



Planning, Development & Inspections

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

MINUTES OF REGULAR PLANNING BOARD - August 2, 2023

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

MEMBERS PRESENT:

1. Mr. Thomas Wells (Chair)
2. Mr. David Adams
3. Mr. Daniel Kadis
4. Mr. Ted Van Dyk

MEMBERS ABSENT:

1. Ms. Brenna Booker-Rouse (Vice-Chair)
2. Mr. Jason Barron
3. Mr. Amos Clark
4. Mr. Asa Fleming
5. Mr. Bill Jenkins
6. Dr. Kamal Kolappa

COUNTY STAFF:

1. Ms. Alicia Arnold
2. Mr. Steven Finn
3. Mr. Josh McClellan
4. Ms. Terry Nolan
5. Ms. Sharon Peterson
6. Ms. Beth Simmons

COUNTY ATTORNEY:

1. Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting Called to Order:** Mr. Wells called the Planning Board meeting to order at 1:30 pm.
 2. **Petitions and Amendments:** None.
 3. **Approval July 19, 2023, Minutes:** Mr. Wells noted that, without quorum, the Board would be unable to approve the July 19, 2023, minutes. Approval was tabled until the September meeting.

4. Tobacco & Hemp Retail Land Uses – Presentation by Terry Nolan, Planner III

Ms. Nolan began by informing the Board that her presentation would serve as an introduction to proposed changes to the Unified Development Ordinance (UDO) and was designed to give members a starting point for staff's proposal. Wake County Public Health representatives would be available to answer questions during the final presentation in September.

The request from Staff is to amend Article 4-57 of the UDO to prohibit tobacco & hemp retail within 1,000 feet of public or private elementary, middle, and high schools, public parks, greenways or residences, and other tobacco & hemp retail sites. Additionally, tobacco & hemp retail would be restricted to general business, heavy commercial, industrial, and special zoning districts. Any business where sales of tobacco and/or hemp is the principal use would fall under this classification. The request also includes any natural or synthetic product containing nicotine, specific levels of THC (including delta-8 THC & delta-9 THC), and any product containing a substance called "kratom". Electronic devices used to deliver nicotine, THC, or other substances would also apply.

Ms. Nolan explained that the request to shift the language from CBD to Hemp came after consultation with NC Health and Human Services, in part because CBD products were not considered to be a comparable health risk for youth in the county. Products such as delta-8 THC and delta-9 THC, which were currently not regulated, contain levels of THC which could be intoxicating to users. Ms. Nolan explained that kratom, is a currently unregulated substance subject to intense FDA scrutiny. She presented the Board with a slide of a typical tobacco & hemp retail establishments, noting that they are small storefronts found along major corridors and downtown areas.

Wake County Public Schools (WCPSS) requested to amend land use regulation and reduce the availability of tobacco and hemp products. Planning staff partnered with staff from Public Health who created similar ordinances as a larger effort to educate and promote tobacco prevention amongst the youth. Public Health provided Planning Staff with data from the Poe Center, containing over 800 outlets that sold tobacco. Once staff narrowed out grocery stores, gas stations, and other areas where the principal use did not meet the sale of tobacco and hemp, Ms. Nolan identified 30 establishments that sold tobacco within the unincorporated County however, none are impacted by proposed ordinance criteria.

Ms. Nolan presented a slide of municipal UDO guidelines, identifying how restrictions varied from one to the next. Based on strategies provided by Public Health, staff identified land use restriction as the most feasible course of action to impact the availability and accessibility of products. She then presented a slide demonstrating a tobacco & hemp retail location less than 400 feet from the Broughton High School property, partially prompting the request from WCPSS. Ms. Nolan presented the proposed draft language to Article 4-57 (1, 2, and 4) along with a use table indicating proposed zoning districts with tobacco & hemp added. She explained that, without the change, tobacco & hemp sales would fall under permitted uses in the neighborhood retail use category.

Ms. Nolan closed her presentation by identifying six commercially zoned properties that are within 1,000 feet of a school. She noted that some of the areas would be prohibited by the proposed UDO Text Amendment, and others would be impacted based on available commercial land. She explained that, prior to returning to the Board in September, the item would be further vetted by the Health Committee and the Health and Human Services Board.

Board Discussion

Mr. Kadis asked for clarification on the inclusion of restrictions in Highway Districts, and Ms. Nolan responded that Highway Districts were considered predominantly Residential uses. Mr. Wells asked what purpose the inclusion of tobacco served in the definition if hemp seemed to be the primary target, and Ms. Nolan explained that the retail establishments in question identify themselves as selling tobacco, vape, and CBD products. She noted that discussions were ongoing about expanding the terminology to include kratom and other substances of concern. Mr. Wells and Mr. Van Dyk noted that Cary and Raleigh were not listed among municipalities with restrictions, and Ms. Nolan noted that neither restricted location nor use.

Mr. Wells suggested that a Special Use Permit might be ideal rather than a Permitted Use and Ms. Nolan acknowledged the Board's suggestions would weigh into further land use restrictions. Mr. Murphy noted that a requirement of a Special Use Permit would require every tobacco & hemp retail establishment to seek approval through the Board of Adjustment, which might be considered an undue burden to developers.

Ms. Nolan noted that there were additional stakeholders that the County planned to reach out to prior to their formal presentation before the Board. Mr. Wells thanked her for the presentation.

5. Housing Affordability & Community Revitalization Update

Presentation by: Ms. Alicia Arnold, Deputy Director of Affordable Housing & Community Revitalization

Ms. Arnold introduced herself to the Board and briefly explained the role of Wake County's Affordable Housing & Community Revitalization Department (or Housing Department). She began her presentation by explaining how the Department defines "Housing Affordability," identified primarily as a desire for people to have affordable housing, typically subject to their income. She presented a slide identifying the Federal definition of "affordable housing" as "paying no more than 30% of your income on housing expenses." Ms. Arnold explained that those options could take the form of a single-family home, a duplex, multi-family, cottages courts, or quadraplexes, for sale or for rent, and constructed & maintained to local housing standards.

Ms. Arnold explained that the County inserts involvement in the housing market in areas where supply was not being naturally created to meet demand. She noted that in Wake County, families were at or below 60% of the area median income, with some closer to 80%. She presented a slide of jobs within the County, along with the corresponding cost of "affordable" rent. Ms. Arnold lamented that wages are not currently caught up with the cost of living, which negatively impacted families & individuals, the community, and businesses. Ms. Arnold presented data from Wake County's housing data dashboard, and noted the size and prosperity of the County continued to increase. She identified an education gap as an area of concern for citizens to live affordably, explaining that those without a bachelor's degree stood to make \$31,967 annually.

To put that into perspective, Ms. Arnold presented a slide demonstrating housing structures by unit, along with the median sale prices for single-family homes in Wake County. With a 7% vacancy rate, the median sale price for a single-family home was \$500,000. Given the large subset of the population in Wake County making less than \$50,000 annually, Ms. Arnold noted that it was not unusual to see a heavier percentage living in the rental market. Other lower-tiered statistics appeared to be dropping, although Ms. Arnold explained that was likely to be related to displacement rather than an increase within the pay bracket. Ms. Arnold also provided a chart of displacement – based on evictions –

provided by the Planning Department, noting that notices of impending evictions were increasing over time. She explained that displacement disproportionately affected certain groups: persons of color, people 25 years of age and older without bachelor's degrees, renters, and households with children in poverty.

Ms. Arnold explained that the goal of the Housing Department was to support and partner to bring in resources that the natural market would not create on its own. She explained that, in 2017, an effort was made with the Board of Commissioners to create a 32-member steering committee focused on creating an affordable housing plan over a 20-year period. The committee identified three essential strategies as their highest priorities: Land use, leveraged programs / funding sources, and new public resources. Over the past 5 years of the initial implementation plan, the Housing Department worked to identify land use policies, assist with veterans' homelessness, create women's shelters, and Acquisition and Preservation of Funds. In 2021 and 2022, additional funding arrived from the American Rescue Plan Act, which permitted the Department to allocate funds where most needed. Ms. Arnold also explained that the structure of the Housing Department changed in 2023 to operate independently of Housing and Human Services. She also noted the Department added a Research, Data & Systems department, as well as incorporating Veterans Services into the Division.

Ms. Arnold explained that, at the end of the initial 5-year implementation plan for the steering committee, FY24 would be focused on the next 5 years, along with community input & direction, equity, encouraging engagement with municipalities, and to complete the Affordable Housing Plan and Veteran Task Force recommendations. She closed her presentation by offering to address any questions from the Board.

Board Discussion

Mr. Van Dyk asked if the County was planning to build any units, and Ms. Arnold responded that the County serves by bridging the gap in funding. She explained that, with funding from the County, developers were able to create affordable structures on the back end. The County provides low interest loans to developers to incentivize affordable housing.

Mr. Wells inquired what the Board could assist with, and Ms. Arnold replied that any discussions with colleagues on municipal Planning Boards would greatly assist to address questions and concerns. She also solicited any advice or recommendations about improving sustainable growth strategies in the community, particularly to ensure equity between higher and lower income classes and to avoid displacement.

Mr. Wells thanked Ms. Arnold for her presentation.

6. Committee Reports

There were no updates from the Planning Board Committees.

7. Planning, Development, and Inspections Report

Ms. Sharon Peterson noted that the Town of Apex would be hosting public meetings regarding space included in the County's Southwest Area Land Use Plan on August 9th and 30th. Ms. Peterson turned to the Lower Neuse Area Plan's recent field visits in conjunction with Triangle Land Conservancy and the Soil and Water Conservation District. She explained that initial discussions were in place for scheduling a community meeting in early September. Ms. Peterson closed her updates by noting that

Ms. Nolan would return before the Board at their September 6th meeting, and that Mr. Maloney would be bringing the minor subdivision UDO updates to the Board of Commissioners later that month.

Mr. Finn notified the Board that activity remained consistent with respect to ongoing project review, maintenance, and communication. He reiterated that staff remained consistent with code enforcement and that it appeared to be similar in scope to his report from July. He also noted that an update to LDS was in the preliminary stages, and he would provide updates as they developed. Mr. Finn reminded the Board that Wake County offered a full continuum of digital recording opportunities, and they extend those options to customers regularly.

Mr. Wells asked if the increase in code enforcement cases continued to increase, and Mr. Finn responded that it was a higher volume than in previous years. He did note that, in most cases, code enforcement requests were resolved quickly and that the respondents were often unaware they were in error.

8. Chairman's Report

Mr. Wells thanked the members for attending and noted that the Planning Board Retreat in September would include remarks from Commissioner Calabria and former Commissioner Hutchinson.

9. Adjournment

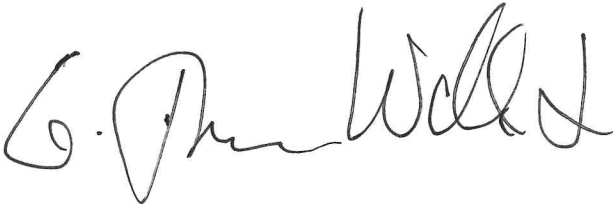
The meeting was adjourned at 2:43 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
August 2, 2023

Chair Thomas Wells declared the regular meeting
of the Wake County Planning Board for
Wednesday, August 2, 2023, adjourned at 2:43 p.m.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "T. Wells". The signature is fluid and cursive, with a large initial "T" and a stylized "Wells".

Thomas Wells
Wake County Planning Board

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