RESOLUTION

PLANNING COMMISSION LEGISLATIVE APPLICATION DEFERRAL POLICY

WHEREAS, at the joint work session on May 22, 2018, the Board of Supervisors (the "Board") requested the Planning Commission (the "Commission") develop a legislative application deferral policy to address circumstances where an applicant requests deferral of an application after it has been advertised for a public hearing; and

WHEREAS, Section 15.2-2285 of the Code of Virginia states that no Zoning Ordinance shall be amended or reenacted unless the governing body has referred the proposed amendment or reenactment to the local Planning Commission for its recommendations and that failure of the Commission to report 100 days after the first meeting of the Commission shall be deemed approval, unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period; and

WHEREAS, the Policy Committee reviewed and discussed this policy on June 14, 2018, and recommended its approval by a vote of 5-0.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of James City County, Virginia, hereby adopts the following policy to be used when considering requests for deferral of legislative applications:

1. Legislative applications ("applications") that have been reviewed by all applicable reviewing agencies and are deemed complete, as determined by the Director of Planning or designee (the "Director"), shall be advertised for a public hearing at the first available meeting by the Planning Commission (the "Commission"). Prior to advertising, an applicant may submit one or more written requests to the Director requesting a deferral for a period of time that does not exceed 100 days in total. Prior to advertising for any public hearing, the Director may consider a longer deferral period in consideration of the factors in No. 4, below, which shall not be exclusive. At the end of the deferral period, the application shall be placed on the Commission's agenda with an advertised public hearing. The applicant may withdraw the application under § 15.2-2285(B) at any time.

2. Once an application has been placed on the Commission's agenda with an advertised public hearing, the applicant may submit one or more written requests to the Director for postponement of consideration by the Commission. Such written requests shall include a statement explaining the reasons for the postponement request. The Commission shall not postpone consideration of an application for more than 100 days from the date of the first advertised public hearing.

3. The Commission shall determine whether to grant a postponement following a public hearing on the case. If the Commission grants a postponement, the application will be scheduled for a Commission meeting requested by the applicant and approved by the Commission and the applicant shall be required to pay a fee to reimburse the County for expenses associated with postponing consideration of the application, which may include the costs of re-advertising. The Commission shall

not postpone consideration of an application for more than 100 days from the date of the first advertised public hearing. If the Commission does not grant the postponement request, the Commission may either approve or deny the application at that meeting, or may continue the public hearing to the next regularly scheduled meeting of the Commission and either approve or deny the application at that meeting. The applicant may withdraw the application under § 15.2-2285(B) at any time.

4. In considering a postponement, the Commission may consider the following factors, which shall not be exclusive:

- The Commission requests substantive changes to the application, supplemental materials, proffers or conditions that must be addressed prior to a vote by the Commission.
- Substantive issues are raised by the County or a reviewing agency that must be addressed prior to a vote by the Commission.
- Delays have occurred with County or external reviewing agency comments that affect the application.
- Errors in legally required advertising are discovered and must be rectified.
- Adjacent property owner concerns have been expressed that generate the need for substantive changes or additional public meetings.
- The applicant demonstrates that there are extenuating circumstances that are unique to the application that require additional time.

Heath Richardson
Chair, Planning Commission

ATTEST:

Paul D. Holt, III
Secretary

Adopted by the Planning Commission of James City County, Virginia, this 3rd day of July, 2018.

LegltveADefralPol-res