



Planning, Development & Inspections

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MINUTES OF REGULAR MEETING

Wake County Planning Board

Wednesday, January 3, 2018 (1:30 p.m.)
Wake County Justice Center
300 S. Salisbury St., Room 2700
Raleigh, North Carolina

Members Present: (8) Mr. Alan Swanstrom (Chair), Mr. Thomas Wells, Mr. Jason Barron (Vice-chair), Mr. Phil Feagan, Mr. Donovan Amos Clark, Mr. Ted Van Dyk, Ms. Tara Kreider, Mr. Asa Fleming

Members Absent: (2) Ms. Ashley Foxx, Mr. Wayne Maiorano

County Guests & Staff: (8) Mr. Tim Maloney, Mr. Bryan Coates, Mr. Steven Finn, Ms. Jenny Coats, Mr. Adam Cook, Mr. Chris Snow. Guest Speakers: Christina Lighthall, Senior Director, Long Range Planning – WCPSS; Thomas Dudley, Program Manager - Operations Research and Education Laboratory (OREd) / ITRE.

County Attorney's Present: (1) Mr. Ken Murphy (Senior Assistant County Attorney)

Meeting

1. **Call to Order** – Mr. Alan Swanstrom called the meeting to order at 1:30 p.m.
2. **Approval of the Minutes of the December 6, 2017.** Unanimous approval by acclamation.
3. **Text Amendment OA-01-17 Quasi-Judicial Proceedings** – Approval to amend the Unified Development Ordinance (UDO) to allow for all quasi-judicial processes to be heard by the Board of Adjustment.

This proposal was vetted at the December 6, 2017 Planning Board Code and Operations Committee. Committee Chair Tom Wells reported that the committee members voted unanimously in favor of approving and advancing the text amendment to the Planning Board for a vote.

Adam Cook presented the staff recommended text amendment background as follows:

The UDO splits quasi-judicial proceedings between the Planning Board and Board of Adjustment. The Planning Board is the decision-making authority on modifications and waivers of subdivision standards and planned compliance permits. The Board of Adjustment is the decision-making authority for special use permits, zoning variances, interpretations of flood boundaries, and appeals of administrative decisions.

The proposed amendment will consolidate all quasi-judicial reviews to the Board of Adjustment instead of splitting quasi-judicial cases between the Planning Board and Board of Adjustment. The Board of Adjustment undergoes specific training for quasi-judicial proceedings and is structured with regular and alternate members which makes it much easier for the Board to ensure that a quorum will be reached for quasi-judicial procedures. Often quasi-judicial procedures require a four-fifths majority of the members of the board to

approve or deny action on a case. The proposed amendment will streamline the UDO and align the UDO with the practice of other jurisdictions.

The consolidation of quasi-judicial review to the Board of Adjustment will result in changes to several sections of the UDO with the bulk of the changes taking place in the review and approval procedures of Article 19. In order to shift quasi-judicial reviews to the Board of Adjustment, Article 19 will be updated to remove the planned compliance permit section. Projects that previously required a planned compliance permit will now follow the commercial permit review process. All variance requests and appeals of administrative decisions will now be handled by the Board of Adjustment. Sections of the UDO that allowed for either Planning Board or Planning Director approval will be updated to allow for Planning Director approval with appeals of the Planning Director's decisions heard by the Board of Adjustment.

Amendment Summary

1. **Section 2-10** – updates responsibilities of the Planning Board
2. **Section 9-41** – updates process for stormwater management variances
3. **Section 19-16** – changes the review and decision-making authority summary table
4. **Section 19-22** – removes planned compliance permit section
5. **Section 19-26** – updates variance review and approval procedures
6. **Section 19-33-5** – updates staff action on variance processes
7. **Section 19-33-6-9** – removes Planning Board review and action for variances
8. **Section 19-36** – removes modification and waivers of subdivision standards section
9. **Section 19-37** – removes appeals of decisions on subdivision matters section
10. **Section 19-41-1** – updates appeals of administrative decisions
11. **Section 8, 12, & 16** – updates sections to change Planning Board to Planning Director

Board Discussion

Ken Murphy confirmed that the appeals process would remain unchanged and reminded the Board that pursuant to State Law for a text amendment that two motions are needed. The first motion is for consistency with the land use plan and the second motion recommends approval of the proposed text amendment to the Wake County Board of Commissioners. No further discussion ensued and Chairman Swanstrom called for the motions.

Motion for Consistency (Motion 1)

Mr. Jason Barron moved that the Board finds that the adoption of the text amendment is consistent with the Wake County Land Use Plan and Wake County Unified Development Ordinance because:

- 1) The purpose of the Wake County Land Use Plan, and of the Unified Development Ordinance as seen in Article 1-11, is to promote a guide for the physical development of the County, preserve and enhance the overall quality of life of residents, and establish clear and efficient development review procedures. These purposes are advanced by this text amendment's consolidation of quasi-judicial cases to be heard exclusively by the Board of Adjustment instead of having some quasi-judicial cases heard by the Board of Adjustment and some heard by the Planning Board, which will streamline the quasi-judicial review procedures of the Unified Development Ordinance;
- 2) The proposed text amendment is reasonable and in the public interest because it provides a clear review process for quasi-judicial proceedings by having all requests for variances from the UDO and all appeals from administrative decisions interpreting the UDO heard exclusively by the Board of Adjustment, whose members receive special training for quasi-judicial proceedings, and which is comprised of both regular and alternate members, which makes it easier to achieve the quorum required by State law to hear and grant variance requests.

Motion was seconded by Mr. Tom Wells and passed unanimously.

Motion for Approval (Motion 2)

Mr. Jason Barron moved that in the matter of OA-01-17, the Board finds that the adoption of the text amendment is consistent with the Wake County Land Use 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.

Motion was seconded by Mr. Tom Wells and passed unanimously.

4. **Wake County Public School System Facility Planning. Wake County.** Guests Christina Lighthall and Thomas Dudley reviewed the Wake County School's process used to plan and locate new schools. The process involves County and municipal planning departments as well as outsourced consultants (Numerix consultants - <https://www.numerix.com/technology-consulting>). The team uses geocoding, student modeling and forecasting to create "target circle" maps for future school locations.

Ms. Lighthall and Mr. Dudley answered questions concerning urban vs. rural school planning in Wake County and how WCPSS prioritizes acquired and future sites in their planning. Board members also asked how school planners gather data from municipal planners and adjust for growth, school turnover and communities that "age out" of elementary school needs. Growth is primarily determined by reviewing student population (Numerix provides this service). Discussion also centered around the County's transportation plan and how the schools are planning to integrate into future transportation options.

5. **Wake County Greenways and Parks Plan** – Parks, Recreation and Open Space Director Chris Snow presented the Greenways and Parks Plan developed by County staff and Planning & Design consultants Alta and Stewart. The full plan describes the vision to create a connected and comprehensive system of greenway trails that enhances quality of life throughout Wake County. The focus of the plan is to establish greenway trail connections. The plans goals include:

- Improve access to outdoor recreation for health and wellness
- Increase connectivity for multi-modal transportation
- Support economic development and capitalize on trail based tourism.
- Protect waterways, wildlife habitat, and natural areas along greenways.

6. **Committee Reports – Code and Operations Report**

Chairman Tom Wells reported that the Code and Ops Committee reviewed OA-02-17 Minor Limited Subdivision. The purpose is to amend the Unified Development Ordinance (UDO) to incorporate the changes of the new state law regarding the processing of a new type of subdivision class for plat recordation and to update the exempt subdivision standards. The Committee voted unanimously to recommend approval to the Planning Board. The Planning Board will review the item on February 7, 2018.

7. **Staff Reports** – Mr. Steven Finn reported that the Board of Adjustment remains active with cluster subdivisions in the North Wake watershed area. There is also a slight increase in zoning enforcement – which is typical for the fall and winter season. He also reported the new online development system is scheduled to go live in the summer of 2018. Full demonstrations/presentations will be shared with the Board closer to the go live date.

Tim Maloney reminded members that some of their terms are expiring and that communication would be sent from the Clerk's office for re-appointments. The Board of Commissioners will appoint new member in February. Mr. Maloney also informed the Board that staff will continue to bring guests to give informative presentations including Economic Development.

Having no further announcements, the meeting was adjourned at 3:46 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
January 3, 2018

Alan Swanstrom declared the regular meeting
of the Wake County Planning Board for
Wednesday, January 3, 2018 adjourned at 3:35 p.m.

Respectfully Submitted:

Alan Swanstrom
Wake County Planning Board

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