

## **IV. Plan Review and Update**

Periodic monitoring and reporting of progress is required to ensure that Plan goals and objectives are kept current and that local mitigation efforts are being accomplished. The Town of Apex Hazard Mitigation Plan shall be reviewed annually or more often as the local situation may require following a disaster declaration to ensure that progress is being made on achieving stated goals and objectives. The Plan will also undergo periodic evaluation and update as required by FEMA and the State.

### **A. Annual Review/Progress Report**

The Town Manager shall direct the Planning Director to take responsibility for conducting the annual review. The annual review shall include the solicitation of comments from affected town departments through re-initiation of the hazard mitigation team planning process utilized during development of the Plan. Other interested parties and the general public will be notified through a variety of media, including but not limited to, local newspapers, the Town of Apex website ([www.ci.apex.nc.us](http://www.ci.apex.nc.us)), and mailed or emailed notices, of the review process and the opportunity to comment on the Plan report.

The annual review shall ensure:

1. That the Town of Apex Planning Board receives an annual report and/or presentation on the progress of Plan implementation. The report will include a status report on the implementation of mitigation actions.
2. That the Town of Apex Board of Commissioners receives an annual report and/or presentation on the progress of Plan implementation along with a recommendation from the Planning Board regarding on-going implementation of the Plan.
3. The annual report will include an evaluation of the effectiveness and appropriateness of the mitigation actions included in the Plan. Specifically, the report will attend to the following questions:
  - a. Do Plan goals and objectives continue to address current and expected conditions?
  - b. Has the nature or magnitude of risks changed?
  - c. Are current resources sufficient and appropriate for Plan implementation?
  - d. Are there any implementation problems, i.e., technical, political, legal or coordination issues with other agencies?
  - e. Are implementation outcomes as expected?
  - f. Have other agencies and partners participated as proposed?
4. The annual report will recommend, as appropriate, any necessary revisions or amendments to the Plan.

If the Town of Apex Board of Commissioners determines that the recommendations warrant amendment of the Plan, the Board may initiate an amendment through the process described below.

### **B. Plan Review and Update**

Periodic evaluation and revision of the Plan will help ensure that local mitigation efforts include the latest and most effective mitigation techniques. These periodic revisions may also be necessary to keep the County plan in compliance with Federal and State statutes and regulations. The Plan will need to be updated to reflect changes, such as new development in the area, implementation of mitigation efforts, revisions of the mitigation processes, and changes in Federal and State statutes and regulations.

In the context of a Federal disaster declaration, State and local governments are allowed to update or expand an existing plan to reflect circumstances arising out of the disaster. An updated plan in this circumstance might include a re-evaluation of the hazards and the jurisdiction's exposure to them, a re-assessment of existing mitigation capabilities, and new or additional mitigation recommendations.

The Plan shall be reviewed at a minimum every five (5) years to determine if there have been any significant changes that would affect the Plan. Increased development, increased exposure to certain hazards, the development of new mitigation capabilities or techniques, and changes to Federal or State legislation may affect the appropriateness of the Plan.

### **Review of the Plan**

The procedure for reviewing and updating the Plan shall begin with a report prepared by the Planning Director and submitted to the Planning Board for consideration and recommendation to the Board of Commissioners. The report shall include a summary of progress on implementation of hazard mitigation strategies and a recommendation, as appropriate, for any changes or amendments to the Plan.

The review shall include an evaluation of the effectiveness and appropriateness of the Plan. Specifically, the evaluation shall involve a review of the consistency of day-to-day land use decisions to determine if the hazard mitigation policies are being implemented. The review shall recommend if plan amendments are warranted and if any revisions to regulatory tools (zoning, subdivision regulation, etc.) are necessary to assist in implementing the policies of the Plan.

If the Board of Commissioners determines that such a report raises issues that warrant modification of the Plan, or if the Planning Board recommends that issues have been raised which warrant modification of the Plan, the Board of Commissioners may initiate an amendment as delineated below, or may direct the Town Manager to undertake a complete update of the Plan.

### **Procedure for Amending the Plan**

An amendment to the Plan shall be initiated by the Board of Commissioners either at its own initiative or upon the recommendation of the Planning Board, the Planning Director, or any other person or agency who demonstrates that an amendment should be considered.

Upon initiation of a text or map amendment, the Planning Director shall re-convene the hazard mitigation planning team consisting of affected town departments. Other interested parties as identified through public announcements via newspapers and the Town website ([www.ci.apex.nc.us](http://www.ci.apex.nc.us)), shall be invited to be a part of the review process. The team will consider and reach consensus on the amendment(s) which shall then be forwarded to all affected parties, including, but not limited to, Town departments and other interested agencies such as Wake County and the North Carolina Division of Emergency Management for a forty-five (45)-day review and comment period.

At the end of the comment period, the proposed amendment shall be forwarded along with all review comments to the Planning Board for consideration. If no comments are received from the reviewing department or agency within the specified review period, such shall be noted in the report to the Planning Board.

### **Planning Board Review and Recommendation**

The Planning Board shall review the proposed amendment, the report and recommendation of the Planning Director, and any comments received from other departments and agencies. The Planning Board shall submit a recommendation on the proposed amendment to the Board of Commissioners within sixty (60) days. Failure of the Planning Board to submit a recommendation within this time period shall constitute a favorable recommendation.

In deciding whether to recommend approval or denial of an amendment request, the Planning Board shall consider whether or not the proposed amendment is necessary based upon one or more of the following factors:

- a) There are errors or omissions made in the identification of issues or needs during the preparation of the original Plan;
- b) New issues or needs have been identified which were not adequately addressed in the original Plan;
- c) There has been a change in projections or assumptions from those on which the original Plan was based.

### **Board of Commissioners Review and Approval**

Upon receiving the recommendation of the Planning Board, the Board of Commissioners shall hold a public hearing. The Board of Commissioners shall review the Planning Board recommendation (including the factors delineated above), the report and recommendation from the Planning Director, and any oral or written comments received at the public hearing. Following that review, the Board of Commissioners shall take one of the following actions:

- a) Adopt the proposed amendment as presented or with modifications.
- b) Deny the proposed amendment.
- c) Refer the amendment request back to the Planning Board for further consideration.
- d) Defer the amendment request for further consideration and/or hearing.