



## COUNTY OF ALBEMARLE REPORT TO THE PLANNING COMMISSION

**STAFF CONTACT:** William D. Fritz, AICP  
**PLANNING COMMISSION:** December 7, 2021

### **PETITION: STA 2021-02 Maintenance of Improvements**

Request from Community Development staff for approval of a Resolution of Intent to amend [Chapter 14, Section 317 of the Code of Albemarle](#) (the Subdivision Ordinance) and any associated sections.

### **DETAILS OF THE PROPOSAL**

Currently the Subdivision Ordinance requires the review and approval of a maintenance agreement if there are any improvements in a subdivision if those improvements are not to be maintained by the county or any authority or other public agency.

The maintenance agreement documents are reviewed by CDD staff and must be approved by the County Attorney. Frequently multiple revisions are required before approval is granted. This is time consuming for the applicant and the County. The agreement that is ultimately approved is not enforceable by Albemarle County. (Reference [Chapter 14, Section 104](#)) In staff opinion the resources spent by the County in the review of an unenforceable agreement is not consistent with the provision of the highest level of public service consistent with the prudent use of public funds.

Staff has identified alternative procedures that will significantly reduce the impact on applicant and staff resources, reduce, or eliminate the need for revisions and make the maintenance of improvements more enforceable.

Staff has reviewed the practices of some other localities and has found that other localities do not require the approval and recordation of a maintenance agreement. Staff is proposing to amend the ordinance to require that the plat contain language stating that private improvements will not be maintained by any public entity and that the improvements must be maintained in substantially the same condition as originally approved and installed. The exact language has not yet been determined. Staff will do additional review to develop appropriate language.

Staff would like to note that amendments to the Subdivision Ordinance are processed differently than amendments to the Zoning Ordinance. Zoning text amendments originate with a resolution of intent adopted by the Board of Supervisors. Resolutions to amend the Subdivision Ordinance originate with the Planning Commission. (reference [Chapter 14, Section 107](#))

### **RECOMMENDED ACTION**

Staff recommends that the Planning Commission adopt the attached Resolution of Intent.

### **ATTACHMENTS**

Attachment 1 – [STA2021-2: Existing language of Chapter 14, Section 317](#)  
Attachment 2 – [STA2021-2: Resolution of Intent](#)