

## RESOLUTION

### LEGISLATIVE APPLICATION DEFERRAL POLICY

WHEREAS, at its meeting on January 10, 2012, the Board of Supervisors (the "Board") requested a legislative application deferral policy to address circumstances where an applicant requests that an application not be advertised for Board consideration following action by the Planning Commission (the "Commission") or requests an indefinite deferral by the Board; and

WHEREAS, the Board held a work session on May 22, 2012 to review deferral procedures and criteria and suggested modifications to the draft policy.

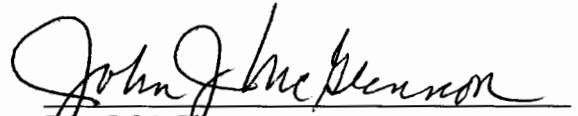
NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, hereby adopts the following policy to be used when considering requests for deferral of legislative applications:

1. Legislative applications ("applications") that have received action from the Planning Commission (the "Commission") shall be placed on the agenda for the first Board meeting the month following action by the Commission. An applicant may submit a written request to the County Administrator or his designee (the "Administrator") for a one-month administrative deferral. In this circumstance, the Administrator shall determine whether to grant the deferral in accordance with the criteria expressed herein. If the administrator approves the deferral request, the application shall not be advertised and will instead be scheduled for the first Board meeting on the second month following action by the Commission.
2. All applications shall be placed on a Board agenda with an advertised public hearing, either as a request for further deferral or consideration of approval, no more than three (3) months following action by the Commission. The applicant may withdraw the application at any time.
3. An applicant may request a deferral for a period not to exceed three (3) months. In this circumstance, the application will be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board and the applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.
4. An applicant may request two additional deferrals from the Board that shall, in total, be valid for no more than twelve (12) months from the date the application was placed on a Commission agenda for action. In this circumstance, the application shall be advertised and the Board shall determine whether to grant a deferral following a public hearing on the matter. If the Board grants a deferral, the application will be scheduled for a Board meeting requested by the applicant and approved by the Board

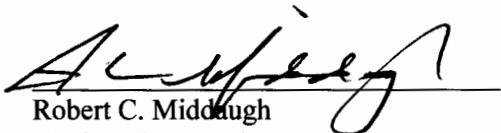
and the applicant shall be required to pay a deferral fee to cover the costs of advertising the application. Such fee shall reimburse the County for expenses associated with deferring the application. If the Board does not grant the deferral, the Board may either approve or deny the application at that meeting.

5. The Administrator and/or the Board may grant a deferral as noted above for one or more of the following reasons:

- The Commission requests substantive changes to the application, supplemental materials, proffers, or conditions that must be addressed prior to the Board hearing.
- Substantive issues are raised by a County or external reviewing agency that must be addressed prior to the Board hearing.
- 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.

  
 John J. McGlennon  
 Chairman, Board of Supervisors

ATTEST:

  
 Robert C. Middaugh  
 Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MCGLENNON	<u>X</u>	—	—	—
JONES	<u>X</u>	—	—	—
KENNEDY	—	—	—	<u>X</u>
ICENHOUR	<u>X</u>	—	—	—
KALE	<u>X</u>	—	—	—

Adopted by the Board of Supervisors of James City County, Virginia, this 25th day of September, 2012.

LegisAppDef\_res