

Minutes  
Essex County Planning Commission  
Regular Meeting  
March 7, 2023  
7:00 P.M.

A regular meeting of the Essex County Planning Commission was held on March 7, 2023, at the Essex County School Board Office, Tappahannock, Virginia.

Present:

David Jones – Chairman  
Angelo Stevens  
Trent Taliaferro  
Jean Segar

Absent:

Stephen Walters  
Benjamin Scott Mundie

Also present:

Rob Hodges – Planning and Zoning Director  
Kelly McKnight – Planning and Zoning Office Manager

**CALL TO ORDER**

David Jones, Chairman, called the regular meeting of the Planning Commission to order at 7:00 pm.

**ROLL CALL**

Chairman Jones asked Ms. McKnight to call the roll. A quorum was met.

**MEETING AGENDA**

Chairman Jones stated that Rob Hodges wanted to move the discussion on Short Term Rentals before chapters 1-3 of the Comprehensive plan.

**APPROVAL OF MINUTES**

A motion was made and seconded to approve the minutes of the February 7, 2022, Planning Commission meeting. AYES: 4 NAYES: 0 ABSENT: 2

**PUBLIC COMMENTS**

Chairman Jones opened the Public Comments session and as no one came forward to speak, closed the session.

## **NEW BUSINESS**

Rob Hodges introduced Tim Smith as the new Zoning Compliance Officer. We adopted the new zoning and subdivision ordinance back in October and it went into effect in November. They have worked to get people registered with short term rental. Tim will go over a couple of things that we think that we could firm up with the short-term rental.

Tim Smith presented the new wording.

Section 36.422. — Short-term rental **permitting and regulations**

(a) The following definitions shall apply as used in this section:

(1) Booking transaction means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

(2) Guest or transient means a person who occupies a short-term rental unit.

(3) Host means the owner of a short-term rental unit, or lessee of the short-term rental unit with a lease agreement that is one year or greater in length.

(4) Host designee means a person assigned by the host to be available 24/7 to answer problems associated with the short-term rental.

(5) Short-term rental means a residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.

(6) Residential dwelling unit means a residence where one or more persons maintain a household.

(b) **Short-term rental (STR) Permit and other requirements.**

(1) No host shall operate a short-term rental without having applied for and obtained a STR permit from the Zoning Administrator.

(2) The Zoning Administrator **or their designee** will report all STR permits issued to hosts to the County Commissioner of the Revenue for business registration and collection of the business license fee.

(c) The **STR Permit application** form shall include the following information:

(1) The name, telephone number, address, and email address of the host.

(2) A reminder about the importance of having appropriate levels of insurance that covers the short-term rental, the host, and the guests with signature by the host acknowledging they understand and have appropriate insurance.

(3) A requirement to provide the septic tank capacity from the Virginia Department of Health **if the short-term rental is not connected to a public sewer system.**

(d) The STR permit shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year and shall be renewed annually.

(e) A logbook shall be maintained for all rentals and be made available for review by the County upon request. The refusal to make available the logbook upon request shall be considered a violation of the STR Permit.

(f) No signage advertising a short-term rental shall be allowed.

(g) If more than two (2) substantiated complaints (violations) are received within a rolling twelve (12) month period, the STR permit may be cancelled by the zoning administrator.

(h) Any short-term rental in violation of zoning regulations, including operation without a STR permit, is subject to all relevant penalties as set forth by the County.

(i) The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.

(j) Safety.

(1) The short-term rental shall meet all applicable Virginia Uniform Statewide Building Codes for a rental unit and/or bedroom. The County may inspect any short-term rental anytime for compliance with applicable building codes; and, at least once a year conduct a spot inspections regarding STR permit regulations..

(2) Site address. The short-term rental will have an approved E-911 address placed on the dwelling in a position that is plainly legible and visible from the street fronting the property. Structures obscured from street view or access roads in excess of one hundred and fifty (150) feet in length shall additionally post the E-911 address at the roadway entrance.(k) Use regulations.

(1) No recreational vehicles, buses, or trailers shall be used in conjunction with the short-term rental use to increase the occupancy of the short-term rental.

(2) The host shall not permit occupancy of a short-term rental for a period of less than overnight.

(3) The name and telephone number of the host or the host's designee shall be conspicuously posted within the short-term rental. The host or the host designee shall answer calls 24 hours a day, seven days a week for the duration of each short-term rental to address any problems associated with the short-term rental unit.

(4) The principal guest of a short-term rental unit shall be at least 21 years of age.

(5) The maximum number of persons in a short-term rental unit is limited to the lesser of (i) two persons per bedroom. For the purpose of this Section, children ages 3 and under shall not be counted as a "person", or (ii) the number of persons or bedrooms as indicated on the Virginia Department of Health septic permit. For the purposes of this

Section, a bedroom shall be defined by what is permitted by building code (Sec. 36.422(k)(1)), which should also be reflected on the real property assessment records. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered bedrooms. Space used or intended for general everyday use, and not sleeping, such as a living room, den, sitting room, attic, basement or similar space shall not be considered a bedroom. (6) Creation of an event venue or gatherings fitting the definition of "Assembly, place of," shall comply with the permit requirements of "Assembly, place of," as outlined in this ordinance.

(l) STR Permit suspension or cancellation. For the purposes of this section, suspension shall mean the cease of short-term rental operations for the period of time set forth. Unless otherwise determined by the zoning administrator, the 1<sup>st</sup> violation shall be given a written warning. The second violation shall be a suspension for 90 consecutive days. A third violation in a rolling twelve (12) month period shall result in a cancellation of the STR Permit for the balance of the current year and the following two (2) calendar years. Suspensions or cancellations shall begin 30 days after the date of the Notice of Suspension or Cancellation. During the suspension or cancellation, the County will not be held responsible for the loss of income resulting from suspension.

(1) A STR Permit may be suspended or cancelled for the following reasons:

a. Failure to comply with County ordinances, including the collection and/or remission of the transient occupancy tax or county business license fee.

b. Substantiated complaints (including, but not limited to, noise and excess trash) within a rolling twelve-month period can result in a suspension or cancellation as defined in (m).

c. Refusal to cooperate with the County in a complaint investigation; including allowing the Zoning Administrator or their designee to enter the dwelling unit upon reasonable advance notice.

(2) Before any suspension or cancellation can be effective, the Zoning Administrator shall give written notice to the short-term rental host. The notice of suspension or cancellation issued under the provisions of this Ordinance shall contain:

a. A description of the violation(s) constituting the basis of the suspension or cancellation;

b. If applicable, a statement of acts necessary to correct the violation; and

c. A statement that if no written response by the host is received by the Zoning Administrator within 30 days from the date of the notice, the STR permit will be suspended or cancelled immediately.

(3) The notice shall be given to the host by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent to the address of record by:

a. Certified mail or e-mail to the addresses in the zoning permit application; and

b. A copy of the notice shall be posted in a conspicuous place on the premises.

(4) A copy of the notice will be provided to the Commissioner of Revenue to advise that any registration and business license related to the short-term rental may be suspended or cancelled.

(5) Any determination made by the Zoning Administrator may be appealed to the board of zoning appeals in accordance with Article II Division 6 of this Ordinance.

(m) Penalty.

It shall be unlawful to operate a short-term rental:

(1) Without obtaining a STR permit as required by this Article;

(2) After a STR permit has been suspended or cancelled; or,

(3) In violation of any other requirement of this Article.

**(4) Civil penalties shall be assessed in accordance with Sec. 36.57**

Mrs. Segar made the motion to forward this to next months meeting for public hearing. Mr. Stevens seconded the motion. AYES: 3, NAYES: 1, ABSENT: 2 Commissioner Taliaferro is still uncomfortable with the building code wording.

### **PUBLIC HEARING**

None

### **OLD BUSINESS**

Chairman Jones stated that they will start to look at chapters 1-3 of the comprehensive plan. One thing that is the purpose is that it states the comprehensive plan shall be general in nature.

#### Page 3

Commissioner Taliaferro asked what exactly is affordable housing? Mr. Hodges stated that there is a calculation that determines.

Mr. Hodges spoke about coastal resiliency but was not at the microphone.

#### Page 6

Chairman Jones stated a lot of this would be up to whoever is hired to help us. In paragraph 3 it states 'As the County grows and changes over the next 20 years, this Comprehensive Plan will serve as a guide for making growth management decisions in Essex county.' They will need to decide if that is 20 years or 5 years or however many years that want.

#### Page 9

The paragraph that states 'The Comprehensive Plan update was conducted by a steering committee consisting of Essex County residents and members of the business community, Essex County staff and Planning Commission members and Middle Peninsula Planning District Commission.' That paragraph would be modified if they do not use a steering committee.

We would also adjust 'As such, the Plan is designed to address the County's needs through the year 2030'.

#### Page 11

Under the Subdivision Regulations we will change the dates to reflect the updated dates.

Under Storm Water Management we will need to put in who maintains that now.

#### Page 12

Under the Capital Improvements Program that will need to reflect that this is already in place.

### **Section Two**

Most of this is the population numbers will be updated. Mr. Hodges spoke about what would a business want to look at to encourage them to come to Essex County.

Commissioner Stevens asked if the average salary base would be in there. Chairman Jones stated we could ask that it be put in. Commissioner Taliaferro asked about the median income.

### Section 3

Commissioner Jones asked if Mr. Hodges knew if they Board had ideas to add to the objectives. Is this where we would mention about coastal resiliency?

Mr. Hodges asked if there was anything about solar in there? There is not but probably should be.

### Page 18

The first paragraph talks about the increased population however the population is trending down.

In the last paragraph we need to make sure that the people are in charge of things are the ones listed.

### Page 19

We need to check the numbers for Groundwater.

### Page 20

Commissioner Taliaferro are the leases for the exploration for the northern end of the county still active or have they expired?

### Page 21

Do we have a policy for oil and gas?

### Page 23

Updating the numbers for the Rappahannock basin. Mr. Hodges questioned the relevance of having the Rappahannock Basin portion in the plan?

### Page 24

Commissioner Taliaferro said that the county sold the Wares Wharf property.

Checking on the commercial marinas. One objective could also be having more public water access.

### Page 26

The numbers at the bottom need to be checked.

### Page 27

Checking numbers of the total shoreline bordered by structural protection.

### Page 28

Check the website for current.

### Page 31-32



Need to figure out what the strategic plan for managing water resources in Essex County is.

Page 37

Anything that has a percentage, or a number should be looked at.

Page 38

Anything that has a percentage, or a number should be looked at.

Page 44

Checking the Potable Water Supply

Page 45

Checking that it is still the Virginia Water Control Board that regulates existing point source pollution dischargers.

Page 46-47

Under Implementation, we should look at those and make sure they are relevant and if we want to add any.

Commissioner Stevens asked how often Chairman Jones converse with the zoning board of the town. Chairman Jones stated he doesn't not that he wouldn't.

Commissioner Stevens asked that so we could work together to make stuff grow? Chairman Jones will reach out to them.

Chairman Jones asked about taking on Section 4 next month with the Land use.

Commissioner Segar asked about the property in Dunnsville if there is something to be done about all the junk.

**ADJOURN**

Having no further discussion, a motion to adjourn was made and seconded. AYES: 4, NAYES: 0, ABSENT: 2

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Chairman

