

OA-01-17 Text Amendment for Quasi-Judicial Proceedings

Wake County Board of Commissioners
February 5, 2018



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Proposal

- Currently the UDO splits quasi-judicial proceedings between the Planning Board and Board of Adjustment
- Currently the Planning Board hears cases dealing with subdivision waivers and modifications
- Proposed amendment would consolidate all quasi-judicial reviews to be heard by the Board of Adjustment

Purpose

- The Board of Adjustment (BOA) undergoes specific training for quasi-judicial proceedings
- The BOA also has both regular and alternate members which makes it easier to ensure a quorum will be reached
- The proposed amendment aligns with other jurisdictions

Summary

- Shifts quasi-judicial reviews to the BOA
- Planned Compliance Permit section removed
- All variance requests and appeals of administrative decisions would be handled by the BOA
- Removes modification and waivers of subdivision standards
- Consolidates appeals processes
- Approved unanimously by the Planning Board

Public Comment

Staff Recommendation

- Staff recommends that the Wake County Board of Commissioners **approve** the proposed text amendment. Planning staff finds that the proposed text amendment OA-01-17 is consistent with the Land Use Plan and advances the public health, safety, and general welfare as required by UDO Section 19-21-6 (C) and state law.

Planning Board Recommendation

That the Board of Commissioners:

1. Adopts the drafted statement of consistency, reasonableness, and public interest; and
2. Approves OA-01-17 as presented

Suggested BOC Motion

That the Board of Commissioners:

1. Adopts the drafted statement of consistency, reasonableness, and public interest (please reference the draft statement for the record),

and by a separate motion

2. Approves the text amendment OA-01-17 as presented

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