

# Small Scale Amendments Defined; Adoption; Challenge; Effective Date

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## What are Small Scale Comprehensive Plan Amendments?

- ▶ 10 acres or fewer - 20 acres in a designated Rural Area of Opportunity (formerly called Rural Area of Critical Economic Concern).
- ▶ 120 cumulative acres in a calendar year.
- ▶ Limited to Future Land Use Map (FLUM) changes for site-specific small scale development activities - no text changes except those that relate directly to and are adopted simultaneously with the small scale FLUM change.
- ▶ Property is not in an Area of Critical State Concern except for certain affordable housing projects.
- ▶ The change must maintain internal consistency between elements of the comprehensive plan.

## Adoption Process

- ▶ One public hearing before local government board.
- ▶ The local government is invited to transmit a copy of the adopted small scale amendment to the State Land Planning Agency, so that the Department can maintain a complete and up-to-date copy of the local government's comprehensive plan.

## Challenge by an Affected Person

- ▶ An affected person files a petition with the Division of Administrative Hearings within 30 days following local government adoption of the plan amendment and provides a copy to the local government.
- ▶ An Administrative Law Judge holds a hearing in the local government's jurisdiction not less than 30 days or more than 60 days after the petition is filed.
- ▶ Parties: Petitioner, local government, and any intervenor.
- ▶ DEO may not intervene.
- ▶ The Administrative Law Judge issues a recommended order.
  - ▶ If in compliance, the recommended order goes to the Department of Economic Opportunity (DEO) - DEO has 30 days after it receives the recommended order to issue a final order or send the matter to the Administration Commission (if DEO thinks the amendment is not in compliance).
  - ▶ If not in compliance, recommended order goes directly to Administration Commission, which has 90 days after it receives the recommended order to issue a final order.

## Effective Date

- ▶ Small scale development amendments become effective 31 days after adoption if no challenge is filed.
- ▶ If challenged within 30 days after adoption, small scale development amendments do not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance.