



Minutes
Louisa County Planning Commission
Thursday, May 12, 2022
7:00 PM
Louisa County Public Meeting Room

CALL TO ORDER

ROLL CALL

Attendee Name	Title	Status	Arrived
Tommy J. Barlow	Mountain Road District Supervisor	Present	
Gordon Brooks	Commissioner	Present	
Ellis Quarles	Commissioner	Remote	
Garland Nuckols	Mayor/Louisa Town Representative	Absent	
Cyrus Weaver	Commissioner	Present	
George Goodwin	Commissioner	Present	
John Disosway	Chairman	Present	
H. Manning Woodward	Vice Chairman	Present	
James Dickerson	Commissioner	Present	
Tony Henshaw	Town of Mineral Representative	Absent	

Others present: Josh Gillespie (Remote), Director of Community Development; Helen Phillips, County Attorney; Kyle Eldridge, Assistant County Attorney; Tom Egeland, Senior Planner; Bridgette Bittle, Planning and Zoning Technician; Linda Buckler, Deputy Zoning Administrator.

Mr. Quarles stated that he was attending remote from Connecticut for business.

INVOCATION

Mr. Dickerson gave the Invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mr. Woodward.

APPROVAL OF AGENDA

Mr. Brooks motioned to approve the agenda with one change, seconded by Mr. Weaver and opposed by none.

APPROVAL OF PLANNING COMMISSION MINUTES

Planning Commission - Regular Meeting - Apr 14, 2022 7:00 PM

Mr. Goodwin motioned to approve the minutes, seconded by Mr. Dickerson and opposed by none.

CONSENT AGENDA

None.

PUBLIC ADDRESS

Mr. Disosway opened the public address period.

There were no speakers.

The public address period was closed.

UNFINISHED BUSINESS

None.

PUBLIC HEARINGS

Amendments to Chapter 86 Land Development Regulations - Solar Generation Facilities

Mr. Gillespie presented to the Planning Commission the draft amendments to Chapter 86 of the Land Development Regulations - Solar Generation Facilities.

Mr. Disosway called on speakers to continue the public hearing for this topic.

Speaker #1: Chris Mason, Pine Gate Renewables Representative - opposed to the proposed amendments to establish a minimum megawattage for conditional use permit applications and to the proposed requirement for a 300ft buffer around the project perimeter.

Mr. Disosway informed that four (4) email messages were received and distributed to the Planning Commission prior to the meeting on this topic. The emails were in opposition to the proposed amendments and are on record. These emails are included in the minutes in their entirety as **Exhibit A**.

Mr. Disosway closed the public hearing.

Mr. Gillespie explained changes since the last meeting.

Mr. Woodward conveyed items of concern that he made note of from the coordination he had between Staff and the Board as follows:

- 1.) Phase 1: The Board's intent... - Mr. Woodward stated that this is already accomplished with current regulations.
- 2.) Establish maximum size in acreage. Mr. Woodward stated that he didn't see the value in establishing a minimum; the proposed minimum megawattage will cut out most projects from consideration. He preferred that the Commission work on the megawattage issue on a case by case basis.

- 3.) Limit to 1 mile to electrical junctions. Mr. Woodward did not see this amendment as an issue of concern and recommended for its adoption.
- 4.) Prohibiting use in and around R-1 and R-2 districts is preferred.
- 5.) The buffer needs to be addressed by the proposed amendment generally and evaluated in a site-specific manner for each proposed CUP.

Mr. Brooks recalled that the buffers are required to be opaque, per the ordinance. He went on to explain that he would be satisfied with a minimum requirement of 150ft but the amount of buffer that it takes to be “opaque” might differ. He further addressed the issue of the minimum project megawattage and he stated that there should be something to fill the gap in megawatts.

Mr. Disosway added that he believes the special exception process would allow for other projects to come through on a case by case basis.

The commission asks Mr. Gillespie if the special exception process is any more burdensome than the CUP process. Mr. Gillespie explained that the Board is not required to consult with the Commission on special exceptions and lacks the specific criteria considered for a Conditional Use Permit (CUP), and those criteria are an important factor for the Commission’s consideration.

Mr. Goodwin stated he favors the special exception route.

Mr. Woodward said the special exception option was acceptable to him and further that he would like the buffer requirements to be 150ft with 4 rows of plantings.

Mr. Goodwin stated that he was in favor of the language that allowed at least 300ft of buffer unless the applicant can provide through evidence of view shed analysis that it doesn’t need as much depth in the buffer.

Mr. Brooks asked when the changes might take effect and it was discussed that the decision would ultimately be left up to the board.

Mr. Goodwin had two additional items that he would like to see addressed: 1.) Making sure that any construction conditions are written to be effective during construction, while in commission, and during work to decommission a project, specifically suggesting a statement that clarifies “Any time the term construction is being use, it refers to both commission and decommission.” 2.) Fire suppression to protect citizens and firefighters, mostly regarding the batteries.

Mr. Disosway asked for specific changes that could be made to the language of the proposed amendments.

Mr. Goodwin proposed wording similar to “Applicant will establish a fire suppression plan including access, egress, parking, and operation space for fire and emergency or installation of an external fire department connection (FDC),” or “A detailed plan for either sufficient egress access and operation or FDC,” and “Fire suppression plan should be reviewed by the Fire Chief.”

Mr. Goodwin suggested that fire suppression should include the battery location. The Commission members discussed this in detail, and it was also determined that the battery location shall be specified to be within buffered (not to be confused with buffer area) area and should not be located within the buffer itself.

Mr. Dickerson suggested the language “In no case shall such buffer contain storm water or battery storage.”

Mr. Disosway restated the changes being recommended for the motion. The Commission proposed following changes to the regulations for solar:

- 1.) Construction to include commissioning and decommissioning.
- 2.) Detailed fire suppression plan to be reviewed by Fire Chief.
- 3.) Battery storage to remain on the solar panel side of buffer.

Mr. Woodward moved to approve the solar amendments with the changes as stated, seconded by Mr. Brooks and carried by a vote of 7-0.

CUP2022-02 - Conditional Use Permit Request - Special Occasion Facility

Mr. Egeland introduced the Evergreen Farm at Rocky Creek, LLC and presented their plan for the special occasion facility and a list of conditions the applicant has agreed to.

Mr. Disosway opened the public comment period.

The applicants presented details of the proposed wedding venue to the Planning Commission.

Mr. Goodwin asked if the applicants planned on using the current CUP for a wilderness camp and if the applicant would be willing to revoke said CUP as a condition of issuance of the new CUP.

The applicant stated that they do not intend to use the previous permit and agreed to the condition of having it revoked.

Mr. Goodwin asked if they would abide by any future regulations to short term rentals and the applicants agreed.

Mr. Quarles asked if the applicants would be willing to reduce the cottages to 6 and have them all on one electrical service or one meter.

The applicants said they would be willing to agree to that as well.

There was on email correspondence from Gerald W. Harlow in support of the wedding venue.

Mr. Goodwin addressed condition 14 of the CUP, suggesting that the second to the last sentence should be removed since the applicant agrees to abide by short term rental guidelines.

Mr. Disosway called for speakers for this topic.

Mr. Disosway informed that one (1) email was received and distributed to the Planning Commission prior to the meeting on this topic. The email was supportive and is on record. This email is included in the minutes in its entirety as **Exhibit B**.

Speaker #1: Tracy Clark, Louisa County Chamber of Commerce spoke about the event venue being used for short-term rentals. Ms. Clark stated that it conflicts with the proposed short-term

rental guidelines [Note: proposed short-term rental amendment LDR 2022-05] as it restricts the use of short-term rentals being used for event rentals.

Mr. Disosway closed the public comment period.

Mr. Brooks asked staff for clarification on several conditions including condition 10 and suggested a change in terminology so that it would read “Prior to any site work...” instead of “Prior to holding any events” to avoid confusion as this is an ‘event’ venue.

Mr. Quarles stated that he would like for the venue to use the cottages for events only and not allow them to be used as short-term rentals.

Mr. Goodwin said he would be hesitant to limit the applicant in that way.

There was extensive discussion on whether it would be feasible to restrict the dwellings from being short-term rentals.

Mr. Disosway asked if there was a way to allow this use without it becoming a short-term rental.

Mr. Goodwin stated that he didn’t see any way of doing that unless there was no charge for their stay, hidden or otherwise, due to the way the county defines short term-rentals as “The rental of a dwelling for periods of 30 days or less.”

The applicants clarified that they were asking for 12 cottages and after much discussion, the changes for the motion were decided on as follows:

Condition 10. Prior to ~~holding any events~~, **any site work** the applicant shall secure all necessary permits and approvals from the Louisa County Community Development Department, the Virginia Department of Transportation (VDOT), and the Virginia Department of Health (VDH).

Condition 14. The cottages are to be grouped together in one area of the parcel. Subdivision of the property will not be permitted while the cottages exist on the property. ~~The Cottages may only be used by individuals associated with a booked event on site.~~ Any future short-term rental regulations adopted by the County will apply.

Condition 15. This Conditional Use Permit will revoke CUP03 - 2011.

On motion by Mr. Goodwin and seconded by Mr. Brooks, the Commission decided to forward a recommendation of approval to the Board of Supervisors for CUP2022-02 with the changes as stated. The motion passed with a vote of 7-0.

The Planning Commission took a 5 minute recess.

Amendments to Chapter 86. Land Development Regulations – Short-Term Rental of a Dwelling

Mr. Disosway began by requesting a motion to extend the meeting beyond 10:00 PM due to the number of citizens wanting to speak at the meeting on short term rentals.

Mr. Goodwin motioned to extend the meeting past 10:00 PM, seconded by Mr. Brooks and carried by a vote of 6-1.

Mr. Gillespie presented the proposed amendments with changes.

Mr. Disosway added that it was made clear during the work session that there is no need to maintain the names of all visitors, just the names of the lessees.

Mr. Disosway opened the public hearing.

Speaker #1: Travis Gagnon, Louisa County, VA (Texas) - opposed to proposed ordinance

Speaker #2: Paul Snyder, Jackson voting district - opposed to proposed ordinance

Speaker #3: Mane Snyder, Jackson voting district - opposed to proposed ordinance

Speaker #4: Mary Holeman, Jackson voting district - opposed to proposed ordinance

Speaker #5: Barbara Cooper, Cuckoo voting district - in favor of ordinance

Speaker #6: Suzan Oneal, Mineral voting district - in favor of ordinance

Speaker #7: Iva Vaeth, Mineral, VA - in favor of ordinance

Speaker #8: Mark Ainsworth, Mineral voting district - opposed to proposed ordinance

Speaker #9: Stephen Harler, Elk Creek voting district - just came to present information

Speaker #10: Dane Swenson, Louisa voting district - in favor of ordinance

Speaker #11: Tracy Clark, Louisa County Chamber of Commerce - opposed to proposed ordinance as it stands, recommends working group and more time spent on researching ordinance

Speaker #12: Kate Killham, Jackson voting district - opposed to proposed ordinance

Speaker #13: Zachary Visco, Louisa County, VA - opposed to proposed ordinance

Speaker #14: Michael Spinosa, Mineral voting district - opposed to proposed ordinance

Speaker #15: James Kogle, Mineral voting district - in favor of ordinance

Speaker #16: Greg Baker, LACA President - in favor of ordinance

Speaker #17: Robert Madison, Chesterfield, VA - opposed to proposed ordinance as it stands

Speaker #18: Andrew Johnson, Fredericksburg, VA - opposed to proposed ordinance

Speaker #19: John Romano, Henrico, VA - opposed to proposed ordinance as it stands

Speaker #20: Keith Robertson, Chantilly, VA - opposed to proposed ordinance as it stands

Speaker #21: Denis Wallingsford, Cuckoo voting district - in favor of ordinance

Speaker #22: Lindsey McClennan, Lake Anna Resident - opposed to proposed ordinance

Mr. Disosway informed that fourteen (14) emails were received and distributed to the Planning Commission prior to the meeting. Of those emails, five (5) were in favor of the proposed ordinance and nine (9) were opposed. There were two (2) additional emails received late on May 12 which were not distributed in advance. Mr. Disosway read the two (2) emails received late on May 12 into the record during the meeting.

Email #15: Christie Cooke, Lake Anna Realty - opposed to the proposed ordinance

Email #16: Brice Zimmerman, Lake Anna Resident - in favor of ordinance

All emails are on record and included in the minutes in their entirety. Please see **Exhibit C**.

Mr. Disosway closed the public hearing.

Mr. Brooks stated a list of his concerns regarding the proposed amendments to include the following:

- 1.) The requirement for insurance coverage and amount are outside of the Planning Commission's territory. He stated that those items should be left to an industry standard and not for Louisa County to state what that amount should be.
- 2.) Two person per bedroom might not be reasonable to include children.
- 3.) Maintaining the list of visitors was already addressed that it should be the lessee's information only.
- 4.) At the time this would go into effect, would current known STRs be grandfathered?

Mr. Goodwin stated that he would not like to differ from the occupancy standard that has been set by the health department for the septic systems.

Mr. Disosway asked if the Commission would be in favor of having further discussion between staff and the Board and table the topic until the June Planning Commission meeting.

Mr. Disosway appointed Mr. Brooks along with himself to meet with Mr. Adams and Mr. Gentry, as well as staff in order to revise the proposed amendments.

On motion by Mr. Woodward and seconded by Mr. Goodwin, the Commission voted 7-0 to table the discussion on short-term rentals until the Planning Commission's regular June meeting. The public hearing was closed, and Mr. Disosway clarified that there was no intent to reopen the public hearing when the Planning Commission resumes consideration of this item.

NEW BUSINESS

None.

DISCUSSION

None.

REPORTS

Mr. Goodwin reported following an assignment from the Planning Commission's last meeting when he and Mr. Dickerson were appointed to meet with Board members and staff regarding the appendices section of the comprehensive plan. He stated that they believe they identified a good path forward and hope to report those conclusions and directions soon.

ANNOUNCEMENTS AND ADJOURNMENT

Mr. Goodwin motioned to adjourn the meeting, seconded by Mr. Dickerson. The motion carried 7-0. The regular meeting of the Louisa County Planning Commission was closed at 10:43 PM.

BY ORDER OF:

JOHN DISOSWAY, CHAIRMAN
PLANNING COMMISSION
LOUISA COUNTY, VIRGINIA



Good Day Planning Board Members,

My name is Jesse Dimond, I am a developer for Impact Power Solutions. We currently have a lease with a property owner in the green springs district and plan to develop a shared solar array.

Shared solar is a way for people who don't have a good spot for solar panels to participate in solar as if these panels were up on their roof. Many of the people who elect to participate in shared solar are low-income individuals or businesses that rent property and don't own a rooftop to put solar panels on.

We have read your proposed solar ordinance changes and respectfully ask you to consider our concerns below.

The proposed minimum project size of 151 MW would outlaw shared solar. Virginia State code section [§ 56-594.3](#) defines shared solar to be capped at 5MW. Therefore, the ordinance change would place an undue burden on the participants of shared solar, residents who don't own land. We ask to either strike this rule or make it not applicable to shared solar projects.

The proposed increase in setbacks from 150' to 300' will also have an adverse effect by reducing the ability to design well-conceived projects. If you make the project area skinnier, we will need to make it longer, meaning there will be additional frontage along parcel boundaries including roads. In addition, the increased distance will not change the view of the array. As proposed, adding a 4th visual barrier layer is a better way to minimize the visual impact of projects.

Thank you for your time and consideration.

Sincerely,

Jesse Dimond

Jesse Dimond
Senior Solar Developer

Bridgette Bittle

From: Ben Ochs <benwochs@hotmail.com>
Sent: Wednesday, April 13, 2022 5:22 PM
To: Tom Egeland
Subject: Comments on Proposed Solar Ordinance
Attachments: Solar area.jpg; VA - Ochs - Site Plan - 10-19-2021.pdf



CAUTION: External email

Dear Mr. Egeland,

I am not sure if I will be able to attend the planning commission meeting on Thursday evening, April 14th, so I wanted to write to you to express my comments on the proposed Solar ordinance amendments being considered. If these proposed amendments are approved, my family and I would be needlessly negatively impacted.

By way of background, in 2021 my wife and I purchased the historic farm known as Hopewell (8239 Gordonsville Road, Gordonsville, VA), which borders both Kloeckner Road and Gordonsville Road, as a place for my father to reside, our family to enjoy the outdoors and as an opportunity to farm and produce income. It is located partially in Albemarle County and primarily in Louisa County and is bordered on the eastern side of the property by high transmission power lines, a natural gas line, railroad tracks, Gordonsville Power Plant, Klockner Pentaplast and the Louisa Generation Power Plant (please see two attachments – one reflecting the site plan for the solar and the second identifying the location in proximity to the other industrial/utility facilities adjacent to my property. The industrial facilities on the eastern border are not aesthetically nor proximally desirable, so we currently have allowed trees to form as much of a visual barrier as possible to prevent visual observance of these facilities from the farm house and the fields.

Last year, we were approached by a number of solar developers seeking to partner with us on a portion of our land closest to the industrial facilities under Virginia's new Community Solar Program. We spoke with a number of the companies and ultimately decided to move forward with IPS-Solar based on their references, expertise and prior successful developments all over the country. They were sensitive to the area we targeted for a Community Solar facility and worked careful to ensure we wouldn't see it from our farmhouse or fields, that it wouldn't disturb our neighbors and that it would be sensitive to the context of the surrounding area. The area of our farm where it be installed is directly adjacent to the industrial facilities that are otherwise an eyesore for us and the solar facility would replace pines that we expect to harvest anyway in the coming years. That part of our farm is generally not suitable for growing other types of crops in addition to being aesthetically undesirable due to the industrial facilities already bordering it. The lease with IPS-Solar is critically important to us as the income would be used to preserve and enhance the rest of the farm's operational expenses and to care for my father in retirement. The proposed solar ordinances as currently drafted would render our site unusable, cause the developer to terminate the lease and accordingly would cause our family to lose the potential income stream associated with the land lease we have previously negotiated.

Our concerns associated with the proposed solar ordinance rules specifically are:

- 300' set back from parcel lines - The increase from 150' to 300' is an arbitrary number change that doesn't offer much benefit.
 - This rule actually has an adverse effect by reducing the ability to design well conceived projects.
 - If the project area is forced to be skinnier, we will need to make it longer, meaning there will be additional frontage along parcel boundaries, including roads.
 - As proposed, adding a 4th visual barrier layer is a better way to minimize the visual impact of projects.

Exhibit A

- We petition to maintain a 150' set-back from a public road and 50' set backs from other parcel lines.
- Minimum project size of 151 MW - This would make all shared solar sites not possible under this rule.
 - We would like to see this rule modified so that it is not applicable to shared solar – specifically under Virginia's Community Solar Program.

We understand the public's concerns with the impact poorly planned solar could have to viewsheds and neighboring property values. That said, please consider the context of our site specifically (already adjacent to industrial/utility infrastructure) on the consequences that these ordinances would have in making our site unusable for solar when otherwise it seems like the perfect site given the neighboring industrial facilities/uses and ZERO impact visually on any neighboring residential homeowners.

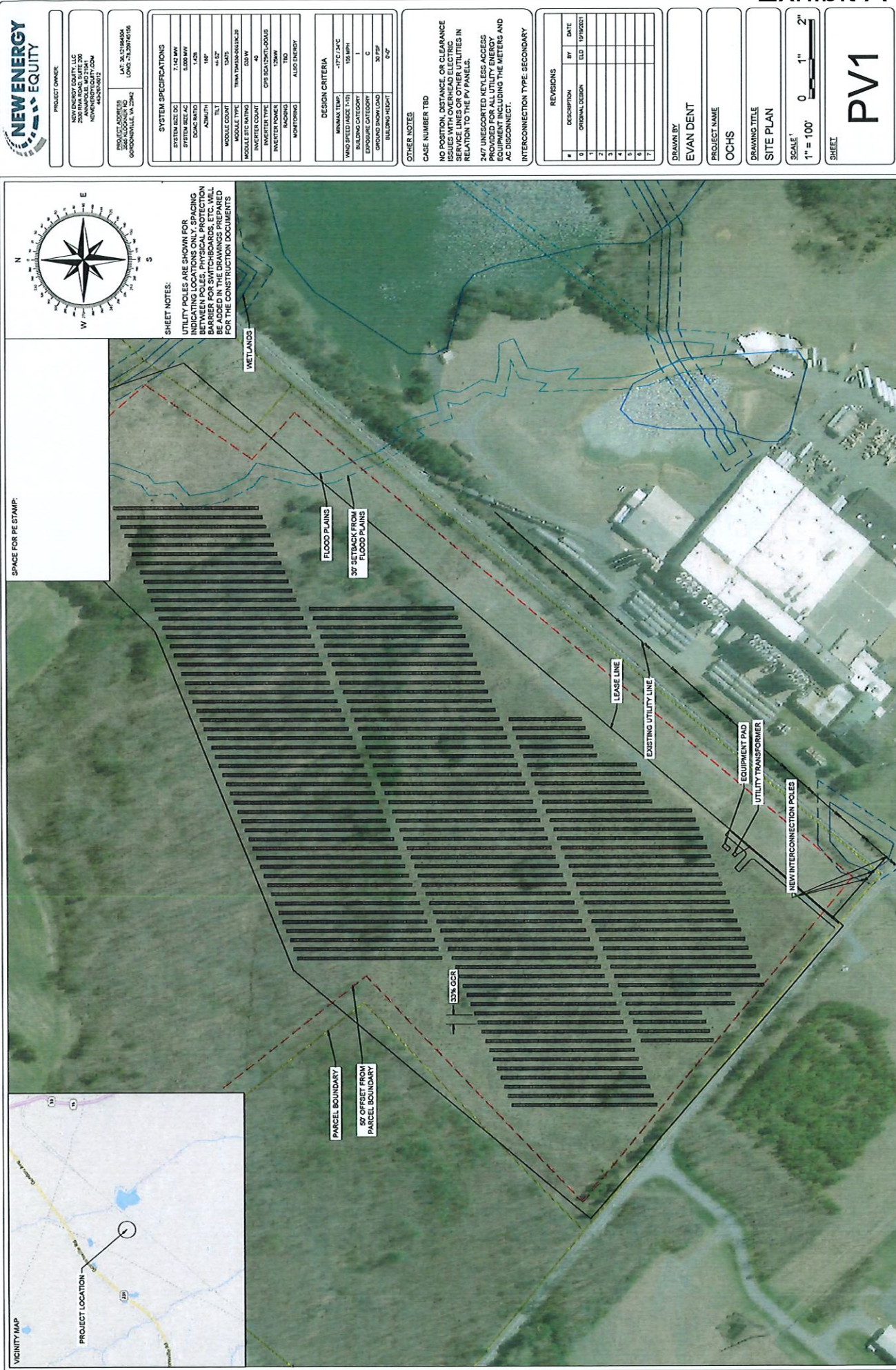
Respectfully submitted,

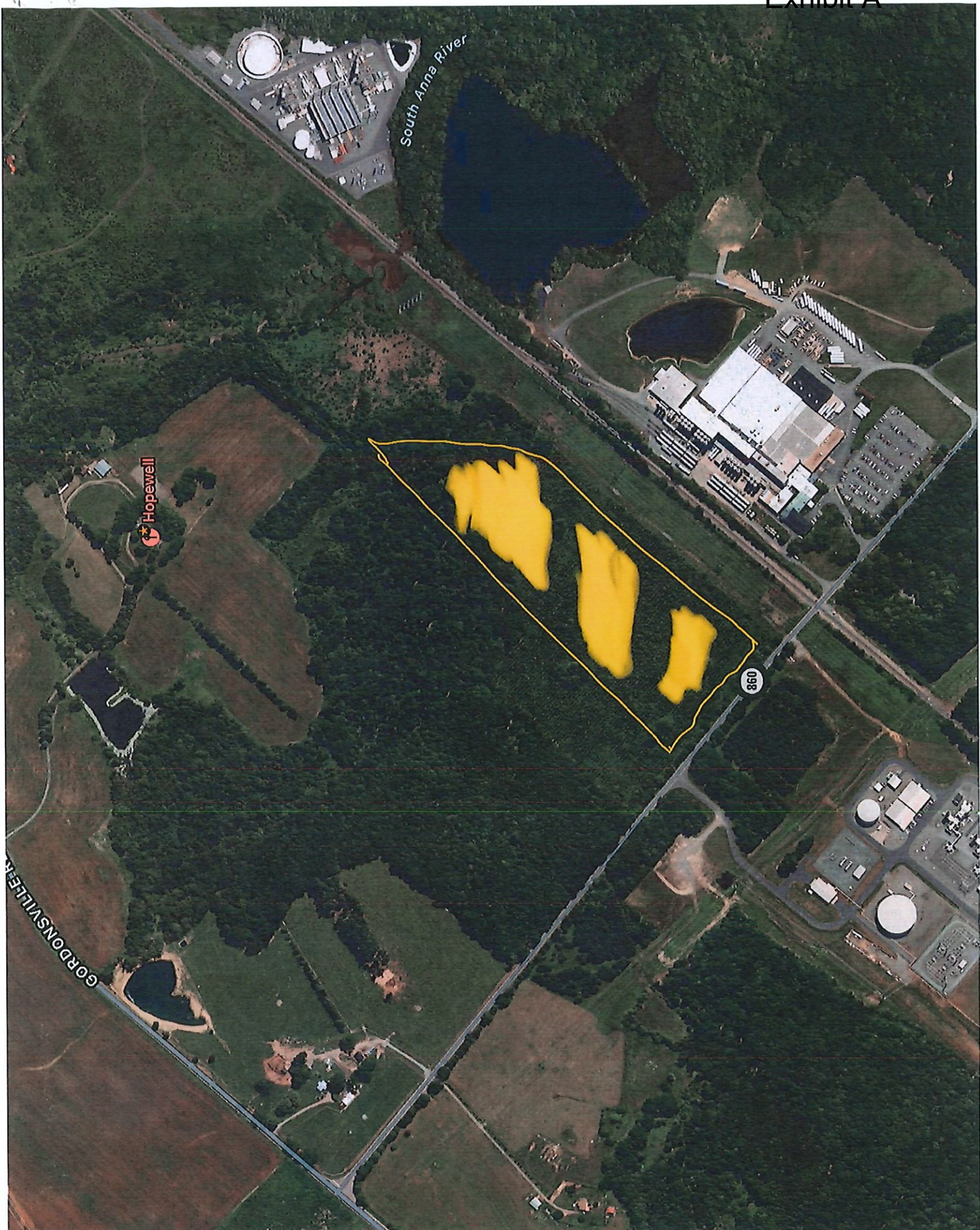
Ben Ochs

(434) 906-5665

Attachment

Exhibit A





Linda Buckler

From: Central Va Farmer <centralvafarmer@gmail.com>
Sent: Thursday, April 14, 2022 3:38 PM
To: PlanningZoning
Subject: Proposed solar ordinance



CAUTION: External email

To whom it may concern. My name is Matthew Herndon. My family and I own a 220 acre farm just outside of Gordonsville. We have agreed to rent 160 acres of land to Pinegate renewables for " Turkey Solar" , a 16 megawatt solar farm.

These proposed solar ordinances would basically kill this project. I think that this is a terrible intrusion on our property rights. This basically only allows huge solar projects that benefit only large landowners. It takes a massive amount of land to make 151 megawatts. That is 10 times the size of our place. How in the world do you plan to control erosion and other environmental issues for a potential project that would encompass 1500-2000 acres.

It has came to my attention also that one argument that was brought up was the ease on county staff. Only having one big project is easier than 10-20 small ones. My question is " isn't that your job?" I dont think that the workload on government employees is worth my property rights.

I can tell you as a full time farmer how tough it is trying to make a living off the land. Solar allows small and large landowners a opportunity to keep their land, and make a return off it, while not draining county resources in the form of more schools, fire/rescue, sheriff dept, etc. It is also good for our environment and puts us less dependent on foreign sources of energy.

In closing I ask you to reconsider these restrictive proposals, which take away the property rights of small landowners like myself.

Sincerely

Matthew C Herndon



Headquarters: 130 Roberts Street, Asheville, NC 28801
Charlotte Office: 301 Camp Road, Suite 104, Charlotte, NC 28206
Jacksonville Office: 315 3rd Avenue N, Jacksonville Beach, FL 32256
info@pgrenewables.com ♦ www.pinegaterenewables.com

April 13, 2022



Louisa County Planning Commission
1 Woolfolk Ave, Suite 301
Louisa, VA 23093

Dear Louisa County Planning Commissioners:

On behalf of Turkey Solar, LLC, I am contacting you in advance of the upcoming Public Hearing scheduled for April 14, 2022, where you will be considering an ordinance for proposed utility-scale solar generation facilities that will impact the way future solar energy generation facilities are reviewed and approved. It is our hope that we can provide you with some information we feel is important for your consideration of the revised ordinance.

Turkey Solar, LLC is proposing the development and construction of a 15.6-megawatt (MW) ac solar photovoltaic (PV) project in Louisa County, VA on approximately 180 acres of land. The Project will be located southeast of Klockner Road, west of James Madison Highway, and east of Porter Town Road.

We have reviewed the proposed ordinance language and would like to share some comments as to its implementation and how it would impact our project, as well as future investments into the County. Attached is a matrix of the proposed ordinance amendments and Turkey Solar, LLC's response. Several of these proposed amendments would severely limit future solar energy generating facilities into a one-size-fits-all requirement. In addition, the revised ordinance would limit future renewable energy solar facilities to only large-scale projects and impact small property owners, as well as solar community co-opts where renters and residents of a variety of incomes may participate in renewable solar energy.

We understand that the County must review and adopt new criteria to protect the integrity and character of the community. However, we ask that while doing this, you consider factors that protect the business-friendly environment of the County so that local investment in the community may be predictable and that the risk of investment by business enterprise is reduced. By ensuring that the conditions for review and approval are not a moving target during the application process, businesses will have confidence to proceed with new development. However, of utmost importance is the County's responsibility to not only listen to its constituents, but to also protect the interests of the citizens of Louisa County by ensuring a healthy environment for future generations.



Headquarters: 130 Roberts Street, Asheville, NC 28801
Charlotte Office: 301 Camp Road, Suite 104, Charlotte, NC 28206
Jacksonville Office: 315 3rd Avenue N, Jacksonville Beach, FL 32256
 info@pgrenewables.com ♦ www.pinegaterenewables.com

Please know that Turkey Solar, LLC, and many other businesses in general, invest a significant amount of money, time and other resources leading up to our application submittal. Any major adjustments to the design criteria can cause serious damages to our planned investments and a serious loss of capital. It is not only the solar industry that pays attention to the stability of the business-friendly environment, but the business community as a whole. If they observe consistent and predictable treatment of investors in the County, they are more likely to invest themselves.

We see ourselves as an investment partner with the County and support strengthening the quality of development in the community. Since we first approached the County, the solar ordinance was revised once already, significantly impacting our project and requiring us to start over with our proposed plans and conduct additional property assessments. We have put a significant amount of work and capital into meeting the County's last revision, only to find that new, further restrictive provisions are being considered that would prevent the successful development of our project just as we're preparing to submit our application. While we support the majority of provisions in the proposed solar generation facilities ordinance, some would negatively impact smaller property owners attempting to realize the full potential of their land. The landowners involved in the Turkey Solar project stand to lose hundreds of thousands of dollars in valuable income from the rent they will receive, and over a million dollars of additional tax revenue the County would be eligible for, will be lost.

We support the County's intent to preserve and protect the rural ambience and its agricultural and forestall lands. We would argue that solar energy generating facilities are in fact, a modern-day agricultural use of land and are consistent and compatible with this approach due to their passive use, pollinator friendly groundcover and quiet nature. These projects have little to no impact on county services such as fire, police, traffic, public utilities, or parks, yet they have the potential to generate significantly more revenue for the County. Further, with the Virginia Clean Economy Act (VCEA), traditional fossil fuel generating facilities will be obsolete by 2045, and significant renewable energy development is required today to meet regulations. Please note that a renewable energy project must go through years of studies in addition to being accepted into the PJM interconnection queue. Essentially, a solar development proposed today, would not likely have a commercial operation date (COD) until 2025 or 2026 in Virginia, and that discounts the years of anticipatory studies that occur prior to County submittals.

We understand that the community does not want an excessive amount of solar energy generating facilities, and we support the establishment of a maximum of three percent of the total county acreage or 9,800 acres in total. This would be the



Headquarters: 130 Roberts Street, Asheville, NC 28801
Charlotte Office: 301 Camp Road, Suite 104, Charlotte, NC 28206
Jacksonville Office: 315 3rd Avenue N, Jacksonville Beach, FL 32256
 info@pgrenewables.com ♦ www.pinegaterenewables.com

best approach to regulating this type of use without placing minimum project size requirements, thus limiting the highest and best use of personal properties, large and small. Requiring a minimum project size of 151 MW would penalize smaller landowners and the smaller distributed energy utility scale developers as well as reduce renewable energy opportunities. While this may be the desire of some residents in the community, we feel their desire to limit the amount of solar energy generating facilities is achieved through the three percent maximum development proposed policy previously referenced. It should also be noted that the exceedance of 151 MW bypasses Virginia Department of Environmental Quality's (DEQ's) Permit-by-Rule (PBR) policy, such that DEQ no longer controls the overall review process and the State Corporation Commission must approve the project. We believe that rationale is a bit flawed, as the SCC will require the same environmental and impact studies as the PBR application, and the level of threshold to clear the SCC from an environmental perspective is equivalent to that of the PBR.

The proposal to limit facilities to within one mile of existing high-voltage transmission or distribution lines right-of-way, or on a case-by-case basis is pragmatic and would still allow for some flexibility depending on the project and surrounding conditions. There is language prohibiting the use in the R-1, R-2, IND and I-1 Growth Area Overlay Districts. While it makes sense to prohibit in the residential district, prohibiting in the industrial district acknowledges that solar generating facilities may be best located in agricultural locations. We support this approach where, as previously mentioned, we believe this project type is a compatible agricultural land use.

Requiring solar generating facilities to provide a minimum vegetative buffer of 300 feet is excessive. A more flexible approach, is a better approach. As you know, land costs are at an all-time high and solar panels adjacent to excessive vegetation do not complement each other well. We acknowledge that wider vegetative buffers in certain areas may be necessary for the enhancement of aesthetic view sheds. However, having a one-size-fits-all 300-foot buffer requirement would be excessive and unhelpful in many cases where projects sit in areas of steeper topography. As an alternative, a strategic location of narrow buffers may be a better solution than a standard 300-foot buffer along the entire perimeter. The goal of the vegetative screening is to obscure views from public areas. Turkey Solar can commit to obscuring views and can demonstrate this through visual renderings, so to assume 300 feet is the minimum width, would also set a dangerous precedent for an entire industry when the sufficiency of smaller buffers has not been considered.

For example, we have worked with an adjacent property owner from the community meeting we held, and they've asked us NOT to place a buffer on the property perimeter at all, but rather further into the project, so that they may maintain their



Headquarters: 130 Roberts Street, Asheville, NC 28801
Charlotte Office: 301 Camp Road, Suite 104, Charlotte, NC 28206
Jacksonville Office: 315 3rd Avenue N, Jacksonville Beach, FL 32256
info@pgrenewables.com ♦ www.pinegaterenewables.com

view of an existing pond. The standard perimeter buffer requirements would not allow us to appease the property owner in this example. What we would recommend is that the buffer remain at 150 feet and may be adjusted as necessary where it meets the intent of the code to best screen the project from view. Buffer widths should be evaluated on a case-by-case basis, rather than a one-size-fits-all approach. Maintaining a minimum 150-foot buffer is manageable but added flexibility such as an "average" 150-foot buffer would be more pragmatic so buffers can widen over 150 feet where appropriate and reduce below 150 feet when it's not beneficial to surrounding areas.

We are also opposed to the proposal to limit site clearing to 100 acres per phase, especially for a project that is only 180 acres in size. Solar energy generating facilities are cleared and built rapidly. Requiring a 100-acre phasing for solar facilities would be like limiting a residential subdivision to a maximum of 10 units per phase. This is very inefficient and costly due to construction equipment staging requirements and operating at an economy of scale. A better approach is to require the applicant to obtain a mass-grading permit from the State or County, and then include sediment and stormwater control measures in the bond or other type of Developers Guarantee. This bond could then be pulled in the event a developer defaults on their obligation to ensure that stabilization and sediment control is put into place within a certain timeframe of no construction activity.

Finally, we support the requirement for supplemental plantings capable of reaching 20 feet within 10 years, as well as other recommendations within the proposed ordinance such as hiring an independent engineer for review and inspections, increase the supplemental plantings, where applicable, from 3 rows to 4 of staggered evergreen specimens, and increase the height from 10 to 20 feet during a growing period lengthened from 3 years to 10 years, decommissioning requirements and the prohibition of solar panels into the county landfills.

We have been working very diligently to address the issues in the community based on concerns and feedback we received. Turkey Solar held the first Community Meeting in March of 2022 at Cornerstone Pentecostal Church. This meeting was not required as we had not yet submitted our project application. However, in a genuine effort to engage the community and receive early feedback on our preliminary project design, we held the meeting early so that we could be more flexible in our project revision. At this meeting, we received valuable feedback from local residents and have attempted to address the majority of questions and concerns brought to light. For example, there was concern regarding the proximity of the solar panels to a residential lot and we were able to relocate these panels further away and have since gained the support of this resident for our project. But overall, we believe the



Headquarters: 130 Roberts Street, Asheville, NC 28801
Charlotte Office: 301 Camp Road, Suite 104, Charlotte, NC 28206
Jacksonville Office: 315 3rd Avenue N, Jacksonville Beach, FL 32256
info@pgrenewables.com ♦ www.pinegaterenewables.com

community understands the value of renewable energy and its importance to future generations through ensuring a cleaner environment.

Now that we've had our community meeting, done our project site due diligence, revised the plan based on community feedback and the last round of County ordinance revisions impacting our project, we are ready to submit our application. However, if all the components of the proposed solar ordinance were to be implemented by the County, our project will be terminated and would result in a severe amount of loss of capital resources, hours of due diligence, and community feedback.

We sincerely hope that the information we've highlighted here will assist you in your consideration and look forward to providing comments at the upcoming hearing.

Thank you for your consideration of our project. Please be assured that we pledge to be a good steward of the land as well as a responsible member of the community.

If you have any questions or concerns you would like to discuss ahead of the meeting, please feel free to contact me directly on my cell phone at 843-822-8586.

Sincerely,

Lorraine Bergman

Lorraine Bergman
Senior Project Manager, Development

office: 828-373-0072
cell: 843-822-8586
Email : lbergman@pgrenewables.com

Cc: Chris Coon, Deputy County Administrator
Helen Phillips, County Attorney
Andy Wade, Director of Economic Development
Josh Gillespie, Director of Community Development
Linda Buckler, Deputy Director of Community Development
Rachel Jones, Supervisor for Green Springs District

Attachment: Louisa County Solar Ordinance Amendments Matrix

Proposed Amendments to Section 86-45: Conditional use permits for minor or utility-scale solar generation facilities		Turkey Solar, LLC Response
State the Board's intent to preserve and protect to the county's rural ambience and its agricultural and forestall lands		Support
Establish a maximum of 3 percent of the total county acreage or 9,800 acres for total approved utility-scale solar generation facilities		Support
		Do not support. Requiring a minimum project size of 151 MW to be generated would penalize smaller landowners and the smaller distributed energy utility scale developers as well as reduce renewable energy opportunities for solar community co-ops where renters and residents of a variety of incomes may participate in renewable solar energy. While this may be the desire of some residents in the community, we feel their desire to limit the amount of solar energy generating facilities is achieved through the three percent maximum development proposed policy previously referenced. It should also be noted, that the exceedance of 151 MW bypasses Virginia Department of Environmental Quality's (DEQ's) Permit-by-Rule (PBR) policy, such that DEQ no longer controls the overall review process and the State Corporation Commission must approve the project.
Provide a minimum of project size of 151 MW to be generated		Support
Limit facilities to within one mile of existing high-voltage transmission or distribution lines, right-of-way, or on a case-by-case basis		Support. Note that while it makes sense to prohibit in the residential district, prohibiting in the industrial district acknowledges that solar generating facilities may be best located in agricultural locations. We support this approach as we believe this project type is a compatible agricultural land use.
Prohibit the use in the R-1, R-2, IND and I-1 Growth Area Overlay Districts		Support
		Turkey Solar, LLC Response
Proposed Amendments to Section 86-46: Application requirements:		Support
Provide property control or ownership documentation		Support
Provide a copy of the PIM Interconnection Application		Support
Locate and describe any proposed battery storage, and address any fire threats		Support
Change the most mature simulated views and simulations from 15 to 20 years		Support
Address the fiscal impact to the county for fire and EMS services for fighting battery storage fires		Support
		Do not support. We acknowledge that wider vegetation buffers in certain areas may be necessary for the enhancement of aesthetic view sheds. However, having a one-size-fits-all 300-foot buffer requirement would be excessive and unhelpful in many cases where projects sit in areas of steeper topography. As an alternative, a strategic location of narrow buffers may be a better solution than a standard 300-foot buffer along the entire perimeter. The goal of the vegetative screening is to obscure views from public areas. Turkey Solar can commit to obscuring views and can demonstrate this through visual renderings. To assume 300 feet is the minimum width, would also set a dangerous precedent for an entire industry when the sufficiency of smaller buffers has not been considered.
Provide a minimum vegetative buffer of 300 feet, with supplemental plantings capable of reaching 20 feet within 10 years		Support
		Turkey Solar, LLC Response
Proposed Amendments to Section 86-632: Performance standards for minor or utility-scale solar generation facilities		Support
Independent engineer. The applicant will pay an independent engineer to check construction progress weekly, ensure construction is proceeding in accordance with the CUP, and resolve any disputes between the applicant and county staff over construction problems. The Board of Supervisors will decide any unresolved disputes		Support
Construction bond. Sufficient to cover the construction requirements of the CUP		Support
		Do not support. We are opposed to the proposal to limit site clearing to 100 acres per phase, especially for a project that is only 180 acres large. Solar energy generating facilities are cleared and built rapidly. Requiring a 100-acre phasing for solar facilities would be like limiting a residential subdivision to a maximum of 10 units per phase. This is very inefficient and costly due to construction equipment staging requirements and operating at an economy of scale. A better approach is to require the applicant to obtain a mass-grading permit from the State/County, and then include sediment and stormwater control measures in the bond or other type of Developers Guarantee. This bond could then be pulled in the event a developer defaults on their obligation to ensure that stabilization and sediment control is put into place within a certain timeframe of no construction activity.
Erosion and sediment control. Limit site clearing to 100 acres per phase, with stabilization of a phase a pre-requisite to beginning each new phase		Support
		Do not support. Recommend the buffer remain at 150 feet and may be adjusted as necessary where it meets the intent of the code to best screen the project from view. Buffer widths should be evaluated on a case-by-case basis, rather than a one-size-fits-all approach. Maintaining a minimum 150-foot buffer is manageable but added flexibility such as an "average" 150-foot buffer would be more pragmatic so buffers can widen over 150 feet where appropriate and reduce below 150 feet when it's not beneficial to surrounding areas.
Increase opaque vegetative buffer width from 150 to 300 feet, and prohibit stormwater holding ponds within them		Support
Increase the supplemental plantings, where applicable, from 3 rows to 4 of staggered evergreen specimens, and increase the height from 10 to 20 feet during a growing period lengthened from 3 years to 10 years		Support
		Turkey Solar, LLC Response
86-33: Decommissioning of utility-scale solar generating facilities.		Support
Prohibit the disposal of solar panels in any of the county's landfill facilities		Support

Bridgette Bittle

From: OLD JUBE <oldjubal@hotmail.com>
Sent: Thursday, May 12, 2022 3:07 PM
To: PlanningZoning
Cc: Rachel Jones; James Dickerson
Subject: Re: EVERGREEN FARM AT ROCKY CREEK LLC
Attachments: E R TRASH.jpg; IMG_1532.jpg



Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External email

Dear Planning Commission Members,

Due to the current gas shortage and prices, I will not be attending the hearing tonight. However, I met with Mr. Larry Han and have full support for his venture. Anything that keeps large tracts of land out of development by making the property economically viable is a good project.

However, the trash problem has gotten out of control on Evergreen Road. I am enclosing two photos of full bags of garbage from Evergreen Road residents intentionally thrown into the ditch in front of our property recently. As I wrote below in another e-mail, this is not the impression Louisa County should make upon visitors who will use the new venue. I suggest that the county as part of the C.U.P. initiate a coordination with the County Administration to at least yearly bring the volunteer inmates from the regional jail in Orange to clean Evergreen Road so those visiting are not appalled at how dirty our county is.

You may read both of my correspondences during the public hearing.

Sincerely,

Gerald W. Harlow
 Property Owner, Evergreen Road

HELP PREVENT SPAM & VIRUSES! if you forward this message, be courteous and DELETE the forwarding history (which includes my name and email address). Use the BCC option when inserting addresses to protect the privacy of those you are sending this message to. I have protected your privacy when sending this to you ~ kindly return the favor. THANK YOU!

(The Information contained in this e-mail message is privileged and confidential, and is intended for the use of the addressee and no one else. If you are not the intended recipient, please do not read or use this e-mail message and notify the sender of the mistaken transmission. Please do not forward without the writers permission.)

From: OLD JUBE <oldjubal@hotmail.com>
Sent: Wednesday, April 20, 2022 9:01 PM
To: PlanningZoning <planningzoning@louisa.org>
Cc: Rachel Jones <jonesrgreensprings@gmail.com>; James@VirginiaHomesFarmsLand.com
 <James@VirginiaHomesFarmsLand.com>
Subject: EVERGREEN FARM AT ROCKY CREEK LLC

Dear Planning and Zoning,

We have reviewed the plan for the wedding venue and as a landowner on Evergreen Road have no objections to this type of venture. I hope to visit the site if the owners will speak with me.

We own property along Evergreen Road as soon as one turns off Rt. 250. I can imagine that most of the visitors will be turning along this road. The roadside on my property has so much trash that it will be an embarrassment to Louisa County. Currently there are complete bags of trash that has been thrown recently, as well as tires the criminals roll onto our property. Underneath the leaves are tons of bottles and other trash from decades. This cannot be the first impression that the wedding party, guests, and family has of our rural area. I don't think the county wants this and neither do the applicants.

We want a solution to get and keep this road clean all the way to the wedding venue. We expect the county to solve this litter problem as much perhaps most of the trash is from Zion Crossroads fast food restaurants, and we have a meals tax that a portion can be used to resolve the problem.

Please let us know what will be done.

Sincerely,

Gerald and Cathy Harlow
Owners of 280 and 309 Evergreen Road

HELP PREVENT SPAM & VIRUSES! If you forward this message, be courteous and DELETE the forwarding history (which includes my name and email address). Use the BCC option when inserting addresses to protect the privacy of those you are sending this message to. I have protected your privacy when sending this to you ~ kindly return the favor. THANK YOU!

(The Information contained in this e-mail message is privileged and confidential, and is intended for the use of the addressee and no one else. If you are not the intended recipient, please do not read or use this e-mail message and notify the sender of the mistaken transmission. Please do not forward without the writers permission.)



Exhibit B
Instructions

UNIT/ML Sopn
every morning as

HENS, C

Ready at: 3/30/2022 12:51 Pickup

Cynthia L. Henson

DOB: 1/5/1965

1153 EVERGREEN RD, LOUISA, VA 23093-2930

Levemir FlexTouch 100 UNIT/ML Sopn

NDC: 0169-6438-10 NOVO NORD

Qty: 6 mL

Gabrielle Steinl, MD

1215 Lee St, Mail Stop 800719, Charlottesville, VA 22908



Coverage

RX CAREMARK MEDD

Patient ID: E182485 NCPDP: 4844759 RX ID: 335715695 Filing ID: 55341

Rx #

1 refill

price before
Amount
Amount

**Bridgette Bittle**

From: Joe & Karen Gesa <gesafamily@gmail.com>
Sent: Thursday, May 5, 2022 9:47 AM
To: PlanningZoning
Subject: short-term-rentals

CAUTION: External email

Hi - We own a property in the Cuckoo's Nest subdivision that we use periodically ourselves, but also rent to short-term tenants through a management service. We've reviewed the proposed guidelines and have the following comments:

1. We understand the need for some oversight and feel that items A, B1, B2, B3, B4, D, E, F, H and I are reasonable.
2. Item C is over-restrictive - we have bunks in one room intended for 3 kids which we feel is reasonable.
3. Item G is over the top, and the reasoning is very iffy. In case there needs to be an investigation is not a good reason to collect data from every person staying. Will that be a requirement of full-time residents as well? What if their mother comes to visit - will it need to be reported to the county?

I'd also like to add that it should be considered the benefit that short-term rentals bring to the area. Jobs and economic benefit, to name just a couple. The houses and properties are also extremely well maintained which is one of the perks that I love. It's in all of our best interest to keep things under some control, but not create so much red-tape that it is burdensome for those that choose to participate.

I hope that you take our opinions into consideration during your review. We both work full-time, so are not able to attend in person. Thank you for your attention~

Joe and Karen Gesa
703-789-6096



Chris,

Thank you for your call today. I really appreciate you keeping us in the loop.

We have been working diligently researching the STRs online and collecting data. The STRs are clearly misrepresenting occupancy. If we are to believe the number of bedrooms listed it should reflect 2 people per bedroom. A great majority of the them overstate the numbers allowed.

We were able to locate data easily from the Dockside Realty website. They are the most transparent with the location of their rentals. Attached is the data we received from FOIA requests with the Heath Department. We looked at any STR that advertised 4 or more bedrooms and found they all overstate the approved number of bedrooms. 82% of STRs over advertise occupancy based on bedroom count. Attached is our Excel spreadsheet to back up what we found.

When registering all STRs, they should be required to list the Health Department approved number of bedrooms and max occupancy based on code. This disclosure should also be placed in the handbook at each property. We need to ensure that the county's software does not provide any loopholes for abuses. There is to be no way for individuals and/or agencies listing rentals to be able to circumvent the system. If I remember correctly, a commissioner stated this at the last meeting.

You can see from our spreadsheet that 30% of Dockside's STR's do not comply with approved septic design and occupancy numbers. Have you confirmed or is research still being done on why a realtor managed STR does not have to register with the county? The logic behind this exception does seem legal or logical.

We plan to have a minimum of 2 people speak from our group to try and save time for all involved.

Have the most fun possible in Hawaii.

Take care,

Barbara Coe

540-748-9317

Bridgette Bittle

From: Andrew Johnson <realtorajohnson@gmail.com>
Sent: Thursday, May 5, 2022 11:35 AM
To: PlanningZoning
Subject: Short term rental policies



CAUTION: External email

To whom it may concern,

After reading through the proposed guidelines you are going to be voting on I feel obligated to add some insight and points as a Louisa county resident, Realtor and short term rental owner.

First I agree with most of the parameters you are voting on and actually have most of them in place already however there are a few points that cause some concern:

B3: Definition of inspection would be needed as this is well beyond a normal accepted 5 year pumping schedule and would be above what normal owners have to do no matter how many people are staying in their home.

D: Is this opening up to inspections, who will be providing them if so and on what schedule.

G: This is not standard of any rental I have dealt with country wide. Getting names of adults is one thing but not addresses or information on other guests. Hotels do not even require this so that seems an overreach and the justification is weak.

H and I: Who will be in charge of investigation and have fining authority. What is the due process to make sure frivolous complaints are not placed against properties.

Thank you for your time.

A.J. Johnson

--



The Johnson Team
Andrew "A.J." Johnson
REALTOR®
ABR, MPR

 RealtorAJohnson@gmail.com
 [540-295-3923](tel:540-295-3923)
 [540-498-8368](tel:540-498-8368)

 540-786-9977
 1st Choice Better Homes & Land, LC
1302 Bragg Road
Fredericksburg VA 22407
Licensed in Commonwealth of Virginia



The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

Bridgette Bittle

From: janaka madawela <janaka_madawela@yahoo.com>
Sent: Thursday, May 5, 2022 8:57 PM
To: PlanningZoning
Cc: Astrid Gruenert
Subject: Resident Feedback for Louisa County Proposed Short-Term Rental Guidelines



CAUTION: External email

To whom it may concern,

As the current owner and frequent renter of lake front properties in Louisa county I would like to provide my feedback on the proposed changes to the Louisa County STR guidelines.

Overall, I think the changes are reasonable and necessary to preserve the health and beauty of our community so I support this effort. That said, there are two specific proposals which I strongly object to and hope the Community Development team takes into consideration.

Provision G: Maintaining lists of visitors names, addresses, ages and dates rented for 2 years. -- Not only is this a violation of our privacy and our guests privacy but also creates a huge liability for owners tasked with maintaining such lists as that information could easily be stolen/hacked. We could end up creating very juicy targets for hackers looking to find data not only on adults but our children as well if this provision is implemented. As home owners we appreciate the presence of a strong law enforcement department but that does not mean we should be maintaining lists of people who stayed in our homes to provide to law enforcement.

Provision C: Occupancy limitations to 2 people per Bedroom. We own our homes and our land and how choose to use it is our fundamental right. As long as we follow local ordinances related to noise etc. the number of guests that a house hosts should be left up to the individual owners of the property. From a environmental standpoint, houses that are in this STR category are not fully occupied throughout the year so the risk of septic tanks flooding over due to large numbers of people staying through the year is remote to non existent. In addition I support the annual review of septic tanks so this should further help mitigate the risks the provision C is trying to manage without the unnecessary it creates in its current form.

Thank you for taking my comments/feedback into consideration.

Janaka Madawela
68, Emma Jane Lane, Bumpass, VA

Bridgette Bittle

From: Lawrence Zemke <lzemke70@gmail.com>
Sent: Saturday, May 7, 2022 8:27 AM
To: PlanningZoning
Cc: Larry Zemke
Subject: Comments regarding the proposed Short-Term Rental Guidelines



CAUTION: External email

Dear Sir/Madam;

Thank you for addressing the issue of Short Term rentals with the publication of the draft Short-Term Rental Guidelines. Due to my wife's cancer treatments, we are unable to voice our concerns by attending your meeting.

Short term rentals have been an issue within my community (Windwood Coves) for some time. Overcrowded occupancies, noise, litter, parking on our streets and common property, and overcrowding our amenities have been problematic for surrounding neighbors and other members/users of our common properties. I view your draft guidelines as a very positive step in aiding in the management of these types of rentals.

Clearly, not all property owners who rent allow their renters to violate the rights of adjacent properties. Many have strict rules backed up by security deposits and this helps stem renter violations. However, there are some who do not manage their rental properties well (if at all) leaving neighbors and other bonafide users of our common properties with no other options than calling in law enforcement.

Please vote to move these guidelines into the Louisa Code of Ordinances and establish a mechanism that allows speedy enforcement so that violators cannot leave the rentals with no further obligations. Should you need citizen assistance in any aspect of this effort, I would be proud to serve.

Larry Zemke
1019 Windwood Coves Blvd.

Mineral, VA 23117

1900 

Bridgette Bittle

From: eplace80@yahoo.com
Sent: Tuesday, May 10, 2022 7:45 AM
To: PlanningZoning
Cc: cd@louisa.org
Subject: Comment for Hearing on Short Term Rentals



CAUTION: External email

I have read the proposed amendments to the county code concerning short term rentals and I find that the changes exacerbate rather than resolve the growing issues related to such rentals. From the existing municipal code:

"Sec. 86-186. - Residential general (R-2) district—Statement of intent; policy guidance.

The residential general district (R-2) is composed of certain quiet, low density residential uses plus certain open areas where similar development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit activities of a commercial nature. In order to enhance compatibility between dwellings of different types, protect the natural environment, and achieve attractive and well-coordinated designs for building groups, dwelling types other than single-family dwelling, detached are to be permitted only with a conditional use permit."

Not only do the proposed changes to the code not resolve the underlying issues with short term rentals, but they in fact CODIFY SHORT TERM RENTALS AS A COMMERCIAL BUSINESS allowed in R2 zones! The proposed changes include "Amend Section 86-187 Permitted uses – Generally in the Residential General (R-2) District to add - under Commercial uses: Short-term rental of dwelling." How is this in keeping with the policy guidance for R2 zones? Since when did a commercial activity not require commercial zoning?

Make no mistake. The explosive construction of large dwellings and purchase of existing properties at the lake for the sole purpose of rentals has become big business, daily rates of over \$600 are not uncommon. Allowing these businesses to operate in residential areas is in direct conflict with the purpose of residential zoning and destroys the quality of life for those who live in these communities. How can the county endorse short term rental businesses as by right activities knowing full well that this will affect primarily areas like Lake Anna, not the county in general. This is a blatant double standard in application of R2 zoning rules. Not one board member or planning commission member would for a minute tolerate continuous loud obnoxious short term rental businesses next door to their family home.

Many if not most of the short term rentals are available year round for rent. Many are income producing enterprises that are vacation homes in name only. The proposed municipal code changes do nothing to mitigate or control the rampant increase of these businesses in residential areas. Those of us who purchased property and built our retirement homes in good faith in an R2 zone have the right to a residential quality of life as set forth in the R2 zoning statement of intent. Constant loud parties with a different set of renters every week makes living in my "residential" area almost untenable during the summer months. Calling the Sheriff's office to complain about

Exhibit C

disturbances of the peace for every late night commotion is not a solution. The proposed code changes will only compound the problem.

I recognize that people come to the lake to vacation and that during the day there is more than the usual amount of noise and mayhem. I also recognize that it is likely not possible at this point in time to prohibit all short term rentals. There should, however, be a limit on the number of days out of the year that any one property can be rented out on a short term basis before it is considered a business, and as such, NOT ALLOWED BY RIGHT. If the county codifies short term rental as a by right use with no real restrictions, the already huge problem will only continue to get worse. Moreover, if the county legitimizes a commercial activity in R2 zones they will destroy the character and intent of residential communities, a complete disservice to those of us who live here.

Edwin LaPlace
743 Plum Tree Rd
Bumpass VA

Bridgette Bittle

From: Anthony Gioffre <anthony.f.gioffre@gmail.com>
Sent: Tuesday, May 10, 2022 9:16 AM
To: PlanningZoning
Subject: Please APPROVE amendment to Chapter 86. Land Development Regulations, to add restrictions for short-term rental of dwelling



CAUTION: External email

Dear members of the Louisa County Planning Commission,

Thank you for your service to Louisa County.

I am writing as a parent and homeowner at 320 Marcia McGill Way in Mineral, where my wife and I have resided with our three children since early 2020. From the moment we arrived here, we quickly fell in love with the town of Mineral and Louisa County.

However, we have had one continuing concern, which relates to short-term rentals of neighboring houses. We have found that when short-term rental groups are of reasonable size, their behavior tends to be appropriate for a family-oriented community. But when the short-term rental groups are large -- in general, more than two renters per bedroom -- they tend to engage in conduct that is not becoming of our neighborhood. For example, such groups tend to repeatedly use inappropriate, expletive-ridden language that is readily audible by neighbors. Often, the music they choose to play is similarly filled with foul language.

Therefore it is extremely important for the County to approve the restrictions for short-term rental of dwellings. Of greatest importance is to approve the provision that "Occupancy shall be limited to no more than two (2) transient visitors per bedroom."

Thank you for considering my heartfelt request. I was hoping to attend the May 12 meeting of the Planning Commission in person, but unfortunately my kids' schedules won't allow me to be there. And again, thank you for your service to our County.

Sincerely,

Anthony Gioffre



Louisa Planning Board,

I am writing to express concern about possible regulatory action to be taken by Louisa County on short term rental homes. The impact on the economy the short term rentals bring to the Lake Anna area cannot be overstated, and needless regulation in response to certain isolated incidents could have a potential devastating impact on the small businesses in the Lake Anna area and Louisa County.

Although I am an attorney, and provide my views on some of the law below to protect my own interests, I am not providing this Board legal advice, and instead raise what I believe to be clear violations of existing law that may occur should some or all of the regulations be passed, so the Board can seek its own legal counsel before it votes on any of these proposals.

I have been a Short Term Rental (STR) owner since Thanksgiving of 2020. My home has not been a subject of any complaints from my neighbors or anyone else on the lake since it has been rented. I enjoy a great relationship with both of my neighbors, both of whom report that my renters have been nothing but polite and considerate of their home and surroundings while they are enjoying the lake house and all it has to offer, and one of whom rents my home for a week every summer for a family reunion. I invested in the home only after thoroughly researching Louisa County and the Deeds and Covenants relating to my Homeowner's Association and deciding against purchasing in Spotsylvania County due to its own penchant and reputation for overregulation. Following that research I believed that Louisa County had a great reputation for the private property rights of its citizens, and for welcoming small businesses to the area. However, this new desire to establish unnecessary regulations on all short-term rentals, due to issues presented by some small percentage of rentals, is not at all consistent with the reputation of Louisa County, and is wholly inconsistent with a conservative government that has long been the center of Louisa County's philosophy. This Louisa County Board does not want to go down as the group that crushed the local economy due to the complaints of a few wealthy lakefront homeowners who can actually afford to live on the lake without renting their homes to defray the costs, or long term owners who are resisting the development, change, and progress that have come to Lake Anna. Overregulation through new regulations is not the answer. The answer to the problem is simply strict enforcement of whatever current regulations are on the books in regard to noise ordinances and trespassing. No reasonable short term rental owner should be against that.

Unless the Restrictive Covenants Explicitly State Otherwise, Homeowners Associations Cannot Restrict Short Term Rentals.

The Virginia Supreme Court has a long tradition of protecting the individual property rights of homeowners, and this regulation that is being envisioned regarding Homeowner's Associations potentially taking retro-active action or interpretations to prevent short term rentals is contrary to those rights, and will likely cause extensive and costly litigation for the county of Louisa and the individual Homeowner's Associations. The Virginia Supreme Court has already determined that the term "residential use" does not limit short term rentals of lake homes. See *Scott v. Walker*, 274 VA 209-11 (2007). The Virginia Supreme Court noted that it is guided by certain principles whenever interpreting the enforcement of restrictive covenants concerning real property, and that such terms are to be construed strictly against the persons seeking to enforce them, and that ambiguities are to be resolved

in favor of the free use of a property against restrictions. See *id.* Homeowner's Associations are also further restricted in what action they can take against homeowners by the 1995 Virginia Property Owners Association Act, a Virginia state statute, if its own restrictive covenants are silent on issues such as short term rentals (which almost all of the HOA's developed in the 1980s and 1990s are). Any new ordinances passed by Louisa County granting Home Owner's Association powers that their own Deeds of Dedication did not create will certainly be challenged as being in violation of the VPOAA as well.

Whether the Homeowner's Association believes Short Term Rentals are permitted under the covenants is a question of law, and is an issue between the property owner and the homeowners association (and the courts if there is a dispute) but is in no way an issue that the County of Louisa can or should be involved with, or require, in any way. Nor should the Homeowners Associations' (many of which are of modest means and not receiving counsel on this issue) own opinion on the issue have any legal import with the County by regulation. As an attorney, I know for sure (because I would not have purchased the home otherwise) that my Property Owner's Association cannot prevent Short Term Rentals under my deed and restrictive covenants. I also suspect that most of the Home Owner's Associations have similar covenants that likewise prevent such restrictions. The Virginia Supreme Court case law cited above is directly on point legally and factually (and had a nearly identical covenant as the one in place for my homeowner's association; which were common when these HOAs were being established around Lake Anna). People like me have invested in these lakefront homes based on the Homeowner's Association Covenants and whether or not they were restrictive on the issue of short term rentals, and by their specific terms they do not restrict this use. For example, I have no current concerns with my Homeowners Association, and no complaints have been made about my house. Why would citizens (or the County of Louisa) need to seek permission or clarification from a Homeowner's Association to offer Short Term Rentals in light of the absence of such restriction in my deed and covenants, and the controlling case law set forth by the Virginia Supreme Court favoring the free use of the property?

Septic Requirements and Limitations on Occupancy Are Not Both Required

The septic maintenance proposals and the proposal purporting to limit the number of people staying at the house are clear pre-texts that serve no valid environmental purpose, and the proposed limitations on both the number of people in the homes, and the yearly septic requirements, should in no way both be required (at most they should be "either or" propositions, as one purportedly solves the issue presented by the other). Everyone familiar with the environmental problems of the lake over the last 5 years knows that it is the fertilizer and agricultural waste of the farmland, primarily on the Upper Pamunkey Branch of the lake, causing Harmful Algae Bloom, and not because my renters use my septic tank in an identical manner as my family and guests would be using it. There is neither proof nor any studies that I am aware of that establish that the use of septic tanks by increased rental occupancy are causing environmental impact to the lake; and certainly not more than the thousands of boaters who use the lake on a daily basis. These proposed regulations are entirely pre-textual in an attempt to make it more expensive and less profitable to own rental homes, and to placate people who are complaining about too many people in their neighbor's yard causing too much noise. Despite the fact that nearly

every vacation lake house has a bunk room (regardless of whether it is rented or not) that would violate such a provision, limiting occupancy to the number of rooms will cause many of the STR homes to no longer be viable rentals (as it will either make it prohibitively costly for the renters to split the costs, or warrant rents that cannot sustain the costs of ownership).

All waterfront homes, the overwhelming majority of which are the ones offered for short term rental, will be constantly used throughout the summer seasons and the nice weather including by having homeowner's guests and their family members come to visit (no one has a waterfront home that does not host multiple guests throughout the summer months). Yet, there are no proposals to limit homeowner's private guests, or how many people they can have at their homes, based on the number of bedrooms or their septic tanks. This raises equal protection concerns if Louisa County is requiring more from those who are renting a home than those who own the home that is being used by their own families and guests. Furthermore, if the number of people who can rent are limited by regulation, what would be the purpose behind requiring the rental homes to have the Septic tanks annually inspected if such an inspection isn't required for residing homeowners who in theory use the home 365 days a year? The septic tanks and the affluent fields do not know whether it is a renter or a family owner flushing the toilet. Finally, there is no plausible explanation as to why a short term rental would be restricted to a certain number of guests when the homes are not restricted to a certain number of guests for the family members, and are similarly used consistently throughout the season by all waterfront home owners. Unless they are adopted for all homes regardless of rental status across the board, the regulations are not actually being put in place to address the concerns they purport to address; they are a pre-text to make the short term rental of homes prohibitively costly and less profitable. While I am sure this will placate some of the wealthy and long-time homeowners who want to keep the lake exclusively to them, it is short sighted and will cause the loss of hundreds if not thousands of jobs in the area. While I am not aware of the percentage of waterfront homes around Lake Anna that are short term rentals, unless it is the overwhelming majority, septic regulation that does not apply across the board to all lakefront homeowners will have little to no environmental benefit to the Lake and will likely also face legal challenge.

Although the registration fee amount is not an unreasonable amount, the additional regulations being considered are extremely short-sighted. There are regulations currently on the books about noise and trespassing that can and should be enforced if renters are violating them. While I have no doubt that some of the larger rental homes may have caused problems for certain owners in certain homeowners associations, I fail to see why that has become a Louisa County issue that now must be regulated in some form that the existing ordinances don't already contemplate. If noise ordinances are being violated, the police should be called and the offender should be fined as appropriate. However, the Louisa County Board should look very hard at whether or not these regulations are going to cause additional litigation for the county and how much that litigation will cost, and the likelihood of its success on certain aspects of these proposed regulations, before voting on these measures. The short term rental market is an economic engine and I would submit to you is now the primary economic engine in the Lake Anna area. The amount of taxes generated (sales, property, and transient), and the amount of business STRs generates, if lost or reduced over these regulations, are sure to be far more

damaging to the Louisa County tax base than any money it thinks it's going to raise by registration fees and regulation that is seemingly designed almost solely to stifle investment.

Violation of Personal Property and Privacy Rights

It would be an egregious violation of personal property and privacy rights to have to keep a list of every person who visited your home for a two-year period. No one would dare ask homeowners who are using the home as the primary residence to do this for the guests they have, and there is no legitimate governmental interest in knowing every single person who attended or may have visited a rental home for a two-year period. Under my rental management company, there is a list of the person responsible for the rental, as well as a number of how many individuals are expected (to ensure the homeowner's own limits are respected) but not a list of every single person who entered the property during that rental. The courts will be sure to look at this provision very skeptically, including under First Amendment freedom of association grounds, and it will likely be the grounds of costly litigation for the county and the homeowners associations who may try to limit or retro-actively interpret additional covenants to the homes that would prohibit Short Term Rentals.

Every responsible STR owner would not oppose strict enforcement of the current noise and trespassing ordinances currently on the books, as such incidents are both bad for business, and the overwhelming majority of STR owners are genuinely concerned about their neighbor's peace and quiet enjoyment of their homes. The noise ordinances are noted in our Rental notebook and to my knowledge have not been a problem for any of my neighbors, and I suspect the same is true for many of the other STRs. If I would venture a guess, upward of 95% of the concerns raised to this board that lead to the consideration of these regulations stem from either noise or trespassing; both of which are already regulated and enforceable under state law. None of the other proposed regulations even tangentially relate to these core complaints, and appear, instead, to be a pretextual "hook" to justify further regulation, and appear to be primarily punitive in nature with the hope of harming and reducing the number of STR owners around Lake Anna and dis-incentivizing future investment. There is no other legitimate governmental purpose truly being served by the other proposed regulations.

Should many of these regulations pass, I suspect I will look to sell my property immediately, in anticipation of a market crash in the area, and others may do the same. Of course, that will eventually negatively affect the value of all of homes in the area, who have benefited from increased values due to the Short Term Rental industry at Lake Anna, as well as the tax base of the County. All because a select few of the loudest complainers who want to keep the lake to themselves and can afford the homes without renting. This Board will be left to explain that to the people who used to clean my house, or landscape the grounds, or the local businesses who benefitted from the over 65 different families and groups who rented my home last year and patronized the businesses in the surrounding area. There should be little doubt that people on vacation are far more likely to patronize businesses than a family who owns the home and only uses it on weekends. Although some of the long-time residents and

wealthy homeowners may not want to admit this, Lake Anna is a tourist area, and no singular industry is more responsible for bringing tourist dollars to the area (and tax to the entire county) than the Short Term Rental of lake homes. The people who rely on those dollars should not now be forced to take a back seat to those who have simply complained the loudest about noise.

Enforcement of the current laws and regulations should be the focus of Louisa County. Further regulation around Lake Anna is neither necessary nor wise, and will certainly result in immediate litigation for the county and homeowner associations, neither of which likely have the wherewithal to afford it. Finally, overregulation of businesses is the antithesis of the parties platform in which the County board purports to subscribe. Don't be the folks who killed the goose who laid the golden egg for all the men and women trying to scratch out a living in Louisa County with their small businesses. The majority of these proposed regulations will serve no legitimate purpose and will harm the greater community and those citizens who rely on the vibrant STR economy. Please do not adopt them.

Regards,

Clay Trivett

Bridgette Bittle

From: Cougar Point Jan Rosenberg <cougarpointllc@gmail.com>
Sent: Wednesday, May 11, 2022 4:22 PM
To: PlanningZoning
Subject: Short term rentals

COPY 

CAUTION: External email



Cougar Point Jan Rosenberg <cougarpointllc@gmail.com>

to o:, GABrooks51, rivermarsh, Oaksby, EQuarles, cyandjackie, gnuckols, m.woodward, james, Duane, Tommy



My Name is Jan Rosenberg, and I am responding to the Resolution Referral Of Short Term Rentals from the Board of Supervisors of Louisa County to the Planning Commission. I wish to have this response added to the record in this matter, as I will not be able to attend the meeting on May 12th, 2022.

Let me start by pointing out the obvious. The issues addressed in these proposed guidelines address all homes around the lake, and not just short term rentals. Several of the issues are not really issues at all. Several of these regulations infringe on our rights as property owners, and the rights of privacy of our tenants. Seems to be that they had a difficult time coming up with legitimate reasons to try to regulate short term rental properties. I find the manner in which the Board of Supervisors are attempting to control owners of short term rental properties to be unconstitutional and somewhat communist like. Below are my rebuttals to the proposed guidelines.

A, Complete annual registration and pay a \$50 fee.

Assists tracking of transient rental tax.

Rebuttal - I already have a registration number with Louisa County for that purpose. No fee necessary. Redundant.

B1, Property Management Plan, filling out annual registration form.

Allows local points of contact for concerns.

Rebuttal - If this were required for short term rentals, why not to all homes. There are many vacation homes and full time residents that have large groups on a regular basis. Some have issues with unruly guests, not unlike some short term rentals. The owner of the property is a point of contact just as with any other property.

B1, Provide Louisa County Code Chapters 51, noise, and 62, solid waste to all individuals that rent the property.

This ensures the tenants have been given notice of how to handle noise and solid waste during their stay in the County.

Rebuttal - If applied to short term rentals, why not all homes. These issues aren't exclusive to Lake Anna. This is something everyone must be aware of wherever they live. Condos, apartments, single family homes. Pretty

Exhibit C

much anywhere. I've been asked by renters about noise and behavior regulations. My response has always been, " shouldn't be any different from where you live ". Common courtesy / common sense.

B2, Owners / Operators must have a general liability insurance policy with coverage of not less than \$1,000,000.

This protects the owner by covering the rental of the property to the visitors.

Rebuttal - Where do I even start with this one ? The Board of Supervisors now wants to dictate how much insurance you have, and decide what is an acceptable risk. First of all, as ridiculous as that is, why only rental properties. This is a clear overreach by the local government. If necessary, I will be a part of the legal battle over this issue.

B3, Septic systems must be inspected once per year.

This is to ensure that septic systems don't overflow and leak into the lake.

Rebuttal - I personally have my septic system pumped and inspected every year by choice. However, if this becomes a requirement for short term rentals, why not all homes on and around the lake. There are many vacation homes, and full time homes, that are routinely enjoyed by large crowds on a regular basis. Many of these homes are occupied 365 days a year. My home was occupied last year for approximately 177 days. Unoccupied 188 days. This scenario is common with many short term rentals. I have yet to see any reports of any issues with overflowing septic systems. Short term rental or otherwise. Seems to be thrown out there as a problem with short term rentals, with no real data to back it up.

B4, Approval of HOA/POA if applicable.

Ensures neighbors in HOA & POA are notified of potential short term rentals.

Rebuttal - Sellers are already required to provide potential buyers within an HOA / POA a packet with governing documents for the association when selling a house. Why do we need further regulation by the Planning commission? Redundant and unnecessary. Not a function of the Planning Commission to get involved between property owners and these types of associations.

C, Occupancy limited to no more than 2 transient visitors per bedroom.

This is to ensure safe occupancy levels for short term rentals and limiting the impact on septic systems.

Rebuttal - Once again, if this is the case for short term rentals, why not all properties. Are safe occupancy levels not just as important for all homes. Is the impact on septic systems not important for all homes. One more instance of unfair bias against short term rental properties. What do you suppose the impact would be if the planning commission tried to tell all homeowners how many guests they can have in their homes ? There is little to no difference.

D, Safety equipment shall be provided and maintained in accordance with Uniform Statewide Building Code.

Fire extinguisher, smoke detectors, and carbon monoxide detectors for the safety of tenants during their stay.

Rebuttal - As pointed out in this proposed regulation, there are currently Uniform Statewide Building Codes that address this issue. There are also insurance requirements that address this issue. Why would we need the planning commission to also try and address this issue? This is one more proposed regulation that, if passed,

Exhibit C

should apply to all homes. This would suggest that said safety equipment is somehow less important in homes not used for short term rental.

E, Parking should be allowed in driveways or parking spaces and shall be prohibited elsewhere on the lot.

This prevents individuals from parking / driving on and crushing septic systems.

Rebuttal - Once again, if passed, this regulation should be applied to all properties. However, I see this as an overreach of local government. Is this issue only important on short term rental homes? I find it bizarre that the County Board of Supervisors want to now tell you where you can park on your own property.

F, Event rentals

Prevents commercial activity on a residential property.

Rebuttal - On the private side of the lake, there are existing rules and regulations regarding commercial activity. Property owners are made aware of these restrictions. Aside from these restrictions, and any existing state and local laws, I find it almost criminal for the Board of Supervisors to try to control how a person utilizes their property. Once again, if imposed on short term rental homes, it should apply to all homes.

G, List of transient visitors' names, addresses, ages, and dates rented for two years.

Allows for tracking in case the County Sheriff's Office needs the information for an investigation.

Rebuttal - This is an invasion of privacy. Why should anyone need to give a list of names and addresses of all adults, or especially minor children? Who in their right mind is going to want to submit a list with their children's names and addresses? Why would this apply to short term rentals only? Why would this apply to anyone? If the sheriff's department needs to conduct an investigation, they can do it the same way they would in any situation. The same way they have always done it. This is like making an assumption that renters are just plain likely to be criminals. I for one will not do this, and will fight it in court if need be. It seems communistic to tell people they have to submit names and addresses for the sheriff's office if they want to come to Louisa County. What do you suppose that will do for Louisa County? What kind of reputation will that give us as a vacation destination? I have a hard time understanding how any group of intelligent people could sit down and come up with something so ridiculous.

H - Penalty for failure to comply with any of the above provisions shall result in a penalty not to exceed \$500 per violation.

Ensures compliance with sections above.

Rebuttal - The only thing I can see this ensuring is that a lot of people are going to spend a lot of time in court. These regulations only serve to appease a handful of people who are not happy living next to a rental property. There are many rental properties that never have any of the issues these regulations are addressing. Now the Board of Supervisors wants to target short term rentals with rules and regulations that if applied, should apply to all.

I, County can prohibit habitual offenders from offering a specific property for short term rental.

Ensures compliance with sections above.

Exhibit C

Rebuttal - The county has no business dictating how a person can utilize their property. Habitual offenders of chapters 51, and 62 can be dealt with through existing laws and law enforcement.

To summarize, these proposals infringe upon the rights of property owners in Louisa County. The Board of Supervisors has no business getting involved in the relationship between HOA's / POA's and the members of these associations. They are unfairly targeting short term rental properties, trying to control and manipulate our rights with regard to the use of our properties. I have stated my opinion, that if approved, they should be applied to all properties in Louisa County. However, don't think for one minute that I feel in any way that these proposals should be considered at all. The ramifications of approving these proposals would go a long way towards ruining this entire community. Imagine what it would be like for people to accept the idea that they basically have to register with Louisa County to come and visit Lake Anna. Imagine having to give a list of names and addresses of your family, including children, to be able to stay overnight in Louisa County. I can't imagine the results being anything but devastating. These proposals are the result of a group of people that are unhappy because they live next to a rental property. They have surprisingly managed to get this far with these ridiculous proposals, but this madness needs to stop. There are laws in place to deal with some of these concerns, and some of these concerns are just fabricated nonsense. If passed, I am confident there will be much litigation in court as a result.

Sincerely, Jan Rosenberg

Bridgette Bittle

From: Sonja Wilder <sonjaw4@yahoo.com>
Sent: Wednesday, May 11, 2022 4:16 PM
To: PlanningZoning
Cc: Duane Adams; Tommy Barlow; Eric Purcell; Gordon Brooks
Subject: Comments to Louisa County Planning Commission regarding draft regulations and requirements for short-term rental of a dwelling
Attachments: STR letter.pdf



CAUTION: External email

To: The Louisa County Planning Commission

Re: Public Hearing - LDR 2022-05 Proposed Amendments to Chapter 86. Land Development Regulations

– Definitions, and Requirements for Short-Term Rental of a Dwelling

I have owned property in Louisa County since 2010 and owned a short-term rental since 2013. Last summer, I bought another lot in Louisa County. I am unable to attend the May 12, 2022 Planning Meeting as I will be out-of-town, but I do have comments on the proposed rules on Short-Term Rentals and would like my comments below included as an official public comment.

The draft guidelines claim benefits that fall into two main categories:

1. Rules that re-state general compliance with standard residential rules governed by local laws and Homeowners Associations
2. Protecting the lake from leaking septic systems.

Given that standard residential rules are governed by local laws and Homeowners Associations, these new guidelines are unnecessary and are burdensome with no additional community benefit:

- Section B1 – handling of waste and noise
- Section B2 – liability coverage
- Section B4 – HOA/POA approval
- Section D – safety equipment
- Section F – event rentals

- Section G – list of names
- Section H – penalties
- Section I – additional penalties

The items in the above sections are all currently handled by local law enforcement and Homeowners Associations and are no different than the general behavioral rules to be followed by all homeowners in the county. **Individual violators of these rules can be penalized by using law enforcement and existing HOA covenants.**

The remaining draft guidelines appear to be an attempt to protect the lake from leaking septic systems. I imagine most homeowners at the lake, including STR owners, do not want sewage flowing into the lake. I imagine everyone is concerned about the toxic algae problem, but most especially the STR owners as this directly impacts their ability to rent their properties. Simply limiting STR occupancy and inspecting septic systems of the STR homes will not solve the toxic algae problem. Additionally, the toxic algae problem is not unique to Louisa county, nor is it the county that has experienced the most trouble with this issue in the past on Lake Anna.

Before new rules are established, further study needs to be conducted to determine what can be done to assure the cleanliness of the lake. Are there any examples where septic systems have leaked into the lake? If so, was it a STR home or a regular home that failed to maintain their system? If there are examples of a septic system leaking into the lake, what caused the leak to happen? Was it over-occupancy? Was it a poorly maintained system? What are the root causes of the toxic algae? Is there any evidence that historical incidences of toxic algae were caused by leaking septic systems?

Louisa County already has a list of STR owners based on the Transient Occupancy Tax filings. **Please PARTNER with the STR owners to jointly solve the issues the board hopes to address with these new rules. We are all in this together and we all want clean, toxic algae-free water.**

Thank you for including my concerns in the record.

Sonja Wilder

386 Winchester Trail

Mineral VA 23117

703-856-3555

Sonjaw4@yahoo.com

Bridgette Bittle

From: Bob Adams <bobadams424@gmail.com>
Sent: Wednesday, May 11, 2022 9:10 PM
To: PlanningZoning
Subject: STR

 COPY

CAUTION: External email

We are writing to voice our concern about the regulations that the county of Lousia wishes to place on short term rental homes, specifically at Lake Anna. We have enjoyed the lake since 1992, bought lake-access property in 1995, sold that in order to move to a waterfront property. We have been renting since 2019 and hope to someday make it our primary retirement residence. We take pride in our home, constantly maintaining and updating as needed. We have never had noise complaints by our neighbors, but if we did we're sure it would be handled appropriately either by HOA or law enforcement. We have outdoor security cameras for safety concerns, and we post rules and regulations in our rental information book in addition to having our renters sign an agreement with HOA letterhead regarding noise, trash, and traffic rules in the neighborhood. Our renters are made aware of the HOA rules and expectations.

We are aware of the discussions regarding septic systems failing and over crowding in STR properties. We have our septic system pumped regularly. If STR's are penalized for over-crowding then full time residents also need to be addressed. They are sure to have many more people then 2/bedroom which is what is being proposed of the STR's.

It seems that all the negativity towards STR's are the result of a few. We don't feel everyone should suffer for the actions of a small minority. So many negative outcomes would occur if STR's are eliminated, mostly being financially. Many local businesses rely on STR's. We alone utilize many including Linen Co, Cleaning co, Landscaping, Trash pick-up, Electrical, HVAC co. We also advertise the restaurants, pubs, grocery & liquor stores, boat rental, and entertainment in our information book. All of these have grown in number largely due to the tourists from STR's bringing in a large profit to Louisa County. In addition to increasing EVERYONE'S property value, STR's employ many local people and long-term residents at the local businesses mentioned above. It would be a shame to lose all the positive outcomes and punish many because of bad actions of a few that can be easily remedied.

Bob and Debbie Adams

Bridgette Bittle

From: Michael Spinosa <mispinosa79@gmail.com>
Sent: Thursday, May 12, 2022 8:33 AM
To: PlanningZoning
Subject: Concerns for Chapter 86-114

 **COPY**

CAUTION: External email

To Whom It May Concern,

My name is Michael Spinosa and I'm a property owner in Mineral, VA. My address is 255 Mulberry Meadows in the Blue Water community. It has come to my attention that new legislation has been proposed that would further restrict the freedoms of homeowners in the area. I am specifically referring to what is being called "Chapter 86-114 short term rental requirements".

This has a serious impact on our community at large and I feel that I need to share that impact with everyone. I've broken this down into two sections. General Feedback and Culture along with specific feedback to the proposed changes.

GENERAL FEEDBACK & CULTURE

One of the things that drew my family of six to beautiful Lake Anna as opposed to other locations was the culture of the Lake. That culture was a non-interventionist, laidback, "live and let live" mentality that permeated everyone and everything. These proposed changes do not follow that mantra and take property rights away from those that have paid for the privilege to live on the lake. No situation is ever perfect but our first line of defense has to be working together as a community and leaving the government out of managing our lives. Taking steps like this will divide the lake community immediately and create battle lines for which you'll have residents turning on one another.

The changes proposed will have a very serious impact on the short term rental market that will impact home owners, local businesses, real estate value, and more. It was always my family's dream to own a lake house and when I sold my first company I was able to purchase my home on Lake Anna. I'm a younger man (relatively speaking I suppose - 43) and the only way we could afford to be on the lake was to put a fair amount of money down and also leverage the short term rental market to help with the expenses of maintaining a second property. Taking away this ability will be catastrophic to not just my family but the numerous others just like us.

Although the proposed changes are masquerading as additional controls for the betterment of the community, the details say otherwise. The net outcome will be a violation of property owners rights, strict limitations on the STR market, more revenue to the government, and gross missteps into everyone's privacy with reporting requirements.

For the sake of my family, the community, and the business within the community. I'm requesting that we strike down these changes as they exist today and if there must be changes that we have equal representation for all faces that represent the Louisa County community.

SPECIFIC ISSUES

The following represents specific issues that don't fly. After reviewing both the detailed and short version of the new Guidelines I must say the short version doesn't accurately portray the very real limitations being proposed by the government.

Exhibit C

- **B1** - The concept of having to file a property management plan to me seems to be a legal trap in which the County will decide what warrants a valid plan. As the years go on these requirements will become complex to the point where no one will be managing it effectively.
- **B2** - While I carry this insurance as a matter of proper protection for my family and property. I would be remiss to say it is not the business of the county to decide how people protect their assets and is a government overreach.
- **C** - This is almost possible for a homeowner that is participating in the STR market to track or enforce. Limiting occupancy is not any business of the County and again, we are asking for controls that are completely unrealistic.
- **D** - This is government overreach for you to collect either tax revenue or inspection revenue out of the short term rental market. There simply isn't enough issue taking place for this to be any level of concern to the County. The people renting their homes aren't major corporations and trying to inundate them with regulations will not spawn the kind of behavior you are looking to encourage.
- **E** - You can't tell people where or how they can park on their own property. Those rules are established by the owner, not the County.
- **G** - The County has absolutely no right to invade the privacy of renters and collect information on them. My mind can't help but think that you are trying to harvest information on people and leverage it for direct gains. This will crush STR's because no one will agree to this.

Linda Buckler

From: PATRICK GALLAGHER <patrick.john.gallagher@verizon.net>
Sent: Thursday, May 12, 2022 2:39 PM
To: PlanningZoning
Subject: Short Term Rental Ordinance



CAUTION: External email

I support the proposed ordinance changes (86-114).

I am not opposed to short term rentals but agree rental property owners must be responsible for minimizing any negative impact on their neighbors and the greater community at large resulting from the rental of their property.

I recommend 86-114 Section B3 include additional language requiring the septic be pumped and/or the septic system be repaired/replaced if it fails the inspection.

Thank you,
Patrick Gallagher
Mineral District
747 Lakewood Dr
Mineral VA

Y903 

Tom Egeland

From: Kristie Cooke <mylkarealtor@gmail.com>
Sent: Thursday, May 12, 2022 5:08 PM
To: PlanningZoning
Subject: Thursday Meeting

CAUTION: External email

STR

Deputy Linda Buckler
Senior Planner Tom Egeland
Planning and Zoning Technician Bridgette Bittle

RE: Rental Guidelines

As a Property Manager, I currently manage approximately 15 Louisa County properties around the lake (as well as several others in Spotsylvania and Orange counties). I understand there are concerns from a few citizens. In my experience, I have never had a noise complaint made to the county or HOA for any property that I manage. I have not experienced any law enforcement being called or needed for any rental property that I manage. Every homeowner that I work with has concern for their property (septic, wear and tear, etc.) and therefore we are conscientious of the number of guests staying for each reservation. I do not rent to every person that requests to rent. I do, instead, screen each request to ensure they do not intend to have an event or have more guests than allowed. I believe short term renters are imperative for the Louisa County economy. I believe the issues brought before the commission are an example of the exception and not the rule or the norm. I believe the data will show that the benefit from short term rentals in Louisa far outweighs any negative impact.

I employ several cleaning personnel that would need to be laid off or "let go". I utilize the services of Lake Anna Linens, a local business, multiple contractors, plumbers, electricians, and other service companies and personnel that would no longer be needed. I manage properties for several Louisa County elderly homeowners that would have little to no income at all if not for their short term rental properties. I share information and thus advertise for local Louisa businesses via "welcome packages" for every guest that stays with us as a short term renter.

I have spoken with Tracy Clark, Louisa Chamber of Commerce (I am a chamber member and Love Louisa committee member) as well as attended the recent Louisa County Chamber meeting to discuss these issues and have shared my opinions and available data.

I would ask the commission to not impose restrictions and or guidelines for short term rentals in Louisa County. I would ask, instead, that these matters be left to individual HOA members to address as needed.

Sincerely,
Kristie Cooke

--

Kristie Cooke (license# 0225240794, Virginia)
Realtor, Property Manager
Lake Anna Realty
540-287-5290 (cell)
myLKArealtor@gmail.com
www.lakeannalandandhomes.com

Tom Egeland

From: bezimmer@comcast.net
Sent: Thursday, May 12, 2022 6:46 PM
To: PlanningZoning
Subject: Public Hearing - LDR 2022-05 Proposed Amendments to Chapter 86. Land Development Regulations - Definitions, and Requirements for Short-Term Rental of a Dwelling

CAUTION: External email

Greetings,

My wife and I are full time residents of Louisa County and have a home surrounded by short-term rentals (two to the left and one to the right). Certain owners do not seem to care about our right to quiet and comfortable repose and their guests habitually violate Louisa's Chapter 51 Noise Ordinances, sometimes well into the early hours of the morning (2:00-300 am.) Way too more than often, but not always, these mom-Louisa County resident visitors play obscene music and shout or sing profanities that can easily be heard through our home's walls, clearly violating the nighttime noise limits of 55dB and often disrupting our sleep and quiet repose. While the Louisa Sheriff's Department has always been supportive and responsive beyond expectations, the usually offending owners, Mr. & Mrs. David Wiley (288 and 298 Marcia McGill Way, Mineral, VA) have done virtually nothing, in my opinion, to control these unruly guests. It's been verified by their management company (Vacasa) employees that they often use cots in utility rooms and offer their properties for 2-3 times the approved occupancy capacity of their septic systems.

Given this context, I am completely in favor of this proposed ordinance. However there are a few observations I'd like to make for the record. First, there's virtually no punitive provisions (that I can tell) for operators who actively or passively permit unruly, illegal or non-conformant behavior. To this end I would like to see more emphasis on dealing with non-conforming STR operators that host habitual offenders of noise and related ordinances, not just operators who fail to post the requirements as laid out in those ordinances. Secondly, It seems unusual that an operator is limited to 2 persons/bedroom when our occupancy and septic permits allow for 2/bedroom + 1. Additionally, since some operators live here the majority of the time, it seems some formulaic or averaging method could be used on a monthly or quarterly basis to ensure that they do not exceed what a full-time resident would produce in terms of septic load.

I applaud your attention to these matters and think everything you are doing to prevent harm to the lake and preserve our quiet and peaceful neighborhoods is wonderful. Responsible government at work...

Best regards,

Brice Zimmerman
703-498-0128 (mobile/text)

Bridgette Bittle

** What amendment is this in reference to?*

From: Angie Gioffre <anggioffre@gmail.com>
Sent: Wednesday, May 11, 2022 10:25 PM
To: PlanningZoning
Subject: Please approve amendment



CAUTION: External email

I am a homeowner on LakeAnna in Mineral Va. Please approve this amendment

Sincerely,
Angie Gioffre