



Planning, Development & Inspections

A Division of Community Services
P.O. Box 550 • Raleigh, NC 27602
www.wake.gov

MINUTES OF REGULAR PLANNING BOARD - July 19, 2023

LOCATION: Wake County Justice Center, 301 S. Salisbury St., Room 2700, Raleigh, NC

MEMBERS PRESENT:

1. Ms. Brenna Booker-Rouse (Vice-Chair)
2. Mr. David Adams
3. Mr. Amos Clark
4. Mr. Asa Fleming
5. Mr. Bill Jenkins
6. Mr. Daniel Kadis
7. Mr. Ted Van Dyk

MEMBERS ABSENT:

1. Mr. Thomas Wells (Chair)
2. Mr. Jason Barron
3. Dr. Kamal Kolappa

COUNTY STAFF:

1. Ms. Celena Everette
2. Mr. Steven Finn
3. Mr. Tim Gardiner
4. Mr. Tim Maloney
5. Mr. Josh McClellan
6. Mr. Akul Nishawala
7. Mr. Adam Parks
8. Ms. Liz Oliver
9. Ms. Sharon Peterson
10. Mr. Bill Shroyer
11. Ms. Beth Simmons

COUNTY ATTORNEY:

1. Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting Called to Order:** Ms. Booker-Rouse called the Planning Board meeting to order at 1:30 pm.
 2. **Petitions and Amendments:** None.

3. **Approval June 7, 2023, Minutes:** Motion to approve the minutes from June 7th, 2023, was made by Mr. Adams and seconded by Mr. Jenkins. The minutes were unanimously approved.
4. **Unified Development Ordinance Text Amendment OA-01-23: Minor & Minor-Limited Subdivisions – Presentation by Timothy Maloney, Planning Development & Inspections Director**

Amend the standards for Section 19-32 Minor Subdivisions that regulate when a minor subdivision may be used; and amend the total number of new lots allowed when combined with a second minor subdivision or a minor-limited subdivision.

Mr. Maloney began his presentation by introducing the proposed Ordinance Amendment to PLANWake, noting that the goal was to “promote annexation when possible so that utilities and other urban services are provided in areas we know are positioned for urbanization” and provided the Board with background on the function of minor and minor-limited subdivisions.

Mr. Maloney explained that Minor-Limited Subdivisions differ from Wake County’s Minor Subdivisions in that the parent tract must be greater than 5 acres, under single ownership, and can be divided into no more than 3 lots with a 10-year period between subsequent subdivisions. The state law existed to address jurisdictions that did not already have a Minor Subdivision option and expedite the approval and ease restrictions on small subdivisions.

Mr. Maloney explained that Wake County’s existing Minor Subdivision, combined with the State’s Minor-Limited Subdivision standard, were being used in submissions to create subdivisions larger than the intended options (including 9-lots and larger), bypassing the existing applicable standards for regular subdivisions. Rather than eliminating the existing Minor Subdivision, Wake County considered maintaining both options. With the option to review changes between 2017 and 2023, the County opted to propose an Amendment to the existing Ordinance to assure that Minor and Minor-Limited Subdivisions would be limited to certain restrictions, rather than bypassing regular subdivision standards. Mr. Maloney explained that the proposed changes would be as follows:

1. *Require the Minor Limited Option First:* When an applicant seeks a small subdivision, they will be required to pursue the minor-limited subdivision option first, if the criteria for that option can be satisfied. If they do not meet the criteria, then the applicant may pursue the minor subdivision option.
2. *Reintroduce the Ability to Combine Two Minor Subdivision Options:* Prior to the 2017 law that mandated the minor-limited subdivision option, the County allowed the combination of two minor subdivisions that could yield a total of up to 5 lots. When the law became effective, the County eliminated the ability to combine two minor subdivisions. This amendment proposes to reintroduce the ability to combine two minor subdivisions and achieve a total of up to 5 lots.
3. *Limit the number of lots to 5 when combining Minor and Minor-Limited Subdivision options:* This amendment will limit the number of lots to 5 when combining the minor and minor-limited options.

Mr. Maloney explained that Staff findings were that the proposed amendment 1) addressed concerns about large subdivisions circumventing development regulations by leveraging the Minor and Minor-limited Subdivision options, 2) preserved the intended purpose of expediting the review of small subdivisions with eased development regulations, 3) established a maximum lot yield of 5 for small subdivisions, which matched pre-2017 session laws introduced Minor-limited Subdivisions options, and, 4) furthered the goal of PLANWake by directing growth toward municipalities. He noted that Staff

recommended that, in the matter of OA-01-23, the Planning Board finds that the adoption of this proposed text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and are reasonable and in the public interest and hereby make a motion to recommend approval to the Wake County Board of Commissioners.

Mr. Maloney closed his presentation by offering to address any questions the Board might have regarding this proposed amendment. He indicated that discussions with homebuilders was a general agreement that pre-2017 standards were reasonable.

Mr. Fleming asked for clarification as to whether this was a potential issue or if submissions already existed that circumvented existing requirements. Mr. Maloney replied that the County had seen submissions that exhibited the issues expressed during his presentation and noted that Staff did not have any method to address them other than to approve at the present. Mr. Jenkins asked if combining Minor and Minor-Limited Subdivisions was a possibility, and Mr. Maloney explained that their separate status as County and State laws prevented combining the two and that Staff determined that removing the Minor Subdivision option was not feasible.

Public Comment

Ms. Booker-Rouse opened the floor for public comment at 1:50p.m. Hearing none, she closed public comment.

Board Discussion

Hearing no comments from the Board, Ms. Booker-Rouse entertained a motion to OA-01-23

Board Motion – Adoption of the Statement Consistency in OA-01-23

Motion was made by Mr. Fleming in the matter of OA-01-23, that the Planning Board adopt and offer to the Board of Commissioners the following recommended statements finding that the proposed text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance (UDO). The purpose of the Wake County Comprehensive Plan and the Wake County UDO, as seen in Article 1-22, is to provide a guide for the physical development of the county, preserve and enhance the overall quality of life of residents, and establish clear and efficient development review procedures. The text amendment included herein accomplishes this as described in the following statements.

1. The amendment to Section 19-32 *Minor Subdivisions* modifies the County's requirements for minor subdivisions by regulating when a minor subdivision may be used; and amend the total number of new lots allowed when combined with a second minor subdivision or a minor-limited subdivision.
2. The amendment addresses concern about large subdivisions circumventing development regulations by leveraging the minor and minor-limited subdivision options.
3. The amendment preserves the intended purpose of expediting the review of small subdivisions with eased development regulations.
4. The amendment establishes a maximum total lot yield of 5 for small subdivisions, which matches what it was in 2017 before new law introduced the minor-limited subdivision option.
5. The amendment furthers the goals of PLANWake, the Wake County Comprehensive Plan, by directing growth toward the municipalities.

Mr. Clark amended the motion to include the language detailed in the Agenda packet with Mr. Fleming's approval.

Mr. Jenkins seconded the motion, and it was adopted unanimously.

Board Motion for Approval of OA-01-23

Motion was made by Mr. Clark in the matter of OA-01-23 that the Board finds that the adoption of this proposed text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and hereby recommend approval of this proposed text amendment to the Wake County Board of Commissioners.

Mr. Van Dyk seconded the motion, and it was adopted unanimously.

5. Lower Neuse Area Plan

Presentation by: Mr. Tim Gardiner, Planner III

Mr. Gardiner began his presentation noting that it was designed to cover the basics of the Lower Neuse Area Plan, discuss the scheduled and timeframe, and to solicit engagement from members during the formative period. He noted that the anticipated timeframe for this area plan study was 8 to 12 months, but the overall goal was to ensure alignment with PLANWake. He reiterated that the Land Use Plan documents were being updated from their original forms adopted in 1997-1999 to reflect PLANWake's adoption in 2021.

Mr. Gardiner presented the Board with a slide of the current Land Use Area Plan boundaries, identifying Middle Creek and Lower Swift Creek, before moving on to Lower Neuse as the current area of study. He noted that the Lower Neuse Area Plan is located on the eastern edge of Wake County, abutting Johnston County. Mr. Gardiner included a slide of the detailed study area, identifying the I-540 extension currently anticipated to be completed between 2026 and 2028. He noted that the land use plan would remain flexible, as development trends were expected to change near the planned interchange areas. Mr. Gardiner also identified the Neuse River, Smithfield Poole Road, Lake Myra, and several open space parcels under consideration.

Mr. Gardiner explained that the Lower Neuse Area Plan was previously part of the East Raleigh / Knightdale Plan and the Southeast Area Land Use Plan. He noted that the current zoning for Lower Neuse Area was R-30, and staff anticipated the area to remain largely residential. Mr. Gardiner pointed out that most of the Lower Neuse Area was outside of municipal jurisdictions, although portions to the south have been annexed by Garner to develop the Edge of Auburn subdivision, as well as small portions annexed by Raleigh to the west, Knightdale to the north, and Wendell to the east. Previous agreements in place with the municipalities centered on residential development, though Mr. Gardiner noted that the County's plans had shifted, and he expressed an interest in codifying the changes in the Lower Neuse Area Plan.

Mr. Gardiner shifted to a slide showing the County's current development framework map and identified areas that would shift from residential to the newly defined agricultural classification (introduced in the Middle Creek Area Plan). Other portions of the map were identified as community development areas, although Mr. Gardiner specified that their purpose was to be determined as the needs arose, in part centered around the I-540 extension. He identified areas on the map of protected open space purchased by the County, voluntary agricultural districts, and noted that the Neuse River Resource Recovery Center as areas to explore use and municipal cooperation.

Mr. Gardiner moved on to update the Board on initial community engagement: the County launched a Lower Neuse Area Plan website and included 2 surveys, along with an interactive map, road signs, an email listserv, and social media updates in advance of community outreach events later in the summer. He noted that, since launching, the website had seen 578 visits with 30 comments and 14 survey responses. Public Engagement was identified to occur between July and December of 2023, with a Draft Plan in place by January of 2024, leading to Area Plan Approval in the summer of 2024.

Mr. Gardiner closed his presentation and offered to answer any questions the Board might have about the Lower Neuse Area Plan.

Board Discussion

Mr. Fleming noted that as a resident living in the Lower Neuse Area, he would like to see a more pronounced role for Activity Centers, particularly regarding food and retail near the I-540 interchanges. Mr. Van Dyk asked about the number of projected interchanges and Mr. Gardiner responded that two are currently within the Area Plan and a small portion of a third to the north. He noted that the County's intentions were to work with the City of Raleigh to determine the best use of land adjacent to those interchanges, whether they remained rural or shifted to activity centers.

Ms. Peterson noted that there was additional information regarding the City of Raleigh and Mr. Gardiner specified that the City had conducted their Southeast Special Study Area, identifying portions of the Lower Neuse they might consider for ETJ. Ms. Peterson approached the Board to add to Mr. Gardiner's information, noting that the City Council heard a request for annexation and rezoning of 500 acres or roughly 1800 units in the area identified on the map. She noted that the request before the City Council was for developing multi-use areas. The City extended the hearing until August 15th, so the County will continue to monitor the request.

Mr. Kadis asked to what degree that Johnston County was involved, particularly in developing land on their side of the County line, and Mr. Gardiner responded that limited ETJ might take place near the Smithfield Road corridor. Mr. Maloney added that the Town of Knightdale was contemplating two applications for large multi-use developments at the intersection of Poole and Smithfield Roads.

Ms. Booker-Rouse thanked Mr. Gardiner for his presentation.

6. Wake County Land Cover / Tree Canopy Assessment

Presentation By: Timothy Maloney, Planning, Development & Inspections Director and Bill Shroyer, Senior GIS Analyst

Mr. Maloney introduced Senior GIS Analyst Bill Shroyer to assist him with his presentation regarding the Tree Canopy Study and Land Cover analysis. Mr. Maloney also noted that at the end of the presentation he would provide an update on the NCDOT Reforestation Pilot Project. Mr. Maloney began by explaining that the Land Cover / Tree Canopy Assessment had been funded by the American Rescue Plan Act, designed to address public health needs and secondary goals that address economic impacts resulting from the pandemic and systemic community challenges.

Mr. Maloney explained that the project also addressed goals expressed by the Board of Commissioners, particularly regarding community health and growth and sustainability. He noted that tree cover provides a myriad of mental and emotional benefits, as well as numerous environmental benefits. The purpose of the project was to provide detailed land cover data, quantify

the loss of trees from 2010 to 2020, identify priority planting areas, and provide actionable data for all core municipalities in Wake County.

Mr. Maloney informed the Board that, for this study, the County hired Davey Resource Group to conduct the assessment, and he identified Ms. Liz Oliver as the primary Staff member responsible for managing the study throughout. He also noted that representatives from Cary, Morrisville, and Raleigh were active participants during the study.

Mr. Shroyer began by noting a priority of the study was to procure the best aerial imagery available, and the County opted to use the National Agricultural Imagery Program (NAIP), as it provided the most consistent data between 2010 and 2020. Within the study, the County hoped to provide dataset for impervious surfaces, tree canopies, water bodies, and barren land areas, as well as to differentiate forest health and measurable tree canopy. With that, Mr. Shroyer explained, the study would identify tree cover benefits and possible health related impacts. The initial results for their 2020 study indicated a 54% tree canopy coverage area. Mr. Shroyer also provided a breakdown of jurisdiction area by acreage that included canopy, impervious, vegetation, bare ground, and open water areas. Additionally, he provided a slide indicating tree coverage by block groups in the County (597 block groups, sized relative to population).

Mr. Shroyer then explained the differences in data between 2010 and 2020 based on their research, noting a net loss of 11,122 canopy acres (56.25% to 54.21%) for a relative change of 3.61% over the decade. Based on block group analysis, Mr. Shroyer noted that the study could pinpoint areas of loss, but also areas of tree canopy growth. The overall difference between deciduous and coniferous trees amounted to 70.49% of the former and 29.51% of the latter. Mr. Shroyer identified canopy health as a point of interest, and explained that the study utilized a Normalized Difference Vegetation Index (NDVI), a filter within the NAIP to identify the condition of trees within the County. For 2020, the study indicated 17.90% in Very Good Condition, 33.43% in Good Condition, 29.26% in Fair Condition, 14.93% in Poor Conditions and 3.75% Dead or Dying with less than 1% Unclassified. To provide a better explanation, Mr. Shroyer shared a slide of Dorothea Dix Park to indicate areas of tree health. Based on ground inspections from Staff, Mr. Shroyer explained to the Board that areas identified in Blue Jay Park demonstrated exposed roots and soil erosion, causing undue stress for the trees.

Mr. Shroyer explained that, based on the data, the County developed a planting priority process, excluding areas such as utility corridors, golf courses, and visible cropland. He noted that a vulnerability assessment was conducted, focusing on urban heat islands, social equity, and stormwater to determine planting area priorities. Using NASA Landsat imagery, the study conducted an average temperature of two different time periods to determine urban heat islands: one in March or 2021 and another in July of 2022. Mr. Shroyer explained that the social equity index prioritized vulnerable populations (a combination of age, education, median household income, asthma prevalence, and CDC data on mental health) to locate the replanting of trees as a benefit. For stormwater concerns, Mr. Shroyer noted the study included areas with floodplain proximity, air quality assessments, stormwater benefits, soil erosion, and runoff as likely targets for replanting. He provided the Board with a slide of a composite of priority planting areas, identifying 82,204 sites (or 10,263 acres) as Very High Priority. Mr. Shroyer noted that part of the planting priority process also included modeling of ideal tree size and spacing to maintain expectations. Over 1.53 million potential tree planting sites on public and private property were identified in Wake County.

Mr. Maloney added that, according to the Davey Resource Group, trees provided a benefit of \$1.5 billion in air pollution removal, carbon sequestration, and stormwater capture. He noted several

areas within the County that the data provided could assist in implementation: development ordinance implementation, land use & land management planning, funding opportunities, preservation and planting goals, and tree planting initiatives. Mr. Maloney explained that the County was in the process of adopting TreeKeeper Canopy Software, an interactive tool available to the public. TreeKeeper Canopy Software would continue to examine and prioritize tree canopy goals, and Mr. Maloney noted that community members and municipalities would be able to access all the data within the tool.

Mr. Maloney explained the next steps included finalization of the project in the coming weeks, followed by a presentation of the report findings to municipal partners (each municipality would receive its own specialized report, along with a county-wide version). The report and associated tools (including TreeKeeper, when available) would be made available to the public as the County worked with stakeholders in operationalizing data, and Mr. Maloney noted that follow-up analysis would be a consideration in five-to-ten years. He closed his presentation by offering to address any questions the Board might have.

Board Discussion

Mr. Jenkins asked for clarification about the land classified as 'barren,' and Mr. Shroyer explained that most of the areas were fallow fields or cropland not in active vegetation. He noted that the Barren areas correlated with large agriculture, but might also be related to the I-540 extension.

Mr. Maloney then turned to an update on the NCDOT Reforestation Pilot Program, reminding the Board that the Transportation Committee discussed initial plans during the June meeting, and selected an area on the completed turnpike at the intersection of I-540 and Highway 54, a roughly 10-acre area. Staff reached out to two consultants, and they determined the site contains 6 to 7 acres of potential reforestation. Mr. Maloney explained that the quoted price is within the County's budget and that work was underway with Davey Resource Group to take the next steps. He explained that the current estimate included 3,200 bare root saplings with a planting time in January or February and monitoring up to a year later. Mr. Maloney also explained that Mr. Gardiner spoke to NCDOT regarding the availability of 1% project funding for trees on projects in the design phase, as well as any potential funding from the existing turnpike project.

Mr. Gardiner added that discussions with NCDOT centered around the 1% of project costs could be applied towards planting. Rather than traditional vegetative plantings, which were costly to maintain, Mr. Gardiner explained that the County's goals focused on trees and that DOT would earmark 1% for tree planting. He noted that NCDOT typically reserved funding for municipalities seeking beautification projects, but that the County was providing requests for areas along I-40 South. Pending finalized project costs, estimates would be available from NCDOT, and the County would be able to develop planting plans.

Mr. Adams asked if the County had a fixed plan on what types of trees for the Reforestation Pilot Program, specifically if they would be native, and Mr. Maloney responded that the balance would be 25% hardwood and 75% coniferous and that all would be native.

Ms. Booker-Rouse thanked Mr. Maloney and Mr. Shroyer for their presentation.

7. Committee Reports

There were no updates from the Planning Board Committees.

8. Planning, Development, and Inspections Report

Mr. Finn updated the Board on the zoning enforcement cases, including active potential cases that may be prosecuted, which he noted was atypical for a passive code enforcement program. He noted that, in many cases, when staff receives a complaint that the citizens in question do not realize they weren't in compliance, but that at least four appeal cases were pending for hearing before the Board of Adjustment.

Mr. Finn also noted a statistic that, of the 58% of people moving into the County, the most common states they arrived from were Northern Virginia, California, and Florida. He related that those locations had more dense populations and higher zoning volume activities, which might account for the increased appeal activity. Mr. Finn related that Staff had received positive feedback in their LDS system from customer service reports. He closed his presentation by informing the Board on an upcoming presentation regarding a recently approved subdivision that related to recent changes to text amendments and cluster subdivisions.

Mr. Maloney informed the Board that OA-01-23 would be presented to the Board of Commissioners on September 18th and that either Mr. Wells or Ms. Booker-Rouse would be needed to represent the Planning Board. He also noted that the next Planning Board meeting was scheduled for August 2nd with two items on the agenda: Tobacco, Vaping & CBD Use Land Use Standards, and an update from the Affordable Housing Department. Mr. Maloney announced that the Planning Board Retreat was scheduled for September 27th at Yates Mill Park and that members should have received an invitation from the board clerk.

9. Chairman's Report

Ms. Booker-Rouse thanked the members for attending and for their support.

10. Adjournment

The meeting was adjourned at 3:13 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
July 19, 2023

Vice Chair Brenna Booker-Rouse declared the regular meeting
of the Wake County Planning Board for
Wednesday, July 19, 2023, adjourned at 3:13 p.m.

Respectfully Submitted:



Thomas Wells
Wake County Planning Board

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