



Planning, Development & Inspections

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A Division of Community Services
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To: Wake County Planning Board – Code and Operations Committee
From: Tim Maloney, Director
Subject: Unified Development Ordinance Text Amendment OA-03-25
Date: March 5, 2025

Introduction

The Wake County Unified Development Ordinance (UDO) is a set of regulations that govern the use and development of land and buildings in unincorporated Wake County. The UDO covers a wide range of topics, including zoning, subdivision, stormwater, utilities, and site design.

Its purpose is to promote the public health, safety, and general welfare of residents and businesses while providing a guide for the physical development of the county. The UDO is an evolving document that can undergo substantive text changes (amendments) when those changes are consistent with the Wake County Comprehensive Plan.

The proposed amendments included in this request reflect changes that increase development options within the Research Triangle Park.

Created in 1959, Research Triangle Park (RTP) has been a critical driver of economic growth in North Carolina's Research Triangle region over the past 65 years. Physically situated at the geographic center of the Triangle region, RTP straddles Wake and Durham counties. Approximately 27 percent (1,936 acres) of RTP (a total of 7,101 acres) is located in Wake County. RTP's core mission has remained the same since its founding: to encourage cooperation among the region's universities, promote industry-university collaboration, and deliver an economic impact for the residents of North Carolina. RTP has turned its mission into action throughout its history by leveraging the proximity of the region's nearby research universities to recruit, retain, and support the growth of research and development companies within the Park's boundaries.

Today, an estimated 55,000 people work in RTP at over 375 companies. RTP is home to a variety of industries, including life sciences, informational technology, financial technology, and agricultural technology. All companies currently located in the Park, regardless of industry, are engaged in a research or development enterprise to support RTP's core research-focused mission.

Over the past three years, RTP has been collaboratively working on a long-range planning initiative known as RTP 3.0. The goal of RTP 3.0 is to align future development patterns in RTP with recent trends in innovation district development nationally and globally. Over the past 25 years, business parks and innovation districts have been moving toward more urban development patterns that promote greater density and a broader mix of uses to establish fully inclusive live-work-play innovation neighborhoods. Since its inception, RTP has followed a low-density

corporate campus development model enforced through local zoning ordinances in Wake and Durham counties as well as through RTP's land covenants. As a result, RTP's development pattern is now out-of-step with industry peers nationally and globally.

To address this challenge, the Research Triangle Foundation, as the non-profit administrator of RTP, has been leading the RTP 3.0 planning process in close collaboration with RTP companies and organizations since 2021. The culmination of this process is a consensus among RTP stakeholders to implement RTP 3.0 by (1) amending the RTP land covenants and (2) requesting Wake and Durham counties consider changes to their zoning ordinances to allow new and different types of development in RTP, including residential development, non-research commercial development, and more urban development patterns.

Request

That the Planning Board Code and Operations Committee recommend approval to the Wake County Planning Board the following amendments to the Wake County Unified Development Ordinance (UDO):

1. Amend the standards in the following sections that regulate land use and development in the Research Triangle Park (RTP):
 - a. Section 3-51 *RA, Research Applications District*
 - b. Section 4-11 *Use Table*
 - c. Section 5-20 *Conventional Development*
 - d. Section 18-13 *Electronic Changeable Message Signs*.

Applicant

Wake County Planning Development and Inspections on behalf of the Research Triangle Foundation.

Amend the standards for Section 3-51 RA, Research Applications District; Section 4-11 Use Table; Section 5-20 Conventional Development; and Section 18-13 Electronic Changeable Message Signs.

Background

RTP is the only area within Wake County's planning jurisdiction where the RA Research Applications zoning district is applied. It was created years ago with the sole intent to regulate and guide site development within RTP. Over the years, this zoning district has experienced only minor amendments to its standards. In 2012, the district was amended to relax the lot size, setbacks, parking requirements and permitted uses. These changes were a small step forward in accommodating more flexible site design, but still fostered a traditional development pattern with large lots, large surface parking and limited connections to transit, housing, and other services.

The purpose of the current proposed amendments is to accommodate a new pattern of growth and development consistent with RTP's latest vision, but also continue their mission of business and scientific research and development, training, and production. More specifically, these amendments will promote more dense mixed-use development that create a live, work, play environment in the center of the Triangle region while making RTP more attractive to the next generation of workers.

The amendments introduce several new development and re-development options that were created in partnership with staff at Wake County, RTP and Durham County.

Analysis

RTP is a unique area of unincorporated Wake County because it is served by municipal water and sewer utilities (Town of Cary). Whereas all other unincorporated areas are served by on-site wells and septic systems. Because of this, RTP is afforded the ability to develop in ways that are more dense and municipal-like. Given this context, RTP is positioning itself through this amendment to accommodate new development trends and promote a wider range of uses.

In developing the amendments, County and RTP planners worked in partnership to determine what new development standards need to be codified in the Wake County UDO, and those that should remain in RTP's restrictive covenants. This was a critical distinction in that the more standards embedded in their own restrictive covenants, the more control RTP would retain in guiding site design and development now and in the future.

Proposed Amendments

The proposed amendments introduce three new development options as an alternate from the traditional development approach, which will remain as an option in the UDO. All four options are described as follows and proposed to be incorporated in UDO Section 3-51 RA, Research Applications District:

Traditional Development Option (Existing):

- Accommodates the form and function that has been the staple of RTP for many years and reflects most of what is in place today.
- Standards remain unchanged and will still be offered as a development option.
- Accommodates large lots with surface area parking, greater restrictions on the amount of area that can be built-upon, wider setbacks, and less flexibility on permitted uses.

Mixed-Use Node Option (New):

- Accommodates high density/intensity development that embodies key elements of walkable urbanism, including but not limited to walkable and bikeable areas that are well-connected to the regional transportation network through a range of transit options.
- Accommodates a mix of uses including research and development, offices, retail, entertainment, public and quasi-public uses, and moderate and higher density residential uses.
- Promotes the establishment of a strong public realm of sidewalks, pedestrian ways, trails, streets, and open spaces that support a pedestrian-friendly environment with focal points for engagement.
- Encourages the vertical mixing of uses. The horizontal mixing of stand-alone uses is also allowed, provided the development is well-integrated in terms of complementary uses, access and circulation, and compatible design.

Residential Neighborhood Option (New):

- Accommodates traditional neighborhood development in a compact form and with a neighborhood center (and potentially sub-centers).

- Includes primarily residential development (with a range of housing options), and a mix of additional uses (including neighborhood supporting retail uses and civic uses).
- Ensures the establishment of a strong public realm that is human-scale and pedestrian-oriented, with integrated open space and recreational opportunities.

Enhanced Corporate Campus Option (New):

- Accommodates the expansion and redevelopment of the existing corporate campuses in the RTP, or the development of new corporate campuses, in a form that allows for a broader mix of uses and greater densities/intensities than is allowed under the RA district regulations for the Traditional development option, and a broader mix of uses.
- The allowed uses include research and development, offices, retail, eating and drinking establishments, and recreational uses.
- Encourages horizontal and vertical mixed-use development.
- Requires the redeveloped or new Enhanced Corporate Campus include improved pedestrian and street connections between existing and new buildings, enhanced walkability and pedestrian-friendliness, support RTP's multimodal transportation plan, improve street connections both internal and external to the campus, and maintain a reasonable amount of open space.
- Requires redevelopment to infill the existing development site.

In addition to the new development options, several other sections of the UDO must be amended that incorporate new standards for the RA zoning district. They are as follows:

- 1) UDO Section 4-11 *Use Table* is proposed to be amended that identifies the wider range of permitted uses within the RA zoning district. The range of new permitted uses includes most of the residential uses, commercial uses such as eating and drinking establishments, entertainment/recreation, and other daily service needs for those who work and live in the district.
- 2) UDO Section 5-20 *Conventional Development* is proposed to be amended to reflect the lot and building standards for the new alternate development options in the RA zoning district. The standards include but are not limited to: maximum building height, minimum lot width, and maximum lot coverage area.
- 3) UDO Section 18-13 *Electronic Changeable Message Signs* is proposed to be amended by prohibiting the use of electronic changeable message signs in the RA zoning district.

Owners & Tenants Engagement

RTP 3.0 is the result of nearly three years of work and close collaboration between the Research Triangle Foundation and the RTP Owners & Tenants Association, which is made up of companies with a physical presence in RTP. The Foundation has held over 120 meetings with RTP companies and additional stakeholders throughout the RTP 3.0 process to date.

Additionally, the Association appointed a working group of 15 companies that met regularly from June through December 2024. This working group was tasked with developing consensus on key elements of the RTP 3.0 proposal. The working group's work concluded with a recommendation in December to move forward with a full vote of the Association on the proposal. That vote was held on January 31, 2025, where the Association approved revised land covenants and to

authorize the Foundation to pursue zoning changes in RTP to implement RTP 3.0 with a 96% majority vote.

Staff Findings

The proposed amendment:

1. Introduces three new development options as an alternate from the traditional development approach in the RA zoning district.
2. Promotes more dense mixed-use development that creates a live, work, play environment in the center of the Triangle region while making RTP more attractive to the next generation of workers.
3. Allows RTP to retain development plan review and approval for consistency with their covenants and restrictions.
4. Furthers the latest vision of RTP 3.0, while continuing their mission of business and scientific research and development, training, and production.
5. Is consistent with the Wake County Comprehensive Plan in that it delegates authority for area planning to the Research Triangle Foundation.

Staff Recommendation

Staff recommends that, in the matter of OA-03-25, the Planning Board Code and Operations Committee recommend approval to the Wake County Board Planning Board.

Attachments

1. OA-03-25 Text Amendment
2. Presentation
3. Map of RTP & Research Applications Zoning District

Comprehensive Plan Amendment 01-25

Garner ETJ Expansion Request & PLANWake Framework Map

Terry Nolan, Planning Development & Inspections

March 5, 2025



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Summary/Background

- 1. Garner request (May 2024)**
 - 8,858 acres
- 2. Staff Recommendation (January 2025)**
 - 5,610 acres
- 3. Staff Recommendation (February 2025)**
 - 5,038 acres
- 4. Staff Recommendation (March 2025)**
 - approx 5,000 acres

Follow up from February

- **Process for extending utilities to Southern Area**
 - Town does not own utility but has ample water/sewer capacity through agreement with Raleigh. Utility extensions funded by new development. Town has limited funds subject to voter approval.
- **Timeline for extension**
 - Timing is driven by demand, which is high.

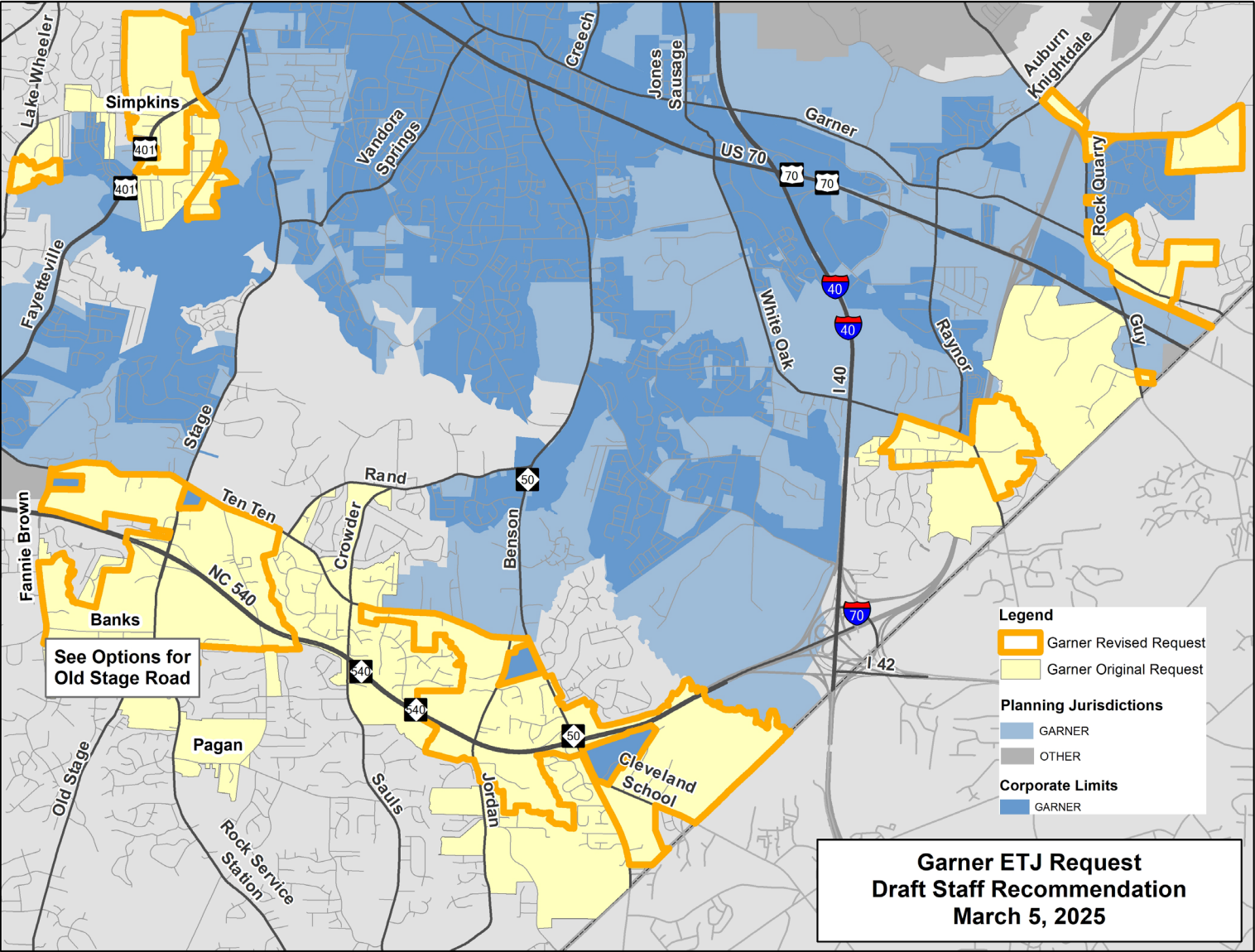
Follow up from February

- **Developer agreements for utility extension?**
 - Raleigh would need to be a partner to the agreement. Garner has used developer agreements for transportation projects but not utilities.
- **What happens to developments in ETJ that cannot get public utilities?**
 - If a development is more than 1,000 feet from existing lines, the development may proceed on private water/sewer

Staff Recommendation:

Staff recommendation supports portions of Garner's ETJ Expansion Request. It recommends reducing the request from 8,855 acres to approximately 5,000 acres. The recommendation is based on proximity to public utilities, anticipated growth, plan alignment, and feedback from property owners and stakeholders.

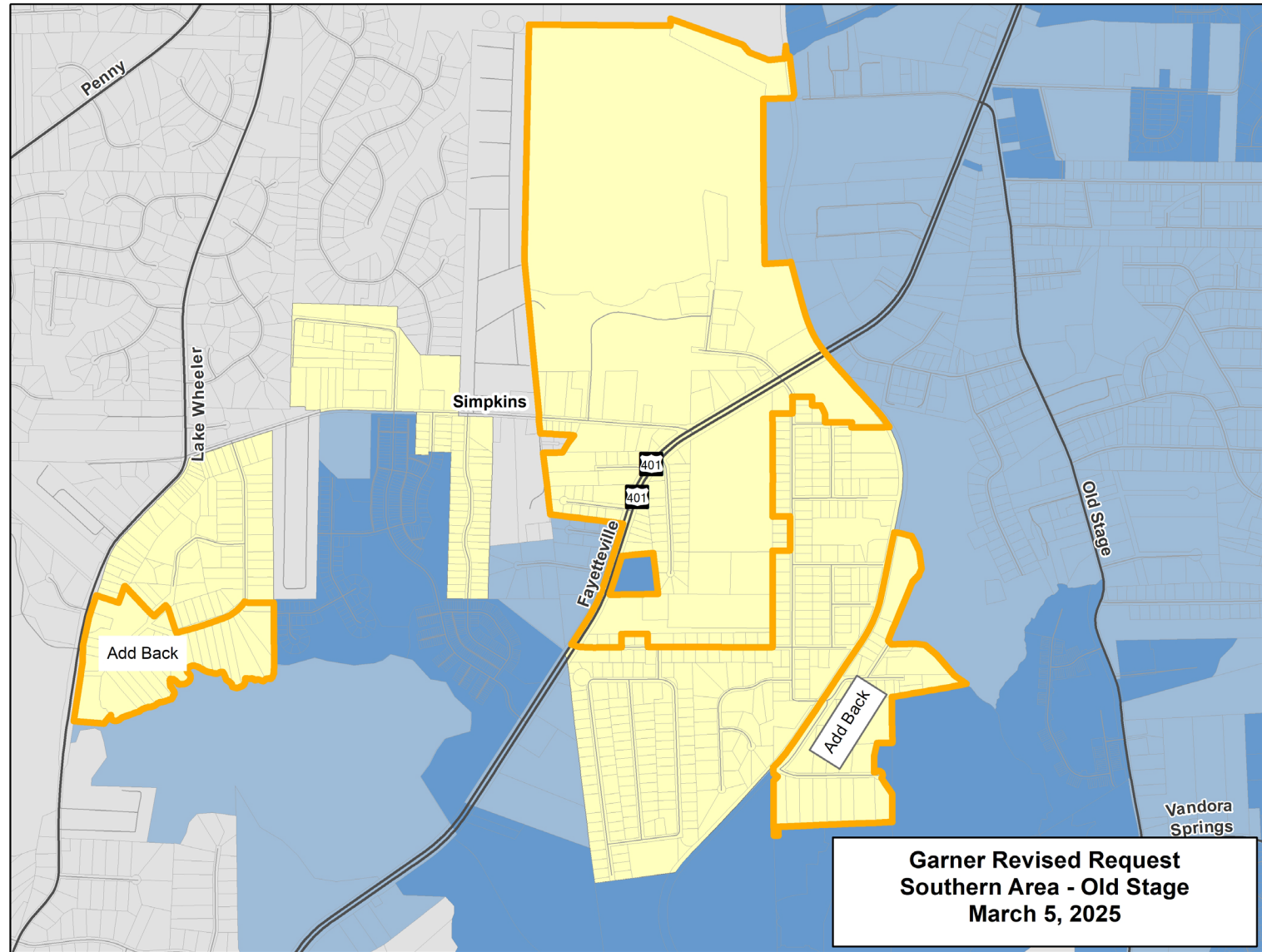
Staff Recommendation – Approx 5,000 Acres



Northwest Request Area

Suggested Exclusions:

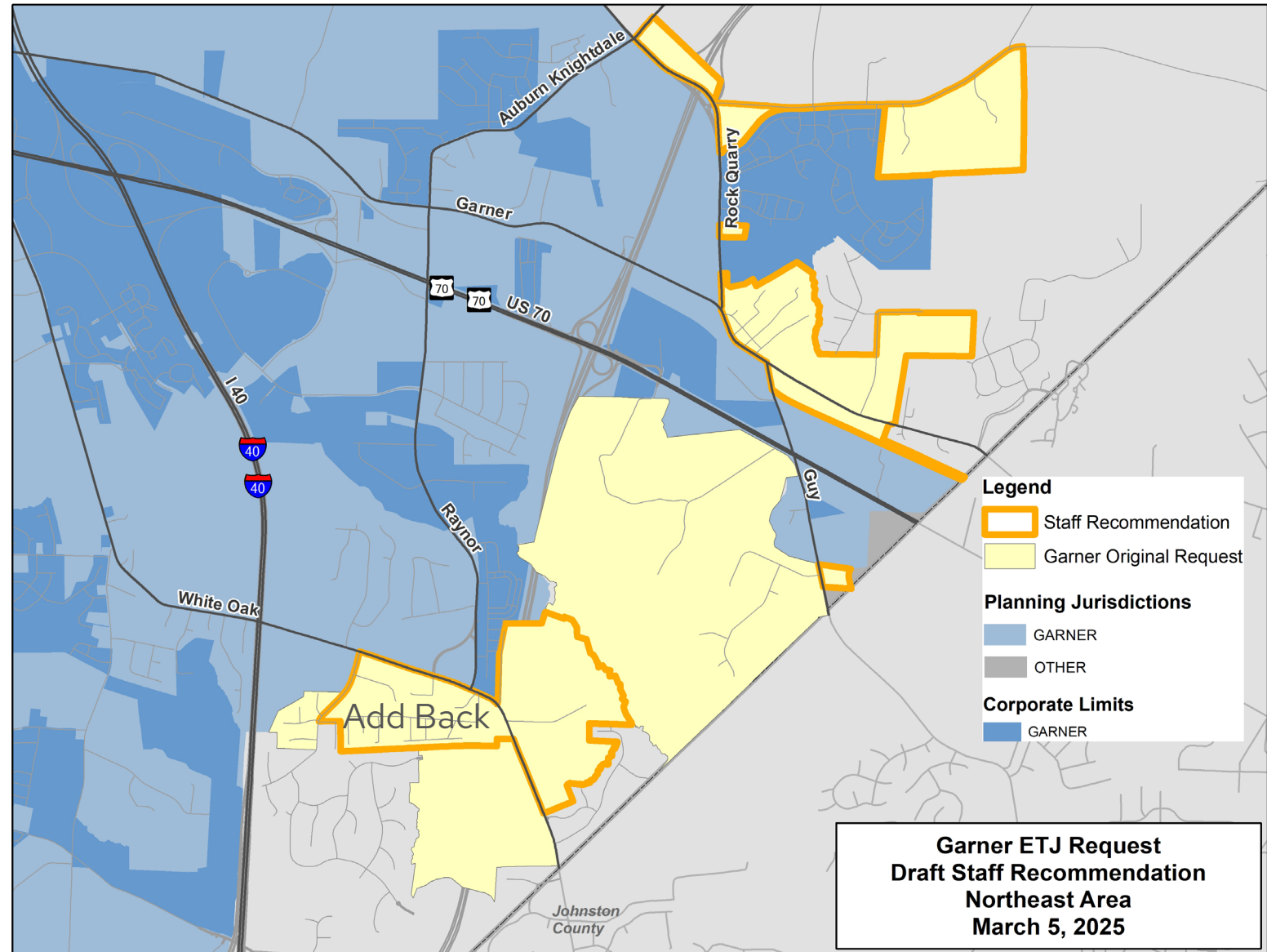
- Most of the existing residential land use.
- The area north of Simpkins Road designated Rural on the Swift Creek Management Plan is not intended to be served by municipal services.



Northeast Request Area

Suggested Exclusions:

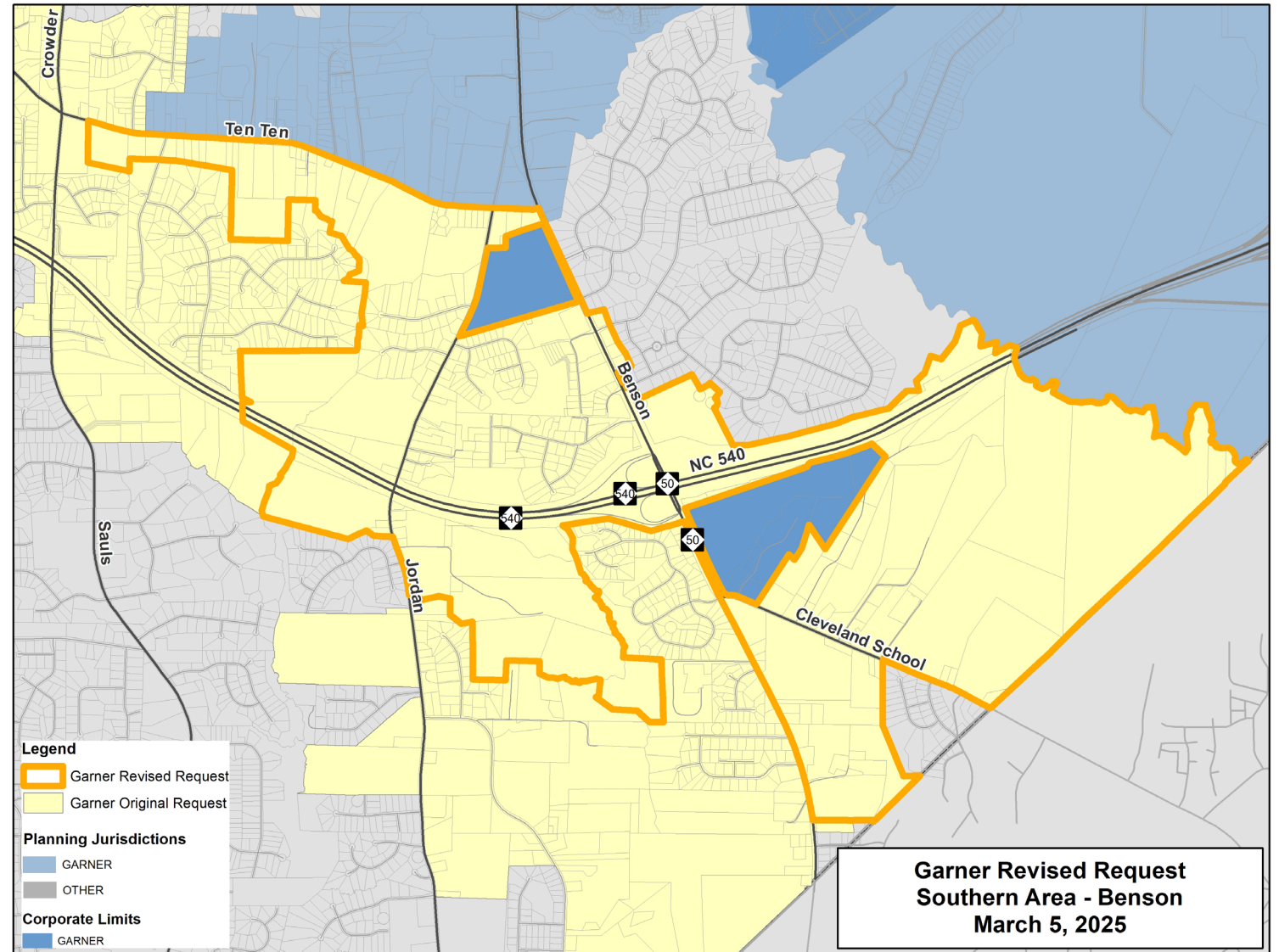
- One mobile home community, some existing county residential.
- TV Tower site south of US 70.



Southern Request Area – Benson Rd.

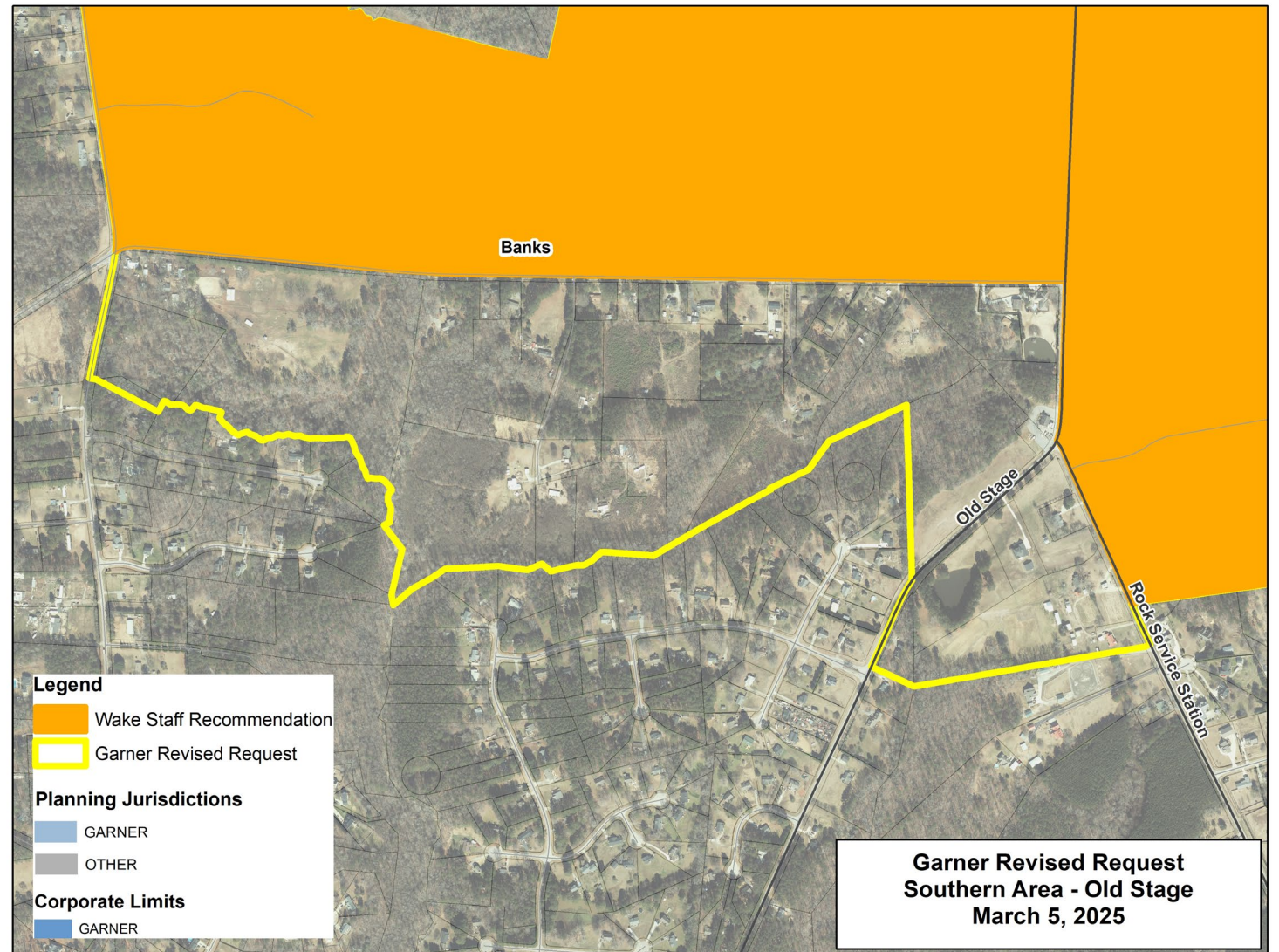
Suggested Exclusions:

- Area south of NC 540 between Sauls & Jordan, Brack Penny Road area.
- Existing county residential.



Southern Request Area – Old Stage Rd.

Wake County = Orange
Garner = Yellow line





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TO: Planning Board

FROM: Terry Nolan, Planner III

SUBJ: Town of Garner ETJ Request

DATE: March 5, 2025

REQUEST: Extend Town of Garner's Extraterritorial Jurisdiction (ETJ) by 8,858 acres.

PETITIONER: Town of Garner

On May 7, 2024, the Garner Town Council adopted a resolution requesting that the Wake County Board of Commissioners consider granting extension of the town's Extraterritorial Jurisdiction by 8,858 acres. The request includes areas east along US 70, south along the extension of NC 540, and northwest along US 401 within the Town of Garner future growth area.

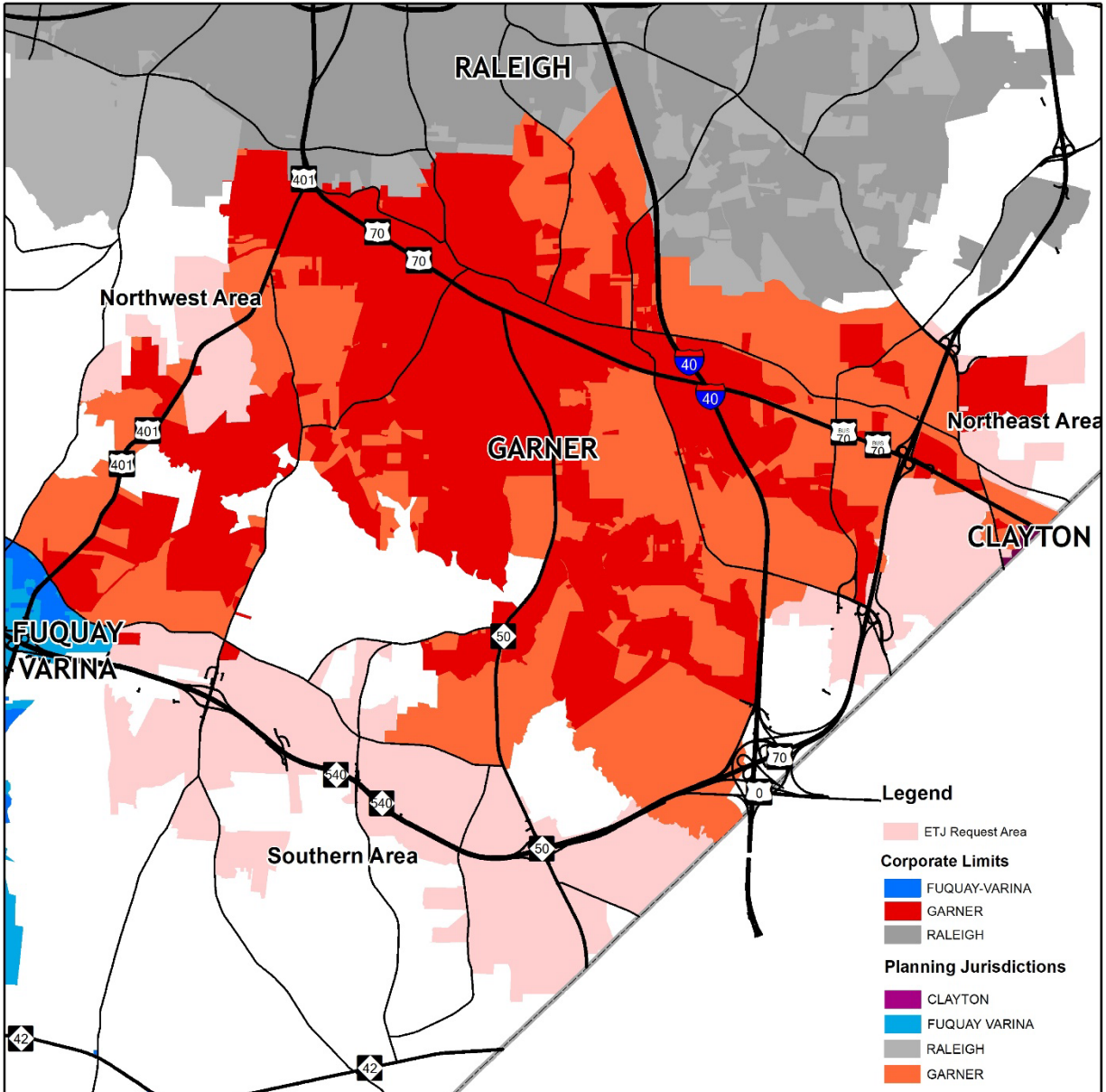
Requested Area

The largest area of request (Southern) is along the NC 540 extension between Fanny Brown Road and the new NC 540/I-40 interchange. This area is roughly 5,973 acres and generally follows the NC 540 corridor. The area is a mix of Wake County residential subdivisions and land in present-use-value. **Present Use Value** is a program that allows property owners to defer some of their property taxes on land used for agriculture, horticulture, or forestry.

The second largest area of request (Northeast) is along the US 70 and I-40 corridors. This area is roughly 1,949 acres. Municipal public utilities have been extended east to Guy Road and north along Rock Quarry Road to serve new residential and industrial development.

The smallest area of request (Northwest) is on both sides of US 401 and Simpkins Road. Wake Christian Academy and Wake County Speedway are in the vicinity, although it should be noted the speedway is not included in the ETJ request. The northwest area is roughly 936 acres in size and is primarily older residential single-family or manufactured homes.

Map 1: Garner ETJ Request



Although state law specifies the requirements for municipal ETJ expansion, it does not provide detailed evaluation criteria. PLANWake outlines six criteria to be used when the county evaluates municipal ETJ requests. The ETJ criteria are used to determine a municipality's ability to provide services and its capability and commitment to good planning and managing of development in the area requested.

Criterion 1 - Wake County Development Framework Map Designation

The requested ETJ must be located within an area designated as Walkable Center or Community on the PLANWake Development Framework Map. ETJ expansion in areas not noted as one of these two designations will require an amendment to the Wake County Comprehensive Plan. Any ETJ requests for Community Reserve or Rural areas will require an amendment to the PLANWake Comprehensive Plan to change the designation of the area to a more appropriate category that supports municipal development. Likewise, any applicable Small Area Plan will also need to be amended to identify the area as a site for municipal development.

There are inconsistencies between Garner's request and the Wake County Development Framework Map. Amendment to the Development Framework Map would be necessary to grant certain areas of the request. The staff recommendation includes maps showing the recommended amendments to the Development Framework Map.

Criterion 2 - Growth and Development within the ETJ Expansion Area

Requests for ETJ expansion should be where joint planning has taken place between the county and the municipality in areas that are prime for investment. The municipality must demonstrate recent growth and development activity (annexations, development requests, water and sewer expansion, new roadways) within the requested ETJ area. This activity, along with population and job growth, must be compared to areas already within the municipality's corporate limits.

The Town of Garner has made progress providing infrastructure and municipal services to existing ETJ and the ETJ areas granted in 2016. Garner reports close to 1,800 acres of ETJ area (roughly 1/3) has been annexed since 2016 or is in process. Annexation is voluntary and Garner relies on developers to fund and build extensions of infrastructure.

Criterion 3 - Municipal Comprehensive Plan Alignment

The Municipal Comprehensive Plan must align with the Wake County Comprehensive Plan and Development Framework. The municipality should demonstrate past examples of working with the development market to implement projects consistent with the Municipal Comprehensive Plan.

The goals and desired outcomes in Garner Forward (Garner's Comprehensive Plan) are generally consistent with PLANWake. Both plans encourage preservation and focused, strategic development that meets the needs of the growing population.

Criteria 4 - Municipal Capital Improvement Plan/Program and Service Expansion Plan Alignment

The municipality must demonstrate that it is ready to provide appropriate infrastructure to the requested ETJ area. The provision of infrastructure, including water and sewer lines, vehicle capacity, storm water, sidewalks, greenways, parks and other capital projects, shall be documented in a multi-year Capital Improvement Plan/Program. The municipality must also demonstrate that it is ready to provide appropriate municipal services to the requested ETJ area. These services shall include police, fire, trash collection, inspections, and other municipal services.

Garner has some adopted plans and policies to meet this criterion. Garner works with Raleigh Public Utilities and the development community to plan and build public utility infrastructure. Therefore, the Municipal Capital Improvement Plan (CIP) is not specific about water and sewer improvements. The timing and location of water and sewer infrastructure in the southern area of the request is unclear. Garner has provided additional information to assist the Planning Board's review.

1. Explain the Town's process for extending water and sewer utilities into the Southern section of the request area.

The Town does not own utilities. The City of Raleigh owns and operates water and sewer utilities throughout Garner's jurisdiction. The Town has ample water and sewer capacity in terms of the percentage it is entitled to from the overall volumes of water produced and sewage treated. The City of Raleigh, through its capital improvements program, makes strategic investments to upgrade and expand these utility networks to handle more customers. Those new customers come through extensions of main lines installed by new development. Subsequent development that ties into the systems may need to install additional new lines or make graduated improvements to existing components. In certain cases, pending availability of funds (bonds, etc.), the Town may be able to assist in the installation of pieces of infrastructure; however, those funds are limited and subject to those uses approved by voters.

2. Does the town have an established timeline for water and sewer utility extension into the southern section of the request area?

The timeline is subject to the demand for development. Currently, that demand is high, due to the growth being experienced throughout Wake County. Can Garner put a definitive date on anything? We cannot, because we are not in control of the system's Capital Improvement Program or development.

3. Does the town offer/execute developer agreements for extension of water and sewer utilities and allow for upsizing and reimbursement to developers?

The Town has not yet used developer agreements for the extension of water and sewer utilities; however, the Town has used them in regard to a few key transportation projects. In order to employ the use of a developer agreement for water and sewer utilities, the City of Raleigh will need to be a partner/signatory to the agreement. The City of Raleigh does provide reimbursements to developers for oversizing of anything that exceeds the minimum line extensions, pump station capacity/components, etc. that are necessary for their development.

4. If the ETJ is granted, what happens to developments in the ETJ that cannot get water and sewer extended from the Town?

If a development is located more than 1,000 feet from existing lines, they may proceed to develop on private water/sewer systems.

Criteria 5 – Community Engagement

The municipality must demonstrate that it conducted meaningful public engagement with impacted residents and landowners and document how the concerns of residents and landowners have been addressed by the municipality (such as UDO changes or modification of the request). The municipality shall document all outreach activities to all populations.

Garner hosted four public drop-in sessions at community meeting places throughout the request area and each session was scheduled from 4-7PM. Garner staff provided maps and information about the request and opportunity to discuss the request one-on-one. 52 individuals attended a public drop-in session.

Garner shared all results with Wake County. Town staff presented at Wake County Planning Board meetings and a community meeting organized by Wake County. County staff recommendations consider the public feedback provided.

Criteria 6 - Achieving Comprehensive Community Goals

The municipality must demonstrate a track record of working with the County to achieve county-wide comprehensive goals. This track record will be assessed on the following factors: support and actions related to affordable housing, walkability, transit use, vulnerable communities, storm water and green infrastructure.

Garner is an essential partner in achieving comprehensive community goals. The December report to the Land Use Committee highlighted some noteworthy policies and initiatives, such as a local housing task force, investments in filling sidewalk gaps, local transit planning, and EV charging stations.

Staff Recommendations

Recommendation #1: Establish ETJ Deferment for Land in Farmland Preservation

Wake County is proposing to defer property enrolled in a Wake County farmland preservation program from the Garner ETJ extension request. Applicable farmland preservation programs include Voluntary Agricultural District (VAD), Enhanced Voluntary Agricultural District (EVAD), and conservation easements. The goal of the deferment is to continue to support farming and forestry operations.

This is a new approach for Wake County and would only apply to properties included in the request submitted by the Town of Garner in May 2024. It would also only apply to parcels enrolled in a farmland preservation program – or abutting parcels associated with the VAD operation - at the time the ETJ is approved by the Wake County Board of Commissioners.

One concern brought up by the agricultural community was whether residential lots associated with a VAD could be included in the ETJ deferment. Currently, all properties applying to be enrolled in a VAD must be in the same ownership (i.e. exact same name(s) on the deed). In January, staff met to discuss how to address the concern. Wake County Soil & Water Conservation staff will identify abutting family parcels active in the VAD operation; the parcels will be added to the list for ETJ deferment in the final adoption resolution by the Board of Commissioners.

If land in deferment is withdrawn from a preservation program, the land will become subject to Garner zoning, planning, and development regulations. Similarly, any new residential lots not associated with a VAD would be subject to Garner ETJ.

This proposal has been well received by the agricultural community in the ETJ request area. Soil & Water Conservation staff have conducted extensive outreach to property owners about the deferment proposal. Wake County hosted a community meeting December 3rd attended by around 50 people. The purpose of the meeting was to engage with property owners and operators of agricultural, horticultural, and forestry land uses in the request area. Several Planning Board members, Garner planning, Wake County Soil & Water, and County planning staff participated.

To date, the Wake County Agricultural Advisory Board, a board established by the Soil & Water Conservation District, has approved 44 applications totaling **3,597 acres** within the ETJ request area. The Agricultural Advisory Committee continues to accept applications.

Recommendation #2: Support Portions of Garner's Request

The ETJ boundary recommended has been revised since the February 5th meeting of the Planning Board. The staff recommendation is based on proximity to public utilities, anticipated growth, plan alignment, and feedback from property owners and stakeholders. The following recommendation reduces the ETJ Extension from 8,855 acres to roughly 5,000 acres. An overview map of the staff recommendation is included as an attachment.

Recommendation #3 Amend PLANWake Development Framework Map

Criterion #1 states ETJ can only be granted in areas **not** designated Community Reserve or Rural on the PLANWake Development Framework map. If the Planning Board makes a recommendation to grant ETJ in areas currently reflected as Community Reserve or Rural, the Board will need to make a recommendation to amend the Development Framework Map.

Garner's Comprehensive Plan, Garner Forward, describes a "Multi-Use Center" future land use that is very similar to the PLANWake Walkable Center. Staff recommend amending areas around the NC 540 Interchanges to Walkable Center where Garner Forward indicates a Mixed-Use Center future land use. Staff recommend areas included in the recommended ETJ expansion currently shown as Community Reserve or Rural be changed to Community.

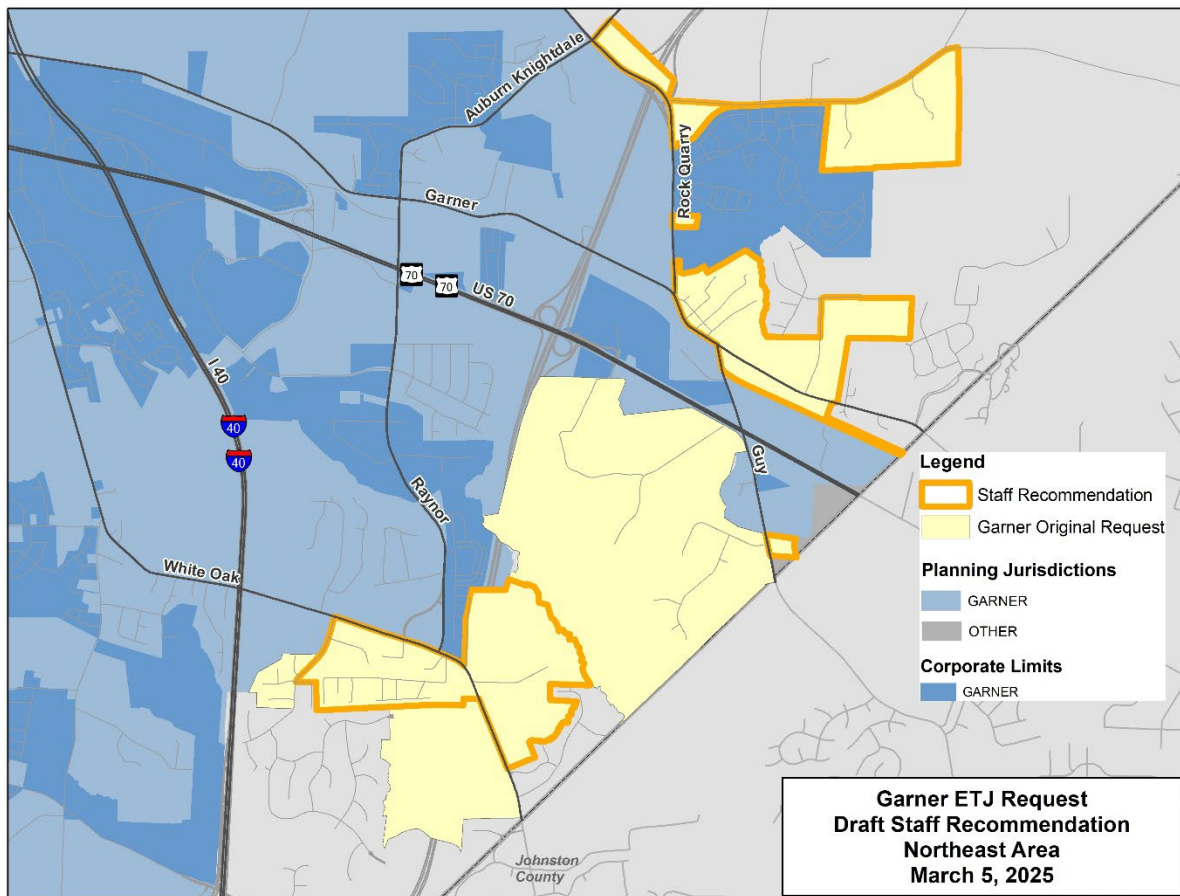
Analysis

This section describes the recommendations for ETJ expansion and amendment to the PLANWake Development Framework Map by area. In February, Garner staff submitted a revised request with modifications to the Wake County staff recommendation presented to the Planning Board at its February 5th meeting. Garner and Wake staff met in mid-February to discuss the proposed changes. The following recommendation described in this staff report represents the consolidated, unified recommendation from both staff teams except for one area near the Old Stage Road/NC 540 interchange shown in Map 6. Planning Board is asked to consider both options.

Northeast Area

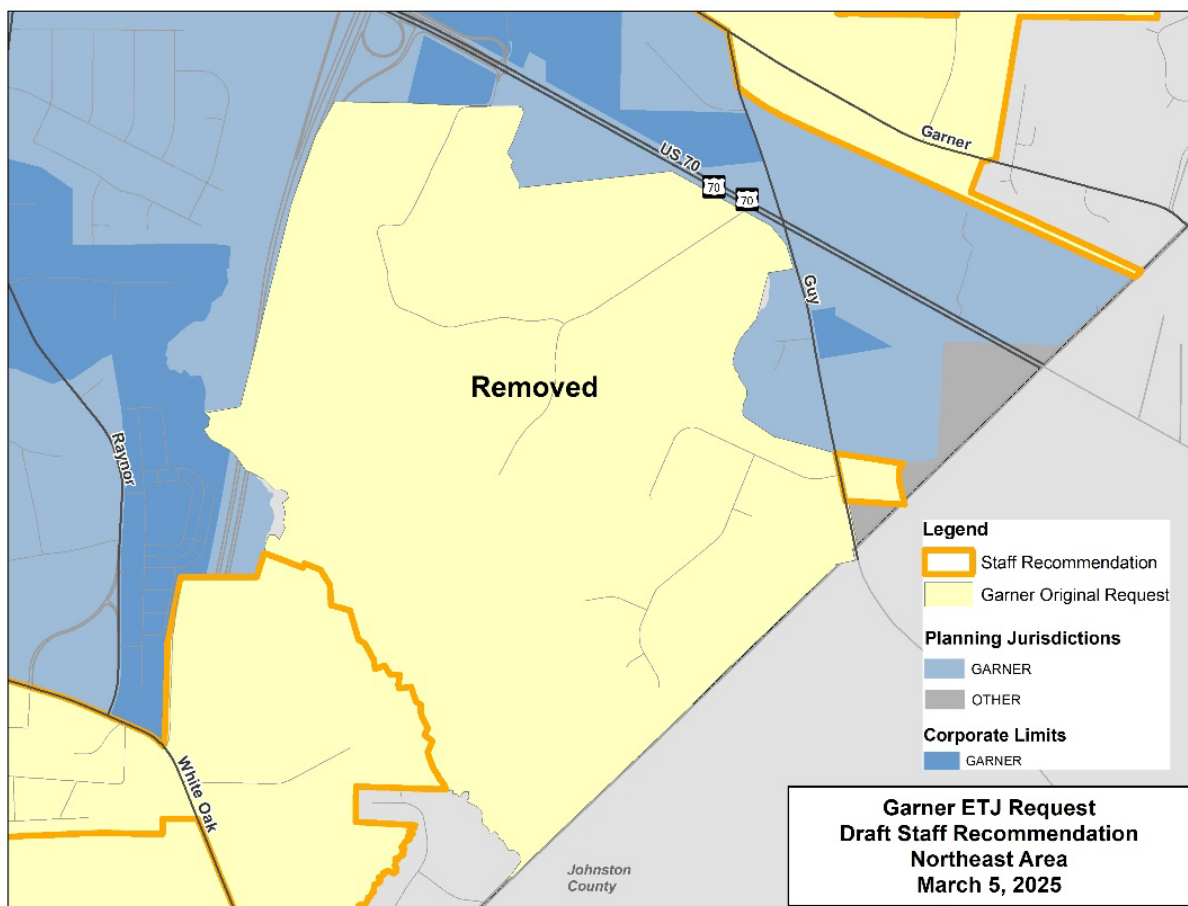
Staff recommend granting the area north of US 70 based on recent municipal development and proximity of public utilities. Garner has capacity to provide municipal services. In previous reports, Wake staff recommended removing the area south of White Oak out of concern for displacement of vulnerable residents. Wake staff are comfortable including the area that contains two small mobile home parks; Garner has a track record of assisting residents effected by redevelopment.

Map 2: Northeast Area staff recommendation



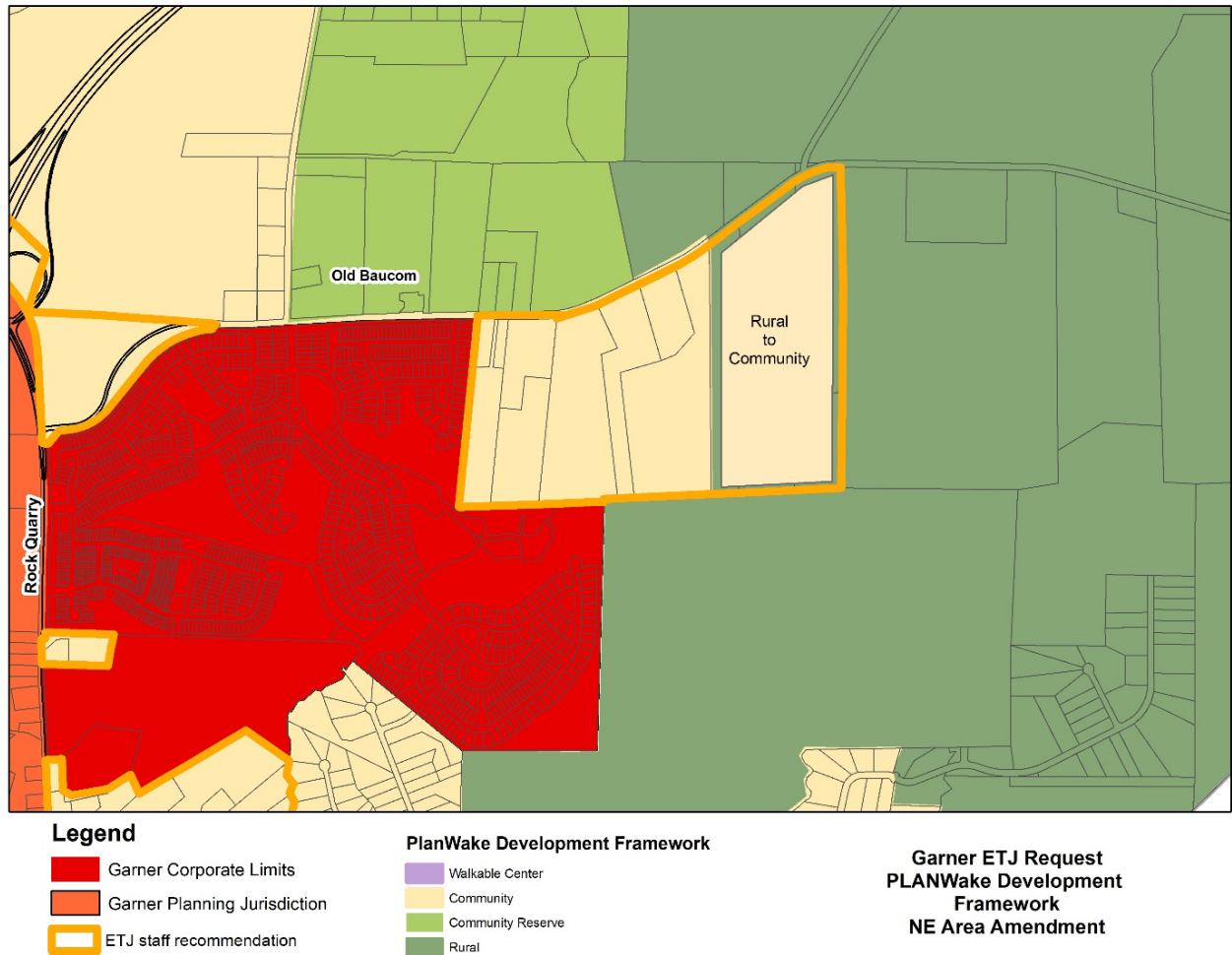
Staff recommend removing the area shown in Map 3 below. Owners and brokers/managers of the communication infrastructure (TV Tower site) south of US 70 have submitted a letter to the county requesting to be withdrawn from the ETJ. Wake County is familiar with the unique needs related to permitting and inspecting the site. Eliminating these parcels from the request is similar to other ETJ requests in the county where utilities remained in county jurisdiction. Map 3 shows the removal of these parcels and smoothing of the ETJ request boundary by also removing the Golden Plantation subdivision and other parcels on the county line.

Map 3: Communication Towers removed from the Northeast ETJ Request Area



Staff recommend amending the parcels on Old Baucom Road from Rural to Community on the Development Framework Map, as shown below in Map 4.

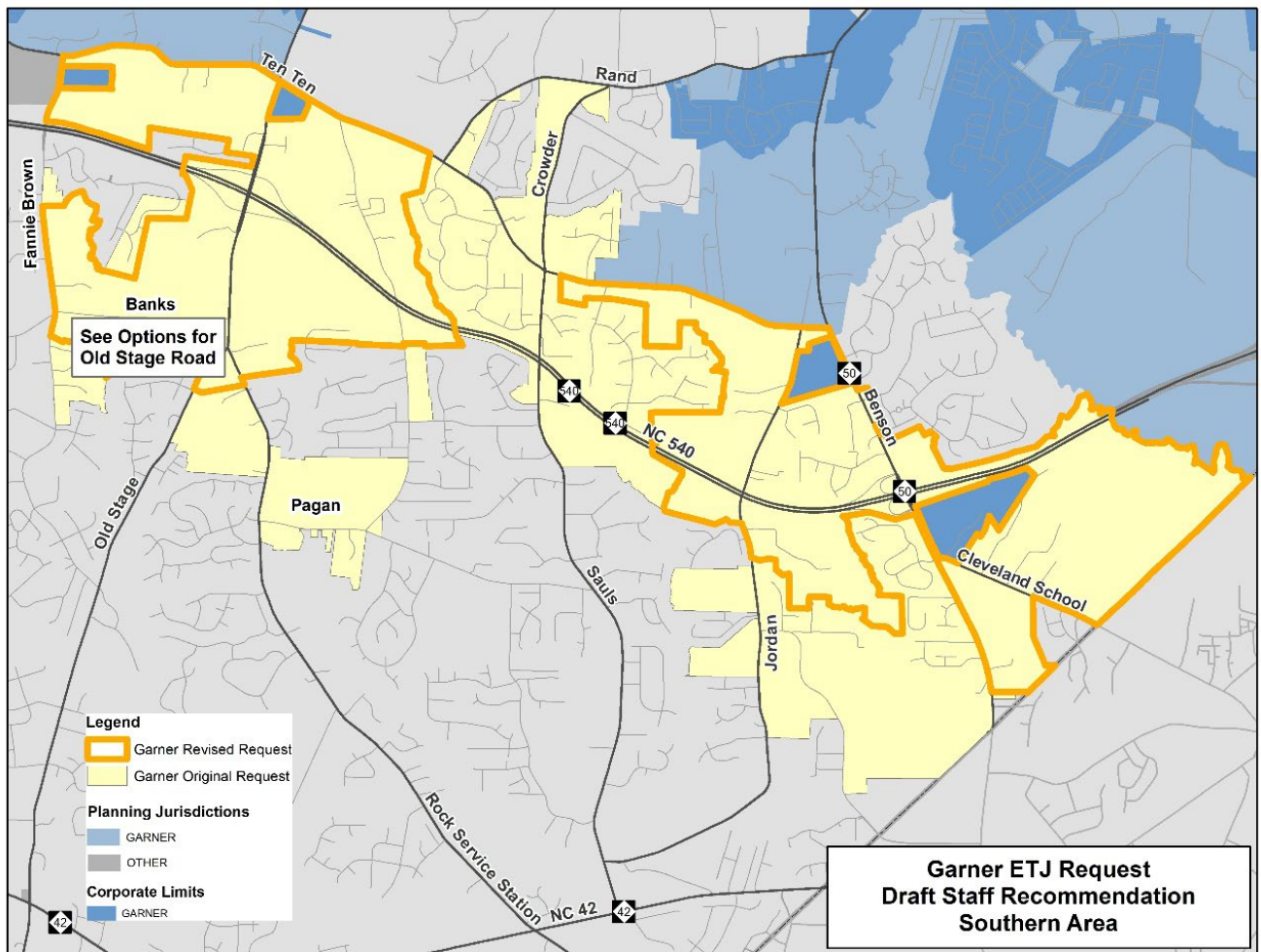
Map 4: Northeast Development Framework Map amendment recommendation



Southern Area

Staff recommend approving a portion of the southern area. The location and timing for water and sewer utilities into the request area is not entirely clear. Regardless, staff does recognize the need to recommend ETJ extension around the two NC 540 interchanges – Old Stage Road and Benson Road.

Map 5: Southern Area Staff Recommendation



Old Stage Road Options

Map 6 below shows the Wake County recommendation in solid Orange and Garner's February request with a yellow line. When staff met in mid-February, Wake and Garner staff had different perspectives about the request in the area around Old Stage and Banks Road.

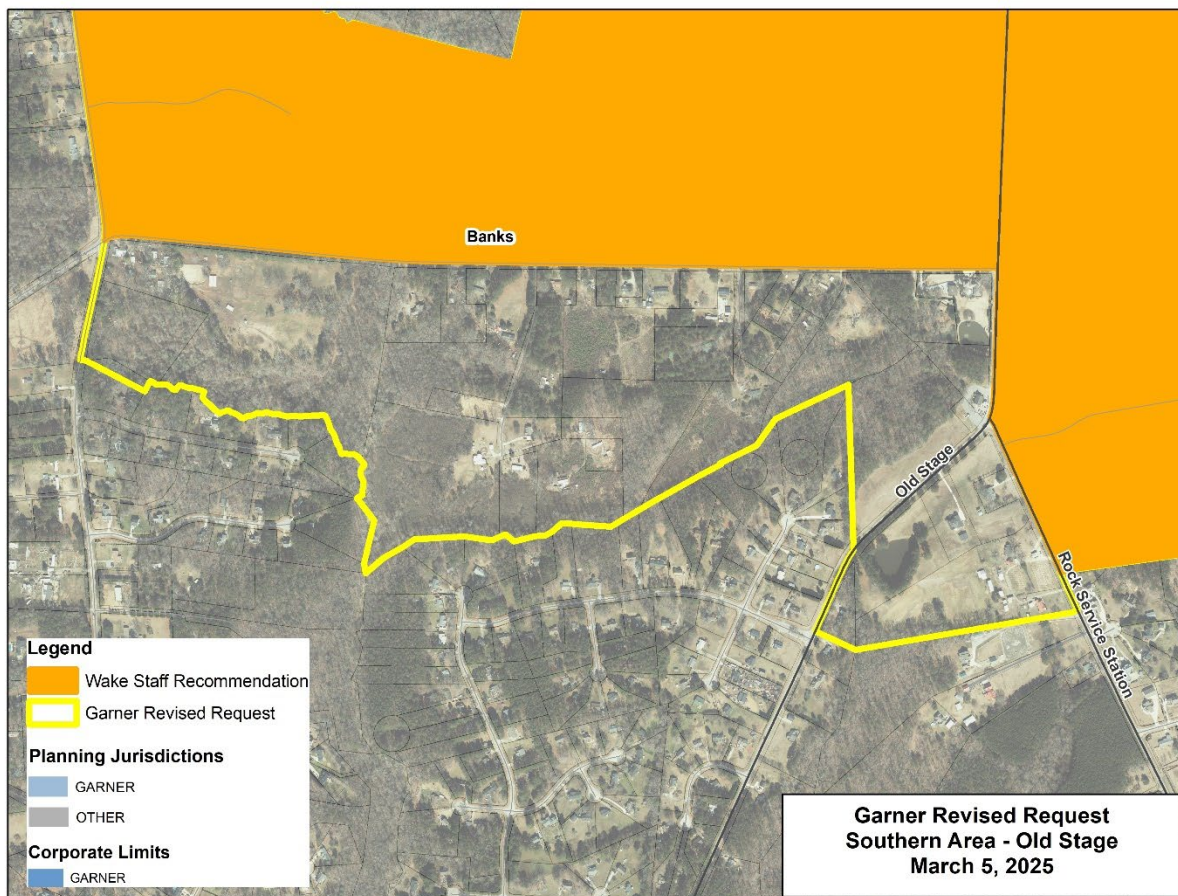
Wake staff:

- 1.) The area along Banks Road on the south side of the roadway is not likely to redevelop.
- 2.) The distance to public utilities is a barrier to timely municipal development. The intersection of Old Stage/Banks is roughly 1.3 miles from the nearest public utility line as measured along the roadway.

Garner staff:

- 1.) Banks Road is a corridor. Property owners on both sides of a road often connect to available utilities.
- 2.) The Old Stage Road/Rock Service Station Road intersection needs improvements. If this area is within the Town's ETJ, it can promote needed improvements through the development process.

Map 6: Old Stage Area: Wake & Garner Recommendations



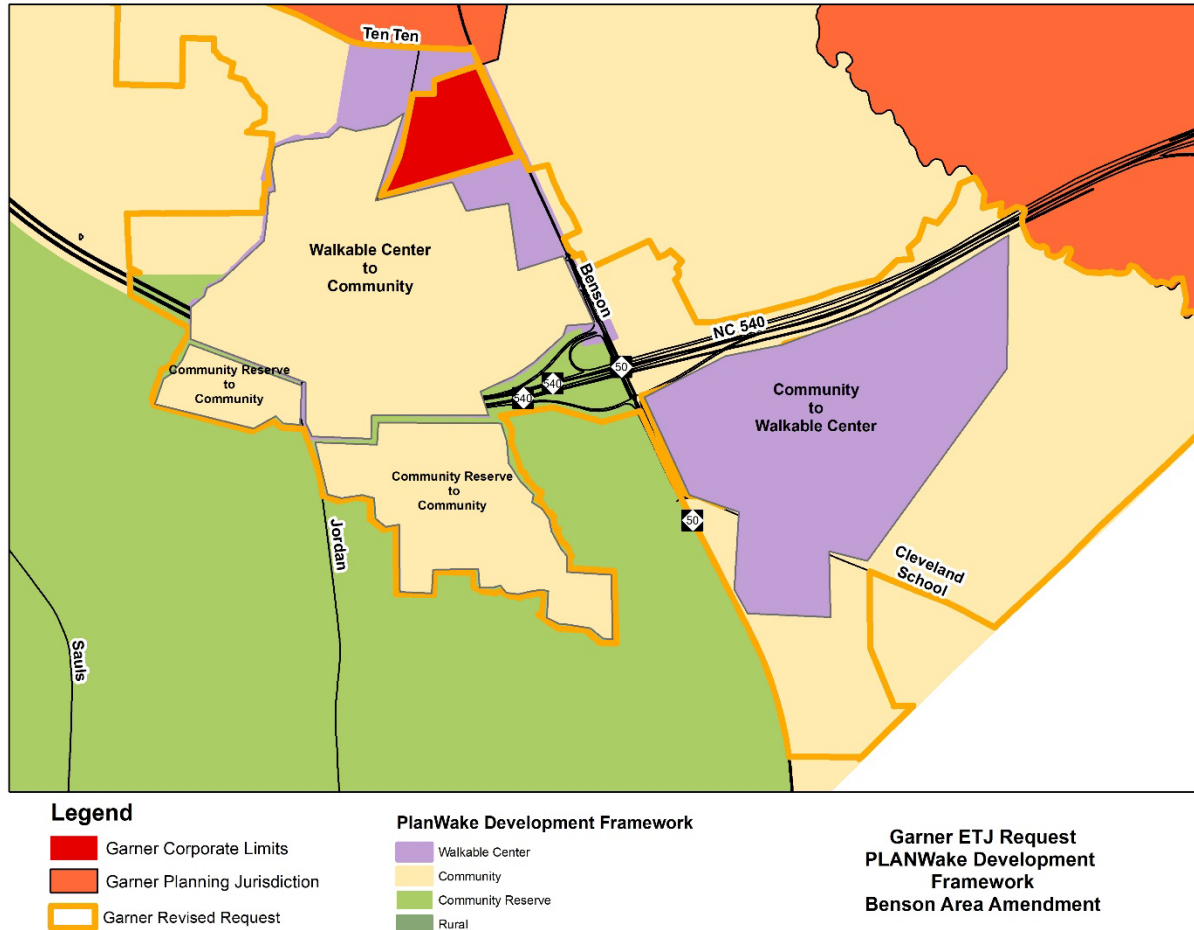
Staff's suggested reductions in the Southern area are based on the following:

- Wake County Middle Creek Area Plan shows many parcels south of NC 540 as agriculture & forestry. Property owners involved in the Middle Creek Area Plan process expressed the intent to maintain the ag/forestry land use.
- Much of the area south of NC 540 is designated as "Areas to Preserve" in Garner Forward's *Growth Framework chapter*. On page 62, the document states: "Future development is discouraged in these locations to protect open space, natural areas, and rural viewsheds in the community with the exception of farms, homes on very large lots scattered throughout the countryside, previously approved county subdivisions, park-related activities, and cross county trails or greenways."
"Areas to Transform" on Garner Forward's Change and Intensity Map are included in the county staff recommendation.
- The Brack Penny Road area – between Jordan Road and South of McDaniel Road – is roughly three miles from public utilities as measured along road centerline. The distance to public utilities is the primary consideration, although it should also be noted the area has a significant cluster of land in farmland preservation.
- Two mobile home parks located south of NC 540 and between Jordan and Benson Roads have been eliminated from the request area.
- The Juniper Level Botanic Garden, located at 9241 Sauls Road, is an educational, research, and display garden in permanent conservation. The parcels directly east of the gardens are owned by NCDOT. Staff have been informed that the owner would like to expand the gardens if/when NCDOT sells the land as surplus.
- Several existing residential communities have been removed. These communities are not likely to annex into Garner unless public services are needed (i.e. well or septic failure).
- Other small areas were removed to smooth out the ETJ request boundary along Ten-Ten Road, Jordan Road, south of NC 540, etc.

The Southern area of the request contains several areas designated as Community Reserve on the PLANWake Development Framework Map. An amendment to the map – from Community Reserve to Community or Walkable Center - would be required to grant ETJ extension. Staff also recommend amending the Community Areas to Walkable Center where Garner Forward shows the future land use as a Multi-Use Center. Additionally, staff recommend changing some areas of Community or Walkable Center to better align with Garner's future land use. Maps 7 & 8 show the amendments in closer detail.

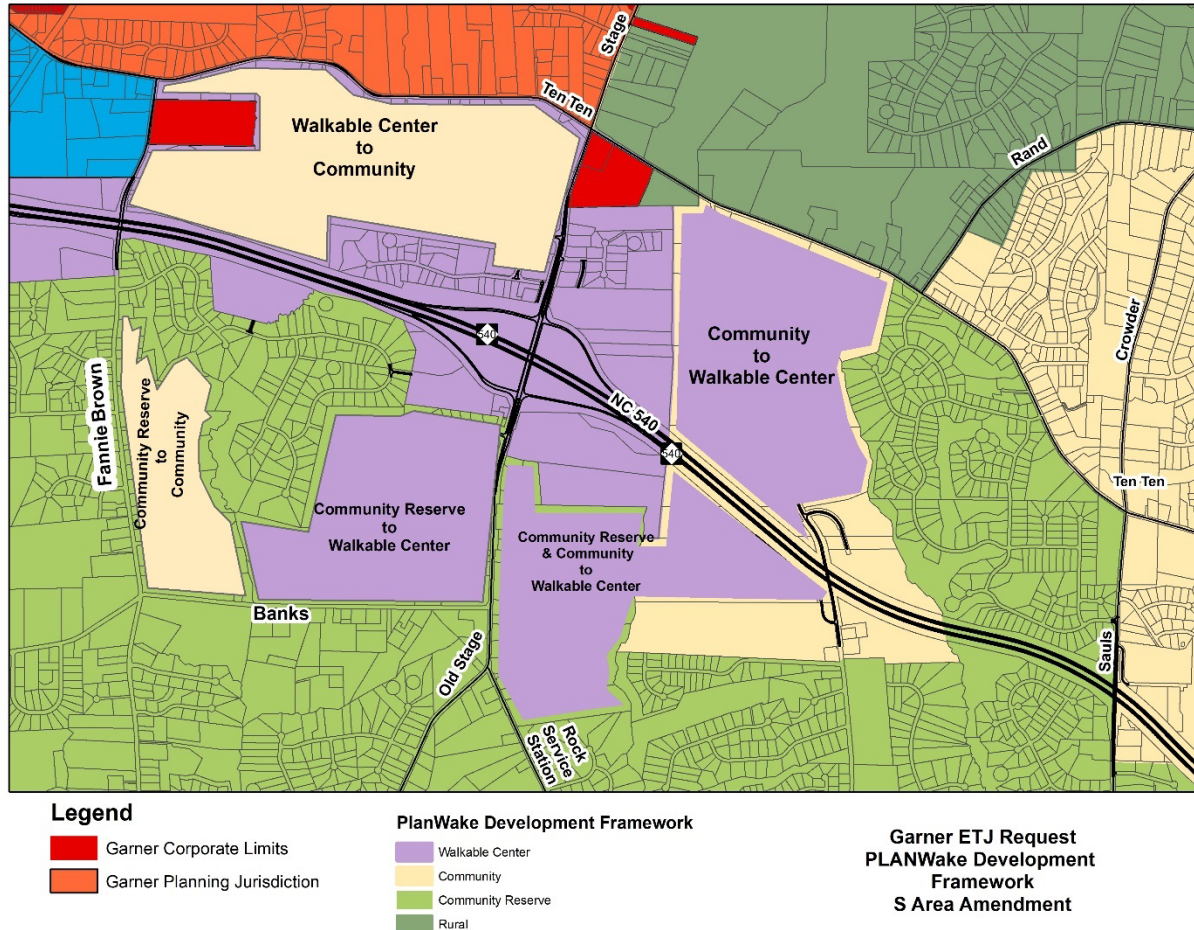
The amendment to the NC 540/Benson Rd. interchange consists of 1.) changing the southwest quadrant of the interchange between Jordan Road and Benson Road from Community Reserve to Community 2.) changing the northwest quadrant from Walkable Center to Community 3.) changing the southeast quadrant in the Cleveland School Road area from Community to Walkable Center. This amendment is consistent with Garner Forward's future land use.

Map 7: NC 540/Benson Rd. Development Framework Map recommendation



The amendment to the NC 540/Old Stage Road area consists of changing areas from Community Reserve to either Community or Walkable Center. Staff recommend Walkable Center at the area of Old Stage Road and Banks Road (see Map 8) where Garner plans a Mixed-Use Center. Additionally, staff recommend adjustments to the northwest and northeast quadrants of the interchange to align with Garner's future land use.

Map 8: NC 540/Old Stage Road Development Framework Map recommendation

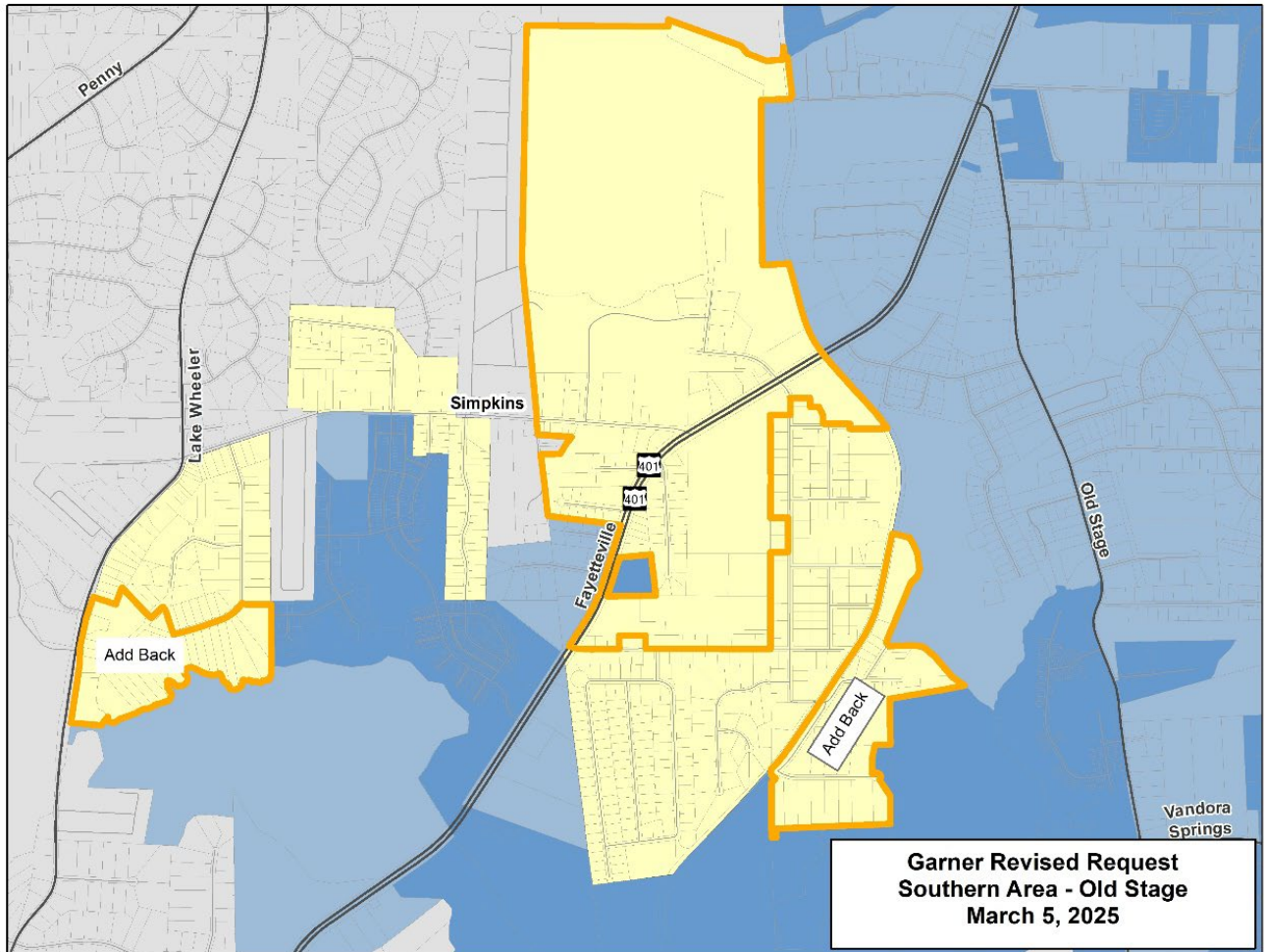


Northwest Area

Staff recommend approving a portion of the Northwest area based on the following reasons:

- Two small areas have been added back in to the recommendation since February, as labeled in Map 9. One area is near Lake Wheeler Road and the other is west of Old Stage. The areas have either an existing municipal road connection or a planned road connection.
- 305.2 acres of land north/northwest of US 401, which includes Wake Christian Academy and a private landfill, would benefit from municipal planning and services. The school will likely need public utilities to facilitate expansion; much of the land surrounding the school has opportunities for redevelopment.
- 72 acres south/southeast of US 401 related to the 401 Crossing project (5715 Fayetteville Rd) remain in the ETJ request. Garner Town Council denied a rezoning petition and annexation for the parcels in 2023 but the land remains prime for municipal development. See map 10 below.

Map 9: Northwest Area staff recommendation



Map 10: Garner map from 2022 proposed rezoning/annexation case

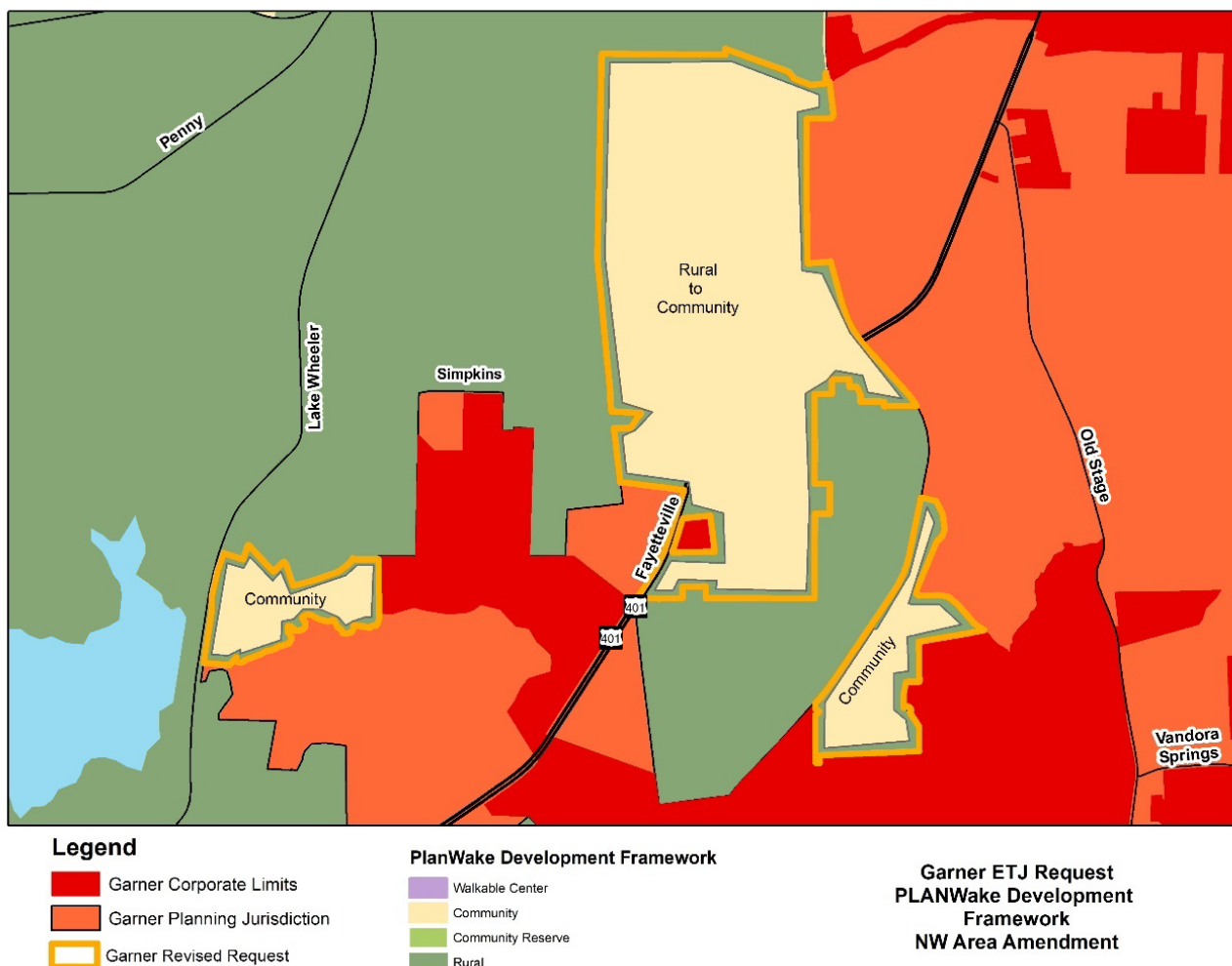


Staff suggested reductions are based on the following:

- Most of the existing residential land use has been eliminated from the request because the areas are not anticipated to become municipal. Additionally, some county staff are concerned that ETJ could put pressure on residents living in naturally affordable housing.
- The area north of Simpkins Road designated Rural on the Swift Creek Management Plan is not intended to be served by municipal services. Amendment to the Swift Creek Management Plan and the interlocal agreement would be necessary prior to granting ETJ. Staff suggest removing this area unless Garner can demonstrate how the amendment and any future municipal use would meet the intentions of water quality protection in the plan.

The Northwest area is designated Rural on the PLANWake Development Framework Map. Staff recommend amending areas of the request from Rural to Community.

Map 11: Northwest Area Development Framework Map recommendation



Findings

1. The ETJ process has been transparent with meaningful public engagement and involvement of residents and other stakeholders.
2. The proposed recommendation to defer land in a farmland preservation program from Garner ETJ supports Wake County's farmland preservation goals.
3. The proposed ETJ boundary recommendation is consistent with the ETJ evaluation criteria set forth within the Comprehensive Plan, PLANWake.
4. Amendments to the Development Framework Map are consistent with ETJ Criteria #1 requiring Community Reserve and/or Rural areas be amended to an appropriate category that supports municipal development.

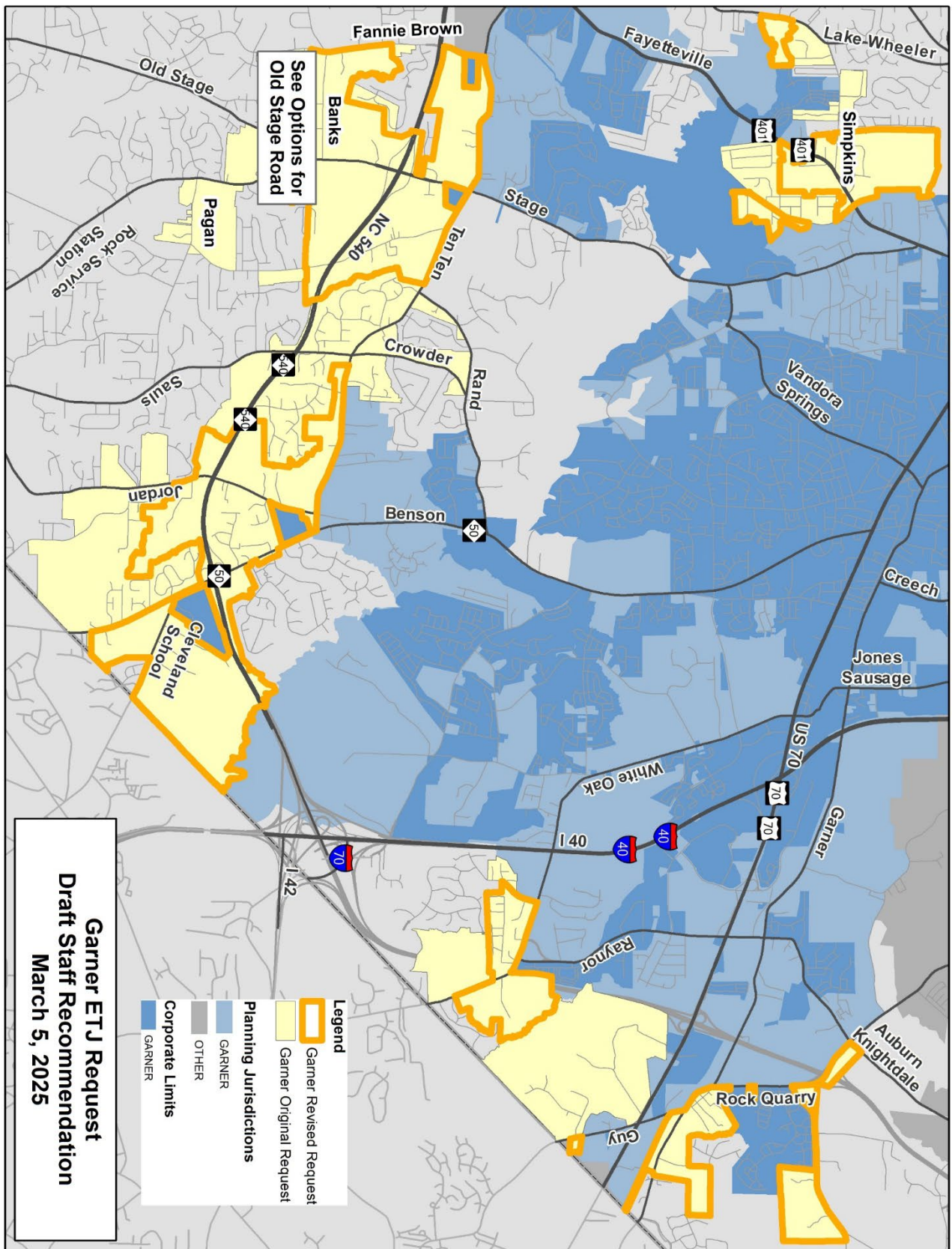
Recommendations

That the Planning Board recommend to the Board of Commissioners to: 1.) establish ETJ deferment for lands in a farmland preservation program; 2.) support portions of Garner's request for ETJ extension; and 3.) approve amendment to the PLANWake Development Framework Map as presented.

Attachments

ETJ Extension Staff Recommendation Map

Public Comments



2/28/2025

Phone calls & emails to Wake County regarding Garner ETJ request

Name	Address		Notes	received
Jason Kogok	1436 Guffy Dr.	Emailed a question	Garner staff responded	6/3/2024
unknown	unknown	phone convo	TN spoke with resident	6/3/2024
unknown	unknown	phone convo	TN spoke with resident	6/3/2024
Edward Parrish	10621 Hunt Farms Ln	emailed BOC portal		6/3/2024
Patricia Payne	8512 crowder; 10632 Hunt Farms Ln	VM	Crowder rd has a good water system; why some pieces included and others not?	6/4/2024
Sharon Eatmon	9029 old stage rd.	phone convo	TN spoke with resident	6/5/2024
unknown	unknown	Emailed a question	TN responded	6/6/2024
Ally Kristian	5715 Fayetteville	Emailed Chris Snow	TN responded. Owner was looking to protect land and contacted PROS re: purchase	6/6/2024
Angela Burnett	4104 forty niners rd.	phone convo	TN spoke with resident. Basic questions	6/7/2024
Randy Wilson	8512,8516,8510,8508 Ten Ten	Emailed a question	Garner staff responded re: connecting to water	6/13/2024
Bernadette Smeriglio	5404 Whistling Duck ct	phone convo	TN spoke with resident. Basic questions but also rezoning at 3412 Benson	6/14/2024
Ryan	Woodcrest	phone convo	TN spoke with resident. Basic questions about timing	6/14/2024
Norman James Leslie		Emailed a question	TN responded w/ template email	6/17/2024
Joyce Olive	5805 Conly Dr	phone convo	TN spoke with	6/21/2024
Harry Golla	Farlow rd properties	email exchange w/ city, county, public utilities	Interested in public utilities. Raleigh says it must be in ETJ 1st.	6/24/2024
Billy Shaw	3752 Wakefield Lane	email a question	Road repair of Wakefield Lane. TN Responded	8/16/2024
April Rouse		email	Concerned about not hearing from anyone on the status. TN responded	10/24/2024

Ruth Zink		email	asked for a map. TN responded	10/30/2024
Steward McInnes	0 Ballot Rd.	phone convo	TN spoke with. Doesn't want to be in ETJ	12/2/2024
Jessica Head/ Buffaloe Assoc. LLC	10400 Jordan Rd.	phone convo	TN spoke with. They intend to continue use	12/2/2024
John Renfer	Colonial Heights	email	opposed to inclusion in ETJ	12/9/2024
Greg Klefeker	9805 Ten Ten	email	opposed to inclusion in ETJ	1/30/2025
Justin Sauls	8800 Sauls rd	email, vm	opposed to inclusion in ETJ	1/31/2025
Linda Desantis	9141 Sauls rd	phone convo	asked about VAD deferment. Gave S&W contact	1/31/2025
Cleo Sorrel	Sauls Rd	vm	opposed to inclusion in ETJ	2/3/2025
Calvin Wilson	4400 Deer Knoll ct	phone convo	basic questions	2/3/2025
Cynthia Buffaloe	4200 Buffaloe Farm Lane	email	opposed to inclusion in ETJ	2/3/2025, 2/18/2025
Mickey Buffaloe	4200 Buffaloe Farm Lane	email	opposed to inclusion in ETJ	2/3/2025
Amy Bynum	9708 Old Stage	vm	opposed to inclusion in ETJ	2/4/2025
Brianna Rouse		email	opposed to inclusion in ETJ	2/5/2025
Marion West, Jr.	10101 Old Stage	email	opposed to inclusion in ETJ	2/5/2025
Donna West	10101 Old Stage	email	opposed to inclusion in ETJ	2/5/2025
April Rouse		email	opposed to inclusion in ETJ	2/5/2025
Kelly Fleming	10620 Ten Ten	email	opposed to inclusion in ETJ	2/5/2025
Dale Sauls	southern area	email	opposed to inclusion in ETJ	2/5/2025
Rachael Buffaloe Savage		email	opposed to inclusion in ETJ	2/5/2025
Dusty Davis		email	opposed to inclusion in ETJ	2/5/2025

Taylor Creech		email	opposed to inclusion in ETJ	2/5/2025
Rena West		email	opposed to inclusion in ETJ	2/5/2025
Tina Carter		email	opposed to inclusion in ETJ	2/5/2025
Barbara Mangum-Watkins	9825 Ten Ten	email	opposed to inclusion in ETJ	2/5/2025
Anna Sauls	8800 Sauls rd	email	opposed to inclusion in ETJ	2/5/2025
Chris Sauls		email	opposed to inclusion in ETJ	2/5/2025
Sherry Stancil		email	opposed to inclusion in ETJ	2/6/2025
Dr. Pam Page Carpenter		email	opposed to inclusion in ETJ	2/25/2025
Tammy Germiller		email	opposed to inclusion in ETJ	2/27/2025

2/27/2025
Tammy Germiller

I am sorry this is a day late. Just returned from vacation.

I believe that many residents are not aware of the full implications of their property becoming part of Garner's new ETJ limits. They hear the lie that their taxes won't increase but the ETJ is a money/property grab that comes later on. By asking for comments on this proposal from the public, there aren't many except for those who understand. Ask yourself if the question to the public was reversed. Who supports being part of the ETJ? You would get the same non-answer. So is the assumption that residents want this supported? I think not.

As a 21 year Garner resident I am sickened by what has been allowed to occur in the southern part of Wake County. Giant plots of land have been deforested in many former farm lands and forests. I-540 has destroyed the peace and tranquility of residents. It is too costly to use for the average person tolls resulting for daily use around \$4,000 a year. Even with walls the noise rattles my house. Animals having lost their natural habitat are running scared. **The rape of the land is good for no one except for those profiting that don't live her.** I frequently see hordes of deer in my front yard. They have no place to go. I-540 and greedy contractors have and are causing an environmental disaster of the last remaining section of Wake county that has not been completely striped of its rural appeal. The town of Garner cares little for its residents, apparent by every area of tract housing they have allowed to decimate and overbuild. As

longtime residents we do not need any services they will try to force upon us. We have septic systems, garbage services and water. I do not need or want anything from the Town but they want something from us. They want to rule over their dominion and make us pay for the privilege. That is a privilege many of us do not want, including myself.

Unchecked growth continues to cause a decrease in the quality of life for home owners. Adding to the ETJ only supports a faster descent. High density housing results in a reduction in house value, an increase in traffic and crime. Traffic congestion results also in a degradation of safety. As a 35 year Transportation Engineering professional I can attest to that.

Note that there have been so many construction projects on NC 50 the past year that I have been delayed through six work zones taking 45 minutes to go from my job in Garner to my home in Garner. I have contemplated keeping a scooter in my trunk so I could get home in a more reasonable time, leaving the car parked. This ETJ will only add to that delay.

We all know that growth is inevitable, but not all growth is good. I am no longer free to pursue happiness and the use of my home. My taxes went up \$600 more this year and I have received nothing for it. Due to noise of I-540 we cannot sit outside anymore and I have to sleep in earplugs. The contractors were allowed 24 hours a day non-stop construction. The beeping of equipment never stopped. The vibrations of compacting equipment rattled my house and detached garage so badly it cracked my foundations causing us a \$16k repair. By the use of the Nextdoor App I found three other homeowners who had the same issue. I am sure there are more that I did not find within the vast boundary of the project. But the contractor was held to no responsibility as they just don't want to pay. I am disgusted.

For all the reasons stated above I request Wake County limit the Town of Garner's property grab. Leave all of us current owners alone and pinpoint new construction to be included in the ETJ. I implore you to help us taxpaying homeowners.

Thank you for your time.

2/25/2025

To Whom It May Concern:

I own a home in Colonial Heights and am formally stating that I am against the Garner ETJ.

Sincerely,

Evelyn Clowers
Colonial Heights

2/25/2025

Greetings,

I spoke against the proposed Garner ETJ at the Wake County Commissioners' meeting earlier this month. I oppose this plan, so please ask the commissioners to vote no. We have a wonderful community and we want to preserve our rural lifestyle without the intervention of the Town of Garner.

Regards,

Dr. Pam Page Carpenter
Advisor Clean Energy and Environmental Justice Programs
email: pcarpenter@sharingthepower.org
Phone: 919-756-1191
<https://www.linkedin.com/in/dr-pam-page-carpenter-7b17ab8/>

2/6/2025

I vote NO to Garner ETJ
Sherry Stancil

2/5/2025

While it is the goal of municipalities to expand their zoning in an attempt to create a more robust and growing community, this is not the wishes of the people that have called the southern part of Garner home for years. Residents in the proposed zoning and expansion areas are not interested in being part of what town and county planners consider "growth". This "growth" comes at a price to families that have sustained and built this community for well over 100 years. Though I have little to no confidence that anyone making these decisions really have an interest in anything other than padding their budgets with additional taxes from mass multi family residential facilities, and businesses. This growth comes at a price with out a doubt. There is zero reason to be excited for town annexation of rural areas, NONE. While we all love our "small town", non of us want to live within the towns limits or jurisdictional confines of an ETJ, that allows the town to dictate ones way of life. No one that lives or moves to the country had the intent of living in town.

I would ask for everyone to reconsider the selfish act of extending the ETJ with the intent of future "growth" with an agenda that is selfish on the part of town and county planners. Remember that in 100 years that no one will be gawking over the fact that any one of these decision makers brought upon a change that an important part of this community is against.
Chris Sauls

2/5/2025

I would like to submit a No for my vote, we do not want to be apart of Garner

8800 Sauls Rd is my address

Thanks,
Anna Sauls

2/5/2025

Please vote NO to the ETJ proposa!!!! We don't want it!!!
Barbara Mangum-Watkins
9825 Ten Ten Rd
Raleigh NC 27603

2/5/2025

Please vote NO to ETJ. This is not in the best interest of the community or what this community wants or needs. Thank you.

Amy B.

2/5/2025

I am emailing this morning to vote NO to the proposed ETJ for Garner. This affects farm land around my home and I do not wish to see it turned into public use. Again I vote NO for Garner's new ETJ proposal.

Sincerely,
Renae West

2/5/2025

VOTE NO TO GARNER ETJ REQUEST!!

Taylor Creech

2/5/2025

Vote no on the Garner ETJ expansion. Life long resident and I don't want to be a part of this.

Dusty Davis.

2/5/2025

As a resident of Wake County it is my desire for you to NOT approve the request to extend Garner's ETJ. I am an owner and trustee of approximately 37 acres in the proposed ETJ request. While I am appreciative our farm and abutting home parcels in the VAD could receive deferment, this is not a fight we should even have to assume. We do not live within the Garner town limits and therefore we should not be expected to adhere to the regulations and requirements imposed by a municipality within which we have no right to vote and no voice. It is my opinion this is an overreach of government, an intrusion of our rights as citizens, to own our property and manage our property as we desire.

Allowing Garner to extend their ETJ will increase their power at the expense and detriment of the citizens who own land in the ETJ. We, the citizens, will be at the mercy of a municipality in which we have no power or authority. I implore you to consider your constituents who will bear the burden of your decision on this matter and vote NO to Garner's ETJ extension request.

Thank you for your time and consideration.

Rachael Buffaloe Savage
919-413-4307

2/5/2025

I have been a resident of the Panther Branch community for over 70 years, and have seen much growth over my lifetime here. As I do understand growth is going to happen, I also see our rural area will be harmed if Garner gets this ETJ proposal accepted. This ETJ in our rural area will have many implications to our area and harm farmers, and current property owners. We would be required to follow rules I have never seen in my lifetime, and could have new ones imposed on me at any time. I should be able to do as I want on my land like I have for over 70 years, which is why my family chose to live here when I was a child and not in the town limits. As a longtime resident and property owner in the proposed ETJ area, I am asking you to vote NO to not approve Garner's ETJ request.

Dale Sauls

Southern/ Ten Ten

2/5/2025

To the Wake county planning board,

As a longtime resident of Wake county, I would like to Thank-you for your time in this matter. I also appreciate the efforts you have taken to ensure VAD would be deferred under the Garner ETJ proposal area. However, I am asking that you vote NO to Garner's proposal because it will have many negative impacts to this rural area.

Garner's request is based on them solely being the only one to benefit in this matter. They will have ability to impose, as well as increase rules and regulations on us property owners with no end in sight. Who will be the ones to hold them accountable? We will no longer have a voice, and cannot vote on the officials imposing these rules because we do not live in the town limits. So we will have regulation with no representation.

In addition to property owners no longer being able to do as we would like on our own land, farmers would begin to be pushed out, as well as destruction of wildlife habitats. We will also see a big increase in air and water pollution, higher energy consumption, and disruption of natural water cycles. There will also be an urban heat effect due to the increase of commercial space planning that Garner is already looking to do in this area. Might I add, their plans are drawn on some properties of owners who were not even aware, and do not have their properties for sale.

Garner has mentioned the idea of building high rise apartments and many more commercial spaces. This would generate much more waste, which can strain waste management systems and contribute to more pollution.. what is Garner's plan for that?

We watched many friends lose their homes to the new 540 highway, and we still have a major traffic problem in this area. Garner is only focused on building fast, and not in the best interest of Panther Branch community. The large scale planning of Plan Wake allows sustainable growth plan without us being forced into an ETJ.

The ETJ proposal map clearly shows Garner only has an interest in the new 540 exits, because they want to have maximize growth with no concerns of the surrounding rural areas. But why do the property owners nearby have to be sacrificed for them to get those 540 exits? This is a huge concern for local farmers, and property owners in this area.

No one wants regulation without representation, to me this is unconstitutional.

Jake

Southern Part/Ten Ten

2/5/2025

To the Planning Board of Wake County,

I would like to first thank-you for your time and efforts in the matter of the Garner ETJ proposal, because I am sure there has been a lot of work and time involved in this. We also would like to thank-you for hearing our concerns about VAD and deferring it from the ETJ.

As a property owner in the requested ETJ proposal area, I am asking you to please deny the request from Garner. This ETJ would have many negative long lasting effects for our community. I know this area very well considering I live on family land, dating back to over 100 years, as many others do in this area as well. I have seen a lot of changes over the years, and do realize growth is going to happen. However, this ETJ is not going to be a positive outcome for property owners, only the Town of Garner will benefit.

First thing I would like to point out, is the lack of communication to the property owners in this proposed ETJ area. The Town of Garner conducted the initial outreach community meetings, which I feel was a conflict of interest considering they are the ones to benefit. They made these meetings "floating" and separated individuals as they came in, and told everyone that "absolutely nothing changes except you will now go to Garner for your permits instead of Wake County". That however is not true, and many residents were misled by being told this in the beginning. I personally was told several things that were not the truth, and realized this after coming home and doing more research thru Town of Garner's website. There has also been little to no information to property owners since this about any upcoming meetings. I can tell you, 9 out of 10 people I talk to about the proposed ETJ have absolutely no idea what I am talking about. They immediately ask "what it is?" and "where can I find a map to see if I'm in it". So to have as many people against this ETJ request as we do, and not even half the community knows about it.. speaks volumes.

The gentleman from the Town of Garner who spoke at the meeting at Panther Branch community building, kept saying "this is just about planning". However, the planning they are referring to is solely based on what is beneficial to Garner, not our rural area. By granting this proposal from Garner, you are allowing Regulation with no Representation. We property owners will then have to live like we are in the Town of Garner and follow Garner's current as well as NEW rules placed onto us. But we will have no voice to vote on the individuals who are making these rules. There is a reason we have seen so much growth in our area in the last 10-20 years, and what I consistently hear is that people want to move out of town limits to not have the regulations they once had. This presents another issue, that approving this ETJ could potentially decrease property values for current owners in this area.

Garner is the only one fighting for this proposal to pass for the ETJ, because they are the only ones who will win and benefit from this. Please hear us residents, that we absolutely do not want any part of being put into Garner's ETJ and being told what we can and can't do on our land, and have our voice taken away. Regulation without representation is wrong. Garner is only looking at their best interest, and not this community's best interest. They have shown this by already designing plans for commercial growth on properties of friends, as well as my church's parsonage.. none of which are for sale. I am 5th generation land owner of our family land, and 6th generation member of our church.. this is very common to hear in the Panther Branch community. We want to preserve this without being put under rules and regulations that will cause harm to property owners. Our community doesn't want to be told how many chickens and livestock we can have, or that we cannot build an accessory building but half the size we are currently allowed under Wake county's guidelines. And the list goes on and on about the regulations that we would now have to follow if put into Garner's ETJ.

This type of growth will have major implications on this community, farmers, and wildlife. The future plans of Garner does not include preserving farming, or wildlife habitat. High rise apartments and commercial spaces are not what we need or want in this area.. there is room for sustainable growth under Wake county's planning without granting Garner full access to do anything they would like, at the expense of the property owners.

One more thing I ask you to think about in regards to farmland, is this ETJ will handicap and eventually cut farming drastically in the future. VAD is currently deferred from Garner ETJ proposal. But what happens if someone with VAD passes away and leaves it to a family member who doesn't farm it for whatever reason.. then they sell/pass it down to another family member who begins farming the land again. They are not able to get into VAD since they were taken into the ETJ during the non-farming years. This is not promoting farming, and just adding restricts to future land owners.

According to Wake County's Farmland Preservation Program, it states that "Wake County is losing farmland every year, and that's why the Soil & Water Conservation District, with the full support of the Wake County Board of Commissioners, created the Farmland Preservation Program. As one of the fastest-growing counties in the U.S., protecting family farms and forestland is a priority for Wake County. In the last nine years, Wake County lost 22,964 acres of its farm and forest land – that's almost 20%. If the county continues at its current growth rate, all unprotected land will be developed in the next 25 to 50 years. A new Farmland Preservation Program aims to conserve Wake County's nearly 700 farms and help combat North Carolina's disappointing ranking as the second-highest state in the nation for farmland loss." So it is clear that if this ETJ proposal is passed, it will not protect and encourage farming in Wake County, it will handicap people from farming in the future, and we will continue to have significant farming loss because once you are in Garner's ETJ, there is no getting out of it!

Please consider what the real hard effects will be on this community, farmers and property owners. Please vote NO to the Garner's ETJ proposal... Please don't take our voice away, and hurt our future farmers.

April Rouse

Southern Part ETJ proposal/Ten Ten

2/5/2025

Good morning! I hope this email finds you well! We can't make the meeting today for the ETJ Extension. We own 7.5 acres and as a resident of Wake County, it is my desire for you not to approve the request of the planning board to extend the ETJ of Garner. We would like to stay in the Wake County jurisdiction. We hope you have a lovely day!

Thank you,

Kelly & Thomas Fleming
10620 Ten Ten Rd
Raleigh, NC 27603

2/5/2025

Dear Wake County Planning Board:

I VOTE NO to Garner's ETJ proposal and do not want this to be implemented. They just want the farmland.

NO NO NO!!!!

Please express this to the Wake County Board of Commissioners.

NO

Respectfully submitted,

Donna E. West
10101 Old Stage Rd.

2/5/2025

To Whom It May Concern:

I am **NOT** interested in the takeover by Garner. NO to Garner's ETJ recommendation. This is something that GARNER is trying to impose on the residents of this area. We have NOT asked Garner for anything. They want the bulk farmland not the already built subdivisions because they would have to enlarge the water systems, provide sewer and residential services. Garner does not have the money for that. This idea is a money and a control grab.

Sincerely,
Marion S. West, Jr.
10101 Old Stage Rd.
Raleigh, NC 27603

2/4/2025

I am writing this letter to the Wake County Planning Board to ask that you please vote NO to the Garner's requested ETJ proposal. I am 6th generation along with my children who live with me being 7th generation, to live on our family's land which is in the requested ETJ area. First it is not ok to be

required to follow Town of Garner's rules and future new rules, but not being able to vote for those making these rules. I chose to live here because it was out of the Town limits, and it is family land that is near and dear to my heart. I would like to be able to raise my children in the same way that I was raised, which includes livestock. By being forced into Garner's ETJ, this would take that away from my family. Garner has many more restrictions and rules than being in the rural areas of Wake county. If Garner's ETJ request is approved, it will hurt farmers, create more pollution, traffic issues, and hurt the environment. I am asking you, as a member of this community, to please vote no to the Garner ETJ request.

Brianna

Southern part of ETJ requested area/ Ten Ten Road

2/3/2025

Mickey Buffaloe
4200 Buffaloe Farm Lane
Raleigh, N C 27603

I am opposed to the entire Garner ETJ expansion, especially that including farms belonging to myself and others.

I do not plan to sell nor develop my farm. I want my grandkids to be able to live on the family farm so they can look after animals, learn to respect and appreciate the land - how and what it produces.

It seems Garner does not value farm land and does not want it preserved for future generations. It is disturbing to see how Garner already has plans in place for subdivisions, apartments, retail, etc. when the current landowners have no plans to sell it in the near future. The Town of Garner requires Right of Way dedication to the State DOT when there is a change of deed. This is not required by Wake County. Both of these indicate the Town of Garner does not care about the farm land, but only wants developed land.

Being taken into Garner ETJ means fees and another level of government which is a type of taxation without representation. Residents in an ETJ cannot vote for any town officials which would make decisions for them. An example of this is the following quote from Town of Garner "ETJ Frequently Asked Questions" (May 31, 2024):

"Existing subdivisions such as Echo Heights, Pinehurst Park, Hillandale and Camelot have existed only in the Town's ETJ since the 1960's/70's without ever being annexed."

I'm not sure this was the original intent of ETJ's when it was first granted by the state. The people in these subdivisions have been under Garner's thumb for 50-60 years without having Garner services, not allowed to vote on the people making decisions for them and having to pay permit fees to the Town of Garner. I do not want my family being under a town for decades without representation.

I already have property in Garner's ETJ and can attest to the above requirements that do not promote farm preservation. I've had to give up extra farm land in order to deed a piece of property to our daughter that we would not have had to do under Wake County's jurisdiction.

It has been evident to me through the years that Garner has not been proactive about infrastructure. They only expand infrastructure when developers foot the bill for roads, sewer, water, etc. The Town of Garner will not suffer at all if this ETJ expansion is denied. Any landowner that wants to be annexed into the town can request to do so.

My recommendation is for Wake County to place a moratorium on this ETJ expansion until it can be determined how to protect and preserve farm land, but also allowing multigenerations to live on the farm.

Thank you for your consideration.

Mickey Buffaloe

2/3/2025

Cynthia B Buffaloe
4200 Buffaloe Farm Lane
Raleigh, NC 27603

I am out of town, but want to express my opposition to Garner's ETJ expansion. I would like to be there in person to express this, but am unable to do so.

I am very much opposed to Garner's ETJ expansion because as a landowner with part of my land already in the Garner ETJ, I know the pitfalls, limitations and repercussions of this. It is another layer of government telling us what we can and cannot do with our land. We may not have to pay Garner taxes, but they still have control. We have NO voice and NO vote in who holds office for the Town of Garner nor do we have any input into decisions they make pertaining to our property.

Our family farm has been in the family for many generations and it is our sole intent to keep it that way. Already the farmer is being pushed out by development, higher taxes and so many other things. It is no longer safe for a tractor to be on the roads in our area and yet it is still necessary for tractors to move from one field to another putting their lives at risk. Yet, the town wants to continue to add more subdivisions, apartments, retail, etc. around us so they can have a greater tax basis.

We've enjoyed living on the farm and learning to live off of the farm. We want to continue to pass this on to our children and grandchildren so they can also have the farm life if they so choose. Being in Garner ETJ has cost us valued farmland just for trying to deed a house on the farm to our daughter with Garner's requirements. Every square inch of farmland is valuable and farm landowners should NOT be punished simply because they are trying to pass some land down to their children and grandchildren.

Garner has yet to prove they can handle the infrastructure in the area. The Town of Garner does not appear to have the capacity of services to keep up with the growth and demand currently.

Please reconsider Garner's ETJ expansion, help preserve the farm, make sure the towns can handle growth before grabbing more land and stop encouraging growth in our area. If nothing else, please slow this process down and find out more about what the residents desire before moving forward with this. It has seemed to be a very rushed process.

Thanks for your consideration in this very important matter.

Sincerely,

Cindy Buffaloe

1/29/2025

I do not want to be part of the Garner ETJ

V/R,
Greg Klefeker
9805 ten ten rd
Raleigh NC 27603

12/6/2024

Ms. Nolan and Mr. Triezenberg,

Good afternoon. We attended your meeting this week with the Planning Board Land Use Committee, and we are writing to express our significant concerns at the inclusion of Colonial Heights into the Northwest area ETJ expansion request. This is a long-established neighborhood of single-family homes who have no need for Garner's supervision nor involvement, and we can't seem to pinpoint why it is included at all. We would encourage y'all to reevaluate this request, but at the very least, to provide us residents with concrete reasoning. As fellow Americans, we are certain you can relate to our hesitation in relinquishing permitting control of our homesteads to a governing entity for which we cannot elect. As such, it should be only for the most defensible purposes to include us, and considering we are all on well and septic, with no apparent plans for Garner to change this, we will need more than what has been provided thus far.

We have just a few brief questions for each of you regarding our inclusion.

Mr. Triezenberg – your memorandum seems to imply that Colonial Heights' inclusion is but for creating donut hole areas in the ETJ. Is this Garner's only reason to include us in your request? We can't imagine that would be a justifiable enough reason to shift all zoning and permitting decisions away from an electorate's actual governing body, so please elaborate on your comment. And of your 200+ page Forward Comprehensive Plan, can you point us to the section that speaks to the town council's responsibility and accountability to the citizens of its ETJs? I.e., is there language that offers assurances to those of us, for which the council will now partially govern but cannot elect, that our concerns will be addressed with the same level of effort and degree of dignity as it does to the citizens within its corporate limits? More specifically, will it report to the Wake County Board of Commissioners on the number and reasoning for ETJ-based permit denials or modifications? Or will there be any such data at all reported to Wake?

Ms. Nolan – can you explain why Mr. Triezenberg's memorandum states that ETJ donut holes are not in favor by Wake County staff? Is it a map aesthetic issue? Does Wake County typically make such impactful policy decisions based on the feelings of staff? Why would it, specifically, make any difference whether Colonial Heights was surrounded by Garner's ETJ, as opposed to the Highland Trails neighborhood, for example, with just a smidge of separation at one end? Please provide explicit reasoning as to why our neighborhood needs to be included. Note that the onus is on our current elected body, the county commissioners, to explain why it is necessary to abdicate the direct responsibility it has to its citizens.

For all included, does the town or county have a comprehensive plan in place if legislation, such as SB675, should be passed? Or even if it is amended to mandate a sunset provision after 5-10 years of an ETJ establishment without substantive change? As Garner's mailer to us all but vaunted, Garner has not involuntarily annexed any ETJ for the past forty years. While presented as beneficial or innocuous, this actually read as a plan for ETJ usurpation in perpetuity, with zero intention of providing direct services. We strongly believe if y'all keep poking this bear by acquiescing to municipal wish lists, without specific and material justification, ETJs are going to be abolished altogether. Your expansion into our neighborhood will only add to the voices downtown in support of legislative change.

Thank you for your time and consideration. We look forward to your response.

Best regards,
John

10/30/2024

Where can I find a map of the proposed area?

Ruth Zink
zirunth31@gmail.com

8/16/2024

Mr. Nolan,
I am the homeowner at 3752 Wakefield Lane here in Garner. With the ETJ, do you know if there will be any improvements to the existing road (Wakefield Lane) as it is in dismal condition. If not, could you tell me who is responsible for the upkeep for the road?

Thank You,

Billy Shaw

6/24/2024

Dear sir/madam, my name is Harry Golla. Myself and my two sisters recently moved from mid-west to Raleigh area in search of better job opportunities and purchased manufactured homes on Farlow road on last year. Myself I work for a local bank in their operation support. In the below email chain about a year I have contacted Brian Casey of Raleigh water department, and Tim Gardiner from wake county(both CC'd) requesting them some information on public utilities near our area and they have provide some valuable information to me that I am forwarding to you.

Even though we moved to Raleigh few years ago we took time to purchase our first homes and by that time the Raleigh housing prices have skyrocketed and all that we could afford were these manufactured homes on Farlow road. Our homes do not have access to public water or sewer lines, and even the roads are not serviced by anybody. We use well for drinking water and septic tank for sewer. Because of no access to public utilities, we cannot build anything new on the land other than using the old manufactured homes on them. Eventually we want to get better homes on our properties but because of the old septic permits ton these properties hat restricts to a 2 bed only home we cannot do anything to upgrade our properties. Same is the case with about 20 other homes in our area on the outer side of the railway track where the Farlow road starts that you can see in the map below.

In the map, you can see that there is a city of Raleigh public sewer line already passing just feet away from our properties. if we can get connected to this line our propertied will benefit from them and we are willing to pay city taxes for giving us access to the public utility line. Myself and my two sisters are invited to the meetings being conducted by Garner planning authority during this week to propose a conversion of our area from Wake county jurisdiction to Garner ETJ. We are happy to see this notice. From the below email chain, we understood that Garner has an agreement with Raleigh city water so we are hoping that in the future we can have a city of Raleigh public utility line extended to our street as well. Kindly consider

us to extend at least the sewer line if this change to Garner ETJ happens. If there is any kind of application or process that I need to follow to extend public utilities to our street, kindly advice me.

Thanks,
Harry

6/15/2024
Good day,

I am the son of James Leslie. We are attempting to investigate further, the imminent switch from Wake County to the Town of Garner.

I am referencing a letter dated May 31, 2024.

Please explain further.

Thank you for your time.
Norman James Leslie
Knowledgepowee@gmail.com
443 600 6924

6/6/2024

Hello I received a letter in the mail stating that my property is included in a proposed request to switch from wake county over to the town of garner. How do I go about opposing this decision? I am not interested in switching to the town of garner I would like to remain in wake county jurisdiction.

6/3/2024
Hi,

I own a property at 1436 Guffy Dr. Raleigh and received the letter about Garner ETJ. Will that change my mailing address from Raleigh to Garner?

Thanks,

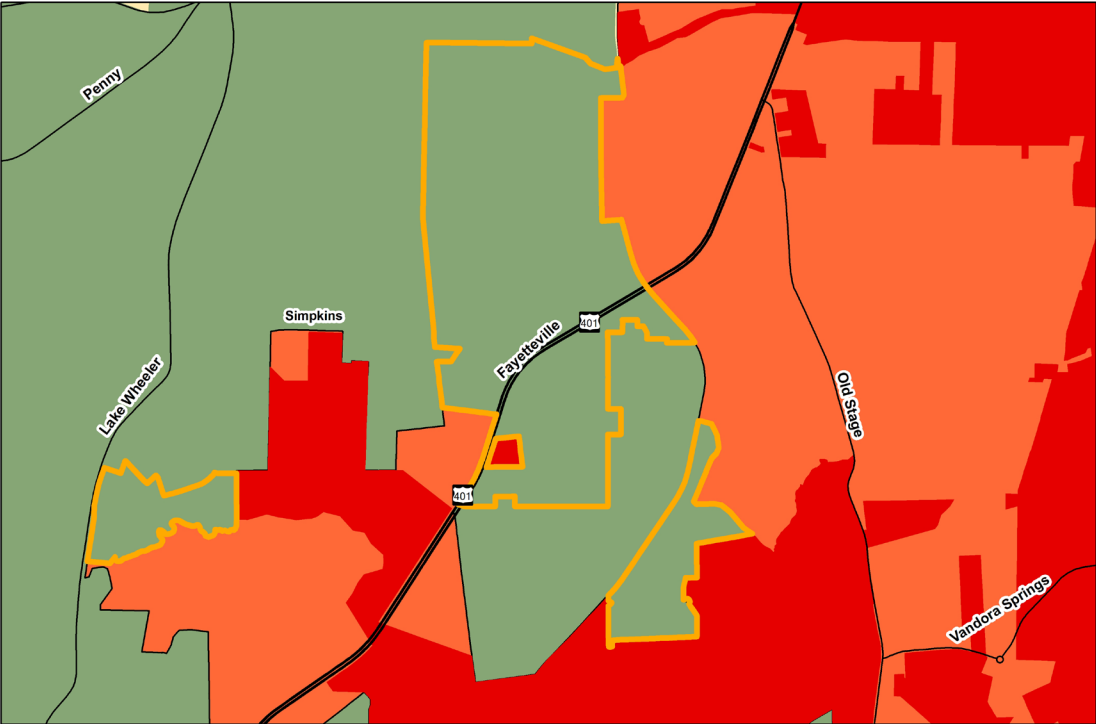
Jason Kogok
919.602.5969

Staff Recommendation:

Resulting from staff's ETJ Expansion Request recommendations, the following amendments to the PLANWake Development Framework Map are required.

Development Framework Map Amendment

Current



Legend

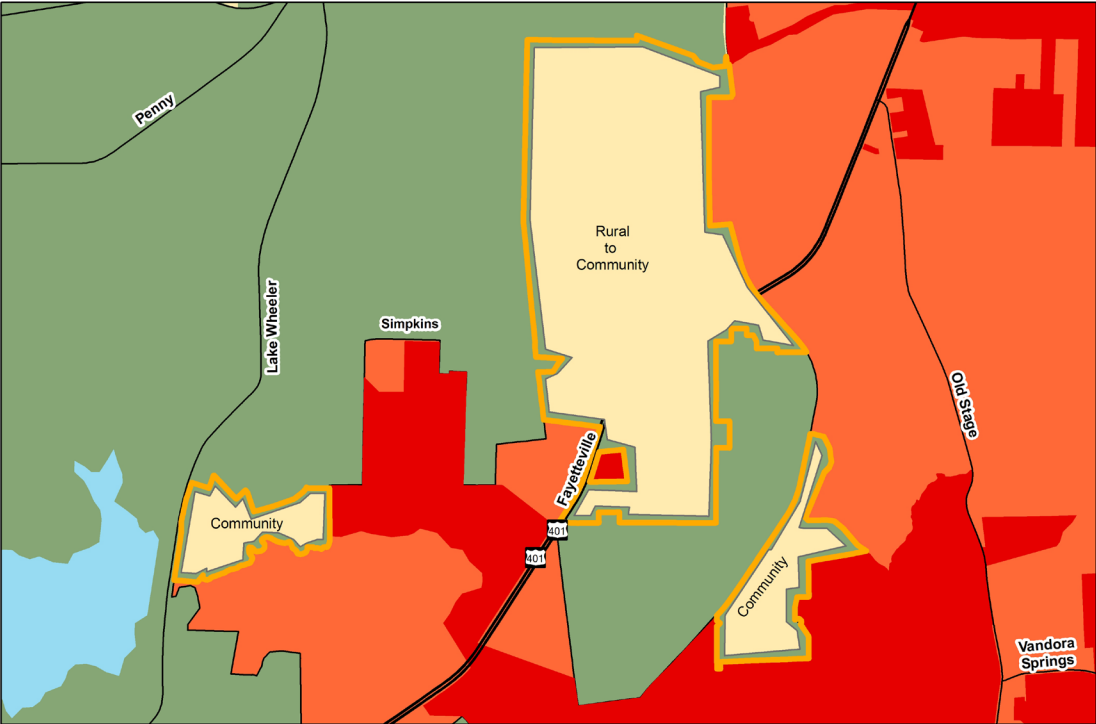
- Garner Corporate Limits
- Garner Planning Jurisdiction
- Garner Revised Request

PlanWake Development Framework

- Walkable Center
- Community
- Community Reserve
- Rural

Garner ETJ Request
PLANWake Development
Framework
NW Area Amendment

Proposed



Legend

- Garner Corporate Limits
- Garner Planning Jurisdiction
- Garner Revised Request

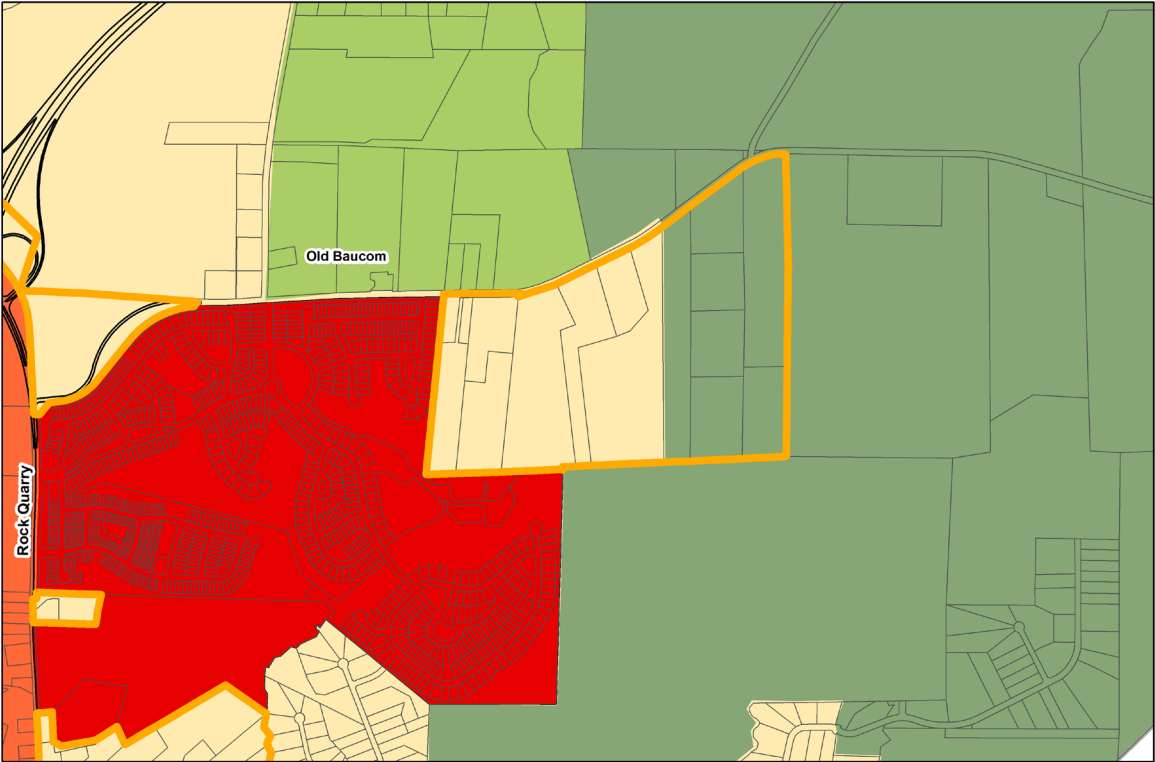
PlanWake Development Framework

- Walkable Center
- Community
- Community Reserve
- Rural

Garner ETJ Request
PLANWake Development
Framework
NW Area Amendment

Development Framework Map Amendment

Current



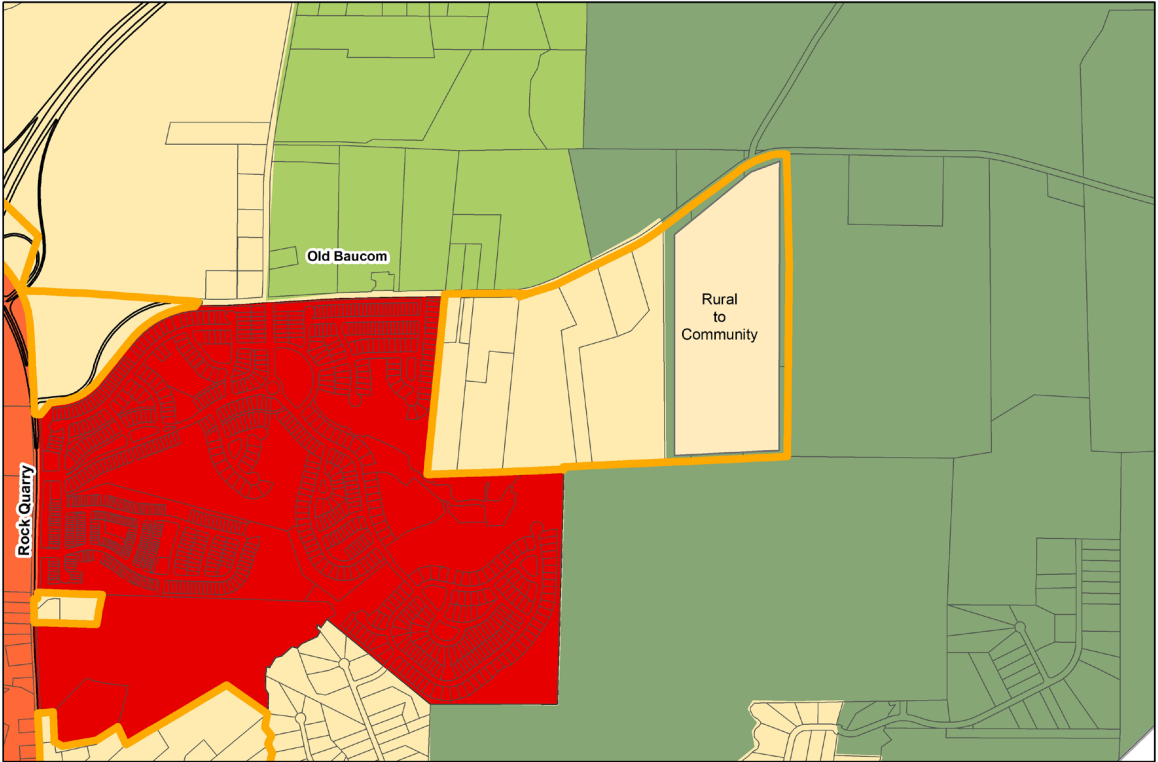
- Legend**

 - Garner Corporate Limits
 - Garner Planning Jurisdiction
 - ETJ staff recommendation
- PlanWake Development Framework**

 - Walkable Center
 - Community
 - Community Reserve
 - Rural

Garner ETJ Request
PLANWake Development
Framework
NE Area Amendment

Proposed



- Legend**

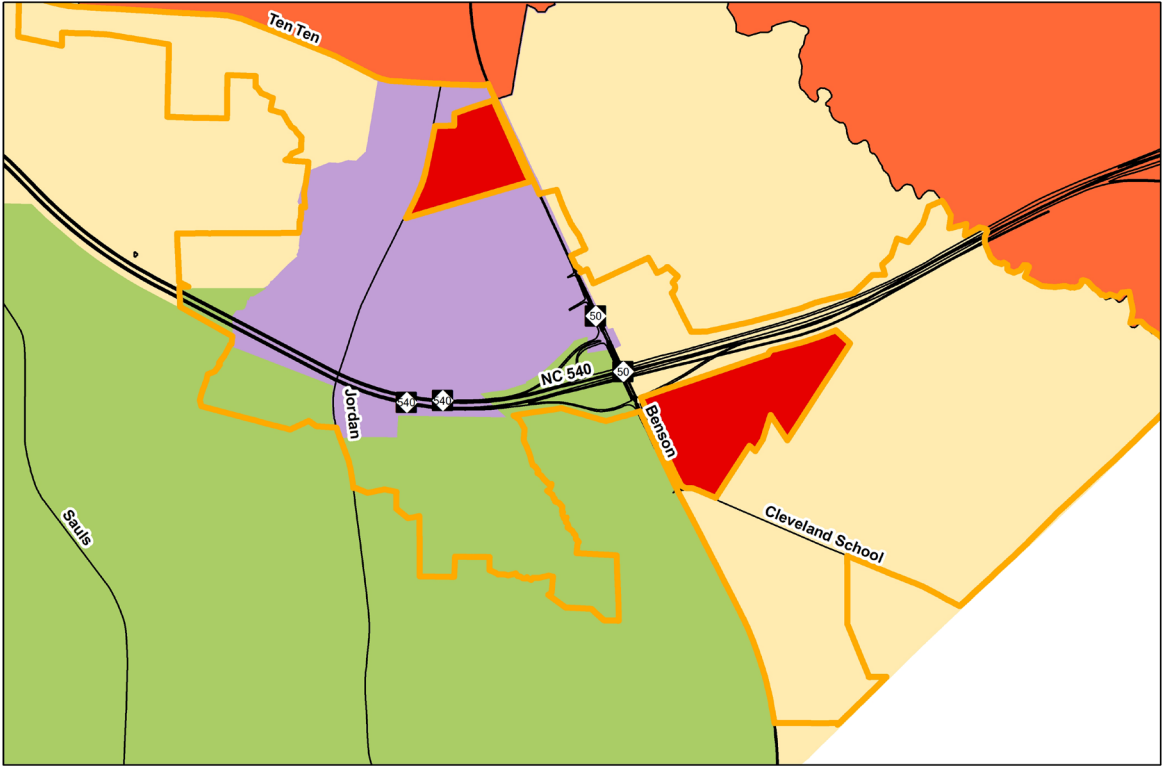
 - Garner Corporate Limits
 - Garner Planning Jurisdiction
 - ETJ staff recommendation
- PlanWake Development Framework**

 - Walkable Center
 - Community
 - Community Reserve
 - Rural

Garner ETJ Request
PLANWake Development
Framework
NE Area Amendment

Development Framework Map Amendment

Current



Legend

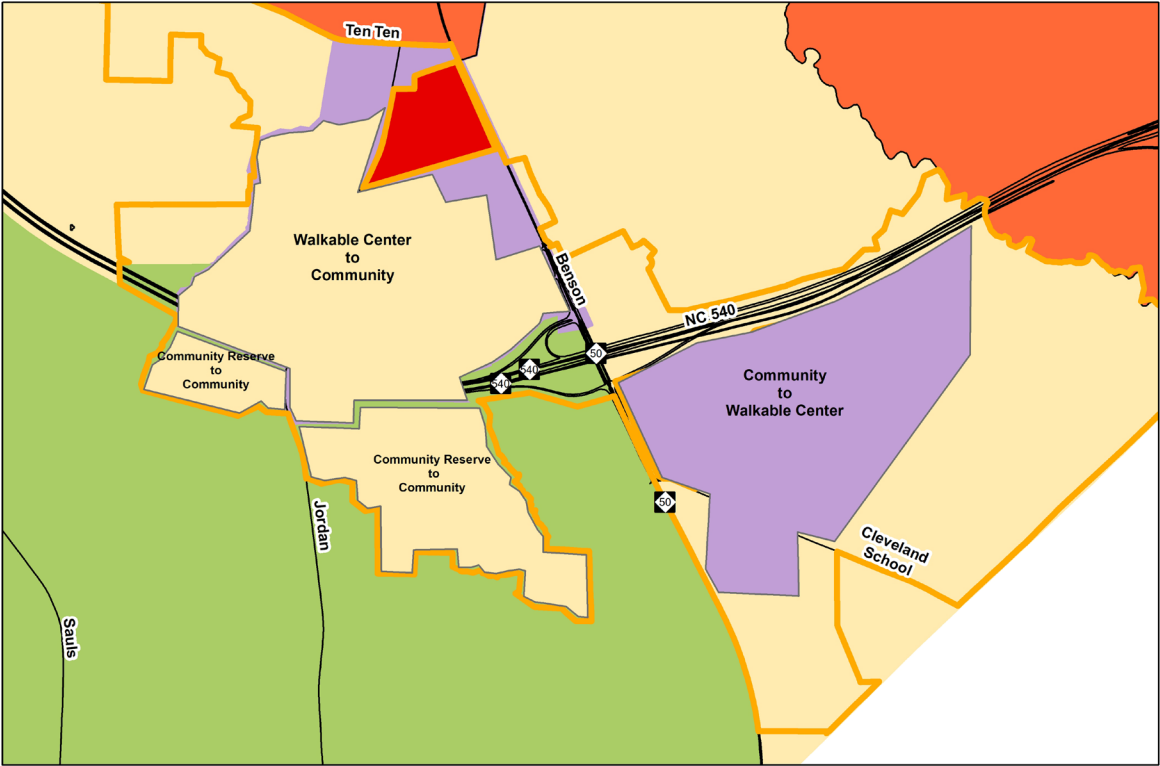
- Garner Corporate Limits
- Garner Planning Jurisdiction
- Garner Revised Request

PlanWake Development Framework

- Walkable Center
- Community
- Community Reserve
- Rural

Garner ETJ Request
PLANWake Development
Framework
Benson Area Amendment

Proposed



Legend

- Garner Corporate Limits
- Garner Planning Jurisdiction
- Garner Revised Request

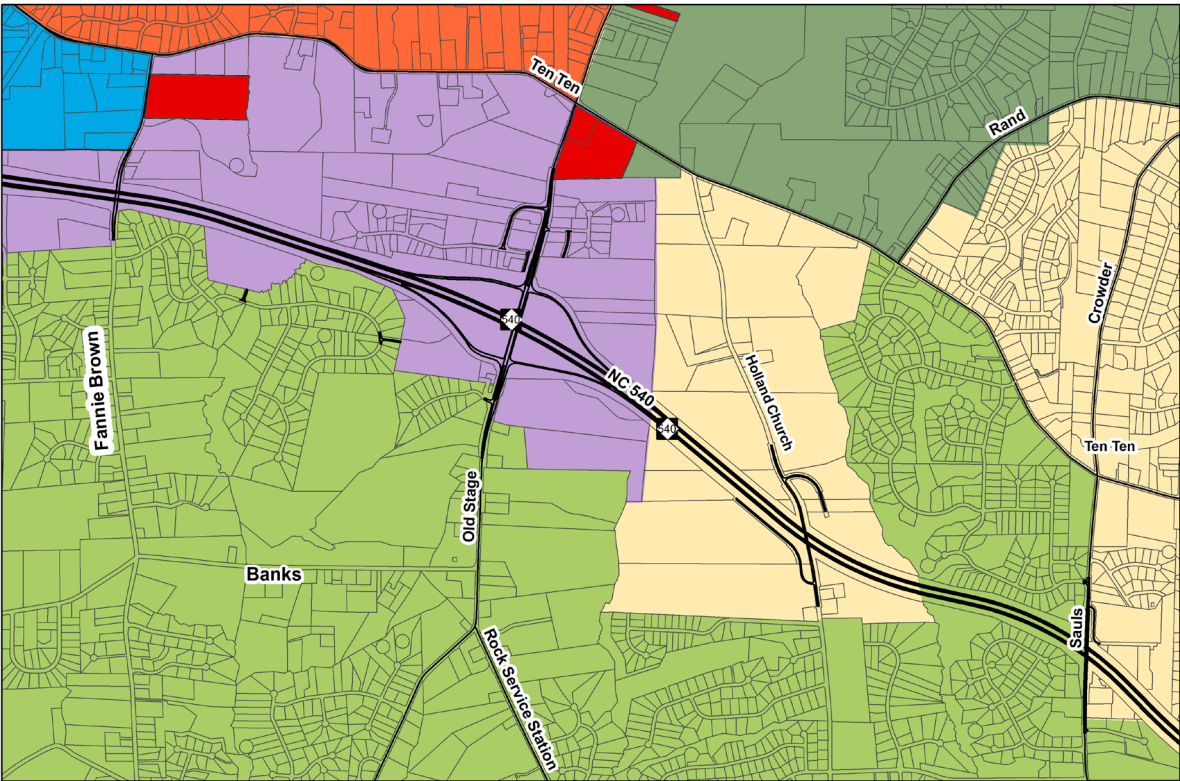
PlanWake Development Framework

- Walkable Center
- Community
- Community Reserve
- Rural

Garner ETJ Request
PLANWake Development
Framework
Benson Area Amendment

Development Framework Map Amendment

Current



Legend

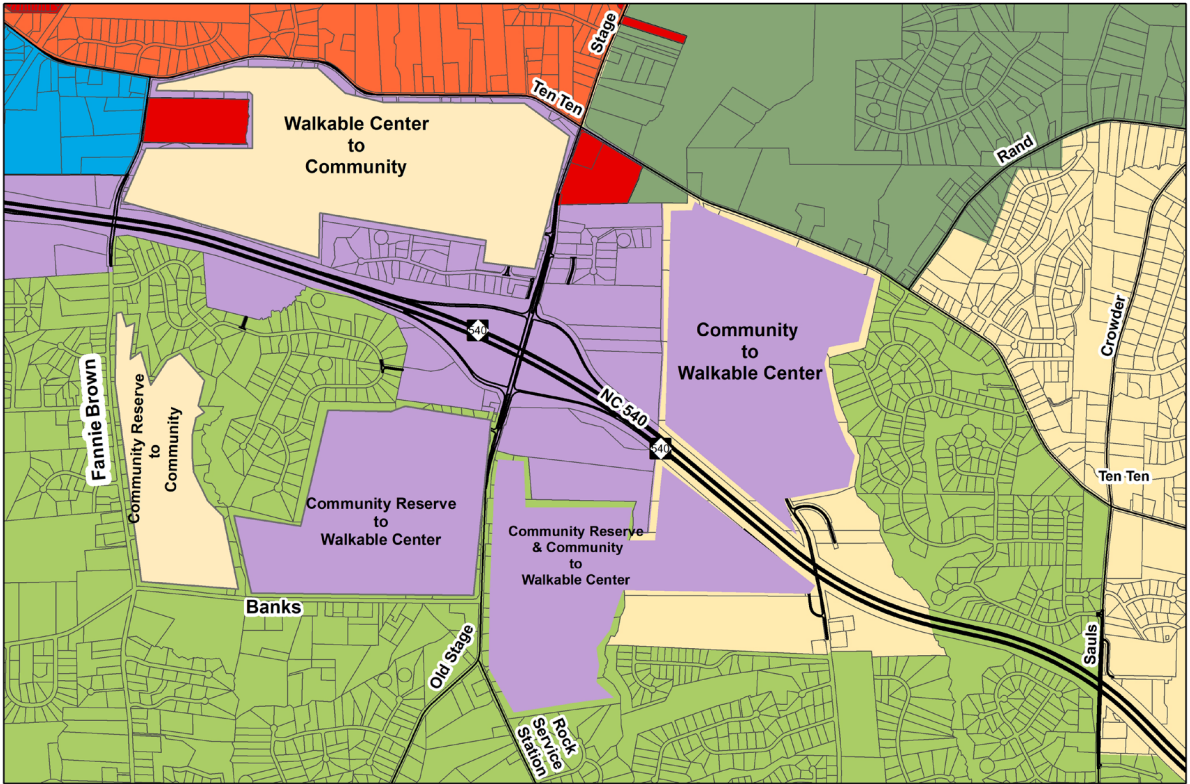
- Garner Corporate Limits
- Garner Planning Jurisdiction

PlanWake Development Framework

- Walkable Center
- Community
- Community Reserve
- Rural

Garner ETJ Request
PLANWake Development
Framework
Old Stage Area Amendment

Proposed



Legend

- Garner Corporate Limits
- Garner Planning Jurisdiction

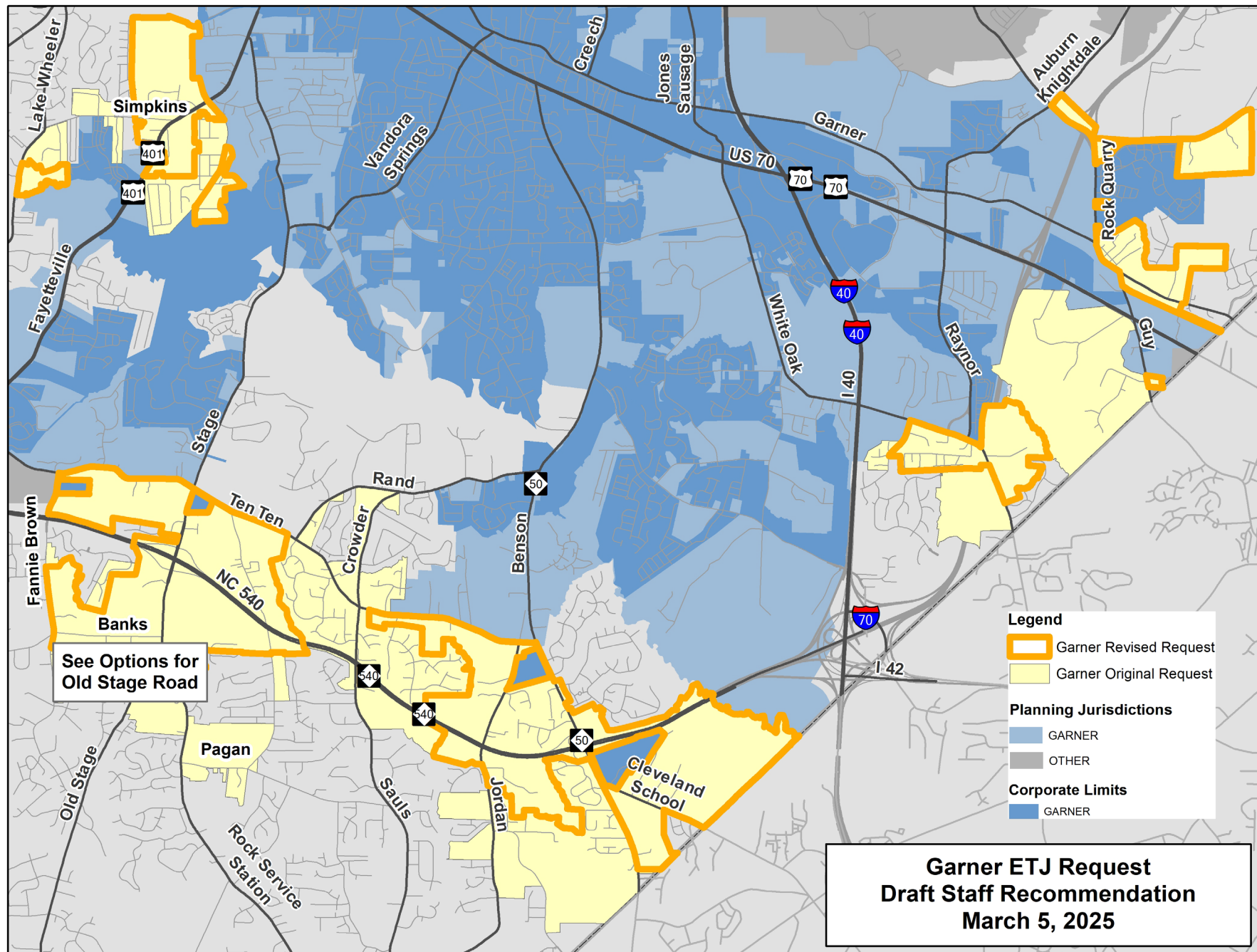
PlanWake Development Framework

- Walkable Center
- Community
- Community Reserve
- Rural

Garner ETJ Request
PLANWake Development
Framework
S Area Amendment

Staff Findings

1. The ETJ process has been transparent with meaningful public engagement and involvement of residents and other stakeholders.
2. The proposed recommendation to defer land in a farmland preservation program from Garner ETJ supports Wake County's farmland preservation goals.
3. The proposed ETJ boundary recommendation is consistent with the ETJ evaluation criteria set forth within the Comprehensive Plan, PLANWake.
4. Amendments to the Development Framework Map are consistent with ETJ Criteria #1 requiring Community Reserve and/or Rural areas be amended to an appropriate category that supports municipal development.



Staff Recommendation

Staff recommends that, in the matter of Comprehensive Plan Amendment 01-25, that the Planning Board make a motion to recommend approval to the Wake County Board of Commissioners as presented here: 1) the Garner ETJ Expansion Request March 2025 version; 2) Voluntary Agricultural deferments; and 3) amendments to the PLANWake Development Framework Map.



Public Comment

Questions & Discussion



@wakegov    

wake.gov



Planning, Development & Inspections

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TEL (INSPECTIONS) 919 856 6222

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

To: Wake County Planning Board
From: Tim Maloney, Director
Subject: Unified Development Ordinance Text Amendment OA-01-25
Date: March 5, 2025

Introduction

The Wake County Unified Development Ordinance (UDO) is a set of regulations that govern the use and development of land and buildings in unincorporated Wake County. The UDO covers a wide range of topics, including zoning, subdivision, stormwater, utilities, and site design.

Its purpose is to promote the public health, safety, and general welfare of residents and businesses while providing a guide for the physical development of the county. The UDO is an evolving document that can undergo substantive text changes (amendments) when those changes are consistent with the Wake County Comprehensive Plan.

The proposed amendments included herein reflect improvements to development processes, provide flexibility to applicants by designating stormwater measures as pervious surface, and incorporate recent changes to state law. Staff worked collaboratively across departments to develop the amendments. Community stakeholders were also given the opportunity to provide feedback.

Request

That the Planning Board recommend approval to the Wake County Board of Commissioners the following amendments to the Wake County UDO:

1. Amend Section 9-32-2 *Parties Responsible for Maintenance of Improvements* to provide clarification that stormwater improvements are 'transferred' to the property owners' association or lot owner.
 2. Amend Section 9-52 *Appeals* to amend the process for appealing interpretations of Article 9 by directing appeals to the Wake County Board of Adjustment rather than the Health and Human Services Board.
 3. Amend Section 21-11 *Definitions* to amend the definition of Impervious Surface in accordance with Session Law 2024-49 (SB166) (attached); include a provision in the Impervious Surface definition that designates stormwater control measures as a pervious surface when designed in accordance with the Wake County Stormwater Manual; and add a definition for Stormwater Control Measure.
-

Amend Section 9-32-2 (Parties Responsible for Maintenance of Improvements) to provide clarification that stormwater improvements are ‘transferred’ to the property owners’ association or lot owner.

Background

UDO Section 9-32-2 outlines the standards for developers to maintain the onsite stormwater measures and devices until such time the responsibility is taken over by the property owners’ association or the lot owner. This process insures there is no gap in proper maintenance of the stormwater measures.

Analysis

UDO Section 9-32-2 currently states that the stormwater improvements be “accepted” by a property owners’ association or lot owner. However, the property owners’ association or lot owner have no authority in determining whether the improvements are “acceptable”. This determination is made by Wake County Environmental Services. When the improvements are deemed acceptable, the responsibility is then “transferred” from the developer to the property owners’ association or lot owner. Therefore, it is proposed to amend Section 9-32-2 to say the improvements will be “transferred” rather than “accepted” by the property owners’ association or lot owner.

Amend Section 9-52 (Appeals) to amend the process for appealing interpretations of Article 9 by directing appeals to the Board of Adjustment rather than the Health and Human Services Board.

Background

The Wake County UDO contains provisions and processes for applicants to appeal staff determinations or interpretations of the UDO. These provisions and processes are outlined in Section 19-41 *Appeals of Administrative Decisions*. The process for such appeals includes a quasi-judicial hearing before the Wake County Board of Adjustment. At the hearing, a determination is made to either uphold the staff decision or overturn it based on findings of fact and conclusions of law.

However, Section 9-52 *Appeals*, contains a provision that requires appeals to Article 9 go to the Wake County Human Services and Environmental Services Board. This provision has been in the UDO since it was established in 2006.

Analysis

The Wake County Board of Adjustment and its members are trained and experienced in conducting quasi-judicial hearings. It’s because of this experience that staff propose amending Section 9-52 requiring appeals of Article 9 go to the Wake County Board of Adjustment rather than the Wake County Human Services and Environmental Services Board. This aligns Article 9 with the rest of the UDO as it pertains to appeal processes.

Amend Section 21-11 (Definitions) to amend the definition of Impervious Surface in accordance with Session Law 2024-49 (SB166); include a provision in the Impervious Surface definition that designates stormwater control measures as a pervious surface when designed in accordance with the Wake County Stormwater Manual; and add a definition for Stormwater Control Measure.

Background

Wake County UDO Section 21-11 provides a definition of “Impervious Surface”. The definition helps clarify what surface materials in the landscape are considered impervious (i.e. concrete, asphalt, etc.) and prohibit water to infiltrate the material and into the subsoil. Impervious surface coverage in site development is usually limited to a certain percent of the overall site. These limitations help reduce surface water runoff and protect water quality. N.C. Session Law 2024 (Senate Bill 166) is mandating a new definition of “Built-Up Area” (impervious surface) that local jurisdictions must comply with. The law is effective January 1, 2025.

Furthermore, the UDO has no provision for allowing pervious pavement to help offset impervious surface when limitations on a site become challenging, particularly in water supply watersheds.

Analysis

The UDO currently defines impervious surface as “any surface resulting from human activity that obstructs or prevents infiltration of water into soil. Impervious surface includes but is not restricted to: buildings and rooftops; walkways, driveways, and parking areas that are paved or compacted by pedestrian or vehicular traffic; solid decks and patios; pavement; recreation facilities that are paved or compacted; and any other paved, compacted, or partially impervious surface. For purposes of calculating the percentage of impervious surface coverage, the area of the entire contiguous lot or parcel must be regarded as the actual area of the lot or parcel. The water surface of a lake, pond, or swimming pool is considered pervious. A wooden slatted deck is considered pervious.”

The definition mandated by the new state law reads: “the term “built-upon area” means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. For the purposes of implementing State or local government stormwater programs, none of the following surfaces shall be considered “built-upon area” or an impervious or partially impervious surface:

1. A slatted deck.
2. The water area of a swimming pool.
3. A surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric.
4. A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).
5. Landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle.
6. Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer's specifications over a pervious surface.”

The new definition provides more clarity as it relates to a variety of surface materials and whether they are pervious or impervious. Pursuant to the new state law, the new definition will replace the current definition in UDO Section 21-11.

The amendment also includes a staff-initiated provision that designates stormwater control measures as a pervious surface when designed in accordance with the Wake County Stormwater Manual. This creates opportunities to use pervious pavers and other similar materials to offset the impervious surface on a development site, which previously was not accepted. With this provision, it's also proposed to add a definition for Stormwater Control Measure as follows: "permanent structural devices that are designed, constructed, and maintained to control flow from stormwater runoff before the water reaches downstream bodies of water. These devices remove pollutants from stormwater and help reduce flooding and erosion to downstream properties when designed in accordance with the Wake County Stormwater Design Manual."

Staff Findings

1. The proposed amendments provide clarity in the development approval process as it pertains to maintenance of stormwater control measures.
2. The proposed amendments align the appeal process for the stormwater section with other parts of the UDO.
3. The proposed amendments provide flexibility and clarity to applicants when applying impervious surface materials to their development site.
4. The proposed amendments incorporate recent changes to state law as it pertains to impervious surface.
5. Staff worked collaboratively across departments to develop the amendments.
6. Community stakeholders were given the opportunity to provide feedback.

Staff Recommendation

Staff recommends that, in the matter of OA-01-25, the Planning Board finds that the adoption of these proposed text amendments are 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.

Attachments

1. OA-01-25 Text Amendment
2. Session Law 2024-49 (SB166)
3. Motions Page
4. Presentation

Wake County Unified Development Ordinance Amendment OA-01-25



Tim Maloney, Director, Planning Development & Inspections

March 5, 2025

@wakegov    

wake.gov

Request

The proposed amendments reflect improvements to stormwater standards and processes; and incorporating recent changes to state law.

1. Amend Section 9-32-2 *Parties Responsible for Maintenance of Improvements*
2. Amend Section 9-52 *Appeals*
3. Amend Section 21-11 *Definitions*

Purpose

- Clarify the process for turning over maintenance of stormwater improvement to the HOA or lot owner.
- Align the 'appeal' process for the stormwater section of the UDO with other parts of the UDO.
- Incorporate recent state law changes related to the definition of impervious surface.
- Designate that stormwater control measures (except those that are below grade) are pervious surface.
- Establish a definition for stormwater control measure.



UDO Section 9-32-2

Parties Responsible for Maintenance of Improvements

Background

- UDO Section 9-32 outlines the standards for developers to maintain onsite stormwater measures and devices.
- The measures and devices are to be maintained by the developer until such time the responsibility is taken over by the property owners' association or the lot owner.
- This process insures there is no gap in proper maintenance of the stormwater measures.

Analysis

- UDO Section 9-32-2 currently states that the stormwater improvements be “accepted” by a property owners’ association or lot owner.
- The property owners’ association or lot owner have no authority in determining whether the improvements are “acceptable”.
- The determination of acceptability is made by Wake County Environmental Services.
- When the improvements are deemed acceptable, the responsibility is then “transferred” from the developer to the property owners’ association or lot owner.

Proposed Amendment

Amend Section 9-32-2 to say the improvements will be “transferred” rather than “accepted” by the property owners’ association or lot owner.



UDO Section 9-52

Appeals

Background

- The UDO contains provisions and processes for applicants to appeal staff determinations or interpretations of the UDO.
- These provisions and processes are outlined in Section 19-41 *Appeals of Administrative Decisions*.
- The process includes a quasi-judicial hearing before the Wake County Board of Adjustment.
- However, Section 9-52 *Appeals*, contains a provision that requires appeals of the stormwater section go to the Wake County Human Services and Environmental Services Board.

Analysis

- The Wake County Board of Adjustment and its members are trained and experienced in conducting quasi-judicial hearings.
- It's because of this experience that staff propose amending Section 9-52 requiring appeals of Article 9 go to the Wake County Board of Adjustment rather than the Wake County Human Services and Environmental Services Board.
- This aligns Article 9 with the rest of the UDO as it pertains to appeal processes.

Proposed Amendment

Amend Section 9-52 to direct appeals to the Wake County Board of Adjustment rather than the Wake County Human Services and Environmental Services Board.



UDO Section 21-11

Definitions

Background

- Wake County UDO Section 21-11 provides a definition of “Impervious Surface”.
- The definition helps clarify what surface materials in the landscape are considered impervious (i.e. concrete, asphalt, etc.).
- Impervious surface coverage in site development is usually limited to a certain percent of the overall site.
- These limitations help reduce surface water runoff and protect water quality.

Background

- N.C. Session Law 2024 (Senate Bill 166) is mandating a new definition of “Built-Upon Area” (impervious surface) that local jurisdictions must comply with.
- The law is effective January 1, 2025.
- Furthermore, the UDO has no provision for allowing pervious pavement to help offset impervious surface.

Analysis

- The new state law definition for impervious surface provides more clarity as it relates to a variety of surface materials and whether they are pervious or impervious.
- For example, certain types of stone, landscape materials, and artificial turf are now considered pervious.

Analysis

- Staff is also proposing to add a provision to the state definition to clarify that most stormwater measures are pervious when designed in accordance with the County's Stormwater Manual.
- This creates opportunities to use pervious pavers and other similar materials to offset the impervious surface on a development site, which previously was not accepted.
- Include a definition for Stormwater Control Measure.

Proposed Amendments

- Amend Section 21-11 to amend the definition of Impervious Surface in accordance with Session Law 2024-49 (SB166).
- Include a provision in the Impervious Surface definition that clarifies that most stormwater control measures are pervious surface when designed in accordance with the Wake County Stormwater Manual.
- Add a definition in Section 21-11 for Stormwater Control Measure.

Staff Findings

1. The proposed amendments provide clarity in the development approval process as it pertains to maintenance of stormwater control measures.
2. The proposed amendments align the appeal process for the stormwater section with other parts of the UDO.
3. The proposed amendments provide flexibility and clarity to applicants when applying impervious surface materials to their development site.

Staff Findings

4. The proposed amendments incorporate recent changes to state law as it pertains to impervious surface.
5. Staff worked collaboratively across departments to develop the amendments.
6. Community stakeholders were given the opportunity to provide feedback.

Staff Recommendation

That the Wake County Planning Board:

1. Recommend that the Board of Commissioners adopt the statement of consistency for Ordinance Amendment 01-25 as presented;

and by separate motion
2. Recommend that the Board of Commissioners adopt Ordinance Amendment 01-25 as presented.



Public Hearing

4-30 Bed and Breakfast Residences.

Bed and breakfast residences are subject to the following standards:

- 4-30-1 The dwelling originally was constructed as a single-family detached dwelling, ~~and contains at least 3,500 square feet of heated floor area;~~
- ~~4-30-2 The dwelling is listed, or eligible for listing, in the National Register of Historic Places, or is listed as a contributing structure within a local or National Register historic district, or is a locally designated historic landmark, or is listed on a State or local inventory of historic structures;~~
- 4-30-~~32~~ ~~If a single-family dwelling is converted to a Bed and Breakfast, n~~No substantial changes may be made to the exterior appearance of the structure or to the site that would alter the property's residential character;
- 4-30-~~43~~ No interior changes may be made that would prevent the structure's conversion back to an exclusively single-family residential use;
- 4-30-~~54~~ Guest stays are limited to 14 consecutive days;
- 4-30-~~65~~ The operator of the bed and breakfast residence may be the owner of the dwelling or a resident manager, but must occupy the dwelling as a principal residence;
- 4-30-~~76~~ Meals may be provided to overnight guests only, and no cooking facilities may be provided in guest rooms; and
- 4-30-~~87~~ Accessory facilities for meetings or recreation may be provided, but only for use by overnight guests (not open to the general public).

4-74 ~~Bed and Breakfast Homestays~~Short-Term Rentals.

~~Bed and breakfast homestays~~Short-term rentals are permitted ~~as an accessory use to a residential dwelling,~~ and subject to the following standards:

- 4-74-1 No substantial changes may be made to the exterior appearance of the structure or to the site that would alter the property's residential character;
- 4-74-2 Guest stays are limited to ~~seven~~30 consecutive days; ~~and~~
- ~~4-74-3 The operator of the bed and breakfast homestay must occupy the dwelling as a principal residence; and~~
- 4-74-~~43~~ Meals may be provided to overnight guests only, and no cooking facilities may be provided in guest rooms.

Article 4 Use Table

Bed and breakfast residences, short-term rentals—homestay and residence	S	S	S	S	-	S	S	S	-	-	-	-	-	-	-	§4-30 §4-74 -
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Article 15. Parking, Loading and Traffic

15-10-4 **Off-street Parking Schedule.** Unless otherwise expressly stated in this Article, off-street parking spaces must be provided in accordance with the following schedule of minimum parking requirements.

USE GROUP	
Use Category Specific Use Type	Minimum Off-Street Parking Requirement
Lodging	
Bed and breakfast, <u>Short-Term Rentals</u>	1 per rental room or unit

Wake County Unified Development Ordinance Amendment OA-02-25



Tim Maloney, Director, Planning Development & Inspections

March 5, 2025

@wakegov    

wake.gov

Request

The proposed amendments reflect improvements to bed and breakfasts and short-term rentals.

1. Amend Section 4-30 *Bed and Breakfast Residences*
2. Amend Section 4-74 *Bed and Breakfast Homestays*

Purpose

- Remove development requirements that are outdated and unnecessary.
- Increase opportunities for supplemental income in the short-term rental market.
- Align UDO use standards with national online platforms that manage short-term rentals.

Background

- UDO Section 4-30 outlines the standards for a traditional bed and breakfast establishment.
 - Requires the home be listed on the National Register of Historic Places and a minimum of 3,500 S.F.
- UDO Section 4-74 outlines the standards for short-term rentals (vacation rentals).
 - Allows a maximum overnight stay of 7 consecutive days; and that the operator live on site.

Analysis

- The demand for temporary overnight accommodations (short-term rentals) continues to increase nationwide.
- Staff recognize this trend and propose various amendments to align our development standards with national models.
- Requirements that bed and breakfast establishments be historic in nature and have a min. size are no longer relevant.
- The requirement that the operator of a short-term rental live on the site does not fit national models.

Proposed Amendments

1. *Bed and Breakfast Residence*: Eliminate the requirement that the dwelling be listed on the National Register of Historic Places and a minimum of 3,500 square feet.
2. *Short-Term Rentals*: Change the title of UDO Section 4-74 from "Bed and Breakfast Homestays" to "Short-Term Rentals", increase the maximum stay from 7 consecutive days to 30 days, and remove the requirement that the operator live on site.

Staff Findings

1. Removes development requirements that are outdated and unnecessary.
2. Increases opportunities for supplemental income in the short-term rental market.
3. Aligns UDO use standards with national online platforms that manage short-term rentals.

Staff Recommendation

That the Wake County Planning Board:

1. Recommend that the Board of Commissioners adopt the statement of consistency for Ordinance Amendment 02-25 as presented;

and by separate motion
2. Recommend that the Board of Commissioners adopt Ordinance Amendment 02-25 as presented.



Public Hearing