

Request for Proposals

# Henderson County Land Development Code Rewrite

Issued on March 7, 2025

Henderson County Planning Department  
100 N King St.  
Hendersonville, NC 28792



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## Statement of Need

Henderson County is soliciting proposals from qualified, experienced consultants to provide professional services for a rewrite of the Henderson County Land Development Code (LDC), which is Chapter 42 of the County's Code of Ordinances.

The selected consultant will develop the updated LDC and work in coordination and consultation with the Henderson County Planning Department. The County will provide the current LDC document, the 2045 Comprehensive Plan, and GIS data layers as applicable. The Planning Department has employed a graduate student at NC State University to create an existing land use layer. The Department has also created new zoning districts that received the approval of the Planning Board. The consultant is expected to work with this existing framework but may offer alternative options and opinions. The final document should address current growth trends, challenges, and regulatory updates in a well-organized and user-friendly format.

The LDC rewrite will provide the regulatory basis for future development with an emphasis on the goals and recommendations of the adopted 2045 Comprehensive Plan. Henderson County seeks to balance the preservation of its traditional agricultural operations and rural lifestyles with the pressures and opportunities of new residential, economic, and industrial development.

The County is aware of the recent changes to NCGS 160D set forth by S.B. 382 and hopes for a law reversal. In anticipation of this, the County intends to be prepared through the creation of this new LDC.

## County History and Overview

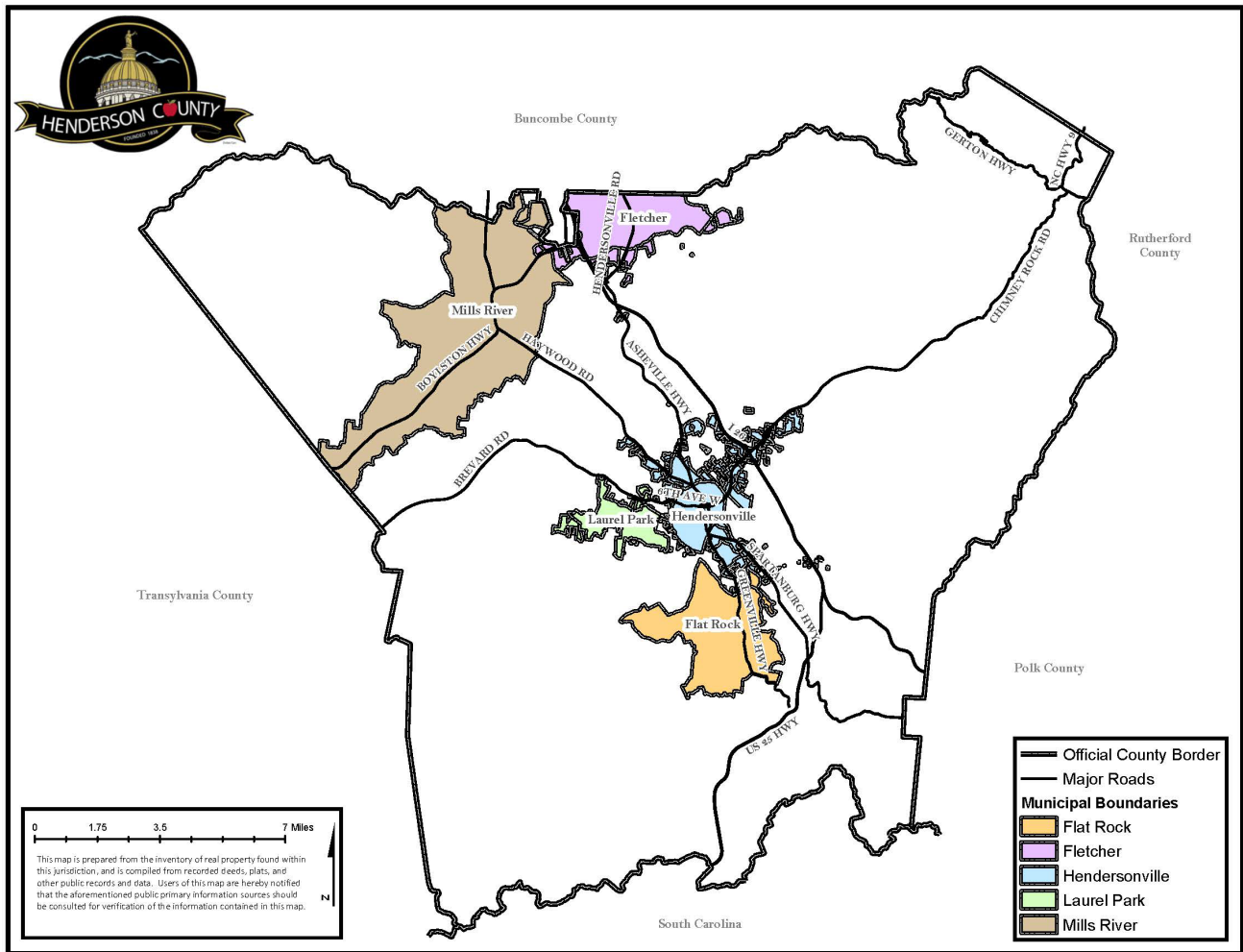
Henderson County is located in the mountains of western North Carolina, which recently experienced devastating damage from Hurricane Helene in September 2024. The County borders South Carolina to the south and Buncombe County to the north; the City of Asheville is approximately 30 minutes from the City of Hendersonville, the county seat.

The County is approximately 375 square miles and has five incorporated municipalities: the City of Hendersonville, the Town of Laurel Park, the Village of Flat Rock, the Town of Mills River, and the Town of Fletcher. A small portion of the Town of Saluda also falls within Henderson County. According to the 2020 US Census, the county's estimated population is 116,281.

The County's 2045 Comprehensive Plan was adopted in March of 2024. It is the first comprehensive plan rewrite since the County adopted the Land Development Code in 2007. The current Land Development Code contains density-based zoning, floodplain restrictions, stormwater and erosion control regulations, as well as a number of other regulatory sections including subdivisions, landscaping, parking, signage, and supplemental requirements for specific uses.

The consultant is expected to have a thorough understanding of the [2045 Comprehensive Plan](#) and the current [Land Development Code](#). If chosen, the consultant will be expected to stay updated on news related to current planning and land use in the unincorporated area of the county. This is especially important considering Henderson County is still actively recovering from Hurricane Helene, which will have an immense impact on future development.

## Planning Area



## Expectations of Consultant

Throughout the process, the selected consultant will be expected to utilize their experience to drive the process. To achieve this goal and utilize the expertise of the selected consultant, the County will require the following expectations to be met and identified within the consultant's proposal:

1. Initial meeting with County staff to review a project timeline, schedule meetings and begin the process of data acquisition.
2. Review all existing plans, maps, documents, data, and other materials relevant to the project. County staff will provide all available existing documentation to the consultant.
3. Analyze the consistency of current County ordinances and policies relating to the 2045 Comprehensive Plan's goals and objectives, specifically related to Farmland Preservation.
4. Draft materials for review and comment by the County in accordance with the schedule developed at the beginning of the rewrite process.
5. Confirm that the final version of the LDC conforms to existing North Carolina General Statutes, including NCGS 160D.
6. Prepare a draft zoning map for public review and comment. The map should be presented in a format and language that is user-friendly and easily understood by the public.

7. Prepare a final draft document in an editable format and present at all requested meetings.
8. Provide updates, primarily via e-mail or virtually, to update County staff on project status, discuss issues, and review drafts. Periodic written status reports and status update presentations may also be required for the Planning Board and Board of Commissioners. The presentations will most likely be given by County staff and prepared by the consultant. The consultant may be asked to attend some of these meetings to answer questions or provide a presentation.

## Scope of Services

To maximize cost savings, the County is requesting proposals based on the following two options below:

- **Option 1:** The consultant will provide a full rewrite of the County's existing LDC and associated zoning map.
  - This includes creating a new document for the LDC, as the existing Word Document's formatting is no longer optimal for regular use. The program in which the new document is created is up for discussion, but during the drafting process, it is imperative that the consultant provide a cloud version of the document that can be "live" edited by Planning staff for efficiency and timesaving.
  - The consultant will review every article within Chapter 42 and provide expertise and current case studies to inform the rewrite process.
  - Any graphics or illustrations the consultant wants to add to the LDC for demonstration purposes, etc., will be the responsibility of the consultant. Third-party contracts will not be accepted unless explicitly authorized by Henderson County.
  - The consultant will be responsible for analyzing the existing land use layer in conjunction with the future land use map to create the new county-wide zoning map.
  - All edits must comply with NC General Statutes 160D and any other applicable state law.
  - The consultant should be prepared to present at up to four (4) in-person meetings with the Planning Board and/or Board of Commissioners during the rewrite process and adoption. County staff will conduct any public meetings and all regular Planning Board meetings.
  - The consultant will meet with staff every two (2) weeks to give updates on code progress and request feedback.
  - This option is expected to have a **ten (10) to twelve (12) month schedule for completion.**
- **Option 2:** The consultant will only rewrite Articles II, III, and XIV (Zoning Districts (including Table of Uses and Supplemental Requirements), Subdivisions, and Definitions) of the LDC and associated zoning map. County staff will be responsible for rewriting all other articles.
  - Responsibilities include creating a new document for the LDC, as the existing Word Document's formatting is no longer optimal for regular use. The program in which the new document is created is up for discussion, but during the drafting process, it is imperative that the consultant provide a cloud version of the document that can be "live" edited by Planning staff for efficiency and timesaving.
  - The consultant will review the applicable articles within Chapter 42 and provide expertise and current case studies to inform the rewrite process.
  - The consultant may suggest various types of illustrations that would benefit the LDC reader, but County staff will be responsible for creating them (this should result in a decrease in contract cost compared to Option 1).
  - The consultant will be responsible for analyzing the existing land use layer in conjunction with the future land use map to create the new county-wide zoning map.

- All edits must comply with NC General Statutes 160D and any other applicable state law.
- The consultant should be prepared to present the finished product to the Board of Commissioners for adoption. County staff will conduct any public meetings and all regular Planning Board meetings.
- The consultant will meet with staff at least every three (3) weeks to give updates on code progress and request feedback.
- This option is expected to have an **eight (8) month schedule for completion.**

## Project Deliverables

Maps and associated digital data and shapefiles shall be in ArcPro format and shall be provided to the County throughout the process for review and editing. All such data, graphics, charts, images, etc., as contained in the final adopted version of the LDC, shall also be furnished to the County, including an editable version of the final document.

The consultant shall also grant ownership of and provide all digital products in the following forms as appropriate:

- Text: Microsoft Word (.docx) InDesign (.indd), and Adobe Acrobat Files (.PDF)
- Vector: InDesign (.indd), Illustrator (.ai)
- Images: Portable Network Graphic (.PNG), Photoshop (.PS), InDesign (.indd)
- Maps: ArcPro projects and Adobe Acrobat Files (.PDF). All spatial data shall be delivered as geodatabases using the NAD 1983 State Plane North Carolina FIPS 3,200 (US FEET). Map documents using NAD 1983 (2011) State Plane North Carolina FIPS 3,200 (US FEET) is also acceptable.
- DATA DISCLOSURE: The County will retain all ownership of images, maps, media, and documents produced throughout the rewrite process.

## Selection Process/Evaluation Criteria

Consultant selection will be based on a qualitative evaluation of the proposals submitted. During the review process, a selection committee from Henderson County may request additional clarifying information from any consultant who submits a proposal. The selection committee will evaluate the responses to this RFP, may interview the top-rated consultants, and will make a recommendation to the Board of Commissioners as to the selection of the consultant determined to be the most qualified for the project. **The issuance of a Contract Order (CO) in conjunction with this RFP and a Board-approved proposal will result in a binding contract.** No separate contract will be created.

Proposals submitted by the deadline will be evaluated by a selection committee comprised of representatives and staff from Henderson County. Each firm will be evaluated based upon the following weighted criteria.

| Criteria  | Total Points Available (100) |
|---|------------------------------|
| Qualifications and experience of firm and Project Manager       | 25                           |
| Qualifications and experience specific to Farmland Preservation | 25                           |
| Proposed process and approach                                   | 20                           |
| Cost of proposal (evaluated based on the option chosen)         | 10                           |
| References  | 15                           |
| Implementation schedule   | 5                            |

## Submittal Requirements

The following materials must be received by the submittal deadline for a proposal to be considered. However, during the selection process, the County reserves the right to request additional information or to seek clarification from the consultant/firm. **IT IS THE RESPONSIBILITY OF THE CONSULTANT TO READ THIS DOCUMENT IN ITS ENTIRETY AND ADDRESS THE POINTS MADE IN ALL PARTS OF THE DOCUMENT.**

Proposers shall submit Six (6) paper copies (see Submittal Format & Deadline) and an electronic copy (thumb drive) of their complete proposal. For proposals to be accepted as responsive, the following items shall be included in all proposals:

1. Project Overview
  - a. General Information: Provides a brief overview of the firm, including qualifications to execute the contract and company mission or statement of beliefs.
  - b. Farmland Preservation: Provide a brief overview of the firm's qualification and experience with agricultural or farmland preservation, rural character and growth, and working with areas similar to Henderson County.
  - c. Project Understanding: A summary of the consultant's understanding of the project as described in this RFP.
2. Qualifications
  - a. Personnel Qualifications: Identify the lead project manager and their contact information; name, proposed role, hourly rate, anticipated time commitment to the project, and biography of each team member.
  - b. References: Include a list of at least three local government clients for whom you have conducted a code rewrite, implemented a new UDO, and/or performed extensive zoning/land use analysis. Experience working with governments in North Carolina, and specifically after the passing of the NCGS 160D legislation, is requested and will be considered as part of the qualification criteria, however references may be from other locations.
3. Proposal
  - a. Proposal Overview: Provide specific approaches, methods, and assumptions that will be utilized to accomplish each task.
  - b. Proposed Work Plan and Schedule: Provide a proposed work plan with a schedule based on the project's months (e.g., Month 1, Month 2), divided into phases, identifying key tasks, milestones, approximate dates, project deliverables, and resource needs. The County expects the rewrite to be completed no later than the late Spring/early Summer of 2026 for Option 1 and winter of 2025/2026 for Option 2.
  - c. Cost: Identify which option is being proposed and include cost estimates for completing each element in the "Expectations of Consultant" section of this RFP. Itemized cost estimates may include more than one area in these sections, provided the combination of the elements is logical or overlapping. Also, identify any other anticipated budgetary needs, including incidentals. Identify total not-to-exceed project cost.

## Consultant Interviews and Awards

- Prior to making an award determination, Henderson County, at its sole discretion, may conduct consultant interviews. Interviews may be conducted virtually.
- Henderson County reserves the right to reject one or more of the proposals, to waive any deficiencies associated with the submittal, and to accept any proposals that it deems to be in the County's best

interest. The County also reserves the right to re-advertise and reject all proposals that are deemed to be nonresponsive, do not contain all the required submittal information as herein contained, are late, or are deemed unsatisfactory in any way. Henderson County shall have no obligation to award a contract for services and work as a result of this Request for Proposal.

- The final contract price will be negotiated between the County and the chosen firm. (NOTE: Consultants shall bear all costs incurred by their firm for interviews and the RFP response preparation and shall not include such costs within the RFP response.)

## Submittal Format and Deadline

Interested firms shall submit proposals sealed containing six (6) paper copies and one electronic copy (thumb drive) of the complete proposal either in person to the Henderson County Planning Department or mailed to:

Henderson County Planning Department  
Attn: Janna Bianculli, Senior Planner  
100 N. King St. Hendersonville, NC 28792

Sealed proposals must be received no later than **4:00 pm EST on March 28, 2025**. Submissions received after this deadline shall not be considered for further review.

| DATE                           | PROJECT MILESTONE   |
|--------------------------------|---|
| March 7, 2025                  | Issuance of Request for Proposals   |
| March 21, 2025                 | Questions and Requests for Exceptions, or Deviations due by 4:00pm EST  |
| March 28, 2025                 | Proposals due by 4:00pm EST   |
| April 1-4, 2025                | Evaluation of Proposals by staff & recommendation to Board of Commissioners   |
| April 16, 2025                 | Selection of Consultant approved by the Board of Commissioners  |
| May 5, 2025 or<br>May 21, 2025 | Contract award date – final approval from Henderson County Board of Commissioners (*target date. Meetings are held the first Monday and third Wednesday of every month) |
| May 2025                       | Kickoff meeting with selected consultant  |

## Questions

All questions pertaining to this Request for Proposals (RFP) shall be submitted in writing no later than 4:00 PM EST on March 21, 2025. Questions shall be emailed to Janna Bianculli at [jbianculli@hendersoncountync.gov](mailto:jbianculli@hendersoncountync.gov).

Only written questions will be considered formal. Any information given verbally or by telephone will be considered informal. Any questions that the County feels are pertinent to all proposals will be included as an addendum to the RFP.

## Minimum Insurance Requirements

Any consultant submitting a proposal shall be able to provide an Insurance Certificate naming Henderson County as **additionally insured** per the limits indicated below. The consultant shall furnish proof of this liability insurance upon contract award.



| Required Coverage      | Minimum Insurance Limits  |
|------------------------|---|
| Workers' Compensation  | Statutory/Employers Liability:<br>\$500,000/\$500,000/\$500,000 |
| General Liability      | \$1M per occurrence/\$2M aggregate                              |
| Automobile             | \$1M per occurrence/Combined Single Limit                       |
| Professional Liability | \$1M claims made / \$1M aggregate                               |

## Terms and Conditions

Any proposal submitted to Henderson County shall be deemed to include all the Terms and Conditions shown in the document found online at

[https://www.hendersoncountync.gov/sites/default/files/fileattachments/henderson\\_county/page/42611/terms\\_conditions.15.23\\_0.pdf](https://www.hendersoncountync.gov/sites/default/files/fileattachments/henderson_county/page/42611/terms_conditions.15.23_0.pdf)

These Terms and Conditions, which refer to a “purchase order”, shall be deemed to be included in any contract entered into as a result of this Request for Proposal (“RFP”).

Any attempt by a proposed contracting party (the “Bidder”) under the RFP to exclude any of these Terms and Conditions shall cause any proposal made in response to this RFP to be deemed to be non-responsive (unless Henderson County has notified firms that the funding source for the services sought under this RFP is not federal funds, in which case those provisions under number 15 of the Terms and Conditions (and all subparts thereunder) may be excluded from the proposal.

## Funding Source

This request for proposals is funded with County Funds.