

Department of Planning and Zoning

LOB #73:

PROFFER INTERPRETATION AND SPECIAL PROJECTS

Purpose

The purpose of the Proffer Interpretation and Special Projects LOB is to provide the development community, internal staff, the public and the appointed and elected officials with verbal clarification or written responses to interpretation requests of approved proffers and development conditions.

Description

Staff within the Department of Planning and Zoning engaged in this line of business evaluate proffers, development conditions and plans associated with approved zoning applications to: 1) respond to written requests from the development community to determine whether proposed modifications are in substantial conformance with the approved zoning case; 2) evaluate requests for additional time to commence construction of approved special exception and special permit uses; 3) provide zoning interpretations upon the request of the Department of Public Works and Environmental Services (DPWES) during its review of various aspects of final engineering and construction drawings; and 4) provide zoning analysis for telecommunication facility proposals that are processed administratively.

Products of this line of business include:

- Interagency coordination among the land development agencies
- Written interpretations of approved proffers and development conditions
- Annual proffer report to the State
- Additional Time Request staff reports for the Board of Supervisors and Board of Zoning Appeals
- Guidance regarding minor modifications

Benefits

The benefits of this line of business include the following:

- Implementation of approved proffers and development conditions
- Public notification/outreach regarding minor building additions that may be proposed for administrative review
- Ability to track changes to approved development applications over time, providing both a historical record and consistency of interpretations
- Administrative review process to allow for minor modifications rather than a public hearing

Mandates

Once approved, proffers and development conditions become part of the Zoning Ordinance as they pertain to specific properties, and as such are subject to enforcement action.

Department of Planning and Zoning

Trends and Challenges

Each year numerous requests for interpretation of approved proffers and development conditions are received from internal County agencies (primarily DPWES), elected and appointed officials, the development community, homeowners associations and individual citizens. When possible requests from internal sources are responded to verbally for efficiency. As the complexity of proffer language has increased over time, so too has the complexity of interpretation questions. Also, it has become common for there to be multiple distinct questions included within a single interpretation request letter. Providing timely written responses to interpretation requests is an ongoing challenge. It is expected that the establishment of two “booster shot” positions to assist DPWES with proffer review and compliance during site plan and building plan review stage of the development process will enable developers to deliver to market sooner, and will free remaining staff to focus on addressing those interpretation requests that require a written response.

Resources

Category	FY 2014 Actual	FY 2015 Actual	FY 2016 Adopted
LOB #73: Proffer Interpretation and Special Projects			
FUNDING			
<u>Expenditures:</u>			
Compensation	\$270,852	\$386,277	\$446,080
Operating Expenses	25,477	30,902	30,811
Total Expenditures	\$296,329	\$417,179	\$476,891
General Fund Revenue	\$350,487	\$383,748	\$361,668
Net Cost/(Savings) to General Fund	(\$54,158)	\$33,431	\$115,223
POSITIONS			
Authorized Positions/Full-Time Equivalents (FTEs)			
<u>Positions:</u>			
Regular	4 / 4	6 / 6	6 / 6
Total Positions	4 / 4	6 / 6	6 / 6

Department of Planning and Zoning

Metrics

Metric Indicator	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Estimate	FY 2017 Estimate
Number of site and building plan review cases per year that required informal interpretation staff support	NA	NA	NA	35	35
Percentage of assigned proffer/condition interpretations completed within 30 working days of receipt (RZ=Rezoning; SE=Special Exception)	52 (RZ) 34 (SE)	33 (RZ) 26 (SE)	31 (RZ) 37 (SE)	33 (RZ) 33 (SE)	33 (RZ) 33 (SE)
Percentage of interpretation requests per year that ask more than one question	NA	NA	NA	30	30
Number of completed written responses to inquiries, excluding interpretations	126	93	155	160	160
Number of completed responses to proffer/condition interpretations	162	150	116	100	100

Five metrics are identified for DPZ Proffer Interpretation & Special Project:

- 1. Number of site and building plan review cases per year that required informal interpretation support.**
 With the establishment of two booster shot positions within DPZ, this new metric is intended to measure the level of zoning support provided to DPWES to resolve zoning questions that arise during the engineering phase of the land development process.
- 2. Percentage of assigned proffer/condition interpretations completed within 30 working days of receipt.**
 This metric indicates the proportion of requests that due to its straightforward nature or urgency, staff was able to respond within 30 working days of receipt.
- 3. Percentage of interpretation requests per year that ask more than one question.**
 This new metric indicates the level of complexity and research effort required to respond to requests that pose multiple questions.
- 4. Number of completed written responses to inquiries, excluding interpretations.**
 This metric indicates the number of written responses to inquiries related to complete zoning cases, including inquiries from other County agencies or divisions within the department. For example, included within this measure are telecommunication facility reviews and additional time requests.
- 5. Number of completed responses to proffer/condition interpretations.**
 This metric indicates the volume of proffer/condition interpretations that are completed per fiscal year.