

Item Title: Public Hearing on Proposed Ordinance Amendment OA-05-25 to Amend the Wake County Unified Development Ordinance related to Watershed Protection

Specific Action Requested:
That the Board of Commissioners:

1. Holds a public hearing and adopts the draft statement finding that Ordinance Amendment OA-05-25 is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest; and adopts the attached resolution;

and by a separate motion;

2. Adopts the attached resolution to approve the proposed amendment to the Wake County Unified Development Ordinance as presented in Ordinance Amendment OA-05-25.

Item Summary:

Purpose: In accordance with N.C. General Statute, the Board of Commissioners must approve amendments to the Wake County Unified Development Ordinance (UDO).

Background: This proposed amendment to the Wake County UDO is initiated by staff. The proposed amendments clarify county authority, align regulations with State law, and provide a consistent definition of a common measurement.

The proposed amendment does not impact any existing land use, development, or permit.

The Planning Board recommended, by unanimous vote, that the Board of Commissioners adopt the amendment request. County staff concurs with this recommendation.

Strategic Plan: This action aligns with the Board of Commissioners' land use and development regulatory authority under North Carolina General Statutes and does not relate to a specific Strategic Plan goal.

Fiscal Impact: There is no fiscal impact.

Additional Information:

Amend Section 11 Part 2 *Water Supply Watershed Buffers* to consistently define a stream buffer width as measuring from the top of the stream bank and a pond buffer width as measuring from edge of the normal water level.

Section 11 Part 2 *Water Supply Watershed Buffers* refers to how the buffer is measured. The current County water supply buffers are measured from the centerline of the stream. State mandated riparian buffers and water supply buffers are measured at the drainageway starting at the top of bank for a stream or at the normal water level of the pond, lake, or reservoir. The proposed amendment would make the definition consistent with the State rule 15A NCAC 02B .0714 8(a).

Amend Section 11-10 *Applicability of Neuse Riparian Buffer Protection Rules* to add text stating the County administers the Jordan Lake Buffer Rules.

The State adopted Jordan Lake buffer rules in September 2011 and delegated authority to local governments to develop and implement programs to meet the buffer rules. Wake County staff carry out regulation of Jordan Lake buffers, including field verification and processing of requests for buffer impacts. The added text clarifies that the County administers the program by reference to the State rule 15A NCAC 02B .0267 15(b).

Amend Section 10-30-2(B)(2)(b) *Financial Responsibility and Ownership* changes the residency requirement from a resident of Wake County to a resident of North Carolina.

The purpose of 10-30-2(B)(2)(b) is to ensure there is a financially responsible party on record to receive notices of compliance or non-compliance with the erosion and sedimentation control plan. Currently, the party or designated agent must be a Wake County resident. The amendment expands the residency requirement from the county to the State of North Carolina. This change is in response to a 2024 State Audit of the county Erosion Control Program that identified the need to make the language consistent with State regulations.

Amend Section 10-42-3(B) *Notice of Civil Penalty Assessment* and 10-42-4(B) *Appeal of Civil Penalties* to correct the time to request remission of the penalty from 60 days to 30 days.

10-42-3(B) and 10-42-4(B) describe the process for civil penalties imposed in the event of a violation of erosion and sedimentation control regulations. The amendment changes deadlines from 60 days to 30 days in order to be consistent with State regulations.

Stakeholder Feedback

Staff met with the Raleigh/Wake County Homebuilders Association (HBA) on this amendment. Staff made minor adjustments based on their feedback.

Overview of Changes:

1. Amend Section 11 Part 2 *Water Supply Watershed Buffers* to consistently define a stream buffer width as measuring from the top of the stream bank and a pond buffer width as measuring from edge of the normal water level.

2. Amend Section 11-10 *Applicability of Neuse Riparian Buffer Protection Rules* to **add** text stating the County administers the Jordan Lake Buffer Rules.
3. Amend Section 10-30-2(B)(2)(b) *Financial Responsibility and Ownership* changes the residency requirement from a resident of Wake County to a resident of North Carolina.
4. Amend Section 10-42-3(B) *Notice of Civil Penalty Assessment* and 10-42-4(B) *Appeal of Civil Penalties* to correct the time to request remission of the penalty from 60 days to 30 days.

Staff Findings:

The proposed amendment finds:

1. No impact on development rights.
2. The amendments provide clear, consistent definition of common terms.
3. The changes are consistent with State Statute.
4. It is consistent with the intent and purpose of the Wake County Unified Development Ordinance.

Recommendations:

Planning Staff: Staff recommends approval of the proposed text amendment as presented.

Planning Board: The Planning Board recommended, by a unanimous vote at their September 3, 2025, meeting, that the Board of Commissioners finds that the proposed text amendment OA-05-25 is consistent with the Comprehensive Plan and Unified Development Ordinance, is reasonable and in the public interest, and approves the amendment as presented.

Attachments:

1. Presentation
2. Staff Report
3. Planning Board Minutes
4. Statement of Consistency Resolution
5. Ordinance Amendment Resolution
6. Motions Page