

Department of Planning & Community Development



A meeting of the Franklin County Planning Commission was held on September 14, 2021, in the Board of Supervisors meeting room located in the Franklin County Government Center.

THOSE PRESENT:

Sherrie Mitchell- Snow Creek District
Debbie Crawford- Union Hall District
David Clements- Rocky Mount District
C.W. Doss, Jr.- Blue Ridge District
James Colby- Gills Creek District
David Pendleton – Blackwater District

THOSE ABSENT:

Angie McGhee

OTHERS PRESENT:

Chris Dadak, County Attorney
Carrie Spencer, Director of Development and Planning
Timothy Mack – Senior Planner
Lisa Cooper – Principal Planner
Mindy Goldsmith – Clerk
EPR PC Consultants – Union Hall Village Plan

The meeting was called to order by Chairwoman Mitchell at 6:02 p.m. The first order of business was approval of the August 2021 minutes. Chairwoman Mitchell asked the Planning Commission if there were any comments or corrections to the minutes as written. There were no corrections. Minutes will stand as written.

Chairwoman Mitchell introduced the next item on the agenda and asked for the staff report.

APPLICATION for SPECIAL USE PERMIT –

SPEC-08-21-17011 - Application of Jay Schott, Applicant, and SML Partners, LLC, Owner, requesting a special use permit, with possible conditions, to allow for the installation of private roads on an approximate 195 acres of property currently in three parcels and zoned A-1, Agricultural.

Mr. Mack presented the staff report, including recommendation and conditions. There were no questions from the Commissioners. The applicant did not have any comments. No public comments were presented during this hearing. Mr. Colby requested to speak to the applicant. He asked that the applicant elaborate on the easement of the proposed right of way, due to VDOT's refusal to accept the roads into the public system. The applicant stated this was the first time in seventeen years he had run across the issue of VDOT not accepting the roads. The preference would be that the roads be accepted into the state system. Mr. Schott stated that in the future, they could petition the state, if the neighbors chose to do so. He stated his company would have the roads inspected before the completion of the project. Mr. Doss asked if the section of road would be upgraded. Ms. Spencer explained that the zoning code requires that the roads be inspected and in condition to meet state and county requirements. Ms. Mitchell closed the period of public comment. Ms. Crawford commented that she believes the developer has done his due diligence and she would like to motion approval with the three conditions in the staff report, and the last four bullets in the application. Second by Mr. Clements.

- Although the streets would be private, SML Partners, LLC will construct all private streets in accordance with current VDOT subdivision requirements for public streets and agrees to comply with the road maintenance agreements of the subdivision ordinance regulating private streets in large lot subdivisions.
- Pursuant to the Virginia Property Owners’ Association Act, Va. Code §§55.1-1800 et. Seq., the Moorman Road Subdivision will have a mandatory homeowners’ association of which all lot owners must be members. The HOA will be obligated to maintain the roads and have a reserve fund for road maintenance as part of the annual dues.
- A bond will be in place to guarantee the roads will be built to state standards, and the bond will not be fully released until the roads are certified by a properly licensed engineering professional, accepted by the County, that the Moorman Road streets meet state standards.
- SML Partners, LLC will provide a note on the subdivision plat identifying the streets as private and referencing this private maintenance responsibility.

AYES: 6
 NAYS: 0
 ABSENT: 1
 ABSTAIN: 0

OLD BUSINESS:

Application for REZONE – REZO-07-21-16998- Idlewood Shores - Applicant Franklin County Planning Commission on behalf of Idlewood Shores Homeowners Association, Owners, requesting to rezone, with possible proffers, an approximate 80.321 acres of property currently in sixty-eight (68) parcels from A-1 Agricultural, to R-1, Residential Suburban

The public hearing was held at the July 13th, 2021, meeting. Due to a tie vote among commissioners, the application was continued to September’s meeting. Chairwoman opened the hearing to citizen comments.

Scott Sayer stated he is a homeowner in Idlewood Shores and respectfully requests that the Commission rezone the area. He feels the county code requires the rezoning. He stated that every home is less than 5 acres and homes are close together. He feels the re-zoning would align with the mission of Idlewood Shores. He stated the A-1 zone is a “catch all” zoning. He stated it was his opinion that the attorney who spoke at the public hearing was in error. He also stated that it is understood that Idlewood Shores covenants are more restrictive than R-1 zoning.

Charles Gusser spoke to the Commissioners. He stated the matter is not a property right issue or a short-term rental issue. He feels we are here today to determine if the current zoning conforms to the residential community. There are 80 parcels with single-family home lots. He stated there is no agricultural activity going on in Idlewood Shores. He feels the zoning is outdated and recommends the zoning be changed to R-1.

David Davis rose to further his public comments from the July Planning Commission meeting. He reiterated that they had achieved 85% homeowner approval and they were informed they would not require 100% approval by the homeowners in Idlewood Shores. He states he feels they have provided excess due diligence.

The attorney stated that because there was no recommendation to the Board of Supervisors, the application would be automatically approved by the Board of Supervisors if the Planning Commission does not have a recommendation at this time. The default is a recommendation of approval after 100 days have passed. Ms. Crawford asked why this has never been brought to their attention before. Ms. Spencer stated that in reviewing the statute, a disposition of abstention without a direct conflict of interest is assumed an approval. Ms. Crawford asked if any tie vote must wait 100 days for it to go to the Board of Supervisors. Mr. Colby asked if another vote could be taken. He stated he was

willing to motion approval to rezone Idlewood Shores to R-1. Ms. Mitchell clarified that we only agreed to hear the application, not to recommend or not recommend. Ms. Crawford asked if the motion could be tabled, and Ms. Spencer clarified that tabling the motion would be no action. Ms. Mitchell stated they did not hear any new information this evening other than what we learned from the county attorney. Mr. Colby stated the Commissioners who abstained were concerned about tax consequences. Ms. Spencer cautioned the Commissioners about Ex Parte conversations. Ms. Mitchell would prefer a vote to recommend or not recommend approval. Ms. Crawford asked if we could table the application. Mr. Colby motioned approval of the Idlewood Shores rezoning application. Second by Mr. Doss. Ms. Crawford commented that some developers opted to keep A-1 zoning, and the developer, Mr. Cooper, chose to leave Idlewood Shores as A-1. She believes in property rights with little government control. If Idlewood Shores had 100% approval of homeowners, she would be in favor. She feels that no one is in favor of taking property rights from others. She stated other communities are RPD instead of R-1. Mr. Colby interjected they were rambling off into outer space and to stop comments. Ms. Mitchell asked for a vote.

AYES: 4

NAYS: 2

ABSENT: 1

ABSTAIN: 0

The motion carried and the application to rezone was approved. Ms. Mitchell asked if all minutes and comments would go to the Board of Supervisors. Ms. Spencer stated we would summarize the comments and send them to the Board of Supervisors. Ms. Mitchell thanked the public.

Union Hall Village Presentation by EPR PC Consultants: Ms. Cooper provided a brief presentation of the Union Hall Village plan progress. The GAP grant has provided funds to engage consultants. The grant is \$100,000. The same consultants assisted with the Westlake plan and the Ferrum Village plan. Ms. Cooper reminded the board of the community meeting scheduled for October 5th. Ms. Cooper introduced the consultants who continued the presentation.

Vlad, Todd and Anthony were the presenters. Vlad reported that they would be developing the plan in the next few months. Todd presented the agenda, project schedule and benchmarks. The firm is a planning engineering firm with experience. EPR, PC partners with Michael Baker International for creating plans. Anthony Donald from Michael Baker introduced himself to the Commissioners and described the firm's extensive experience. The consultants offer project coordination, draft and final comprehensive plan recommendations, and assistance with community meetings. The consultants will assist in creating a strategy and offering zoning recommendations. The consultants will return for further meetings with the Planning Commission. They expect the project to be completed by Spring-Summer 2022.

The consultants presented their current findings regarding Union Hall. They suggested that village boundaries be defined. The existing land use is a lot of agricultural with some development around the lake, and in the middle of Union Hall. The zoning is mainly A-1, but in the larger study area, there are RPD and B-2 along Route 40, and some R-1 throughout the area. There is one area of planned commercial district along Route 40. The consultants also examined roads/transportation, which is important if improvements are planned due to VDOT standards. When examining safety data, there are multiple crash incidents, particularly around sharp curves, Kemp Ford Road and Route 40. There are sight distance issues with winding roads and the higher speed limit. Utility data was presented as well, which shows existing and potential water service in the area. The area around Union Hall does not currently have water service. The two options are to bring water down Route 40 or go underneath the lake for water from the North. There is a potential need for a water tank. Mr. Colby stated that in 2013-2014, a lot of the analysis was driven by citizen comments and surveys. Mr. Colby questioned if surveys would be sent to citizens. The surveys were mailed to everyone who had an address in the 24176-zip code area. Ms. Cooper estimated they had about a 30% response rate. She also stated we placed information on the county website. The consultants have the

information from the previous survey. The consultants agreed a survey would be beneficial. The consultants were able to draw some themes from previous planning and existing policies.

1. Promote a village style land development pattern.
2. Establish transportation infrastructure to support future growth in and around Union Hall.
3. Preserve the character of surrounding lands.
4. Provide a greater variety of housing types and costs.

The consultants posted questions to the Commissioners:

1. What should be the role/status of 2014 plan for Union Hall?
2. What are your long-term goals for this area?
3. What are your objectives for this planning process?
4. How do you envision the upcoming public meeting October 5th?

Ms. Spencer stated she felt the 2014 plan was more transportation focused. Ms. Crawford thanked the consultants and stated that she envisions a community meeting that may have citizens who do not participate because they feel the “lake residents” will make all the decisions. She stated that she heard several complaints from people who did not receive a survey when the previous village plan was being written. She feels the traffic is a huge concern. Ms. Mitchell stated that new census information will help guide the plan and in the past some citizens wanted a grocery store. The survey was limited to people who had a mailing address with the Union Hall zip code. Ms. Cooper reported that the community meeting in the past was advertised and will be advertised this time and placed on the website. The survey was mailed a minimum of a month in advance of the community meeting. Ms. Crawford suggested that we have the community meeting first and if needed, a survey could be sent. Ms. Spencer asked if the meeting could be accessed remotely for those who cannot attend, however the internet access for some citizens is a concern. Vlad suggested both an online survey and a paper version survey. It can take a while to receive mailed surveys. Ms. Crawford asked if the county had a bulk-mail permit and suggested we send a one-page flyer. Every citizen who has a mailbox or PO Box would receive the flyer. Ms. Spencer will research further.

Mr. Colby stated he feels the six concepts from 2014 were very solid and this was the first village plan in the county. He asked if it was possible to define “what is a village and what are its functions”, as this pertains to a plan. Vlad stated the plan needs to be scaled to the population and area. Mr. Doss stated that since the 2014 plan, there has been economic downturn. He stated he hopes the economics improve over time. Ms. Mitchell stated it would be interesting to see the census data, and Ms. Cooper will present census data to the Commissioners. Ms. Mitchell also stated that the idea of the plan is to look forward to the future, not just tomorrow. There also needs to be a focus on increasing broadband to encourage people to live and remain in the area.

Ms. Crawford asked if the study area boundaries of the village could be expanded. She feels a lot of the surrounding land will remain as farmland. She stated the only vacant land is the South Lake development, which never happened. Vlad suggested that the plan is a living document that changes and evolves. Ms. Cooper will send a copy of the presentation to the Commissioners. Vlad also stated that a report has been submitted to the staff.

Short-Term Rental Update:

Ms. Spencer presented the short-term rental update. She provided an overview of how we regulate short-term rentals. She will want to hear back from the Commissioners regarding their thoughts about where we offer short-

term rentals, how we are zoning, etc. Granicus is the software where applicants can apply for short-term rentals and Granicus trolls Internet sites for listings of short-term rentals. Ms. Spencer reported that 90% of the short-term rentals are in compliance. Issues under consideration are septic systems that are not rated for rented capacity. Sleeping areas without adequate egress, presence of smoke detectors and fire extinguishers, and the need for clearer guidelines. She has also heard that we don't charge high enough enforcement fines. She asked if the Commissioners had other issues of concern. Mr. Colby stated that overall, he has the impression that we are doing relatively well, and he is pleased with Granicus. Ms. Spencer stated we are working with VDH regarding septic systems, and we've created a how-to list for owners for creating proper egress. We are performing quite a bit of applicant education. Enforcement fines need to be strong enough so that they matter. Ms. Mitchell stated she feels we need clearer guidelines for zoning and enforcement. Ms. Crawford asked if we had an actual code enforcer and Ms. Spencer stated that we do not, however we do have inspectors assigned to regions. Mr. Doss asked about homeowners' insurance. Ms. Spencer stated that liability insurance is part of the registration process and applicants will not receive a permit without liability insurance. A septic report is also a built-in condition. Ms. Spencer asked what the Commissioners would like regarding zoning. Ms. Mitchell stated we have to keep in mind what we can and can't enforce or have purview over enforcement. She thinks there are specific agencies other than the Planning Commission that are in charge of some of the public's concerns. She stated they hear the same thing over and over from people who oppose short-term rentals. She feels it would be good if we knew who oversaw each type of complaint so that we could direct the public toward the proper agency. She would prefer to hear complaints about what the Commissioners can control. Ms. Crawford asked if the Planning Commission needed to hear short-term rental applications going forward. She reported that Salem City had short-term rental in their zoning as "by right" and does not believe the applications go to the Planning Commission. She is wondering if short-term rental should be "by right" and just have the planning office staff manage them. She also feels we need a definition of a short-term rental. Mr. Mack stated the common concern from the public is that the applicants aren't vetting those who rent, however this is not the purview of the planning department. Mr. Colby stated another issue is that the special-use permit is forever, and if we have a repeat problem area, there ought to be a method of terminating special use permits. If the applicant violates the conditions, the special-use permit can be revoked. Ms. Crawford feels there should be a method of revoking a special-use permit or could there be a method of trial-basis, however the county attorney stated that there are some sunset provisions, but they can be tricky. Mr. Colby feels the land use is changed when a domicile is changed to a short-term rental. Ms. Crawford stated that even if the land use is changed, the homeowner may still use the home as a residence temporarily. Ms. Mitchell expressed concern about fire safety regarding how many people are staying in a short-term rental. Ms. Spencer stated that more research is needed regarding the industry of short-term rentals and how other planning services define short-term rentals. Ms. Crawford asked if economic development could speak to the Planning Commission about the future of short-term rentals. Mr. Mack reported that he gets a minimum of five calls per day from people who are looking at purchasing a home and are wondering about the ability to use it as a short-term rental. It can be an economic disadvantage to an area that does not allow short-term rentals. Ms. Spencer feels it may be unfair to deter future lake residents who would purchase at the lake, but do not do so because citizens currently living there are against short-term rentals. Mr. Pendleton is against short-term rentals, but this is a personal preference. Mr. Pendleton stated he feels short-term rentals could be addressed through covenants versus zoning. Mr. Colby stated that we would not get approval from the Board of Supervisors if we tried to allow short-term rentals to be determined by covenants. Mr. Mack stated he would call other areas and do some research, plus ask how the change to approval of special use permits by planners has on the planning staff. Ms. Crawford stated she feels our tax revenue would increase greatly if we allowed more short-term permits. Ms. Mitchell suggested that we could reserve some zoning areas to require a special use permit for short-term rentals and others by right. Ms. Spencer stated we would do more research and report back.

Ms. Spencer reported that a solar industry expert would be making a presentation to the Board of Supervisors around 2 PM on September 21st. Planning Commissioners are encouraged to attend. Ms. Mitchell asked that we send an email invitation to the Planning Commissioners.

Ms. Mitchell asked if there was any new business on the agenda. Hearing none, the meeting was adjourned at 8:45 PM.

Mindy S. Goldsmith, Clerk
Franklin County Planning Commission

September 14, 2021
Date