

# Petitions and Local Land Use Authority in Virginia

*A plain-language reference for residents · prepared with reference to Augusta County*

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## The short version

In Virginia, a citizen petition to a Board of Supervisors carries no legal force on its own. It does not trigger a vote, compel a hearing, place a question on a ballot, or repeal an ordinance. It is a way to show elected officials what their constituents think — a political signal, not a legal lever. That still has value, because supervisors are elected and do count constituents. But a petition works best as the visible part of an effort built on the tools that do carry legal weight, described below.

## Why a petition has no legal weight here

Virginia is a “Dillon Rule” state: local governments have only the powers the General Assembly expressly grants them, those necessarily implied, and those essential to their function. Anything not granted is withheld. Unlike some states, Virginia gives voters no general right of local initiative or referendum — there is no signature threshold that forces a ballot question, and no way for citizens to enact or repeal a local ordinance directly. Narrow referenda exist for a few subjects (such as meals taxes and the form of county government), but zoning is not among them.

Under Va. Code § 15.2-2286(A)(7), a zoning amendment may be formally initiated only by a resolution of the governing body, a motion of the planning commission, or a petition of the owner of the affected property (or a contract purchaser or agent with the owner’s written consent). A resident who is not the affected landowner is not on that list. So a citizen petition is, in effect, a request that the Board choose to start the process — it cannot start it on its own.

## What the public is entitled to

The rights that do exist attach to the adoption of an ordinance:

- **Advertised public hearings.** Va. Code §§ 15.2-2204 and 15.2-2285 require advertised public hearings before both the Planning Commission and the governing body before a zoning ordinance is adopted or amended.
- **Open meetings.** The governing body’s deliberations are subject to the Virginia Freedom of Information Act, with limited exemptions for closed sessions.
- **Access to records.** Va. Code § 2.2-3704 requires a response within five working days; charges may not exceed actual cost, and since July 1, 2022 a public body must make all reasonable efforts to supply records at the lowest possible cost.

*A useful distinction: county staff preparing a draft ordinance in-house is not a public meeting and is not improper. The concern residents can reasonably raise is different — it is when a finished draft appears with a very short comment window, so that public input arrives too late to shape it. That is the fair thing to ask about, and it is a question the process is designed to answer.*

## The “by-right” question — the most important one

Where a zoning ordinance permits a use **by right**, the protections above largely fall away. A by-right use proceeds through administrative site-plan review, with no application to a discretionary body — so there is no public hearing, no notice to adjoining landowners, no vote by the Board, and nothing for a petition to influence.

Two significant state protections are tied to a discretionary application (a rezoning, special exception, or special use permit) and therefore do **not** apply to a by-right use:

- **Va. Code § 15.2-2209.4** (enacted 2025, amended 2026) requires a site assessment for high energy use facilities — including sound effects on homes and schools within 500 feet, and, at local option, effects on ground and surface water, agriculture, parks, historic sites, and forestland. It applies only before approval of a rezoning, special exception, or special use permit.

- **Va. Code § 15.2-2287.1** requires board, commission, and Board of Zoning Appeals members to disclose business or financial relationships with an applicant or landowner. It applies to special exceptions, variances, and zoning map amendments — not to an ordinance that applies across the whole locality.

Because so much turns on this, asking that a use require a special use permit rather than be allowed by right is often the single most consequential thing a community can request: it is the switch that turns the other protections on. It also carries some urgency, since once a site plan for a by-right use is approved, vested rights under Va. Code § 15.2-2307 make reversal very difficult.

## If you do circulate a petition, here is how to make it count

**Form.** Use paper — online petitions with unverifiable signers are easy to discount. Collect printed name, signature, full street address, magisterial district, and date; residency is what gives a signature weight. Sort signatures by magisterial district before delivery, since each supervisor represents his or her own district rather than a county-wide total.

**Substance.** Ask for something the Board can actually grant. “Initiate an amendment to require a special use permit” is grantable; “ban this use” generally falls outside a locality’s granted authority. Where possible, include suggested ordinance language — a petition that arrives with usable text is easier to act on than one that offers only a sentiment. State findings rather than adjectives: points quoted from the locality’s own code carry weight precisely because they come from the county’s own rules, while a single inaccurate statement can be used to set the whole document aside. Be cautious with the word “moratorium” — under the Dillon Rule a more defensible request is that the Board decline to initiate or advance a matter.

**Delivery.** File it with the Clerk and ask in writing that it be entered into the record of a specific meeting, and request confirmation. A petition submitted on a night when residents also speak lands differently than one that arrives by mail. Attend the working sessions, not only the voting meetings — much is shaped in staff briefings and planning-commission work sessions before a formal vote.

## Other tools available to residents

| Tool                     | Authority                     | What it does                                                                                                                                                                                          |
|--------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FOIA request             | § 2.2-3704                    | Five-working-day response. Charges limited to actual cost; lowest possible cost required. A cost estimate pauses the clock; the request is treated as withdrawn if you do not respond within 30 days. |
| Zoning determination     | §§ 15.2-2286(A)(4), 15.2-2311 | Forces a written, dated interpretation of an ambiguous ordinance provision. Appealable to the Board of Zoning Appeals within 30 days, then to circuit court.                                          |
| Disclosure filings       | § 2.2-3115                    | Annual public filings of real estate and financial interests by supervisors, commission and BZA members, and the county administrator. Public for five years.                                         |
| Real parties in interest | § 15.2-2289                   | A locality may (by ordinance) require applicants to disclose the actual parties behind an entity. Not automatic — the ordinance must adopt it.                                                        |
| FOIA Council opinion     | § 30-179                      | Free, informal advisory opinions, including on whether FOIA charges are reasonable. Not binding, but locality attorneys take them seriously.                                                          |
| Circuit court petition   | § 2.2-3713                    | Expedited hearing on a FOIA violation; costs and attorney’s fees available to a petitioner who substantially prevails.                                                                                |
| Elections                | Odd-numbered years            | Virginia holds local elections in odd years. This remains the principal accountability mechanism, and every supervisor knows it.                                                                      |

*A note on removal from office: Virginia has no electoral recall. Removing a local official is a judicial proceeding under Va. Code § 24.2-233, requiring a court petition and proof of neglect of duty, misuse of office, or incompetence with a material adverse effect on the office. It is not a remedy for a policy disagreement, and treating it as one tends to undercut the credibility of everything else a group is doing.*

## Augusta County reference

- **Board of Supervisors** — meets at 7:00 p.m. on Wednesdays (typically the second and fourth), Government Center, 18 Government Center Lane, Verona. A public staff briefing is held the Monday before the fourth Wednesday.
- **Planning Commission** — meets at 7:00 p.m. on Tuesdays (typically the second). Reviews and recommends on zoning amendments before they reach the Board.
- **Magisterial districts (7)** — Beverley Manor, Middle River, North River, Pastures, Riverheads, South River, Wayne.
- **Board of Supervisors** — [board@co.augusta.va.us](mailto:board@co.augusta.va.us)
- **Community Development** — [comdev@co.augusta.va.us](mailto:comdev@co.augusta.va.us) · (540) 245-5700
- **Circuit Court Clerk (land records)** — 1 East Johnson Street, Staunton · (540) 245-5321
- **Virginia FOIA Council** — [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov) · (804) 698-1810 · toll-free 1-866-448-4100

*A local detail worth knowing: in Augusta County, special use permits are decided by the **Board of Zoning Appeals**, whose members are appointed by the circuit court rather than elected. So requiring a special use permit for a use does not, by itself, put the decision before the elected supervisors. Va. Code § 15.2-2286(A)(3) allows a locality to assign that authority to the governing body instead — but the ordinance has to say so. Meeting dates and times can change; confirm the current schedule with the county before relying on it.*

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This document is general information, not legal advice. It was compiled from the Code of Virginia, published guidance of the Virginia Freedom of Information Advisory Council, and the Augusta County Code as posted publicly, and its key citations were checked against those sources. Statutes are amended and ordinance sections are renumbered over time — verify any citation against the current text before relying on it, and consult a Virginia land-use attorney before filing anything with legal consequences. Prepared by Jo Massanari · [thelastwindow.com](http://thelastwindow.com) · Goshen, Virginia. Compiled August 2026; citations verified against primary sources at that time.