

WHITE COUNTY BOARD OF COMMISSIONERS
MINUTES OF THE JOINT MEETING HELD WITH THE
WHITE COUNTY PLANNING COMMISSION ON
THURSDAY, JANUARY 17, 2019 AT 7:30 A.M.

The White County Board of Commissioners held a joint meeting with the White County Planning Commission on Thursday, January 17, 2019 at 7:30 a.m. in the Board Room at the White County Administration Building. Present for the meeting were: Chairman Travis Turner, Commissioner Terry Goodger, Commissioner Lyn Holcomb, Commissioner Edwin Nix, Commissioner Craig Bryant, County Manager Michael Melton, County Clerk Shanda Murphy, Director of Community & Economic Development John Sell, Director of Planning Harry Barton, Planning Commission Members: Chairman Charlie Thomas, R.K. Ackermann, Linda Dixon, Brad Ash, Dona K. Burke, Larry Freeman, and John Yarbrough.

Chairman Turner called the meeting to order and stated the purpose of the joint meeting was to discuss how short term vacation rentals are currently handled within the unincorporated area of White County specifically as it relates to land use and permitting procedures. He noted that several land use applications requiring public hearings for conditional use permits for short term vacation rental properties in R1 (residential single family) districts had been brought before the Planning Commission and the Board of Commissioners recently.

Mr. John Sell, Director of Community & Economic Development, summarized the current process for short term vacation rentals in the land use procedure. He noted that the Planning Department is being introduced into the process via owners initially applying for an occupational tax license and that application being forward to the Planning Office for land use sign off. He stated that if someone wanted to operate a short term vacation rental in an R3 (residential seasonal) district, that was allowed within the current land use regulations, they simply had to obtain an occupational tax license and register with the Business Tax Office for the collection of hotel / motel taxes. However, if someone wanted to operate a short term vacation rental in any other land use district they were required to apply for a conditional use permit which would necessitate a \$250.00 fee, an application process, posting the property, advertising, a public hearing before the Planning Commission, the Planning Commission forwarding a recommendation to the Board of Commissioners, advertising by the County Clerk, a public hearing before the Board of Commissioners, and a final decision on the request for the conditional use permit by the Board of Commissioners. Mr. Sell advised that currently those who have been required to go through this process have been individuals who were not utilizing management companies.

Chairman Turner stated that regardless of the decisions made, the process that was just outlined needed to be streamlined.

Ms. Murphy stated that occupational tax license applications (for short term vacation rentals) are received by staff in the Board of Commissioners front office. Those applications are forwarded to the Planning Department for the appropriate signs offs for zoning, building permit, sign permit, etc. She stated that the applications are returned to the office once the sign offs are complete and any conditional use permits are granted. Once the occupational license is approved the owner / operator of the vacation rental will complete a lodging registration form (for which there is no associated fee), and receive a certificate of tax authority (in order to collect hotel / motel tax). She stated the Board of Commissioners held five (5) public hearings associated with short term vacation rental conditional use permit requests in the past 14 months – all had property located in R1 (single family residential), two (2) were approved and three (3) were denied – and one was already scheduled for the February meeting. Ms. Murphy stated that although those who had come before the Board were individuals

renting their properties directly, the breakdown for how lodging tax is submitted for the 370 identified vacation rental properties is as follows: 10 tax services, 11 management companies, 33 multiple unit properties (campgrounds, resorts, time shares, etc.), and 41 individuals. She asked that as the Board makes their considerations on how best to deal with the vacation rental properties to consider all the different situations noted. In conclusion, Ms. Murphy stated that the office had made revisions to some forms they use in order to better track specific properties being rented through the management companies.

Mr. Harry Barton, Planning Director, stated that any property on the short term rental market prior to the adoption of land use (2015) was grandfathered as a non-conforming use and was not required to go through a land use process. He indicated that several properties that met these criteria had been identified through the processes outlined. Mr. Sell clarified that non-conforming use designations do stay with properties when they are sold. There was discussion about steps already taken and additional steps possible to insure that rental management companies provided the county with accurate records reflecting the properties they manage in order to assure consistent land use requirements.

Commissioner Nix stated that he would be in favor of taking short term vacation rentals out of the land use regulations and developing a separate policy to better regulate this area.

Mr. Melton informed that some states had worked with AirBNB and VRBO to obtain agreements that they would collect and remit the taxes to the different localities; however Georgia did not have such an agreement and he believed work had to be done at the state level to force compliance in this industry. Ms. Murphy stated the VRBO does offer a feature for the owner to collect the tax; however AirBNB does not even have a mechanism to collect the local taxes – that is totally left up to the owner to deal with the renter on directly, so those renting through AirBNB are even less likely to remit lodging tax to the county.

Mr. Charles Thomas, Chairman of the Planning Commission, stated that the Planning Commission's main issue is not having consistent criteria to review the conditional use permit applications by.

Mr. Melton presented possible options for the Board's consideration – 1) leaving as is with short term vacation rentals being a conditional use in all districts other than R3 where it is a permitted use or 2) amend the land use ordinance to allow short term vacation rentals as a permitted use within any district and regulating the use through a separate, specific, standalone ordinance (ex: Lumpkin County administers through a permitting process with a \$100 per unit host fee). Mr. Thomas noted that there are a variety of rental types – treehouses, yurts, etc. – which would make enforcing code compliance very difficult. Chairman Turner stressed that White County has been designated as “Georgia's Outdoor Destination” and there is a need to balance the tourism industry with the needs of local residents. Mr. Melton indicated that the City of Savannah requires the property owner sign an affidavit stating the property meets building code instead of the city inspecting the property, as White County does not have staff to inspect all the associated properties. Chairman Turner said he would be concerned for the county's liability with a property owner's affidavit; it would have to be run by the County Attorney for her opinion. Commissioner Goodger stated that he would like to see a requirement for proof of rental insurance and would like for a county wide notice to be published in order to advise all property owners of the requirements for having a property as a short term vacation rental.

Mr. R.K. Ackermann expressed his appreciation for the Board's consideration of possible revisions to the ordinance in the long term; however he stated that the Planning Commission needs guidance in the short term for those applications coming before them which were in process prior to the current moratorium on conditional use permits for short term vacation rentals. Mr. Melton referred the Planning Commission to Sections 1701 & 1808 of the Land Use Code for guidance on the criteria for approving conditional use permits.

The Board directed Mr. Melton to have staff draft a proposed ordinance for regulation of short term vacation rentals (apart from the land use ordinance) as well as draft an amendment to the land use ordinance to allow short term vacation rentals as a permitted use throughout all land use districts – with the amendment to the land use ordinance requiring advertisement and a public hearing once the draft was approved by the Board. Commissioner Nix stated that the focus of the ordinance should be consistency and accountability. Commissioner Goodger stated that safety of tourists coming to White County should be the focus as we continue to promote our area as a tourist destination. Commissioner Holcomb stated that the Board should encourage homeowner’s associations to address this issue in their subdivision covenants. Commissioner Bryant stated that he would not be in favor of an ordinance that did not bring the approvals to the Board of Commissioners. Mr. Melton advised that in Lumpkin County, the short term vacation rental permits are approved at the staff level, just as any other permit would be. Mr. Melton stated that any denial would come before the Board in the form of an appeal as with other county ordinances.

Chairman Turner assured the Planning Commission that the Board would be looking at any way the current procedures could be streamlined in order to provide better, more efficient customer service.

There was a consensus of the Board that regulations related to “tiny houses” needed to be discussed in the near future.

Chairman Turner adjourned the joint work session.

The minutes of the January 17, 2019 meeting are hereby approved as stated this 4th day of February, 2019.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Terry D. Goodger
Terry D. Goodger, District 1

s/Lyn Holcomb
Lyn Holcomb, District 2

s/Edwin Nix
Edwin Nix, District 3

s/Craig Bryant
Craig Bryant, District 4

s/Shanda Murphy
Shanda Murphy, County Clerk