

**COUNTY OF ALBEMARLE
TRANSMITTAL TO THE BOARD OF SUPERVISORS**

SUMMARY OF PLANNING COMMISSION ACTION

AGENDA TITLE: ZTA: 2019-04 Proffers	AGENDA DATE: June, 19, 2019
SUBJECT/PROPOSAL/REQUEST: Amendment of the Zoning Ordinance to reflect changes in State law regarding off-site proffers	STAFF CONTACT(S): Mr. Herrick, Mr. Fritz
SCHOOL DISTRICTS: None	PRESENTER (S): Mr. Fritz

BACKGROUND:

The State Code was amended in 2016 to limit the ability of localities to accept certain proffers addressing off-site impacts. The 2019 session of the General Assembly passed, and the Governor signed, HB2342. (Attachment E) This legislation goes into effect on July 1, 2019 and will allow localities to accept proffers if the owner and applicant deem the proffer reasonable and appropriate.

DISCUSSION:

Currently in residential rezonings, the County may only accept offsite proffers to address impacts to public transportation facilities, public safety facilities, public school facilities and public parks. Proffers addressing impacts to these types of facilities may be accepted only if they meet very specific and quantifiable standards. These standards are difficult to meet and have prevented the acceptance of many off-site proffers.

This text amendment would allow more flexibility in the review of residential rezonings by allowing the County to accept more proffers addressing off-site impacts. Applicants would have the option of submitting proffers under the existing provisions or the new provisions. It is important to note that failure to submit proffers deemed by the owner and applicant to be reasonable and appropriate may not be a basis for the denial of any rezoning or proffer amendment application.

On May 28, 2019 the Planning Commission unanimously recommended approval of this zoning text amendment.

RECOMMENDATIONS:

The Planning Commission and staff recommend that the Board adopt the attached proposed ordinance (Attachment E).

ATTACHMENTS:

- A – Planning Commission Staff Report
 - A1 – Resolution of Intent
 - A2 – Proposed Ordinance Language
 - A3 – Comprehensive Plan provisions addressing proffers
- B – Planning Commission Action Memo
- C – Planning Commission Minutes
- D – HB2342
- E – Proposed Ordinance