



Planning, Development & Inspections

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

MINUTES OF REGULAR PLANNING BOARD - June 5, 2024

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

MEMBERS PRESENT:

1. Mr. Thomas Wells (Chair)
2. Ms. Brenna Booker-Rouse (Vice-Chair)
3. Mr. Amos Clark
4. Mr. Bill Jenkins
5. Dr. Kamal Kolappa
6. Ms. Sally Rice
7. Mr. Ted Van Dyk

MEMBERS ABSENT:

1. Mr. David Adams
2. Mr. Asa Fleming
3. Mr. Daniel Kadis

COUNTY STAFF:

1. Mr. Steven Finn
2. Ms. Theresa Furr
3. Mr. Loren Hendrickson
4. Mr. Josh McClellan
5. Mr. Timothy Maloney
6. Mr. Akul Nishawala
7. Ms. Terry Nolan
8. Ms. Liz Oliver
9. Ms. Sharon Peterson
10. Ms. Beth Simmons

COUNTY ATTORNEY:

- Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting Called to Order:** Mr. Wells called the meeting to order at 1:33 p.m.
 2. **Pledge of Allegiance:** Prior to the Pledge of Allegiance, Mr. Wells noted that Memorial Day had been the Monday before, and reflected on advice he heard from a veteran about living a life worthy of the sacrifice of those who served their country. He urged the Board to follow this advice and continue to make a commitment to make things better and make our country strong.

3. **Election of Chair and Vice Chair:** Mr. Wells opened the floor for nominations for Chair. Mr. Clark nominated Mr. Wells, and Dr. Kolappa seconded his nomination. With no other nominees, Mr. Wells was re-elected unanimously. Mr. Wells then opened the floor for nominations for Vice Chair. Mr. Jenkins nominated Ms. Booker-Rouse, and with no other nominations, she was re-elected unanimously.
4. **Petitions and Amendments:** None.
5. **Approval of April 3, 2024, Minutes:** Mr. Jenkins made a motion to approve the April 3, 2024, minutes as presented. Ms. Booker-Rouse seconded the motion and the Board adopted unanimously.
6. **Wake County Cost of Community Services Study Update:**

Mr. Loren Hendrickson introduced himself to the Board as a Farm Preservation Coordinator for Wake County Soil & Water Conservation District. The goal at Soil & Water was to advocate for agricultural landowners in the County and to work on conservation practices. He explained that the Cost of Community Services Study (COCSS) was focused on farmland preservation and its impact on Wake County, and provided some background on the role it played within the Soil & Water Conservation District. He noted that Wake County was one of the fastest growing counties in the nation and added approximately 56 new residence per day. The recent 2040 Farms Under Threat Report from the American Farmland Trust showed NC as the #2 state in the country for projected farmland loss, and Wake County one of the three most heavily impacted counties in the state, losing nearly 23,000 acres of agricultural land over the past decade.

Mr. Hendrickson explained that the Farms Under Threat Report listed three projection rates for Wake County: a "Better Built City" (31,949 acres converted), "Business as Usual" (46,587 acres converted), and "Runaway Sprawl" (56,673 acres converted) between now and 2040 of farmland to residential or commercial use. For reference, Mr. Hendrickson noted that, as of the USDA Agricultural Census date from 2022 indicated that Wake County had 642 farms, totaling 62,323 acres of land. Depending on growth projections from the 2040 FUT report, Wake County stood to lose anywhere between half and nearly all its farmland over the next 16 years. Based on those projections, Mr. Hendrickson explained that the Wake County Farmland Preservation Program was formed in 2023. Part of the creation of this program was the creation of Mr. Hendrickson's position, the Farm Preservation Coordinator.

Mr. Hendrickson informed the Board that the Wake Farmland Preservation Program offered three options: Voluntary Agricultural Districts (VAD), Enhanced Voluntary Agricultural Districts (EVAD), and Conservation Easements. The VAD program, established over 20 years ago, covered nearly 13,000 acres in Wake County, and was a voluntary commitment by a landowner to continue farming and preserving their land for agricultural use. The EVAD was an additional commitment from farmers that was noted on their Deed and recorded with the ROD (the VAD could be revoked at any time). Conservation Easements were permanent agreements between the landowner and County to remain in agricultural production in perpetuity. Mr. Hendrickson explained that the EVAD program was a new addition since the creation of the Farmland Preservation Program and added that the program also added a full-time staff position for branding and communication. Other updates to the program included a new database to manage applications, as well as an online portal for landowners to apply for one of the options.

Since the inception of the Program in February of 2023, 1,775 acres of land were added to the VAD, 128 acres added to EVAD, and 2 Conservation Easements (in conjunction with Triangle Land Conservancy) totaling 246 acres. The Farmland Preservation Program was also working on Conservation Easement applications with outside funding sources, including the State of North Carolina Department of Agriculture and the USDA NRCS.

Mr. Hendrickson turned to the Cost of Community Services Study (COCSS), which was a helpful tool in advocating for the value of agricultural land. He explained it was a case study approach to determine the fiscal contribution to existing local land uses in a county's budget developed by the American Farmland Trust. Studies compared costs and revenues across local land uses – specifically agriculture, commercial / industrial, and residential. Mr. Hendrickson did note that the studies were only a snapshot in time and did not predict future trends. The numbers were taken from the 2022 tax year, and with The University of Mount Olive as a consultant, were compiled by working with County departments. Wake County's COCSS results indicated that for each dollar of County revenue, the County spent \$1.09 to provide necessary community services to residential parcels, \$0.08 cents to commercial uses, and \$0.24 to agricultural parcels. He noted that residential use, as a broad category, cost the County more money than it brought in through tax revenue, but commercial and agricultural brought in more revenue than they received in services. Based on State and National numbers, residential cost was slightly lower, and commercial and agricultural land made up the deficit.

Mr. Van Dyk asked if those numbers included municipalities, and Mr. Hendrickson responded the numbers only reflected the County.

Mr. Hendrickson indicated that implementation could include using the study to advocate for the value of agricultural land, creating a new Farmland Protection Plan to update the existing Wake County Agricultural Economic Development Plan from 2013. He also noted that it would allow them to seek increased deferred tax funding for permanent Conservation Easements, and to increase awareness of the cost and benefits of land uses in the County. Soil & Water also indicated a desire to continue working with the Planning Department to identify valued and preserved agricultural parcels, collaborate on the ongoing area plan updates, and to inform farmers of updates in the planning process. Mr. Hendrickson explained that the Farmland Protection Plan would use the COCSS as a key justification within the plan, and that they intended to apply for grant funds for implementation in 2025. He noted that the Board of Commissioners had allocated \$4.2 million in 2023 from the use of deferred tax dollars to fund permanent conservation easements, and another \$3.6 million in 2024.

Mr. Hendrickson closed his presentation by encouraging the Board to continue to think about the value of different land uses and consider that agriculture contributed as a net provider on the County balance sheet. He offered to answer any questions the Board might have.

Mr. Van Dyk inquired about the general lack of awareness regarding this study, noting that he had spoken to developers around the County that insisted residential use would be preferable to "underutilized" land. Mr. Hendrickson replied that the COCSS was not a well-known study, and that most of the counties in the state did not have one on file. He did add that it did not need to be the guiding document and justification, but that more awareness of the COCSS would help clarify the role of agriculture and its benefits to the economy.

Mr. Jenkins asked what the financial incentives for farmers were for the VAD, EVAD, and Conservation Easement, and Mr. Hendrickson replied that the incentives were minimal for the VAD and EVAD – that they were primarily voluntary commitments. He added that the VAD did not include a tax benefit, but that it included the property in the IMAPS layer as a voluntary agricultural district, which identified the property and protected the owner against nuisance suits from adjoining properties. He also noted the presence of a VAD was a point of pride in communities and added the recent benefit of protection against road expansion or a condemnation of utility when communicating with NCDOT. Farmers enrolled in a VAD were entitled to a public hearing in the event of any DOT plan impacting their property. Mr. Hendrickson further explained that an EVAD, which was recorded on the property deed, entitled the property owner to a greater amount of cost share funding with the

Soil & Water Conservation Office. Conservation Easements did include a financial incentive, primarily due to their funding by the Farm Preservation Program.

Mr. Wells asked about ways that the Planning Board could assist with, and Mr. Hendrickson responded that allowing him to present annual updates would be helpful and requested that the Board consider the value of agricultural land when weighing in on rezoning decisions. Mr. Maloney added that, prior to PLANWake, the Board of Commissioners had approved tools within the UDO specific to VADs, EVADs, and Conservation Easements that provided opportunities to allot open space land to EVADs, and that any development adjacent to a Conservation Easement would be required to work with the County on additional setback and buffer requirements.

7. Unified Development Ordinance Amendment OA-01-24 – Presentation by Terry Nolan, Wake County Planner III

Ms. Nolan addressed the Board by explaining that today's presentation included the first draft of red-lined edits to the UDO, and that today she would provide details about the thought process behind each change. She reiterated the goals of staff's Non-Residential Review to align regulations with PLANWake, specifically to simplify, clarify, streamline, and modernize regulations to keep up with a changing economy, centered around areas in the Unified Development Ordinance (UDO) that were relevant for updates or amendments to nonresidential uses. Ms. Nolan noted that while she had been presenting this study to the Board, the process of review included most of the Planning staff, along with Soil & Water Conservation, Well & Septic and Health & Sanitation.

The process of Non-Residential Review included brainstorming to discuss what topics had been considered in the past, large group meetings with experts, smaller meetings to discuss language and phrasing, and stakeholder communication. Ms. Nolan referred specifically to the turkey shoots discussed in the April meeting as a key source of stakeholder conversation –to ensure the active turkey shoot taking place in the County would still be able to operate, and how best would they be able to operate well and safely.

Ms. Nolan noted that, with respect to turkey shoots, obstacles arose due to the lack of clarification in County regulation. The UDO did not currently contain a definition or use standards for turkey shoots, nor were there use standards. Ms. Nolan explained that local jurisdictions do regulate turkey shoots, either through their Land Development Ordinances or through a Code of General Ordinances, generally pertaining to noise and discharge of firearms. The jurisdictional standards exist to regulate and promote the safe discharge of firearms.

Ms. Nolan presented a slide summarizing the proposed amendments, including:

- Use Table Changes (4-11): Redundancies, appropriate use group, old and new uses
- Use Classification System (4-20): Consistent with the use table, modernization
- Use Standards (4-30): Address new challenges, simplification, current practice
- Definitions (21): Modernization, address gaps

The primary goals of updating the Use Table were to shift uses, removing redundancies or eliminating uses that don't exist anymore, adjustments to old language, and recognizing new uses that the UDO did not currently address. Ms. Nolan explained that developing markets and anticipating new trends led staff in the direction of making changes to Bed & Breakfast listings, adding Turkey Shoots, Mobile Food Units (Food Trucks), Crematory Uses, and to modernize Personal Services definitions and uses. She then provided more detailed explanations of each.

With respect to Bed & Breakfast facilities, Ms. Nolan noted that the UDO contained two listings: Homestay and Residence. She explained that the standards for each were different – the Residence

contained size requirements and a designation of historical significance for the property, and that the Homestay was traditionally an accessory use to a home. Airbnb would generally fall into this category, so staff reviewed local municipalities ordinances with respect to what appeared to be working and not working in their regulations. Staff consensus recommended that the two types be consolidated with one set of standards, removing the historical significance requirement, noting that the B&B must blend with the surrounding neighborhood, and to keep the requirement of an onsite owner or manager to address nuisance issues. These changes, Ms. Nolan explained, would allow the County to simplify and streamline the UDO.

After discussion with the Board in April's meeting, Ms. Nolan revised the definition of Turkey Shoot to add to the UDO, while also addressing existing language to remove exemption language and redirect to standards. The standards being added to Turkey Shoots included a backstop, the type of weapon, the time and duration limits, and that it served a fundraising purpose. A Turkey Shoot would be added to the UDO as a temporary use, which Ms. Nolan identified as consistent with other regulations across the country. Adding the standards would help to address nuisance complaints and clarify the definition and purpose in the UDO to remove loopholes.

Mobile Food Unit (Food Truck) would add a definition to the UDO that was like the one used by Health and Human Services, and regulations would address planning and zoning rules specifically. Ms. Nolan recommended that three ways be added to indicate how a Food Truck could operate: that it was a principal use on a commercial property (considered a permanent use, must meet parking / landscaping / etc.), that it was an accessory use to an approved commercial use (with a required Land Use Permit for the commercial entity, and must meet parking regulations), or a temporary / special event that met the provisions stated in the UDO.

Ms. Nolan explained that Personal Use Services were defined as care for a person or apparel, such as barber shop, dry cleaning, shoe repair, etc. Personal Services falls within the larger category of neighborhood-oriented retail, which are considered appropriate for multi-use districts and light commercial areas. She noted that staff sought to address antiquated components of Personal Services, particularly related to the descriptions of Body Art Service and Massage. Body Art Service related to tattoo and piercing, which was currently separated from personal use into its own line on the Use Table, where it was restricted to Heavy Commercial. Ms. Nolan argued that a Tattoo Parlor operated in the same fashion as a barber shop, with respect to footprint and traffic. Staff determined it would make the most sense to remove Body Art Service from its own line and include it with Personal Use Services.

Likewise, Ms. Nolan noted that Massage is not included in Personal Use Services but was instead included with Sexually Oriented Business. Not all massage necessarily met that qualification: massage that was regulated and licensed by the State for therapeutic and health reasons would fall outside of that range, and staff determined it would be better suited in Personal Use Services, separate from the antiquated language and regulation. By updating the uses and creating separate categories, Ms. Nolan indicated that it would meet State law and better reflect the times.

Ms. Nolan turned to Crematory, which was not identified in the UDO anywhere. As its use increased and became an accessory use at a funeral home, or even separately, Ms. Nolan researched the impact and locations of existing crematories in the County. She found that they were in densely urbanized areas and had a limited impact on air quality. Language would be added to the UDO to identify a crematory as an accessory to a funeral home, not subject to additional approvals. It is also recommended to allow standalone crematories to Industrial districts.

Ms. Nolan closed her presentation by explaining to the Board that she would be willing to discuss any portions of the proposed amendments as they saw fit. Mr. Maloney added that it was his recommendation to present this to the full Board rather than the Code & Ops committee, but that he would welcome a committee discussion. He indicated that this presentation was not designed with final decisions in mind for this meeting, but to facilitate discussion amongst the Board members to give staff an idea of where to focus.

Ms. Booker-Rouse asked about the Bed & Breakfast provision requiring an onsite manager, noting that Airbnb did not have that requirement, and Ms. Nolan responded that the UDO would allow for short-term lodging, but that it did not permit Airbnb's with an "absentee manager" – someone would be required to be onsite. Mr. Maloney added that it does not fit the Airbnb model, which was a cause of disagreement between staff members. Ms. Booker-Rouse concurred, adding that many of the steps and requirements of Airbnb were considerably different than the rules for a Bed & Breakfast. Ms. Nolan noted that staff discussed creating a separate distinction for Airbnb, and Ms. Booker-Rouse agreed that it would be ideal to avoid noncompliance from owners and operators.

Mr. Van Dyk asked for clarification on current standards, and Ms. Nolan responded that currently, if someone in the unincorporated area wanted to operate an Airbnb, they would fall under Bed & Breakfast provisions, which required an onsite manager or owner. Mr. Jenkins asked if Airbnb or VRBO (vacation rental by owner) belonged in a separate category, and Ms. Nolan replied that when discussing those businesses, they fit into the "whole house lodging" rental category. Mr. Jenkins echoed the recommendation that it become its own separate category from a Bed & Breakfast. Mr. Maloney added that those rentals might also be contingent on HOA restrictions.

Mr. Wells asked if any communication had taken place with stakeholders during the process, and Ms. Nolan responded that she spoke to DEQ about air quality impacts from crematories. Their response was that the impact was minimal and most of them did not require an air permit to operate. Keith Lankford, who had proposed the UDO change, had also said the impact was minimal. She did not speak to any of the funeral homes in the area. Mr. Wells asked if the crematories also included pets, and Ms. Nolan replied that one of the stand-alone businesses proposed in the past was for animals, but she was unsure of the status of the case for its approval.

Mr. Wells asked a follow-up question from the minutes regarding Turkey Shoots and was curious about the impact of lead contamination in the area. Ms. Nolan responded that it had not come up in their discussions, and Mr. Wells noted that it was a topic of discussion around other shooting ranges and recommended that staff investigate it as they developed Turkey Shoot standards. Mr. Maloney added that lead contamination was not part of the County's conversation during firearms ordinance updates.

Mr. Van Dyk and Ms. Booker-Rouse recommended that regulation of Airbnb was something to be discussed further and Ms. Nolan agreed it needed further investigation. Mr. Wells recommended that the Board hold a Code & Ops meeting in July to dive into the topic of Airbnb further. He asked what the timeframe on feedback was, and whether staff was planning to advance the amendments soon. Mr. Maloney responded that staff had hoped to pass the ordinance amendments later this year, followed by a more advance package late into 2024 or early 2025. Mr. Clark recommended a working session at Code & Ops for the July 17th meeting. Mr. Wells recommended contacting any stakeholders, if available. The Board members concurred, and further discussion would be held on July 17th.

Mr. Finn added that, pertaining to food trucks, the County typically saw their use by permit in an accessory capacity. He noted there were not many complaints but referenced a Board of Adjustment

meeting upholding a decision of a violation for a food truck use in an R-40W area. Based on the case, staff met to review standards and how they were applied on occasion. He reiterated Ms. Nolan's point that the ordinance amendments were designed to modernize the UDO to meet changing circumstances, and their goals were to be proactive.

8. Western Wake Area Plan Introduction – Akul Nishawala, Planner III

Mr. Nishawala addressed the Board and presented an updated on the Western Wake Area Plan, specifically to address community engagement in its early stages. He reminded the Board that the area covers the western portion of Wake County, bordering Harris Lake Power Plant and Apex, Fuquay-Varina, Holly Springs, and Cary. Mr. Nishawala noted that staff had conversations with all local stakeholders, including the adjoining municipalities and bordering counties of Chatham, Harnett, and Lee. He indicated that while they had not heard back from Lee County, they had spoken with the others and met with Duke Energy about the area plan.

Mr. Nishawala also noted that, internally, staff had conducted several conversations with Parks, Recreation & Open Space, about a greenway master plan, and additionally with the Housing Department regarding affordable housing in the Western Wake area. Soil & Water Conservation had also been a valuable partner in discussions, and Mr. Nishawala noted that they included Wells in talks about the area plan, explaining that they wanted to involve them more moving forward to ensure that residents feel their concerns were addressed. He explained that the early theme of community engagement has been awareness: staff had been working to provide resources wherever and whenever possible.

A virtual meeting was held on May 21st and Mr. Nishawala reported that approximately 50 people registered, with the eventual attendance around 30 (including staff). The County's goal was to provide information on how they interacted with the municipalities, to clear up any misconceptions, and what the timeline and goals for the area plan were. The Wake.gov website also included a storymap with background info, a survey and interactive map. Social media also provided updates, and Mr. Nishawala reported that the email listservs would contact residents. Road signs were helpful in generating feedback. Mr. Nishawala noted that the in-person community meeting would take place on June 12th and invited any Board members to attend. He explained that it was an excellent opportunity for residents to meet with various branches of staff in the County to address any questions they might have.

Mr. Nishawala turned to specific comments received during the virtual meeting, including an ETJ bill being considered by the General Assembly, and about blanket rezoning. He also noted concerns about sensitive areas near the Jordan Lake – Watershed District, as well as requests for road improvements and protecting undeveloped land. He presented a slide with popular comments from the interactive map from the public, along with statistics about visitors and time spent, and a word cloud of the most popular terms listed. He provided feedback from a community survey that addressed the most popular aspects, areas of improvement, residency statistics, and general comments. Mr. Nishawala expressed appreciation that the population was vocal and engaged in the process of the Western Wake area plan and looked forward to meeting with them in person on June 12th.

Mr. Nishawala explained that the current timeline for the WWAP including the first round of public engagement from April to July, followed by a Community Meeting and Draft Plan late in August. Based on the Draft Plan, the second round of public engagement would commence into the fall with a plan proposal in October and potential approval in the winter of 2024. He closed his presentation by offering to answer any questions that the Board might have.

Mr. Van Dyk asked for information about the community meeting, particularly if an email could be sent that he would pass on to colleagues, and Mr. Nishawala responded that he would be happy to provide one. Mr. Wells asked if any Board members would be able to attend, and Ms. Booker-Rouse indicated she would add it to her calendar. Mr. Van Dyk asked for clarification if the Western Wake Area Plan involved the land between the County and Apex, and Mr. Nishawala responded that it was also in their area plan for Western Big Branch Area Plan. Mr. Jenkins asked if there were competing area plans, and Mr. Nishawala noted that while the land was within the County's jurisdiction, it also fell within their development growth area. The Town of Apex was also looking into a transportation component moving forward. He added that the Town was ready to engage with the County as both plans developed.

Mr. Wells noted that the minutes for the previous meeting indicated an effort for a historic farmland overlay, and Mr. Nishawala responded that it was a community-led effort, and that the County would be welcoming of discussions to see how they could be involved during the community engagement meeting, but that it was an ongoing project among the residents. Mr. Wells asked for clarification about the April presentation reducing the size of the Western Wake Area Plan, and Mr. Nishawala explained that the original plan included more area in municipal jurisdictions and the process involved staff reducing the area strictly to County jurisdiction to make it less complicated.

9. Committee Reports

There were no updates to report from the Committees.

Mr. Wells asked Ms. Booker-Rouse if she would be willing to assist with committee roster assignment updates and directed Board members to contact her with any requests or interests. Mr. Wells also asked staff about the potential of adding or removing existing committees based on the activity or lack thereof during meetings. He asked the Board for their thoughts.

Mr. Clark responded that Land Use and Code & Ops continued to be active, but that Transportation was not necessarily so. Mr. Van Dyk noted that the Transportation committee remained active during reforestation and noted that he preferred to hold the committee meetings as needed for discussion. Mr. Maloney clarified that staff's perspective was that the three existing committees were appropriate to use as needed and noted that a fourth committee (subdivisions) was removed when it was clear it was rarely used. Mr. Wells advocated a consideration of adding a Housing committee.

10. Planning, Development, and Inspections Report

Mr. Finn reported that code enforcement activities remained active, and that the Board of Adjustment had continued hearing cases, including appeals of administrative decisions, but also enforcement related activities. He added that information requests had continued to move further in the direction of online engagement over walk-ins. He qualified that it also included the email listserv and phone calls to the office. Mr. Finn also noted that ministerial reviews – that do not come before the Board – show an increased amount of involvement from staff, although he was uncertain of a definitive reason for the uptick. He closed his report by noting that the ordinance amendment recommended by the Board and adopted by the Commissioners regarding minor and minor-limited subdivisions had provided order to the process and affected change to their submittals in a positive manner.

Mr. Maloney updated the Board on discussions with the NCDOT regarding tree reforestation and planting and informed them that a vendor in Raleigh had indicated they would donate a 4,000-acre pocket forest. He noted that staff was reviewing locations on the new NC-540 corridor for this donation and were considering options that he would update the Board on. Mr. Maloney also noted that the Town of Garner had submitted an ETJ request with the County. The Town was hosting public

meetings in the ETJ area, and the County had posted a link to that information. He noted it was like the Fuquay-Varina ETJ and staff would work to address concerns. Mr. Maloney explained that the Board would likely not hear it prior to the end of the summer, but that they would remain updated and to expect it in the media. He indicated that if Board members receive any requests for response to please forward them to staff. There was also an indication that the City of Raleigh might consider an ETJ moving forward.

11. Chairman's Report

Mr. Wells thanked the Board for their continued trust in him and noted that part of their retreat was increased collaboration. He suggested that Board members might consider attending municipal Planning Board meetings in the spirit of shared experience. Mr. Wells also suggested expanding the location of regular Planning Board members if that was logistically feasible. Mr. Wells also welcomed Ms. Rice, noting that he was not present during her first meeting.

12. Adjournment

The meeting was adjourned at 3:24 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
June 5, 2024

Chair Thomas Wells declared the regular meeting
of the Wake County Planning Board for
Wednesday, June 5, 2024, adjourned at 3:24 p.m.

Respectfully Submitted:



Thomas Wells
Wake County Planning Board

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