



**COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY**

<p>Project Name: ZTA 2023-00004, STA 2023-00002, WPTA 2023-00002 and OTA 2023-00001, proposed Text Amendments for Community Development Department (CDD) Fee Restructuring</p>	<p>Staff: Jodie Filardo, Dave Shifflett, Amelia McCulley</p>
<p>Planning Commission Public Hearing: October 10, 2023</p>	<p>Board of Supervisors Hearing: December 6, 2023</p>
<p>Proposal: County Code Amendments to move all CDD fees from six Code Chapters into one Chapter with a unified fee schedule.</p>	
<p>Factors Favorable:</p> <ol style="list-style-type: none"> 1. Consolidates fees in one unified place in the County Code; 2. Simplifies fees that are easier for customers to understand and for staff to administer; 3. Consolidates and aligns fees to be consistent with the staff work required while maintaining projected revenue levels; 4. Creates a fee structure that can be amended more easily, as needed; and 5. Implements improvements prior to launching the new Community Development System (CDS) to replace County View. 	<p>Factors Unfavorable:</p> <p>None identified.</p>
<p>RECOMMENDATION:</p> <p>Staff recommends that the Planning Commission support and recommend approval of the proposed Subdivision Text Amendment and Zoning Text Amendment to the Board of Supervisors.</p>	

STAFF CONTACT: Jodie Filardo, Dave Shifflett, Amelia McCulley
PLANNING COMMISSION: October 10, 2023
BOARD OF SUPERVISORS: December 6, 2023

TEXT AMENDMENTS: The following County Code Text Amendments are proposed as part of a Community Development Department (CDD) Fee Restructuring:

1. ZTA 2023-00004 (Zoning Text Amendment);
2. STA 2023-00002 (Subdivision Text Amendment);
3. WPTA 2023-00002 (Water Protection Text Amendment) and
4. OTA 2023-00001 (Other County Code Chapters Text Amendments) for:
 - a. Chapter 3 Agricultural and Forestal Districts
 - b. Chapter 5 Building
 - c. Chapter 7 Short Term Rental Registry

Of these, #1 and 2 are before the Planning Commission.

ORIGIN: Board of Supervisors resolution of intent and authorization to set public hearings, dated March 1, 2023 (Attachment 1).

PROPOSAL: To move CDD fees from six different County Code Chapters, into a unified fee schedule in one Chapter. (See Attachment 5.)

PUBLIC PURPOSE TO BE SERVED: These amendments reflect best practices in fee administration and are for the purposes of public and staff convenience. They serve the five objectives listed on page 1 as Factors Favorable.

BACKGROUND: On March 1, 2023, the Board directed staff to proceed with fee restructuring. Staff identified the following goals:

- a) Consolidate fees into one unified fee schedule,
- b) Simplify fees so they are easier for customers to understand and staff to administer,
- c) Consolidate and align fees to be consistent with the staff work required while remaining revenue neutral, and
- d) Adopt the fees in such a way that they provide the option to amend as needed.
- e) The fee structure update would precede the new Community Development System (CDS) and be implemented as part of that system implementation.

At its July 11, 2023, meeting, the Planning Commission raised several questions and offered suggestions for clarity. Many of these suggestions were captured in a revised powerpoint presentation and an attachment to the executive summary presented to the Board of Supervisors. At its August 16 meeting, the Board found the project in alignment with its identified goals and supported moving it toward a public hearing.

An updated summary of the proposed changes is provided in Attachment 2. The updated crosswalk from existing to proposed fees is found in Attachment 3.

ANALYSIS OF THE PROPOSED ZONING TEXT AMENDMENT

Strategic Plan: 6.3 Modernize business processes and technology to transform customer service demands.

The following analysis reviews the proposed ordinance against the three criteria previously established by the Board for amendments:

Administration/Review Process: Because the unified fee schedule would both reduce the number of fees overall and simplify the fee calculation in many cases, these amendments are expected to simplify fee administration by staff and fee calculations by applicants. In addition, the proposed fee schedule would make it easier to implement fees in the new CDS system.

Housing Affordability: The fees are proposed to be revenue neutral. The recommended changes for building permit fees combine three separate single family housing fees into one fee based on house size. In the current fee schedule, the single-family residential building permit fees are based on three different calculations: {\$0.58 per square foot ft² for finished space + \$0.18 per square foot for unfinished space + \$0.05 per gross square feet (minus the area of unfinished basement) for plan review}. The proposed bundled fee is applied across all types of square footages and includes building plan review and the first 2 inspections per inspection type. The single fee structure based on house size aligns the fee amounts to the size of the house to reflect the commensurate staff effort. The proposed fees were modeled against existing fees to assure that the costs would be similar, and the revenues would be level.

Implications to Staffing/Staffing Costs: Because no budget impacts have been identified, there would be no implication to staffing costs.

Revisions since legal ad

Upon further review since the legal ad, staff made several clarifying updates to the proposed unified Fee Ordinance (Attachment 5) as well as to some of the draft ordinances (Attachment 6). The attachments to this report reflect those updates. The updates include:

- Reformatting to include fee guidance relevant to specific Codes. As an example, there is zoning fee guidance mandated by Virginia Code that is not applicable to non-zoning fees. From Sec. 1-504 *Zoning Fees*, we created Sec. 1-504 A *Rules Applicable to Zoning Fees* and Sec. 1-504 B *Zoning Fee Amounts*.
- Reformatting and restating fees in the Water Protection Ordinance for consistency, to eliminate repetition and to improve clarity.
- Relocating fees that are not based in the Zoning Ordinance from *Zoning Fees* Sec. 1-504 to Sec. 1-505 *Miscellaneous Fees*. These include fees for amending the Albemarle County Service Authority jurisdictional area.
- Updating Sec. 1-500 *General Provisions*, for mode of payment and refunds of fees.
- Adding language to clarify that the dam break inundation payment remains exempt from the technology surcharge.
- Striking language within the individual draft ordinances such as that which relates to mode of payment, where the *General Provisions* in the unified fee schedule cover language common to all CDD fees. An example of another minor revision is to state that there is no fee for establishing an Agricultural and Forestal district, rather than referring to the new unified fee schedule in which there is no fee listed.

SUMMARY

Of the six different County Code amendments associated with this project, only the proposed Subdivision and Zoning Ordinance amendments are officially before the Commission for action. The others are provided for the Commission's information and context.

Staff finds the following factors favorable to this proposal. It would:

1. Consolidate fees in one unified place in the County Code.
2. Simplify fees that are easier for customers to understand and for staff to administer.
3. Consolidate and align fees to be consistent with the staff work required while maintaining projected revenue levels.
4. Create a fee structure that can be amended more easily, as needed; and
5. Implement improvements prior to launching the new Community Development System (CDS).

Staff finds the following factors unfavorable to this proposal:

None identified.

RECOMMENDED ACTION

Staff recommends that the Planning Commission support and recommend approval of the proposed Subdivision Text Amendment and Zoning Text Amendment to the Board of Supervisors.

ATTACHMENTS

- [Attach. 1 – ZTA2023-04 & STA2022-12 CDD Fee Restructuring - Resolution of Intent](#)
- [Attach. 2 – ZTA2023-04 & STA2022-12 CDD Fee Restructuring - Summary of Proposed Changes](#)
- [Attach. 3 – ZTA2023-04 & STA2022-12 CDD Fee Restructuring - Crosswalk of Existing to Proposed Fees](#)
- [Attach. 4 – ZTA2023-04 & STA2022-12 CDD Fee Restructuring - CDD Fee Study Summary Report by Berkley Group](#)
- [Attach. 5 – ZTA2023-04 & STA2022-12 CDD Fee Restructuring - Proposed Unified Fee Ordinance Chapter 1](#)
- [Attach. 6 – ZTA2023-04 & STA2022-12 CDD Fee Restructuring - Proposed Fee Ordinance Amendments](#)