

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: March 23, 2005

SUBJECT: Proposed Comprehensive Plan Amendment Process

ATTACHMENTS:

1. Draft Henderson County Comprehensive Plan Amendment Process
2. Draft Resolution

SUMMARY OF REQUEST:

At its meeting on February 16, 2005, the Board of Commissioners asked staff to propose a process for amending the Henderson County Comprehensive Plan. Establishing a Comprehensive Plan amendment process is critical in order to maintain the integrity of the CCP and its successive Small Area Plans. Staff conducted research regarding plan amendment processes in North Carolina, and compiled a document available for review at the Board of Commissioners' Office and Planning Department.

The draft process addresses amendment types, those parties who may initiate each type of amendment, and includes interim, five-year, and annual review and amendment schedules and procedures. The amendment types identified, the permitted parties that may initiate them, and the schedule to be followed are as follows:

- Substantive amendments, which change the meaning or intent of the plan, may be initiated by: (1) the Board of Commissioners for consideration during the interim, five-year, and annual review periods or at any time outside of the annual review period; or (2) the County Manager, Planning Board, or Planning Director for consideration during the annual review period.
- Administrative amendments, which correct errors of a technical or clerical nature, may be submitted to the Planning Director by the Board of Commissioners, County Manager, Planning Board or Planning staff. The Planning Director drafts proposed administrative amendments and presents them directly to the County Manager for consideration and action by the Board of Commissioners. An administrative amendment can be drafted and considered at any time.

As a result of prior discussions by the Board of Commissioners and in order to maintain the integrity of the Comprehensive Plan and successive Small Area Plans, the Henderson County Comprehensive Plan Amendment Process has been drafted and is submitted to the Board of Commissioners for consideration.

COUNTY MANAGER'S RECOMMENDATION/BOARD ACTION REQUESTED:

I recommend the Board adopt the proposed Henderson County Comprehensive Plan Amendment Process by approving the attached resolution.

Henderson County Comprehensive Plan Amendment Process

I. Purpose of the Plan Amendment Process

The amendment process is designed to ensure consistency in how amendments are handled, allow adequate time in the Planning Board and Board of Commissioners' work programs for thorough analysis of proposed changes, obtain meaningful public input, provide a clear understanding of the potential impacts arising from a change to the current adopted plan's land use recommendations, and minimize the frequency of amendments which occur outside of the formal amendment request review schedule.

II. Guiding Principles of the Plan Amendment Process

Include regularly scheduled review:

The process serves to provide regularly scheduled evaluation and amendment of the Comprehensive Plan in order to maintain its integrity.

Include analysis and public involvement:

The process is designed to allow for a thorough staff and board analysis and meaningful public involvement. The approach involves opportunities for public comment when the amendment is substantive.

Consider land use changes in a larger countywide context:

The process provides a comprehensive approach to considering plan amendments. By reviewing all the substantive amendment requests simultaneously, it allows for requests in similar geographic areas to be grouped and assessed together rather than analyzing each one in a vacuum.

Include an explanation of the context and an evaluation of the impacts:

The process provides for a comparison of the current plan and the proposed amendment as well as an evaluation of the consequences of each. This is essential to encouraging meaningful public input during the substantive amendment process.

Separate land use issues from zoning issues:

The process serves to separate broader land use issues from specific zoning issues that often focus on the site plan.

III. Comprehensive Plan Review and Amendments

The Comprehensive Plan is intended to be a "living document," a plan that is expanded and changed in response to significant changes in assumptions, goals, and objectives of the Board of Commissioners. To ensure that the Comprehensive Plan remains a living document while maintaining its integrity, it is necessary to establish (1) amendment types and the parties who may initiate each and (2) an amendment request review schedule based on the former.

Amendment Types: Substantive and Administrative

Substantive amendments change the meaning or intent of the plan, and likely involve a lengthy review process in order to fully assess the impact(s) of proposed amendments on the Comprehensive Plan's assumptions, principles, goals, objectives, recommendations, and action steps. The County Manager, Planning Board and Planning Director may initiate substantive amendments for consideration annually. The Board of Commissioners may initiate substantive amendments for consideration annually as well, but it may also request that a substantive amendment be considered outside of the annual review period. All substantive amendments to the Comprehensive Plan require

a duly advertised public hearing in a manner such as that prescribed by North Carolina General Statute 153A-323.

Administrative amendments do not change the meaning or intent of the plan, but instead correct errors of a technical or clerical nature; perhaps involving the addition of explanatory materials and graphics, or calling for the correction of typographical errors. The Board of Commissioners, County Manager, Planning Board and Planning staff may submit administrative amendments to the Planning Director. The Planning Director drafts proposed administrative amendments and presents them directly to the County Manager for consideration and action by the Board of Commissioners. An administrative amendment can be considered for review at any time and requires no public hearing.

Amendment Request Review Schedule:

Interim Review and Amendment:

As originally adopted, the Comprehensive Plan represented an outline of a plan that would be fully developed only when the proposed Land Development Code and subsequent Small Area Plans were complete and adopted. Once a Small Area Plan is adopted, any subsequent plan amendment requests will follow the standard process outlined herein, based on its identification as administrative or substantive. The following interim policies are intended to define how the County will address rezoning, conditional use, and special use permitting with regard to Small Area Plans which have not yet been adopted:

Situation 1: Small Area Plan begun not yet adopted

Where a proposed rezoning, conditional use, or special use permit site is located in the area under study, the Planning Department will not initiate consideration of whether the site's current formally adopted land use classification should be changed so as to allow the proposed development, but encourage the landowner to participate in the development of the Small Area Plan. If the landowner continues with the rezoning, conditional use, or special use permit request, review of Comprehensive Plan consistency will be based on the site's current or assumed classification (at least until the Small Area Plan is adopted, a process generally taking from 9 to 12 months). This policy is based on the premise that such proposals are best considered in the context of the on-going Small Area Plan preparation process, where they will be considered in a broader community context with substantial public participation.

Situation 2: Scheduled Small Area Plan has not begun

Where a proposed rezoning, conditional use, or special use permit site is located in the area scheduled for study, the Planning Department will initiate an ad hoc consideration of whether the site's current formally adopted land use classification should be changed. This process involves Planning staff review, Planning Board review, and a hearing and decision by the Board of Commissioners (to occur concurrently with the review of the proposed rezoning, conditional use or special use permit).

Five-Year Review and Amendment:

The Comprehensive Plan is subject to a review every five (5) years, with the first review scheduled after the last Small Area Plan is complete (2010). The review involves meaningful public input, particularly in terms of assessing continuing support of the plan's goals, assessing how well the plan is achieving its goals, identifying changed conditions and trends, identifying new needs, and re-evaluating Small Area Plans. This type of review likely points out the need for substantive revisions to the Comprehensive Plan.

The procedure is as follows. Planning staff prepares draft amendments to address those needs and submits the amendments to the Planning Board for initial review. Planning staff then widely distributes copies of the draft amendments, invites public comment on them, addresses received

public comments, and submits the amendments as revised to the Planning Board for review. The Planning Board reviews the proposed amendments and submits its recommendation to the Board of Commissioners. The Planning Board's recommendation may include suggested modifications to the proposed amendments which may be incorporated into the proposed amendments before they are submitted to the Board of Commissioners. The Board of Commissioners holds a duly advertised public hearing on the proposed plan amendments, in a manner such as that prescribed by North Carolina General Statute 153A-323, then reviews and decides whether to adopt the proposed amendments. If the Board of Commissioners directs that further modifications to the proposed amendments be made, and such modifications are deemed by the Board of Commissioners to be significant, the modified proposal is resubmitted to the Planning Board for its recommendation before the Commissioners can take action.

Annual Review and Amendment:

Annually, after the completion of the last Small Area Plan, the County will review substantive amendment requests submitted by the Board of Commissioners, County Manager, Planning Board, or Planning Director. The annual amendment request review will take place in January, so as to coincide with Strategic Plan reviews.

The procedure is as follows. Planning staff assesses suggested revisions within the context of the plan as a whole, proposes plan amendments deemed appropriate to address them, and submits the proposed amendments to the Planning Board for review. The Planning Board reviews the proposed amendments and submits its recommendation to the Board of Commissioners. The Board of Commissioners holds a duly advertised public hearing on the proposed plan amendments, in a manner such as that prescribed by North Carolina General Statute 153A-323, then reviews and decides whether to adopt the proposed amendments.

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DRAFT

HENDERSON COUNTY BOARD OF COMMISSIONERS

100 North King Street
Hendersonville, North Carolina 28792-5097
Phone: 828-697-4808 • Fax: 828-698-6183
TDD: 828-697-4580
www.hendersoncountync.org

WILLIAM L. MOYER
Chairman
CHARLIE MESSER
Vice-Chairman

SHANNON BALDWIN
CHUCK MCGRADY
LARRY YOUNG

**A Resolution to Establish a Process for Amending the
Henderson County Comprehensive Plan**

WHEREAS, the Henderson County Board of Commissioners adopted the Henderson County 2020 Comprehensive Plan (the “CCP” or the “Plan”) on July 6, 2004; and

WHEREAS, the CCP is intended to serve as a long-range guide for Henderson County Government and its appointed bodies in the development and management of growth and related public services and infrastructure; and

WHEREAS, while the recommendations and action strategies of the CCP are based on certain assumptions, goals and objectives, the Board of Commissioners recognizes that the CCP is a living, dynamic document that will need to be revised to account for changes in such assumptions, goals and objectives, to address issues and/or facilities not currently considered in the Plan; to accommodate recommendations from Community or Small Area Plans as they are developed and/or amended; to correct and/or update information and statistical data, etc; and

WHEREAS, the CCP calls for thorough revisions of the Plan in the years 2010, 2015 and 2020, and annual reviews to make any necessary adjustments in policies and/or the implementation schedule; and

WHEREAS, the Board wants to establish a formal process for amending the CCP that will allow for a comprehensive review of proposed impacts of proposed amendments to the Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
HENDERSON COUNTY, NORTH CAROLINA THAT:**

It shall be the policy of the Board of Commissioners that it will abide by the attached document titled, “Henderson County Comprehensive Plan Amendment Process.”

This Resolution shall become effective upon its adoption and approval.

Adopted and approved this ___ day of _____, 2005.

Henderson County Board of Commissioners

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By: William L. Moyer, Chairman

Attested By:

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[OFFICIAL SEAL]

Elizabeth W. Corn, Clerk to the Board