



Planning, Development & Inspections

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

MINUTES OF REGULAR PLANNING BOARD - March 5, 2025

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

MEMBERS PRESENT:

1. Mr. Thomas Wells (Chair)
2. Ms. Brenna Booker-Williams (Vice-Chair)
3. Mr. David Adams
4. Mr. Amos Clark
5. Mr. Asa Fleming
6. Dr. Kamal Kolappa
7. Ms. Suzanne Prince
8. Mr. Ted Van Dyk

MEMBERS ABSENT:

1. Ms. Sally Rice

COUNTY STAFF:

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

COUNTY ATTORNEY:

- Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting Called to Order:** Mr. Wells called the meeting to order at 1:30 p.m.
 2. **Pledge of Allegiance**
 3. **Petitions and Amendments:** None.
 4. **Approval of February 5, 2025, Minutes:** Ms. Prince made a motion to approve the February 5, 2025, minutes as presented. Mr. Adams seconded the motion, and the Board adopted unanimously.
 5. **Garner ETJ Extension Request – Terry Nolan, Planner III**
Ms. Nolan updated the Board on the Town of Garner's request for the extension of extraterritorial jurisdiction (ETJ). Their initial request of 8,858 acres underwent review by staff, and after several rounds, they reached a recommendation of 5,038 acres. At the February Planning Board meeting, the Town of Garner's planning director requested time to review staff's most recent recommendation

and submitted a revised proposal for the Board to consider. Ms. Nolan explained that this represented a unified recommendation between the County and the municipality, with an area of approximately 5,000 acres. The recommendation is based on proximity to public utilities, anticipated growth, plan alignment, and feedback from property owners and stakeholders.

Ms. Nolan followed up on questions from February's meeting, explaining that Garner does not own utilities in the area, but has ample water and sewer capacity through an agreement with the City of Raleigh. Utility extensions and transportation projects would be funded by new development and maintained by the Town, as the Town has limited funding that is subject to voter approval. If a development is more than 1,000 feet from existing water/sewer lines, the development may proceed on private water and sewer – Ms. Nolan noted that this was consistent between the County and the Town of Garner.

Ms. Nolan detailed the final proposed ETJ request by area, detailing the following suggestions:

- Northwest Area – excludes most of the existing residential land use. Includes two small areas that have parcels owned by the County and the City of Raleigh that are not developable.
- Northeast area - includes parcels along White Oak and Rock Quarry Road, but excludes a larger mobile home community, some existing county residential areas, and the TV Tower site south of US-70.
- Southern area - excludes much of the county developed subdivisions. Proposed areas for the ETJ align with existing annexation by Garner. The Old Stage Road area is significantly smaller than Garner's request, but Ms. Nolan indicated that the County measures it by the distance to current utilities.

Mr. Van Dyk and Mr. Jenkins asked which areas contained Voluntary Agriculture Districts, and Ms. Nolan provided a slide of existing farms in the program. She noted that the application process was ongoing, and farms in VAD or EVAD programs would be deferred from the ETJ.

Staff's ETJ Expansion Request recommendations result in amendments to the PLANWake Development Framework Map. Ms. Nolan presented slides indicating areas that would need to be amended on the Development Framework Map.

Staff findings are that 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, 2) the proposed ETJ boundary recommendation is consistent with the ETJ evaluation criteria set forth within the Comprehensive Plan (PLANWake), and 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 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 February 2025 version of 5,038 acres, 2) Voluntary Agricultural deferments; and 3) amendments to the PLANWake Development Framework Map.

Mr. Wells opened the floor for public comment at 1:59 p.m.

Public Comment

Various members of the farming community in the Southern area of the ETJ request expressed concerns and strong opposition. Concerns included, but were not limited to, feelings that traffic considerations had not been addressed, and that the rural character of the area would be removed

in favor of heavier development. Many residents informed the Board that they did not receive adequate notice regarding the ETJ, and mobile home community residents expressed confusion about why some mobile home parks were included in the ETJ and others were excluded.

A representative from the Panther Branch Township Committee requested that the Board postpone consideration of the Garner ETJ pending legislation introduced in the General Assembly. Mr. Maloney indicated that the County was aware of this legislation, but that the Town of Garner had expressed a desire to move ahead with their request. Mr. Maloney stated that if passed, the legislation would be retroactive to January 1st, 2025, and if the Board of Commissioners adopted the ETJ expansion, it would nullify anything granted to the Town of Garner.

Mr. Wells closed the public comment portion of the meeting at 2:29 p.m.

Board Discussion

Mr. Fleming, Mr. Van Dyk, Ms. Prince, Mr. Adams, Dr. Kolappa, and Mr. Adams expressed doubts about supporting the ETJ request based on community feedback. Mr. Fleming asked about resident's ability to provide formal engagement, and Ms. Nolan responded that citizens are able to serve as members of municipal planning boards and can attend and speak at public hearings.

Mr. Van Dyk indicated skepticism related to extension of utilities and noted that the presence of this pending legislation was cause enough to reconsider the request before them. Ms. Booker-Williams pointed out that the Board was responsible for considering the law as it existed at the time of the meeting, not necessarily what the law may be in the future. Mr. Fleming identified considerable opposition from the public and expressed his own concerns with the legislation and the split of mobile home communities. Dr. Kolappa concurred and requested that the Board take more time to consider. Ms. Prince felt that the lack of developer agreements and utility extension hinders her ability to vote for the ETJ proposal.

Mr. Wells asked what amount of the previous ETJ request had been annexed into the Town of Garner's jurisdiction, and Mr. Maloney responded it was roughly 33%. Mr. Wells indicated that he had concerns the residents of the current ETJ may be in "limbo" without annexation. Mr. Jenkins supported the northeast and northwest portions, but felt the southern area gave him serious doubts. He noted that I-540 development was inevitable in that area and would need the Town's oversight, but that he shared concerns raised by Panther Branch citizens and echoed Mr. Fleming's point about inconsistencies with the mobile home communities.

Mr. Clark explained that the Board of Commissioners gave the Planning Board clear guidance and criteria in considering ETJ requests, and perhaps it should be up to them to make decisions based on pending legislation. He also felt the mobile home community situation and the lack of annexed land from Garner's previous request were unresolved issues needing discussion.

Ms. Booker-Williams asked if the Board could suggest that Garner pause their request on the southern area, and Mr. Van Dyk suggested that he would support that, if possible. Mr. Wells asked staff if they would consider making the mobile home communities' uniform in exemption, and Ms. Nolan responded that if it was the Board's direction, they would do so. Mr. Fleming indicated he would be in favor of taking all of them out of the ETJ request.

Mr. Wells asked if representatives from the Town of Garner would like to address on the Board's concerns, and Erin Joseph, Assistant Planning Director for the Town approached the lectern. Ms.

Joseph explained that the Town had complied with the ETJ expansion request process and respectfully requested that the request be advanced to the Board of Commissioners for consideration.

Mr. Clark suggested that the Board consider providing clear recommendations to staff and the Commissioners regarding what elements of the ETJ they were willing to support, including removal of mobile home communities. Mr. Van Dyk felt it would be reasonable to separate the southern area from the request and consider it separately, after a study of the area and formulate a request that can help maintain the rural character of that area. Mr. Adams explained that he felt conflicted supporting the ETJ request, noting that the Town of Garner does not fulfill criteria four in that it has not demonstrated that it can provide the infrastructure in the near future to provide support to the areas in the ETJ request. Mr. Clark cited concerns with criteria two and four, regarding the annexed areas included in the request, and agreed with the concerns expressed by Mr. Adams in that the Town has not demonstrated they can provide infrastructure in the near future.

Mr. Maloney asked for more specifics in their directives, and Mr. Wells suggested a focus group in the areas surrounding I-540 that could be defined as the Panther Branch Community, with the involvement of the residents of that area. Ms. Booker-Williams recommended that they remove the three mobile home parks from the request (one from the northeast and two from the southern) and vote to forward the request for the northern areas to the Board of Commissioners, with a reevaluation of the southern area to be forwarded at a later date. Mr. Maloney indicated that staff could take this direction, and work with the Town of Garner and engage citizens in the interim on the southern area request.

With no further discussion, Mr. Wells entertained a motion on the Town of Garner ETJ Request.

Board Motion on Town of Garner ETJ Request

Ms. Prince made a motion that the Planning Board recommend that the County Commissioners include the northwest and northeast portions of the Town of Garner's ETJ request and omit the southern portion for further evaluation and discussion. Additionally, the three mobile home parks would be removed from the ETJ request and should remain in Wake County jurisdiction.

The motion was seconded by Ms. Booker-Williams and was approved with a majority vote. Mr. Adams voted against the motion.

Mr. Maloney informed the Board that the Garner ETJ Request would be advanced to the Board of Commissioners at their April 14, 2025, work session. The session will be in room 2800 at 2pm and will be open to the public, as well as live streamed online. Public comments are not permitted during work sessions. The meeting information will be posted on Wake County's website and is solely a presentation by staff to provide the Planning Board's recommendations.

6. Proposed Zoning Map Amendment – OA-01-25, Timothy Maloney, Director, Planning Development & Inspections

Mr. Maloney presented the request to amend the Wake County Unified Development Ordinance (UDO) to reflect improvement to stormwater standards and process, and to incorporate recent changes to state law. He began by noting that the item before them received favorable approval at the February Code & Operations Committee meeting. The request would amend Section 9-32-2 *Parties Responsible for Maintenance of Improvements*, Section 9-52 *Appeals*, and Section 21-11 *Definitions*. These amendments will help clarify the process for turning over maintenance of

stormwater devices to a Homeowners Association or Lot Owner, align the “appeal process” of the Stormwater section with other areas of the UDO, and incorporate recent State Law changes related to the definition of “impervious surface.” The changes would also designate stormwater control measures as pervious surfaces when designed in accordance with county stormwater design manuals and establish a definition for stormwater control measure.

UDO Section 9-32 outlines the standards for developers to maintain onsite stormwater measures and devices. These measures and devices are to be maintained by the developer until such times the responsibility is taken over by the property owners’ association or the lot owner, to insure no gap in proper maintenance of stormwater measures. 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” – that 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.

Mr. Maloney explained that staff proposed amending Section 9-32-2 to say the improvements will be “transferred” rather than “accepted” by the property owners’ association or lot owner.

The UDO contains provisions and processes for applicants to appeal staff determination, located in Section 19-41, including quasi-judicial hearings 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. Because the Wake County Board of Adjustment and its members are trained and experienced in conducting quasi-judicial hearings, staff recommends amending Section 9-52 requiring appeals of Article 9 go to the Board of Adjustment rather than Human Services and Environmental Services Board. This aligns Article 9 with the rest of the UDO as it pertains to the appeal processes.

The Wake County UDO Section 21-11 provides a definition of “Impervious Surface,” which 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 percentage of the overall site. NC Session Law 2024 (Senate Bill 166) mandates a new definition of “Built-Up-On Area” (impervious surface) that local jurisdictions must comply with, effective January 1st, 2025. Furthermore, the UDO has no provision for allowing pervious pavement to help offset impervious surface. 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. 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 was previously not accepted). Staff is also recommending a definition for Stormwater Control Measure.

Mr. Maloney recommended that Section 21-11 be amended to update the definition of Impervious Surface in Accordance with Session Law 2024-49 (SB166), to 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, and to add a definition in Section 21-11 for Stormwater Control Measure.

Mr. Maloney explained that staff findings determined that the proposed amendments provided clarity in the development approval process as it pertains to maintenance of stormwater control measures. They align the appeal process for the stormwater section with other parts of the UDO, provide

flexibility and clarity to applicants when applying impervious surface materials to their development site. The proposed amendments incorporate recent changes to State law as it pertains to impervious surface. Staff worked collaboratively across departments to develop the amendments, and community stakeholders were given the opportunity to provide feedback.

Mr. Maloney reported that planning staff recommends that the Planning Board recommends to the Board of Commissioners that it 1) adopts the drafted statement of consistency for Ordinance Amendment 01-25 as presented, and as a separate motion, 2) recommends the Board of Commissioners adopts Ordinance Amendment 01-25 as presented.

Public Hearing

Mr. Wells opened the floor for public comment and, hearing none, closed the floor at 3:37 p.m.

Board Motion for Consistency on OA-01-25

Mr. Jenkins made a motion that, in the matter of OA-01-25, the Planning Board finds that the adoption of the text amendment is consistent with the Wake County Comprehensive Plan and the Wake County Unified Development Ordinance because:

- 1) The purpose of the Wake County Comprehensive Plan, and of the Unified Development Ordinance is to promote the health, safety and general welfare of the citizens of Wake County. These purposes are advanced by providing flexibility and clarity within the stormwater section of the Unified Development Ordinance as it pertains to stormwater measures, pervious surface, and appeals of staff determinations.
- 2) The proposed text amendment is reasonable because it is consistent with North Carolina State law and other municipal jurisdictions.

The motion for Consistency was seconded by Mr. Fleming and was approved by the Board unanimously.

Board Motion for Approval on OA-01-25

Dr. Kolappa made a motion that, in the matter of OA-01-25, the Planning Board finds that the adoption of the text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and hereby make a motion to recommend approval of the proposed text amendment to the Wake County Board of Commissioners.

The motion for Approval was seconded by Ms. Booker-Williams and approved by the Board unanimously.

7. Proposed Zoning Map Amendment – OA-02-25, Timothy Maloney, Director, Planning Development & Inspections

Mr. Maloney explained that the purpose of this request is to amend the Wake County Unified Development Ordinance (UDO) to reflect improvements to bed and breakfast residences and short-term rentals, by removing development requirements that are outdated or unnecessary from Sections 4-30 *Bed and Breakfast Residences* and Section 4-74 *Bed and Breakfast Homestays*. These amendments will increase opportunities for supplemental income in the short-term rental market and will align UDO use standards with national online platforms that manage short-term rentals.

UDO Section 4-30 outlines the standards for a traditional bed and breakfast establishment: the home is required to be listed on the National Register of Historic Places and be a minimum of 3,500-square feet. Section 4-74 outlines the standards for short-term rentals (vacation rentals): allowing a maximum overnight stay of 7 consecutive days, and that the operator must live on site. Staff recognizes the fact that demand for temporary overnight accommodations (short-term rentals) continues to increase nationwide and proposes various amendments to align development standards with national models. Requirements that bed and breakfast establishments be historic in nature and have a minimum size are no longer relevant, and the requirement that the operator of a short-term rental live on site does not fit national models (Airbnb, VRBO, etc.).

Mr. Maloney explained that staff proposed the following amendments: Bed and Breakfast Residence – eliminate the requirement that the dwelling be listed on the National Register of Historic Place and a minimum of 3,500-square feet. 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 finds that these changes remove requirements that are outdated and unnecessary, increases opportunities for supplemental income in the short-term rental market, and aligns UDO use standards with national online platforms that manage short-term rentals.

Mr. Maloney reported that planning staff recommends that the Planning Board recommends to the Board of Commissioners that it 1) adopts the drafted statement of consistency for Ordinance Amendment 02-25 as presented, and as a separate motion, 2) recommend the Board of Commissioners adopts Ordinance Amendment 02-25 as presented.

Public Hearing

Mr. Wells opened the floor for public comment and, hearing none, closed the floor at 3:41 p.m.

Board Motion for OA-02-25

Ms. Booker-Williams made a motion that the Planning Board finds that the adoption of the text amendment is consistent with the Wake County Unified Development Ordinance because:

- 1) The purpose of the Wake County Comprehensive Plan, and of the Unified Development Ordinance, is to promote the health, safety and general welfare of the citizens of Wake County. These purposes are advanced by the removal of outdated and unnecessary development requirements while increasing opportunities for supplemental income in the short-term rental market.
- 2) The proposed text amendment is reasonable because it is consistent with other municipal jurisdictions and aligns with national online platforms that manage short-term rentals.

The motion for Consistency was seconded by Mr. Jenkins and approved by the Board unanimously.

Board Motion for Approval on OA-01-25

Ms. Prince made a motion that, in the matter of OA-02-25, the Planning Board finds that the adoption of the text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and hereby make a motion to recommend approval of the proposed text amendment to the Wake County Board of Commissioners.

The motion for Approval was seconded by Mr. Jenkins and approved by the Board unanimously.

8. Committee Reports

Mr. Wells noted that the Code & Operations Committee discussed a proposed UDO text amendment regarding RTP, that will be heard before the full Board in April.

9. Planning, Development, and Inspections Report

Mr. Finn informed the Board that staff has seen a 10% increase in application requests compared to this time for the previous fiscal year. Applications are roughly 44% residential to 56% non-residential. He added that the Board of Adjustment had heard 14 cases to date this fiscal year, which is high and relate to appeals of code enforcement actions. He closed by discussing the role of educating the public in relevant criteria for development, which Mr. Finn credited for smoother transition from inquiry to pre-submittal meetings to applications.

Ms. Peterson updated the Board that the East Wake Area Plan process was underway and invited them to join a virtual meeting with stakeholders tomorrow morning. She added that that the Keep the Farm Workshop would take place on March 19, 2025, and that registration would be forwarded to them. The Wake Soil and Water Conservation District is beginning the Keep the Farmland Preservation Plan, a steering committee which will be represented by Mr. Adams, Mr. Maloney, and herself.

Mr. Maloney noted that the Board will have a Regular Meeting on April 2, 2025, and that the Garner ETJ would be presented to the Board of Commissioners at their work session on April 14, 2025.

Mr. Maloney closed his update by informing the Board that Ms. Peterson would be retiring on May 1st.

10. Chairman's Report

Mr. Wells thanked the Board members for their time and attention during the meeting, noting this would likely be his last meeting as Chair after elections in April.

11. Adjournment

The meeting was adjourned at 3:52 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
March 5, 2025

Chair Thomas Wells declared the regular meeting
of the Wake County Planning Board for
Wednesday, March 5, 2025, adjourned at 3:52 p.m.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Thomas Wells", written in a cursive style.

Thomas Wells
Wake County Planning Board

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