

County Comprehensive Plan Adoption Procedures

From Del Code Title 9, Chapters 26 (New Castle County), 49 (Kent County), 69 (Sussex County) and Title 29 Chapter 92

Procedures for Plan Adoption:

1. The comprehensive plan or amendments shall be submitted to the Governor or designee at such time as the plan is made available for public review. The Office of State Planning Coordination recommends that the jurisdiction approve a draft plan for this purpose.
2. The Cabinet Committee on State Planning Issues, within 30 days of plan submission, shall conduct a public meeting at which time the local jurisdiction shall make a presentation of the plan and its underlying goals and development policies;
3. Following the public meeting the plan shall be subject to the state review and certification process set forth in § 9103 and 9204 of Title 29 (Pre-application Review Process known as the Preliminary Land Use Service (PLUS) review):
 - a. Applications for review shall be heard at a pre-application meeting within 45 calendar days of receipt of a request by the Office of State Planning Coordination.
 - b. Within 20 business days following this meeting, the Office of State Planning Coordination will furnish to the jurisdiction a written compilation of all comments received at the meeting.
 - c. The jurisdiction will reply to the state comments in writing and submit a revised plan (if necessary) to the Office of State Planning Coordination for review (no time frame given, but suggest 20 business days);
 - d. The state within 20 working days will reply to the revised plan and sends a letter either accepting changes or noting discussion items.
4. In the event that the State takes issue with any aspect of the plan the State and jurisdiction would have 45 days to resolve such issues.
 - a. There is a dispute resolution process in the event that the state and the local jurisdiction should not be able to resolve areas of disagreement of the plans.
5. The Office of State Planning Coordination shall submit a final comprehensive plan report and recommendation to the Cabinet Committee on Planning Coordination for its consideration;
6. Within 45 days of the receipt of the report the Cabinet Committee shall issue its findings and recommendations and shall submit the plan or amendment to the Governor or designee for certification.
 - a. Within this timeframe, the Committee, at its discretion, may conduct a public hearing on the proposed plan or amendment, except that no hearing shall be held if the proposed plan or amendment is found to be consistent with state goals, policies and strategies and not in conflict with plans of other jurisdictions;

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7. Within 20 days of receipt of the findings and recommendations from the Committee, the Governor shall accept the plan for certification or return it to the local jurisdiction for revision. The local jurisdiction shall have the right to accept or reject any or all of the recommendations as the final decision on the adoption of the plan is up to the local jurisdiction *(It should be noted the State shall not be obligated to provide state financial assistance or infrastructure improvements to support land use or development actions by the local jurisdiction where the adopted comprehensive plan or portions thereof are determined to be substantially inconsistent with State development policies)*;
8. Provided no additional changes are made, the jurisdiction shall adopt the plan as final, pending certification
 - a. The jurisdiction shall send a copy of the adopted plan to the Office of State Planning Coordination.
9. The Governor shall issue a certification letter to the County. The certification date shall be the date of official adoption by the County.

Plan Implementation:

Within 1 year of the date of adoption of the county plan, the County shall initiate an implementation program regarding subdivision and development controls.

Within 18 months of the date of adoption of the county comprehensive plan or revisions thereof, the County shall amend its official zoning map(s) to rezone all lands in accordance with the uses and intensities of uses provided for in the future land use element for the County.