rules, but not all of them. Read our thoughts on this below.

If your bylaws say that "meetings shall be run according to *Robert's Rules of Order Newly Revised*, latest edition," and your board has 12 or fewer members, you are fully entitled to use Robert's rules for small boards.

If you have a slightly larger board, up to about 20 people, you may also find the small board rules useful. In that case, you must adopt the rules you wish to use, which is easy to do. To learn how, see our post on "[What are special rules of order?](#)"

ROBERT'S RULES FOR SMALL BOARDS <i>Robert's Rules of Order Newly Revised</i> , 11th edition, pp. 487-488.	JURASSIC PARLIAMENT COMMENTS <i>"Yes" means we like the rule.</i> <i>"No" means we disagree with Robert.</i>
Members are required to obtain the floor before making motions or speaking, which they can do while seated.	Yes. It is always useful to require members to obtain the floor before making motions or speaking. This allows the chair to ensure that everyone has a chance to speak once before anyone speaks a second time. Yes to remaining seated, of course.
Motions need not be seconded.	No. We prefer that a second be required for any motion. Before a proposal takes up the group's time, there should be at least two people who want to talk about it.





ROBERT'S RULES FOR SMALL BOARDS <i>Robert's Rules of Order Newly Revised, 11th edition, pp. 487-488.</i>	JURASSIC PARLIAMENT COMMENTS <i>"Yes" means we like the rule. "No" means we disagree with Robert.</i>
There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.	Yes, provided that the rule that everyone has a chance to speak once before anyone may speak twice is strictly enforced.
Informal discussion of a subject is permitted while no motion is pending.	Yes, though it's useful to ask for a motion just as soon as the chair senses that the group is ready to formulate one.
Sometimes, when a proposal is perfectly clear to all present, a vote can be taken without a motion's having been introduced. Unless agreed to by unanimous consent, however, all proposed actions of a board must be approved by vote under the same rules as in other assemblies, except that a vote can be taken initially by a show of hands, which is often a better method in such meetings.	Yes, provided that someone, eventually, states in clear terms what is about to be voted on. What is "perfectly clear" to some members may be rather murky to others. This also relieves the secretary from having to guess just what the motion was when composing the minutes.
The chairman need not rise while putting questions to the vote.	Yes.
The chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he usually can make motions and usually votes on all questions.	Yes as far as discussion goes. We believe that in most small boards, members want to hear what the chair thinks, and the chair should participate in debate. We suggest that boards adopt a rule that the chair debates and votes last, after others have spoken. This allows them to summarize discussion and to remain more impartial. Their voice and vote are heard, but are not given too much weight. No for making motions. We believe it is always better for the chair not to propose motions, because of the human tendency to show undue deference to the leader of a group. Motions should come from the members. As for voting, we leave it to the rule and custom of the particular board. In many small boards it makes sense for the chair to vote.

Article: Small board rules are different
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Chairing the Planning Commission

by Carol J. Whitlock

Planning commissions come in all sizes. There are small ones and large ones and each seems to have its own set of bylaws and methods of operation. But they all have one thing in common. They all have a chairperson.

For some planning commissions the chairperson is elected by members of the commission for only a single term of one or two years; some allow additional terms; while others have a rotation system where every commissioner eventually becomes chairperson.

The first thing to remember as a planning commission member and potential chairperson is that being a wonderfully effective member does not mean you will make a wonderfully effective chairperson. This article addresses those who are less than confident about their abilities to chair meetings.

For most planning commissions the major responsibility of the chairperson is the conduct and control of each meeting. Sounds very simple until you throw into the mix that this requires working with not only your fellow planning commission members, but the general public,

opers, lawyers, etc. – who have their own agenda as well. Conducting and controlling the meeting can be a challenge.

many of whom are there because they are: (1) totally in the dark about some project planned for their neighborhood, (2) mildly unhappy with what is being proposed, or (3) up in arms about what is going on. Then you throw into the mix the applicant and professionals – devel-

The most important thing to remember as chairperson is that it is your goal to be fair to everyone – regardless of whether you agree or disagree with them. Here are a few simple ideas to help with meeting that goal. For the usual, routine items on the agenda these will help, but won't really come into play as life savers for the chairperson until the "hot" topics show up.

- *Always be fair.* This is perhaps the most important responsibility of the chairperson. Remember it is your job to give everyone their "day in court," not to decide who is right or wrong. (You will do that also, but outside of your job as chairman).

Many planning commissions begin hearings with staff comments and an overview of the project, followed by a

"ALWAYS BE FAIR. THIS IS PERHAPS THE MOST IMPORTANT RESPONSIBILITY OF THE CHAIRPERSON."



Online Comments

"It is very important to explain the process and what role the commission and the public have prior to each hearing on each item. This sets the expectation of what can be achieved ... If it is an administrative item versus legislative the public should know the scope of their ability to give input."

– Meg Ryan, Planning Consultant, Utah League of Cities and Towns

"I have been on the BZA and the Planning and Zoning Commission 28 years (at the end of this current term) with 95 percent of that time as chairman. I have experienced a lot of what Carol writes about in this article and it's a good feeling for me to know that I am on the same page with her."

– Richard L. Snyder Sr., Planning and Zoning Commission Chairman, West Jefferson, Ohio

"Carol's article certainly is a good guide for all chairpersons ... it is essential to set the 'ground rules' up front ... Having time limits on public comment is unfortunate, but necessary,

in order to properly manage meetings that sometimes go well into the wee hours. I also think that a reminder should be given for commenters not to repeat what someone else has said. Allow them to concur verbally, but not repeat. Also, for certain groups such as home associations, it is often effective if a spokesperson representing the entire group can deliver the thoughts for everyone by allowing the spokesperson an extended amount of time. One good speaker for ten minutes may be better than 20 people speaking for two hours. And, in this way, their message is more succinct and easier to follow."

– Larry Frey, AICP, Bradenton, Florida

"To keep comments germane, the chair also should remind the public (and commissioners, if needed) about standards of review for the case under discussion, for example, 'consistency and compatibility with the comprehensive plan,' 'meeting standards of zoning ordinance.' ... One other thing that isn't specifically within the scope of the article, but that affects the tone and productivity of meetings a lot, is the public's ability to access information relevant to the

hearings, like staff reports and hearing notices, in advance."

– Alissa Barber Torres, AICP, Chief Planner Research and Strategic Planning Section Orange County [Florida] Planning Division

"There is more that a Chairman can do that effects the conduct of the meeting. Making sure all commissioners do their homework before the meeting is one. Unless they have studied the application beforehand ... the commissioners will either spend a lot of time at the meeting unnecessarily or miss some very significant points that should be considered. It will certainly allow them to ask more intelligent and informative questions. I am especially concerned that the commissioner representing the district in question is fully knowledgeable about the application. ... Another item affecting the meeting and even the long term outcome of the vote, is ensuring that the commissioners have a full understanding of what can and cannot be considered or voiced at the meeting."

– Allan Slovin, Chairman, Town of Braselton [Georgia] Planning Commission

presentation by the applicant. After that, it's usually the public's turn to weigh in.

If it looks like there are large numbers of people wishing to speak, or

the applicant or his or her representatives indicate they have a lot to cover, set a time limit. The important thing is to set it at the start of the meeting and then stick to it for everyone. Be reasonable. Most citizens can say what they have to say in 5-10

minutes, applicants can generally describe and discuss the most complex project in 30 minutes. Additionally, let everyone know that there will be a "one to a customer" rule. That is, say everything you have to say in your first, and only, time to speak.

Often citizens try to bypass the chairperson and ask questions directly of the applicant, his lawyer, or other representative. Don't allow this. Have the applicant or his representative respond to all questions at the end of the public input part of the meeting. This will help prevent back and forth discussions that often become arguments.

• *Do not allow the audience to break in when someone else has the floor.* If patiently telling members of the public to wait their turn doesn't work, stop the meeting and let everyone sit and stew until it comes back under control. No need to yell, pound the gavel, or demand control. Things will settle down if all business stops until peace reigns. Only one time have I ever had to threaten to get the police to clear the room and that was because of one totally irrational gentleman who settled down after the threat/promise of police intervention.

• *Patiently listen until every person who wishes to speak has had their say.* This is where the time limit comes in to help you out. But more importantly, if everyone understands that they will be heard, they are much more apt to sit patiently and not disrupt the meeting.

• *Develop a good working relationship with your planning director (or whoever is your key staff support person).* This is vital. In my years' of experience as chairperson,

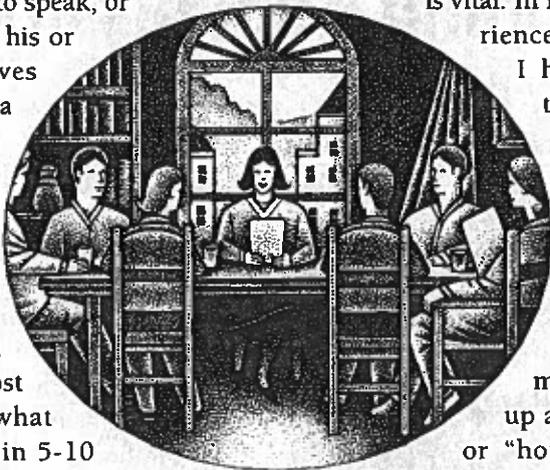
I have also found that meeting with our planning director before each public meeting has strengthened our relationship, while providing me with a heads up about any unique or "hot" items on the agenda.

• *Discuss issues with respect.* Another important aspect of conducting and controlling a meeting is the way the planning commission handles its own discussions.

I have been lucky to have fellow planning commissioners who respect each other's opinions. Should you have a problem of lack of respect among members, remember it isn't your place to correct the planning commission member, just control the meeting. Your only recourse is to stop the meeting until everyone cools down (call a 10-minute recess) and then take up again. Should the problem persist, rectifying it is up to the mayor, city administrator, or someone else at that level.

The suggestions I have set out are basic, common sense actions for running a meeting. But if you have not been on the gavel side of the table before, maybe they will help a bit. And if you have been there, perhaps they will add to what you have already learned and help you out in the future. ♦

Carol J. Whitlock is a registered professional engineer. She currently chairs both the Merriam, Kansas, and the Johnson County, Kansas, Planning Commissions. Carol has served on the Merriam Planning Commission for over 20 years, including 17 years as chairperson, and has served on the Johnson County Planning Commission for 12 years, chairing it for 8 years.



From a Staff Perspective

by Lee Krohn, AICP

Carol's column covers interesting and helpful strategies for being an effective Board chair and for running effective meetings. One of her suggestions, to meet with your community's planning director (or appropriate staff person) before each meeting, is excellent. Let me add some thoughts on this from a staff perspective.

This kind of pre-meeting or pre-hearing discussion allows us to create appropriate and effective strategies as needed for each matter and for the overall meeting. Let me be clear: we do not seek pre-determined outcomes on cases. What we try to do is build a shared understanding about which cases will be more complex, what key questions or issues are likely to come up, and how to deal with potential questions of law, procedure, or process.

It also helps that the chairs of our various boards (and we have several citizen boards in addition to the planning commission) have me right at their side during hearings. Everyone knows that I am not a board member, nor can I vote; however, this close proximity allows us to confer as needed on key questions or issues, while maintaining a smooth flow of discussion for each case. It also demonstrates, both literally and figuratively, that staff and board collaborate as a team on behalf of our community.

There are many more pieces of this puzzle than can be covered here. I hope this is a helpful beginning, and helps to stimulate thoughtful consideration about the dynamics of public service in the land use arena. While it may not feel this way in the heat of a contested matter, how we approach our work, and the behavior we offer by example, does make a difference. Let us all seek to do this important work together within a context of trust, care, and mutual respect.

Lee Krohn has served in many capacities (often concurrently) for the Town of Manchester, Vermont, since 1989, including Planning Director, Zoning Administrator, Tree Warden, E-911 Coordinator, and Interim Town Manager. He has also served from "the other side" as Chair of the Putney, Vermont Planning Commission.

MEMORANDUM
Case # SPEC-06-20-16610



To: Franklin County Planning Commission
From: Steven M. Sandy, Planning Director
Date: July 1, 2020
Tax #s: 0150003309
District: Gills Creek District
Applicant: George I. Vogel, III
Owners: Westlake Pointe Property Owners Association, Inc.

REQUEST:

APPLICATION for SPECIAL USE PERMIT – Application of George I. Vogel, III, Applicant, and Westlake Pointe Property Owners Association, Inc., Owners, requesting a Special Use Permit with possible conditions, to allow for a boat storage yard on an approximate 12.00 acre property, currently zoned RPD, Residential Planned Unit Development District, located on Morewood Road in the Gills Creek District of Franklin County and further identified by Franklin County Real Estate Records as Tax Map/Parcel # 0150003309. Boat storage yards are a permitted use by Special Use Permit in RPD, Residential Planned Unit Development, zoning districts. The property is located in the Westlake Hales Ford Designated Growth Area with a future land use designation of Suburban Residential two (2) units per acre.

RECOMMENDATION:

The Planning Commission recommends that the Board of Supervisors approve the request for a Special Use Permit to allow for a boat storage yard with the following five (5) conditions:

- 1. Usage of the property shall be limited to 1.5 acres of the total 12 acre property. Expansion will require the issuance of a new special use permit by the Board of Supervisors.*
- 2. Storage on the property shall be limited to only boats, personal watercraft, and trailers and all boats/personal watercraft/trailers stored on the property are to be in operable condition.*
- 3. No storage shall be allowed within yards or setback areas required by the Zoning Ordinance.*
- 4. Storage area shall be fenced and gated. Access shall be provided to Franklin County Public Safety. Storage area shall be screened from Morewood Road by a single row of Green Giant Arbivita trees that are 4-6 feet tall at time of planting and spaced 10 feet apart.*
- 5. A minor site plan of the boat storage yard must be submitted to Franklin County Zoning Administrator for review and approval within sixty (60) days of approval of the special use permit.*



BACKGROUND:

The petitioner requests a Special Use Permit to allow for a “Boat Storage Yard”, on approximately 1.5 acres of the 12 acre property located on Morewood Road in the Gills Creek District and zoned RPD, Residential Planned Unit Development District. The property is currently wooded and vacant.

The requested Special Use Permit is to bring the property into conformance with the County Code. The property owners have been allowing boats, trailers, and recreational vehicles to be stored on the property. After receiving a complaint about the storage yard, the property owners were contacted by County staff and informed that a boat storage yard in RPD Districts require a special use permit issued by the Board of Supervisors.

Since applying for a special use permit, the property owners have initiated a clean up of the property by removing several boats, trailers, and a recreational vehicle. The property owners have also approached some of the adjoining property owners, including the owners who filed the initial complaint, and have received positive feedback from them on their efforts to clean up the property. See letter of application.

In order to allow any “Boat Storage Yard” a Special Use Permit is required to be issued by the Board of Supervisors under Section 25-295 of the County Code.

The application was advertised, site posted, and notifications sent to all adjacent property owners. As of the date of this report, staff has received one inquiry about the property. This citizen was curious about the nature of the request and had no concerns. Additional comments and concerns may be raised as a result of the public hearings.

SITE STATISTICS:

- Location:* Morewood Drive, Gills Creek District
- Size:* 12 acres (1.5 acres requested for use as storage yard)
- Existing Land Use:* Wooded, Vacant
- Adjoining Zoning:* A-1, Agricultural District
RPD, Residential Planned Unit Development District
- Adjoining Land Uses:* Residential
- Adj. Future Land Uses:* Suburban Residential two (2) units per acre

COMPREHENSIVE PLAN:

According to the Westlake -Hales Ford Area Plan Future Land Use Map adopted as an amendment to the 2007 Franklin County Comprehensive Plan, the property located on Morewood Road identified as tax parcel number 0150003309 and as Suburban Residential 2 units per acre Suburban Residential consist of mostly single-family detached dwellings, but townhomes, and other single-family dwellings are allowed. Typically located in Suburban Residential allows some non-residential uses like open space for playgrounds, ballfields, or similar uses. The special use permit is requesting 1.5 acres on a 12 acre tract for boat storage for Westlake Pointe Property



Owners Association, Inc to allow owners of townhomes in this development to be stored on a vacant piece of open space the associations owns. It is typical to find developments such as this having the need for separate storage of boats, trailers, and recreational vehicles. There should be conditions to make sure the boat storage area has operable and tagged boats, trailers, and RV to insure that the storage area does not become a junk yard and the area not to be expanded more than the 1.5 acres needed. The special use permit of particular property would be consistent with the policies of the suburban residential and intent of the comprehensive plan. In addition, this special use permit would not be substantial detrimental to the surrounding properties or community as long as the property is protected with condition as suggested above.

POLICIES OF LAND USE CATEGORY SUBURBAN RESIDENTIAL two units per acre:

Suburban Residential areas are consistent with traditional suburban development. They are predominantly if not exclusively residential areas that typically contain single-family detached homes, though townhomes and attached single-family homes would be allowed. This land use pattern is best applied at fairly low densities of two to four units per acre.

Commercial uses are expected to be very limited, and serve local retail needs at major neighborhood crossroads. Suburban residential areas can be good areas for in-home offices, though regulations in these areas should ensure that traffic and parking are mitigated without affecting neighboring residents. Other non-residential uses would include active and passive open space, including playgrounds, ballfields, courts, or similar uses, potentially as part of a neighborhood club or recreation center.

Streets in Suburban Residential areas are generally of two types: local streets and collector streets. Local streets would serve slow-moving, low-volume local traffic, sometimes within a contained subdivision. Sidewalks are beneficial on these streets, but can be absent without discouraging walking due to the low volume and slow travel speeds. While local streets in Suburban Residential areas are not intended for longer trips, attempts to improve connectivity within and between adjacent neighborhoods should be encouraged. Collector streets are higher-volume, higher-speed roads that are used by multiple neighborhoods to access the larger community. Collector roads should have sidewalks on at least one side, providing walking access to essential goods and services in the immediate vicinity of the area.

ZONING ORDINANCE:

Special Uses for the RPD District are set forth in Sec. 25-295. The requested use is referenced as "Public facilities, offices, storage yards".

Sec. 25-638 of the Zoning Ordinance sets forth the County's authority to issue special use permits for certain uses. The ordinance states that, in order to issue a special use permit, the Board of Supervisors must find that *"such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and with the public health, safety, and general welfare."*

Sec. 25-640 of the Zoning Ordinance sets forth the County's authority to impose conditions for the issuance of special use permits. The ordinance states that the Board of Supervisors *"may*



impose upon any such permit such conditions relating to the use for which such permit is granted as it may deem necessary in the public interest...” Conditions associated with a special use permit must be related to the particular land use which required the permit, and must be related to some impact generated by or associated with such land use.

Sec. 25-641 of the Zoning Ordinance states that a special use permit shall expire eighteen (18) months from the date of issuance if “*no commencement of use, structure or activity has taken place.*” The ordinance states that “commencement” shall consist of “extensive obligations or substantial expenditures in relation to the project,” including engineering, architectural design, land clearing, and/or construction.

ANALYSIS:

In accordance with Section 25-638 of the Zoning Ordinance, the proposed special use permit is being evaluated to determine if these uses will be substantial detriment to adjacent properties, whether the character of the zoning district will be changed thereby, and that such uses will be in harmony with the purpose and intent of this chapter, with the uses permitted by-right in the zoning district, with additional regulations provided in sections 25-111 through 25-137, supplemental regulations, and amendments, of this chapter, and with the public health, safety, and general welfare. Review of the proposed use does identify potential impacts in the following areas to be addressed:

TRANSPORTATION:

The existing entrance to the property is located on Morewood Road. Traffic is expected to be light from this proposed use.

WATER AND SEWER:

Water and sewer will not be required for the proposed use.

EROSION AND SEDIMENT CONTROL AND STORM WATER MANAGEMENT

The proposed use of the property will not require review and approval under the erosion and sediment control and storm water management regulations. Any additional disturbance of soil may require permitting.

PUBLIC SAFETY

Franklin County Public Safety requests to review a plan of the boat storage yard, specifically, how the property owners plan to mitigate any potential issues. Public safety will need to ensure their ability to ingress and egress the property in the event of a fire as well as the property owner’s ability to contain and prevent leakage of any hazardous waste materials (see attached).

NOISE

Staff anticipates minimal noise impacts related to this site.



RECOMMENDATION

Staff recommends that the Planning Commission consider and approve the Special Use Permit for a “Boat Storage Yard” with the following five (5) conditions:

1. Usage of the property shall be limited to 1.5 acres of the total 12 acre property. Expansion will require the issuance of a new special use permit by the Board of Supervisors.
2. Storage on the property shall be limited to only boats, personal watercraft, and trailers and all boats/personal watercraft/trailers stored on the property are to be in operable condition.
3. No storage shall be allowed within yards or setback areas required by the Zoning Ordinance.
4. Storage area shall be fenced and gated. Access shall be provided to Franklin County Public Safety. Storage area shall be screened from Morewood Road by a single row of Green Giant Arbivita trees that are 4-6 feet tall at time of planting and spaced 10 feet apart.
5. A minor site plan of the boat storage yard must be submitted to Franklin County Zoning Administrator for review and approval within sixty (60) days of approval of the special use permit.



SUGGESTED MOTIONS:

The following suggested motions are sample motions that may be used. They include language found in Section 15.2-2283, Purpose of zoning ordinances of the Code of Virginia of 1950, as amended.

- 1) (APPROVE) I find that such use will not be of substantial detriment to adjacent property, that the character of the zoning district will not be changed thereby, and that such use will be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend approval of the petitioner's request for a Special Use Permit for a "Boat Storage Yard" in accordance with Sec. 25-295 of the Zoning Ordinance, with the conditions as recommended in the staff memorandum.

OR

- 2) (DENY) I find that such use will be of substantial detriment to adjacent property, that the character of the zoning district will be changed thereby, and that such use will not be in harmony with the purpose and intent of the County Code with the uses permitted by right in the zoning district, and with the public health, safety and general welfare to the community. Therefore, I move to recommend to deny the request for the Special Use Permit.

OR

- 3) (DELAY ACTION) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until all necessary materials are submitted to the Planning Commission.

Powell, Hannah

From: Ferguson, William
Sent: Tuesday, June 2, 2020 10:51 AM
To: Powell, Hannah
Cc: Mason, Jay
Subject: RE: DRT Meeting

Hannah:

Just would like to make sure we could get fire assets to the boats and review a plan as to any possible hazardous materials that may be with the boats.

Chief Mason:

Can you please weigh in?

Thanks

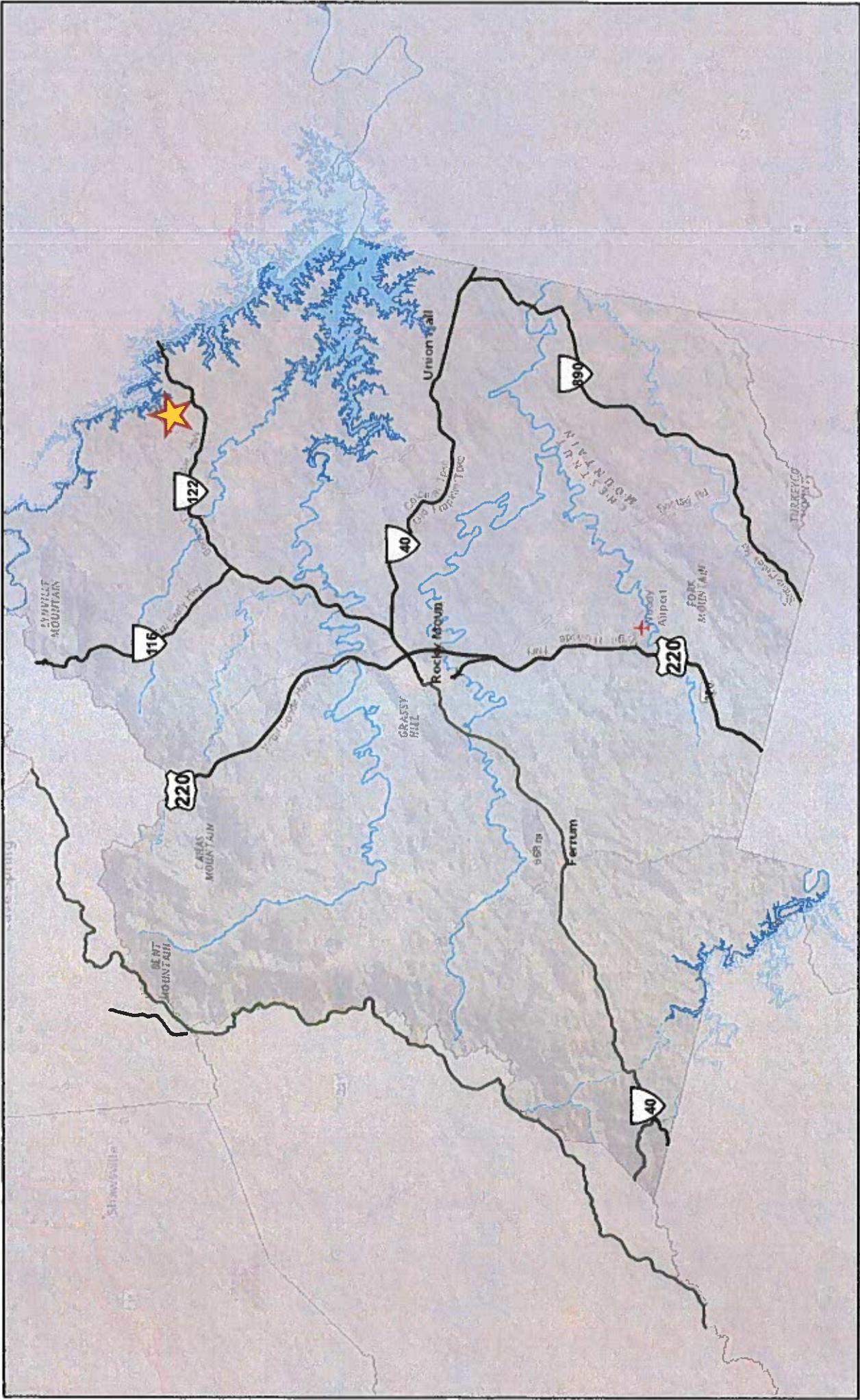
Billy

William Ferguson
Director
Franklin County Public Safety
1488 Franklin Street
Rocky Mount, VA 24151
540-483-3091

From: Powell, Hannah <Hannah.Powell@franklincountyva.gov>
Sent: Tuesday, June 2, 2020 10:38 AM
To: aaron.shearer@westernvawater.org; Burnette, Michael <Michael.Burnette@franklincountyva.gov>; Catlett, Charles <Charles.Catlett@franklincountyva.gov>; Cooper, Lisa <Lisa.Cooper@franklincountyva.gov>; darrin.doss@vdh.virginia.gov; Ferguson, William <William.Ferguson@franklincountyva.gov>; Harrington, Terry <Terry.Harrington@franklincountyva.gov>; Mason, Jay <Jay.Mason@franklincountyva.gov>; Broughton, John <John.Broughton@franklincountyva.gov>; lisa.lewis@vdot.virginia.gov; nholthouser@aep.com; Pat Regan <pat.regan@franklincountyva.gov>; Phillips, Jessica <jessica.phillips@vdh.virginia.gov>; Sandy, Steve <Steve.Sandy@franklincountyva.gov>; Schmidt, Eric <Eric.Schmidt@franklincountyva.gov>; simon.leray@vdh.virginia.gov; Smith, Don <don.smith@franklincountyva.gov>; Whitlow, Christopher <Christopher.Whitlow@franklincountyva.gov>; brent.williams@vdh.virginia.gov; Wilson, Ronald <Ronald.Wilson@franklincountyva.gov>
Subject: DRT Meeting

There will not be a DRT meeting for the month of June. Please review the attached applications and send any comments you have to me no later than Friday, June 12th. Thanks!!

Hannah L. Powell
Administrative Assistant II

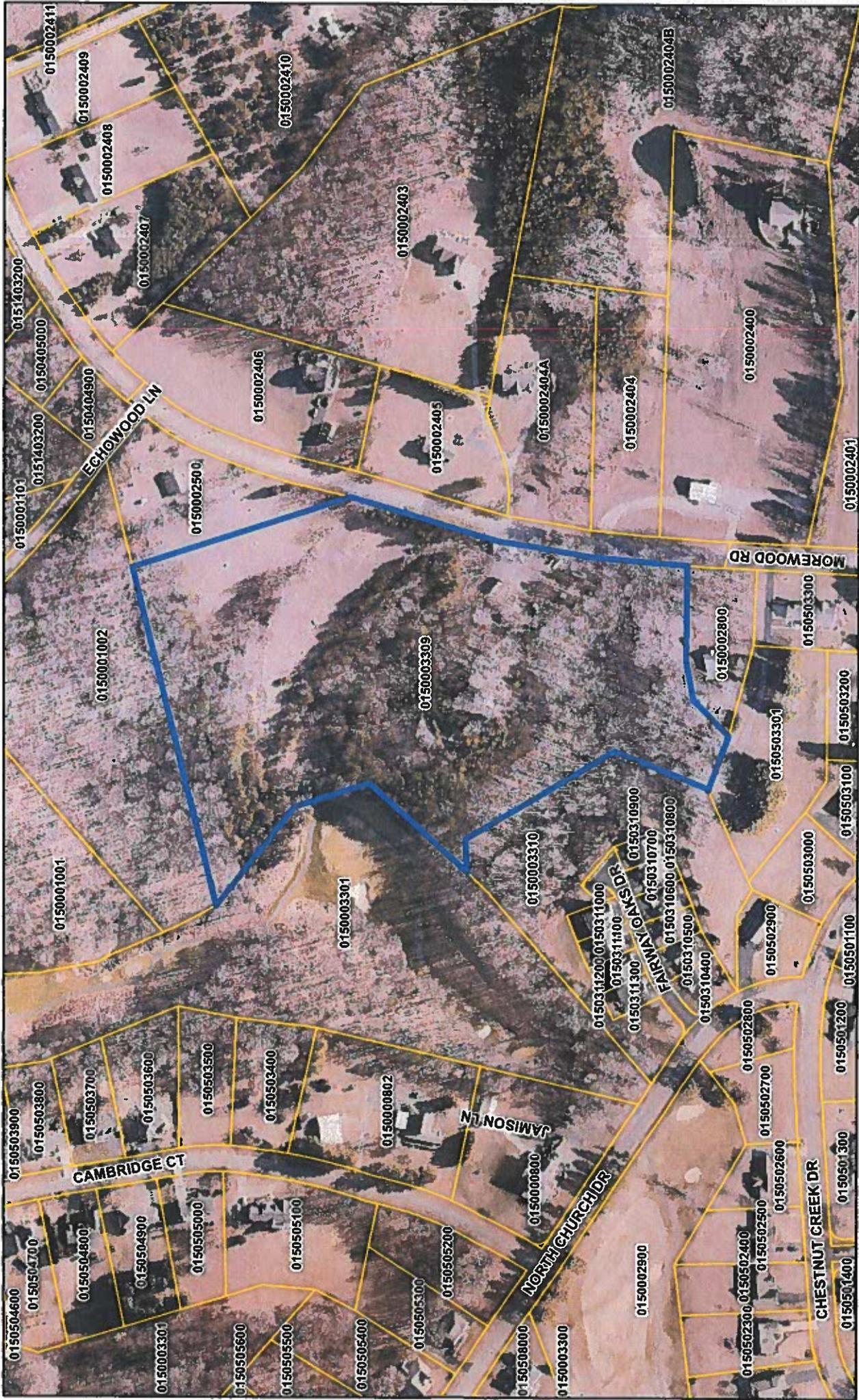


Subject Property Location

Tax Map # 0150003309
 SPEC-06-20-16610

Westlake Pointe Property Owners Association, Inc.





Tax Map # 0150003309

SPEC-06-20-16610

Westlake Pointe Property Owners Association, Inc.

Legend

- Subject Parcel
- Tax Parcels



2017 Pictometry Imagery 0 250 500



Franklin Co GIS

LAW OFFICES
VOGEL & CROMWELL, L.L.C.
204 McCLANAHAN ST., S.W.
ROANOKE, VA 24014

SMITH MOUNTAIN LAKE OFFICE
13245 B.T. WASHINGTON HWY., SUITE B
HARDY, VA 24101

GEORGE I. VOGEL, II
JAMES R. CROMWELL
GEORGE I. VOGEL, III
TIAN "KIRK" VOGEL

P.O. Box 18188, ROANOKE, VA 24014
(540) 982-1220
FAX (540) 982-0422

(540) 721-3988
FAX (540) 721-1978

May 29, 2020

(VIA HAND DELIVERY)

Franklin County Department of
Planning and Community Development
c/o William C. Raney, Jr.
1255 Franklin Street, Suite 103
Rocky Mount, VA 24151

**RE: 12 acres
Tax Map # 0150003309
Special Use Permit**

Dear Bill:

Enclosed please find an application for a Special Use Permit on behalf of my client, Westlake Pointe Property Owners Association, Inc. (hereinafter "the Association"). I have also enclosed twenty-eight copies of the application and this letter along with a check in the amount of \$310.00. This application is being submitted at the request of Franklin County so as to allow the Association to continue using the subject property as a boat storage area for the owners of units in Westlake Pointe Townhomes.

As you know, this matter was brought to the Association's attention by your letter of January 23, 2020 referencing a citizen complaint about the boat storage area. Since then, the Association has taken steps to clean up the subject property, remove a recreation vehicle, and remove multiple boats and trailers. Officers of the Association have also spoken with several of the neighbors to the subject property, including the neighbor that filed the initial complaint. Each of these neighbors expressed that they are pleased with the efforts by the Association and have no objection to the Association's continued use of the property as a boat storage area.

As indicated in the application, the Association proposes to continue using the subject property in the current manner (after the cleanup). This will not cause any effect on or change to the surrounding area.

Based upon the foregoing, the Association respectfully requests that the Board of Supervisors grant the Association a

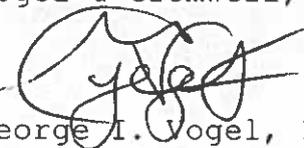
Page # 2
May 29, 2020

Special Use Permit pursuant to Section 25-295 of the Franklin County Code.

Thank you for your assistance with this matter. If you need any additional information regarding this application, please let me know.

Very Truly Yours,

Vogel & Cromwell, LLC

A handwritten signature in black ink, appearing to read "George I. Vogel, III", written over a horizontal line.

George I. Vogel, III

cc: (via e-mail)
Westlake Pointe Property Owners Association, Inc.
c/o Paul Hayman
pchayman@hotmail.com

**FRANKLIN COUNTY
SPECIAL USE PERMIT APPLICATION**

(Type or Print)

~~I/We~~ George I. Vogel, III, as Owner(s), Contract Purchasers, or Owner's Authorized Agent of the property described below, hereby apply to the Franklin County Board of Supervisors for a special use permit on the property as described below:

Petitioner's Name: George I. Vogel, III

Petitioner's Address: 204 McClanahan Street, S.W., Roanoke, VA 24014

Petitioner's Phone Number: 540-982-1220

Petitioner's E-mail: gvogel3@vogelandcromwell.com

Property Owner's Name: Westlake Pointe Property Owners Association, Inc.

Property Owner's Address: 70 Scruggs Road, Moneta, VA 24121

Property Owner's Phone Number: 336-430-1714

Property Owner's E-mail: pchayman@hotmail.com

Directions to Property from Rocky Mount: Rte. 122 E. to Westlake; left on Morewood Road; to property on left after Chestnut Creek Drive

Tax Map and Parcel Number: 0150003309

Magisterial District: Gills Creek

Property Information:

A. Size 12 acres of _____ Property:

B. Existing Zoning: RPD

C. Existing _____ Land Use:
Boat storage for owners in Westlake Pointe Townhomes

D. Is property located within any of the following overlay zoning districts:
 Corridor District Westlake Overlay District Smith Mountain Lake Surface District

E. Is any land submerged under water or part of a lake? Yes No If yes, explain.

Proposed Special Use Permit Information:

A. Proposed _____ Land Use:
Boat storage for owners in Westlake Pointe Townhomes

B. Size of Proposed Use: 1.5 acres

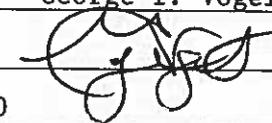
C. Other Details of Proposed Use: _____

Checklist for completed items:

- Application Form
- Letter of Application
- Concept Plan
- Application Fee

****I certify that this application for a special use permit and the information submitted herein is correct and accurate.**

Petitioner's Name (Print): George I. Vogel, III

Signature of Petitioner: 

Date: May 29, 2020

Mailing Address: 204 McClanahan Street, S.W.

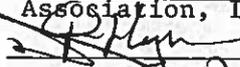
Roanoke, VA 24014

Telephone: 540-982-1220

Email Address: gvogel13@vogelandcromwell.com

Owner's consent, if petitioner is not property owner:

Owner's Name (Print): Westlake Pointe Property Owners Association, Inc.

Signature of Owner: 

Date: 5/29/2020 By: J. President

Date Received by Planning Staff _____

Clerk's Initials: _____

CHECK #: _____

RECPT. #: _____

AMOUNT: _____

Memorandum

Date: July 2, 2020
To: Planning Commission
From: Steven M. Sandy, Director of Planning
RE: Short Term Rentals

On February 18, 2020, the Planning Commission and Board of Supervisors held a joint work session to discuss issues related to short-term rentals. Concerns that were raised included safety, enforcement, compliance, taxation, and zoning regulations. At the following meetings in March and April the Board discussed possible changes further.

The Board of Supervisors' took the following actions on April 21, 2020.

- Developing a short-term rental registry with annual application fee.
 - Public Hearing to amend County Code scheduled for evening session of May 19th meeting.
- Methods to improve safety in structures currently used as short-term rentals.
 - Public Hearing to amend County Code scheduled for evening session of May 19th meeting.
- Acquiring services of a 3rd party vendor to monitor and track short term rentals.
 - Annual contract with Host Compliance approved subject to approval of registry.
- Increased fines for non-compliance
 - Public hearings proposed for Planning Commission and Board
- Uniform regulations for short term rentals in the zoned and non-zoned areas.
 - Public Hearing to amend County Code scheduled for evening session of May 19th meeting.

- The Board also discussed the following but took no action: Add an additional 2% to the County's transient occupancy tax. Recent change in Code of Virginia allows County to increase this tax.
 - Future public hearing required to raise tax rate

At the April meeting the Board briefly discussed additional restrictions that might be applied in the zoned areas of the County to allow for more oversight. In particular, discussion revolved around possibly requiring short-term rentals in all zoned areas of the County to obtain a special use permit and/or establishing a minimum lot size or setback for short term rentals.

DISCUSSION:

In addition to the initial tasks undertaken by the Board to increase monitoring, compliance and safety of short-term rentals, some citizens have asked that the County consider additional regulations on short-term rentals in the zoned areas of the county.

Primarily, the request is to eliminate all by-right use of short-term rentals in the zoned areas (currently allowed in RPD- Residential Planned Development and PCD – Planned Commercial Development zoning districts) and require a special use permit in the RPD and PCD like the current requirement in Agriculture (A-1) zoning districts. This change would require anyone wishing to have short-term rentals in the A-1, PCD and RPD zoned areas of Franklin County to obtain a special use permit. This process requires a public hearing before both the Planning Commission and Board of Supervisors and notification of the adjacent property owners. Short term rentals would still be prohibited in all other zoning districts.

Additional proposals have been discussed by some Planning Commission members and members of the community as listed below:

- Setback requirements between dwellings - For example, a dwelling used for a short-term rental must be at least 100-feet from an adjacent dwelling.
- Minimum lot size requirements - Currently, there is no minimum lot size to conduct a short-term rental. As an example, a requirement could be considered that no short-term rental can occur on a lot that is less than 0.5 acres in size.

After discussion at the April 21st meeting, no consensus was reached on next steps. It was requested that this discussion be continued until all members of the board were present to participate. At the May meeting, there was still only six members present, therefore, the discussion was once again carried over until June 16th meeting.

At the June meeting, the Board of Supervisors did discuss the potential changes and referred this back to the Planning Commission for review and recommendation. In particular, the Board has asked that the Planning Commission discuss the possibility of establishing a minimum lot size for short term rentals and a minimum setback between structures used for short term rental.

Following discussion by the Commission, the Board has requested an initial recommendation on both items. After receiving the recommendation, the Board will decide if they want to move forward with public hearings to consider any or all of the recommended changes.

RECOMMENDATION:

Planning staff respectively requests that the Planning Commission discuss the above proposals to amend short-term rental zoning regulations relative to lot sizes and setbacks and consider referring any proposed amendments to the Board of Supervisors for review prior to conducting required public hearings.