



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. Frank Cope
2. Mr. Steven Finn
3. Mr. Tim Gardiner
4. Mr. Timothy Maloney
5. Mr. Josh McClellan
6. Ms. Terry Nolan
7. Ms. Betsy Pearce
8. Ms. Sharon Peterson
9. Mr. Matt Roylance
10. Ms. Beth Simmons

COUNTY ATTORNEY:

- Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting Called to Order:** Mr. Wells called the meeting to order at 1:30 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 in February. At the last 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 County and municipality, with an area of approximately 5,000 acres.

Ms. Nolan followed up with 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 would be funded by new development, as the Town has limited funds, and they are subject to voter approval. The Town of Garner also expressed that the timeline for their extension request is driven by high demand. Garner also indicated that they had used developer agreements for transportation projects, but not utilities, so Raleigh would need to be a partner to any agreement. If a development is more than 1,000' from existing 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.

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.

Ms. Nolan detailed the final proposed ETJ request by area, explaining that the northwest area is existing residential land use. Two small areas are being added back adjacent to municipality limits, which are connected by stub roads. The existing parcels owned by the County and not developable, so adding them to Garner's planning jurisdiction would allow for extension. The northeast area included areas along White Oak and Rock Quarry Road, but would exclude a larger mobile home community, existing County residential areas, and the TV Tower site south of US-70. One mobile home will be included in their ETJ request to the northeast – some of the plots are vacant, others include manufactured homes, but the County feels confident that Garner will be able to provide utilities. To the south, the Benson Road area would not include most of the developed subdivisions in the County. 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 were covered in the VAD District, 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 jurisdiction would be exempt from the ETJ.

Staff recommendation resulting from staff's ETJ Expansion Request recommendations that amendments be made to the PLANWake Development Framework Map. Ms. Nolan presented slides indicating each area in the ETJ request and their adjustments from Rural to Community, and Community to Walkable Center in the amended Framework Map.

Ms. Nolan identified areas that would need to be amended on the Development Framework Map: in the Northeast and Northwest areas, Rural areas would be adjusted to Community, consistent with Garner's development classifications. To the South, attempts were made to bring the County's plans in alignment with Garner's plan. Areas previously listed as Community Reserve would be reclassified to Community, while Garner's Mixed-Use area would be shifted from Community to Walkable Center. Additional smaller adjustments would be shifted to Walkable Center and Community mixes.

Staff findings are that the ETJ process has been transparent with meaningful public engagement and involvement of residents and other stakeholders. The proposed recommendation to defer land in a farmland preservation program from Garner ETJ supports Wake County's farmland preservation goals. The proposed ETJ boundary recommendation is consistent with the ETJ evaluation criteria set forth within the Comprehensive Plan, PLANWake. 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. They felt 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, in part because the County only sent mailings to property owners. Mobile home community residents expressed confusion about why some areas were included in the ETJ and others were excluded, and requested an explanation from the County.

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. If passed, the legislation would pause the ETJ process in Wake County for at least three years. 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, even if it would be considered null and void. The members of the Panther Branch Township also explained that they intended to incorporate over the next 5 years and that their status as a municipality would entitle them to dispute the southern portion of the ETJ.

With no further comments, Mr. Wells closed the public hearing 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 the resident's inability to provide formal engagement, and Ms. Nolan responded that they would be able to serve as members or municipal planning and could attend public hearing. Mr. Van Dyk asked for clarification regarding the General Assembly's legislation, and Mr. Maloney clarified that it 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. 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 it might be. 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 hindered her ability to vote for the ETJ.

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 1/3rd. 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 the I-540 expansion was inevitable in that area, but that he shared concerns raised by Panther Branch 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 request, and perhaps it should be up to them to make decisions based on pending legislation. He also felt the mobile home community situation was unresolved, and that the lack of annexed land from Garner's previous request was a sticking point.

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 to taking all of them out of the ETJ.

Mr. Wells asked if representatives from the Town of Garner would like to weigh in on the Board's concerns, and Erin Joseph, Assistant Planning Director for the Town approached the lectern. Ms. Joseph explained that the Town's position was that the Board considers and moves forward with the ETJ request. The Town had complied with the process of ETJ expansion request and respectfully requested that it be advanced to the Board of Commissioners.

Mr. Clark suggested that the Board should consider providing clear direction to staff and the Commissioners what elements of the ETJ they were willing to support, including removal of mobile home communities. Mr. Adams explained that he felt conflicted supporting the ETJ request, noting that serving the public was the duty of the Board of Commissioners. Mr. Van Dyk felt it would be reasonable to separate the southern area and consider it separately from the ETJ request to research it and maintain the rural character.

Mr. Maloney asked for more specific in their directives, and Mr. Wells suggested a focus group in the areas surrounding 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, and forward the request for the northern areas with a reevaluation of the southern area, that would be specific guidance to staff. Mr. Maloney indicated that staff could take this direction, and work with the Town of Garner in the interim, and take it to the Board of Commissioners.

With no further discussion, Mr. Wells indicated he would entertain a motion on the 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 evaluation. Additionally, the mobile home parks would be removed from the ETJ request and should remain with Wake County.

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 14th work session. The information will be posted on Wake County's website and the meeting would be an opportunity for staff to present the recommendation. The work session will be open to the public and is also streamed online. Public comments were not permitted during work sessions.

Mr. Wells thanked the public for their participation.

6. Proposed Zoning Map Amendment – OA-01-25

Request to amend the Wake County Unified Development Ordinance (UDO) to reflect improvements to stormwater standards and processes, and to incorporate recent changes to state law.

Presentation by staff: Timothy Maloney, Director, Wake County Planning, Development & Inspections

Mr. Maloney began by noting that the item before them had met with favorable approval at the February Code & Operations meeting. Proposed Zoning Map Amendment OA-01-25 are amendments to the UDO to reflect improvements in stormwater standards and processes, which also incorporate State Law. The request before the Board is to 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 improvements to the HOA 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 (except those that are below grade) are pervious surfaces, 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 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 low owner.

The UDO contains provisions and processes for applicants to appeal staff determination of the UDO, 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.

Mr. Maloney recommended that Section 9-52 be amended to direct appeals to the Wake County Board of Adjustment rather than the Wake County Human Services and Environmental Services Board.

The Wake County UDO Section 21-11 provides a definition of “Impervious Surface,” which helps clarify what surface materials in the landscape are considered such (i.e. concrete, asphalt, etc.). Impervious surface coverage in site development is usually limited to a certain percentage of the overall site. These limitations help reduce surface water runoff and protect water quality. NC Session Law 2024 (Senate Bill 166) mandates a new definition of “Built-Upon Area” (impervious surface) that local jurisdictions must comply with. The law is 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). They also propose including 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.

Staff finds that the requested CU-I-2 rezoning, and the permissible range of uses are consistent with PLANWake and the Southeast Area Land Use Plan designations and are reasonable and appropriate for the area, and in the public interest. The petitioner noted that the proposed rezoning complies with several stated goals of PLANWake and the associated Southeast Area Land Use Plan. Trip generation calculations indicated that any proposed development would generate less traffic than the threshold for a formal TIA and would have minimal impact on the operation of Three Sisters Road. A detailed site plan must be approved by the appropriate County agencies prior to future development on the subject properties to ensure compliance with all applicable regulations. The requested rezoning is consistent with the Town of Knightdale’s designation of this area for industrial uses, and they were not opposed to this request. Wake County planning staff has received no opposition from the neighboring business owners or the general public regarding this rezoning petition.

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 2) approves 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

Request to amend the Wake County Unified Development Ordinance to reflect improvements to bed and breakfasts and short-term rentals.

Presentation by staff: Timothy Maloney, Director, Wake County Planning, Development & Inspections

Mr. Maloney explained that the purpose of OA-02-25 was to removed development requirements that are outdated or unnecessary from Sections 4-30 *Bed and Breakfast Residences* and Section 4-74 *Bed and Breakfast Homestays* to increase opportunities for supplemental income in the short-term rental market. These amendments 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. However, the demand for temporary overnight accommodations (short-term rentals) continues to increase nationwide. Staff recognizes this trend and proposes various amendments to align development standard 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 remove development 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 noted that staff recommended that the Planning Board recommend that the Board of Commissioners adopt the statement of consistency for Ordinance Amendment 02-25 as presented, and as a separate motion, recommend that the Board of Commissioners adopt 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 Board discussed a proposed UDO text amendment regarding Research Triangle Park, and that Mr. Adams would update Dr. Kolappa at a later point.

9. Planning, Development, and Inspections Report

Mr. Finn informed the Board that staff has seen a 10% increase in application requests relative to this time in the past Fiscal Year. The applications are roughly 44% residential to 56% non-residential. He thanked Mr. Maloney for his work on the Ordinance Amendment, noting that the development regarding permeable pavers would provide greater flexibility. He added that the Board of Adjustment had heard 14 cases to date, 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. She added that that the Keep the Farm Workshop would take place on March 19th and that registration would be forwarded to them. Tied to that, Wake Soil and Water Conservation District is starting its 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 2nd to hear the RTP ordinance amendment heard during the Code and Operations meeting today. He added that the Garner ETJ update would be provided informally, as it would be headed to the Board of Commissioners at their work session on April 14th.

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:

Thomas Wells
Wake County Planning Board

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