

RESOLUTION OF PLANNING BOARD RECOMMENDING THAT THE BUNCOMBE COUNTY BOARD OF
COMMISSIONERS AMEND THE TEXT OF VARIOUS CHAPTERS OF THE BUNCOMBE COUNTY CODE OF
ORDINANCES IN COMPLIANCE WITH SECTION 51.(b) OF NC SESSION LAW 2020-25

- WHEREAS, Buncombe County maintains several ordinances concerning numerous development regulations (hereinafter the "Development Regulations"); and
- WHEREAS, on April 11, 2019, the North Carolina General Assembly enacted Part II of NC Session Law 2019-111, which was intended to collect and organize existing statutes regarding local planning and development into a single Chapter of the General Statutes and to consolidate the statutes affecting cities and counties; and
- WHEREAS, on June 19, 2020, the North Carolina General Assembly enacted NC Session Law 2020-25, which mandated that governments shall amend their development regulations to conform to the provisions of Part II of NC Session Law 2019-111 on or before July 1, 2021; and
- WHEREAS, the modifications contained in Exhibit A attached hereto (hereinafter the "Proposed Amendments") are intended to, among other things,¹ amend the County's Development Regulations to conform to the provisions of Part II of NC Session Law 2019-111; and
- WHEREAS, pursuant to N.C. Gen. Stat. § 160D-604 and Buncombe County Code of Ordinances Sec. 78-719, the Planning Board is charged with making a recommendation to the Board of Commissioners and commenting on whether the Proposed Amendments are consistent or inconsistent with the Comprehensive Land Use Plan; and
- WHEREAS, the Buncombe County Planning Board has reviewed the Proposed Amendments at a properly noticed public hearing that was opened during the March 22, 2021, regular meeting of the Planning Board and, in order to comply with N.C. Gen. Stat. § 166A-19.24(e) by allowing for written comments on the proposed amendments to be submitted 24 hours after the public hearing, continued to the April 5, 2021, regular meeting of the Planning Board; and
- WHEREAS, the Buncombe County Zoning Administrator has certified that notices of the meetings of the Buncombe County Planning Board at which the Proposed Amendments were considered were properly mailed to members of the Planning Board at least ten (10) days

¹ Other changes included correcting county department identities and responsibilities to align with current County practices and adjusting variance, appeal, and review authority to align with best practices as recommended by the UNC School of Government.

prior to the meeting and that public notice of said meetings were properly published in a newspaper having general circulation in the County as required by law; and

WHEREAS, after reviewing the Proposed Amendments, hearing public comment, consulting with planning staff, and careful review, the Planning Board has determined that:

1. the Proposed Amendments are consistent with the Buncombe County Comprehensive Land Use Plan because said amendments would adjust the County's land use policies to account for changes within the regulatory environment;² Clarify existing ambiguities in land use policies and regulations;³ and Implement new policies that address land use in an integrated and comprehensive manner.⁴
2. the Proposed Amendments are reasonable and in the public interest because said amendments are required by Part II of NC Session Law 2019-111, correct county department identities and responsibilities to align with current County practices, and/or adjust variance, appeal, and review authority to align with best practices as recommended by the UNC School of Government.

NOW THEREFORE, BE IT RESOLVED by the Buncombe County Planning Board as follows:

1. That the recitals above are incorporated herein as if set forth in their entirety.
2. That this Planning Board hereby recommends that the Board of Commissioners amend the various chapters of the Buncombe County Code of Ordinances as indicated in the attached document referenced as Exhibit A.
3. This resolution is approved by a vote of 5 to 0 and shall be effective upon its adoption.

² Buncombe County Comprehensive Land Use Plan, 2013 Update, Sec.2 at p. 4.

³ Id.

⁴ Id.

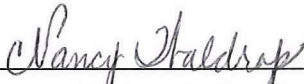
This the 19th day of April, 2021.

ATTEST



Savannah Gibson, Clerk

PLANNING BOARD FOR THE
COUNTY OF BUNCOMBE

BY 
Nancy Waldrop, Acting Chair

APPROVED AS TO FORM:


Brandon Freeman, Staff Attorney

Consented to (YES/NO):

Planning Board Members:

Nancy Waldrop, Acting Chair - YES

Dusty Pless - ABSENT

David Rittenberg - YES

Cindy Weeks - YES

Thad B. Lewis - ABSENT

Tim Collins - YES

Robert J. Martin - ABSENT

Ken Kahn - YES

Billy Taylor – ABSENT