

VI. Land Use Plan Review and Amendments

A. INTRODUCTION

Any plan for the future must be based on projections and assumptions about what future populations and conditions will be, and reflect the goals and objectives of the current Board of Commissioners. This Land Use Plan is no exception. But projections and assumptions may turn out to be incorrect, and goals and objectives may shift with new Boards of Commissioners. This Land Use Plan, therefore, is intended to be a "living document" - a plan that is continually expanded and changed to respond to updated projections and assumptions and to changes in the goals and objectives of the Board of Commissioners.

B. FIVE-YEAR COMPREHENSIVE REVIEW AND AMENDMENT

To ensure that the Plan does not become a static document, it should be subject to a comprehensive review every 5 years, beginning 5 years after the last Area Land Use Plan is prepared (2005 or 2006). In conducting this periodic comprehensive review, the County will incorporate significant public participation, 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 Area Land Use Plans.

Given the degree to which conditions relevant to growth and development in Wake County have changed in the recent past, it would be reasonable to expect that such a review will identify needs for revisions to the Plan. If the comprehensive review points out the need for revisions to the Land Use Plan, Planning Department staff will prepare draft amendments to address those needs, widely disseminate copies of the draft amendments and invite public comment on them. Planning staff will then revise the draft amendments to address received public comments and submit the revised draft amendments to the Planning Board for review. The Planning Board will review the proposed amendments, accept and hear public comments on them, and submit 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 will hold a duly advertised public hearing on the proposed Plan amendments, then review and decide whether or not to adopt the proposed amendments. If the Commissioners direct that further modifications to the proposed amendments be made, the modified proposal will be resubmitted to the Planning Board for its recommendation before being submitted back to the Commissioners.

C. ANNUAL REVIEW AND AMENDMENT

After the last Area Land Use Plan is adopted, the County will annually review, in each of the years between the 5-year comprehensive reviews, revisions to the Plan that have been suggested by the Board of Commissioners or Planning Board, or have been identified as needed or worthy of consideration by the Planning Director. Planning Department staff will assess suggested revisions altogether in the context of the Plan as a whole, propose any Plan amendments deemed appropriate to address them, and submit the proposed amendments to the Planning Board and Board of Commissioners for their review. The Planning Board will review the proposed amendments, accept and hear public comments on them, and submit its recommendation to the Board of Commissioners. The Board of Commissioners will hold a duly advertised public hearing on the proposed Plan amendments, then review and decide whether or not to adopt the proposed amendments.

D. INTERIM REVIEW AND AMENDMENT

As originally adopted in 1997, the Land Use Plan represented only a rudimentary plan or outline of a plan expected to be "fleshed out" in the next 4 years via the development and adoption of Area Land Use Plans and other additions and changes deemed necessary for its completion (see Section VIII A). Planning Department staff will propose amendments necessary to incorporate Area Land Use Plans and carry out the identified additions and changes as soon as they can do so, then

submit them to the Planning Board and Board of Commissioners for their review. The Planning Board will review the proposed amendments, accept and hear public comments on them, and submit its recommendation to the Board of Commissioners. The Board of Commissioners will hold a duly advertised public hearing on the proposed Plan amendments, then review and decide whether or not to adopt the proposed amendments.

The 1997 Plan did not apply Land Use Classifications to some areas of the County, and elsewhere merely applied Land Use Classifications comparable to those previously applied by the County's General Development Plan or previously adopted municipal land use plans - without review of their appropriateness in the context of this Plan's new goals and policies. It may be unfair, therefore, for the County to simply deny or postpone action on rezoning and Special Use Permit petitions that are inconsistent with the Plan until the Plan is complete, particularly when the proposed rezoning or Special Use Permit development might be appropriate in the context of a completed Plan. Accordingly, the following interim policies are intended to define how the County will address those cases.

- Given that the predominant land use and zoning in the County's jurisdiction is residential, and that the Land Use Plan already applies commercial classifications in otherwise unclassified areas, land not yet classified by this Plan's Land Use Classifications Map will be deemed as land classified as Residential.
- Although the Plan's Residential land use classification implies that only residential uses are appropriate in areas so classified, that classification will be interpreted as incorporating some nonresidential uses customarily found in residential areas, such as recreational facilities, utilities, etc..
- Where a proposed rezoning or Special Use Permit site is located in an area unclassified by the Plan's Land Use Classifications Map, where preparation of an Area Land Use Plan has not yet begun, and the development allowed by such rezoning or Special Use Permit is deemed inappropriate in a Residential classification, the Planning Department will initiate an ad hoc consideration of whether the site's classification should be changed. This process will involve Planning staff review, Planning Board review, and a hearing and decision by the Board of Commissioners (a process that typically takes about 3 months, and which ordinarily will occur concurrently with the review of the proposed rezoning or Special Use Permit that triggered it).
- Where a proposed rezoning or Special Use Permit site is located in an area already classified by the Land Use Classifications Map, where preparation of an Area Land Use Plan has not yet begun, and the development allowed by such rezoning or Special Use Permit is deemed inconsistent with the site's current classification, the Planning Department will initiate consideration of whether the site should be classified so as to allow the proposed development, but only on a quarterly basis, in conjunction with consideration of all other such proposals and with input from planners from the municipality with or by whom the classification was first developed.
- Where a proposed rezoning or Special Use Permit site is located in an area where preparation of an Area Land Use Plan has already begun, the Planning Department will not initiate consideration of whether the site should be classified so as to allow the proposed development, but encourage the landowner to participate in development of the Area Land Use Plan. If the landowner continues with the rezoning or Special Use Permit request, review of Land Use Plan consistency will be based on the site's current or assumed classification - at least until an Area Land Use Plan is adopted (Although the period of time required to prepare and adopt an area land use plan may vary from area to area, it is generally expected to be 12 to 18 months). This policy is based on the premise that such proposals are best considered in the context of the on-going Area Land Use Plan preparation process - where they will be considered in a broader context and as part of an established process involving substantial public participation (which could be undermined by decisions occurring outside of that process).

