



Albemarle County

Legislation Details (With Text)

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AGENDA DATE: 1/3/2018

TITLE:

Zoning Text Amendment and Comprehensive Plan Amendment Process

SUBJECT/PROPOSAL/REQUEST: Process for adoption of Resolutions of Intent for Zoning Text Amendments and Comprehensive Plan Amendments

ITEM TYPE: Regular Information Item

STAFF CONTACT(S): Richardson, Walker, Kampfner, Graham, Benish, McCulley, Echols, Fritz

PRESENTER (S): Bill Fritz

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: Although not obligated to do so, Albemarle County's zoning ordinance allows for applicant-initiated requests and the County Code allows for applicant-initiated CPAs. ZTA requests are accepted four times a year. Review generally falls under a 90-day schedule for analysis and preparation of a report for the Planning Commission. The Planning Commission decides whether to proceed with study of the requested ZTA. If a decision is made to proceed, the Commission adopts a resolution of intent to amend the ordinance. After that, a schedule is established for staff to develop ordinance language. A series of work sessions typically occur prior to a public hearing by the Planning Commission.

Applications to amend the Comprehensive Plan are accepted for review twice a year. Review generally falls under a 90-day schedule for staff to analyze the request and prepare a report for the Planning Commission. If a decision is made to proceed, the Commission adopts a resolution of intent to amend the Comprehensive Plan. Once a resolution of intent is adopted, a schedule is established for the staff to develop language and associated documents to recommend for adoption into the Comprehensive Plan. A series of work sessions take place prior to a public hearing by the Commission.

No ordinance mandated deadline exists to review the applications. The only requirement is that the Board consider owner-requested ZTAs at specified intervals of three (3) months on dates established by resolution of the board in January each year. By policy, the County has obligated itself to bring applicant initiated requests to the Planning Commission within 90 days.

The process of analyzing and preparing reports for the Commission has become increasingly resource intensive without giving the Commission or Board the opportunity to assess whether there is any support for exploring the potential change. The Board has no formal opportunity to prioritize these projects into the Community Development Department (CDD) work program. Over the years, the vast majority of the processed requests have been County-initiated. Since January 1, 2014, the County processed 39 ZTA requests; four were applicant-initiated with a fee and only one was approved. Between 2005 and 2010, the County processed 11 applicant-initiated CPAs and another 12 from either the Planning Commission or Board of Supervisors. Of the 11 CPAs initiated by applicants, only one (Willow Glen) was approved. Four were recommended for study in conjunction with the Comprehensive Plan update and ultimately none was approved. All of the 12 County- initiated CPAS were approved.

STRATEGIC PLAN: *Engaged Citizens:* Successfully engage citizens so that local government reflects their values and aspirations. *Quality Government Operations:* Ensure County government's capacity to provide high quality service that achieves community priorities.

DISCUSSION: To better allocate staff resources to the Board's priorities, staff is proposing that applicant-initiated ZTA and CPA requests follow a different process. Staff recommends that all proposals come from either the Planning Commission or the Board of Supervisors. As often occurs now, a person could make a request either at a public meeting or directly with a Board member or Commissioner. The Supervisor or Commissioner would bring the topic to the full Board or Commission for discussion and determination of whether additional work should be done. If accepted for analysis, staff would prepare a summary of the issues associated with the ZTA or CPA, a recommended review process, timeline, and resource allocation. If after receiving this analysis, the respective body would adopt a resolution of intent for either the zoning text or comprehensive plan amendment. In the case of the Commission's decision to proceed, the resolution would be taken to the Board of Supervisors to factor into the CDD work program.

BUDGET IMPACT: The County will not receive an application or fee from the public. The fee for a CPA application is \$315 and the fee for a ZTA is \$1,075. These fees do not cover the cost of review. The proposed change would have a slight negative impact on the budget due to the lack of an application fee. However, an improved review process would likely offset the loss of an application fee.

RECOMMENDATION:

Staff recommends the Board direct a change to Section 33 of the Zoning Ordinance to remove allowances for citizen-initiated zoning text amendments. In its place, staff recommends that the Board adopt a policy that all direction to process ZTAs and CPAS come from the Board or Planning Commission through the adoption of a resolution of intent. In the case of the Commission's approval of such a resolution, prioritization in the CDD work program would come from the Board. Accordingly, staff recommends that the board discontinue its previous practice of setting dates for the acceptance of ZTA or CPA applications.

ATTACHMENTS: [Click here to enter text.](#)