



Planning, Development & Inspections

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MINUTES OF REGULAR MEETING

Wake County Planning Board

Wednesday November 7, 2018 (1:30 p.m.)

Wake County Justice Center

300 S. Salisbury St., Room 2800

Raleigh, North Carolina

Members Present: (5) Mr. Jason Barron (Vice Chair), Mr. Donovan Amos Clark, Mr. Thomas Wells, Ms. Tara Kreider, Mr. Asa Fleming

Members Absent: (5) Mr. Alan Swanstrom (Chair), Ms. Susan Sanford, Mr. Bill Jenkins, Mr. Phil Feagan, Mr. Ted Van Dyk

County Staff: (6) Mr. Tim Maloney, Mr. Steven Finn, Ms. Sharon Peterson, Ms. Terry Nolan, Mr. Evan Kane; Mrs. Loretta Alston

County Attorney Present: (1) Mr. Kenneth Murphy (Senior Assistant County Attorney)

1. **Meeting Called to Order** – Mr. Jason Barron called the meeting to order at 1:30 P.M.

Board members were informed that the Chair Al Swanstrom would be taking a medical leave of absence. Mr. Murphy advised the Board of the By Laws and that no action was required to fill his position.

2. **Petitions and Amendments** – None

3. **Motion to approve minutes of September 5, 2018** was made by Mr. Wells and seconded by Mr. Fleming. The minutes were unanimously approved.

4. **Well Regulations Presentation – Wake County Environmental Services**

Mr. Evan Kane, Water Quality Manager, presented the Board with an overview of Wake County Well Regulation rule revisions. He explained these are a part of Human Services Board regulations, not the UDO, but they do have clear connections to Land Use Planning and Development. Highlights of the presentation include:

- In 2008, state law required that every local health department in the state institute these minimum requirements.
- Wake County is one of the few counties that will hold up a Certificate of Occupancy.
- Radionuclides are the most common chemical health hazard in Wake County wells.
- Radon test is not required.

Next Steps

- Consider new testing data
- Public Notice and Comment
- Adoption by Human Services Board – Fall 2018

Planning Board Discussion

Mr. Fleming asked why radon testing is voluntary if radionuclides are known to be there. Mr. Kane responded by saying that in the case of a private well the consumer has the right to decide how to manage the testing of their well water.

Mr. Barron asked if there were charges or if the test is complimentary? Mr. Kane said there is a charge of \$325 which includes everything. He also said there is a sliding scale for low income residents.

Mr. Barron asked about the consequences or requirements of not having the well tested – i.e. there are contaminants; risk well shut down. Mr. Kane stated the County provides technical assistance, and also provides guidance with what fixes are available.

Mr. Kane stated some people want the government to come and test their water because they will have a public record and certain privacy constraints that people want on their property as it relates to their property value. He further explained Environmental Services wants people to recognize they have some autonomy in choosing a testing agency and can choose to go to a private lab and get the same test or they can ask Wake County Environmental Services to do it for them.

For more details, please click on the following presentation link:

[Wake Co Planning Board - WC Well Rule Revisions.pptx](#)

5. **UDO Text Amendment OA 02-18-Use of Native Plants** - To amend the Wake County Unified Development Ordinance (UDO) to support use of native plants.

Staff report by Terry Nolan, Planner III

Background:

This initiative was first introduced by the Wake County Open Space and Parks Advisory Committee (OSAPAC). OSAPAC recommended moving the initiative through the Growth, Land Use and Environment (GLUE) committee. The Board of Commissioners expressed their support at the October 8, 2018 work session and on October 15, 2018 they adopted a resolution stating Wake County will review and revise the Wake County Unified Development Ordinance and the Wake County Design Guidelines and Standards ensuring that Wake County projects utilize native plants to the greatest extent possible.

Wake County staff worked with a broad spectrum of professionals and organizations to identify opportunities related to county operations as well as development policies. These professionals and organizations included the NC Botanical Gardens, landscape architects, NC Native Plant Society, landscape nurseries, and landscape contractors. Discussions resulted in a recommendation to replace the outdated list of non-native invasive species located in Appendix A with current references, and to more clearly emphasize the use of native plants when landscaping is required in the UDO.

The proposed amendment reads as follows:

16-10-3 Plant Material, Installation and Maintenance

(B) Plant Materials

(1) Existing Vegetation

Existing vegetation that meets or exceeds applicable screening requirements may be used to satisfy the requirements of this section, provided the bufferyard contains sufficient area surrounding the vegetation to ensure its protection from encroachments that may threaten its continued healthy growth. Due to their effectiveness in immediately providing a more effective screen, the retention and protection of existing vegetation must be given preference over the installation of new plant

materials in the achievement of the required screening. Existing vegetation that is in a healthy condition, meets the minimum planting size requirements, and will meet the required mature plant size must be given credit ~~plant for plant~~ toward meeting the required screening. Existing vegetation must be noninvasive in nature. If invasive plants are found within the buffer, they must be permanently removed through mechanical ~~of~~ or herbicidal means. No disposal of these plants (whole plants, clippings, root masses, etc...) may occur within buffers, easements, open space areas, or along rights-of-way. ~~See Appendix A for a USDA list of nonnative invasive species.~~ Invasive species are those identified on the most current lists published by the North Carolina Department of Agriculture & Consumer Services and NC Invasive Plant Council.

(2) Location and Spacing

Plants must be staggered or clustered as necessary to maximize screening objectives and to meet the needs of the particular species of plants for root space, water, light, and circulation.

(3) General Standards

All ~~landscaping~~ required landscape plant materials, inclusive of trees, shrubs and groundcovers, must comply with the American Nurseryman's Standards. Neither nonnative nor invasive plant species may be used for planting in landscaping and bufferyards ~~(see the USDA list of these species).~~ ~~Native species used in replantings are encouraged over ornamentals. All species chosen for planting should be chosen from amongst those species that typically grow in our geographical area, Zone 7.~~ The ~~developer~~ designer is responsible for researching ~~the biological requirements of each~~ proposed species utilized in the plantings and indicate on the plans that the material being used is native to our geographical area.

Additionally, the amendment would delete Appendix A which lists non-native invasive species.

Analysis

This amendment would require use of native plants in Article 16-10-3(B)(3), which contains general standards for landscaping and landscape bufferyards. The standards outlined in 16(B)(3) are applied to sections of Article 16 and 18 related to commercial development and signs. Landscaping requirements in the UDO are limited to the following development situations:

1. Off-Street Parking Areas (16-10-1) that contain 10 or more parking spaces or an area of 3,000 square feet or more. Parking lot perimeter landscaping requirements do not apply to places of worship.
2. Bufferyards (16-10-2) are required with the development of new nonresidential construction, high-density residential, change in land use to a more intensive class of use, or expansion of use.
3. Fences, Walls, and Berms (16-10-3 (C)) must be screened. This does not apply to residential homeowners.
4. Trash Storage Areas (16-11) must be screened with vines or other landscaping.
5. Permanent, Freestanding Signs (18-10), in both residential and nonresidential districts, if it is within 100 feet of road rights-of-way must have landscaping around the base. The amount of landscaping required is based on the size of the sign.

In discussions with landscape architects, nurseries, and contractors, it was the consensus that area nurseries have sufficient stock of native plants to meet the proposed amendments to the UDO. The impact of the proposed change is considered minor because the county has very limited requirements for landscaping that will not impose a hardship on developers. It should be noted that the UDO bufferyard requirement in Article 16 currently does not allow non-native or invasive plants; this provision of the code has been in effect since 2006.

Staff Findings

The proposed amendments:

- 1) Support the Board of Commissioners' goal to promote sustainability efforts throughout the county.
- 2) Fulfills the direction provided by the Board of Commissioners, as stated in their October 15, 2018 resolution supporting increased use of native plants.

3) Replace references to non-native invasive species with resources that are regularly updated.

Planning Board Discussion

Mr. Barron opened a public hearing request and asked for public comments, hearing none the public hearing was closed. Planning Board members followed with a brief discussion as follows:

Mr. Wells asked for sentence clarification in Part 1, 16-10-3 - *If invasive plants are found within the buffer, they must be permanently removed through mechanical or herbicidal means.* Ms. Nolan confirmed that is a typing error and should be “or” not “of”.

Mr. Wells asked if there was an extensive list of native plants not just one. Ms. Nolan stated in an effort to keep the text simple, they left the list wide open.

Two motions are required to approve an ordinance amendment – Motion for Consistency and a Motion to Approve.

MOTION FOR CONSISTENCY (1ST MOTION)

Ms. Tara Kreider made the motion in the matter of OA-02-18, moving that the Planning Board adopt and offer to the Board of Commissioners the following recommended statement finding that these proposed text amendments are 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 provide 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 the proposed text amendments’ mandate that native plants must be used where plantings are required to meet the UDO’s requirements for landscaping and bufferyards in connection with the development of land in Wake County, and by the replacement of the outdated list of non-native invasive plants in Appendix A with references to the most current lists of invasive plants published by the North Carolina Department of Agriculture & Consumer Services and the North Carolina Invasive Plant Council.
- 2) The proposed text amendments are reasonable and in the public interest because they provide a clear and consistent guide for physical development, and because they were developed in consultation with a broad spectrum of professionals and organizations including the NC Botanical Gardens, NC Native Plant Society, and landscape architects and contractors. In addition, the impact of these proposed changes is minor because the UDO only requires landscaping in limited instances, and the current UDO bufferyard requirements already do not allow non-native or invasive plants to be used in bufferyards.

Mr. Fleming seconded the motion for consistency. The Planning Board voted unanimously in favor of the motion.

MOTION FOR APPROVAL (2ND MOTION)

Mr. Wells moved in the matter of OA-02-18, moving that the Board finds that the adoption of these proposed text amendments 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 these proposed text amendments to the Wake County Board of Commissioners.

Ms. Kreider seconded the motion to approve. The Planning Board voted unanimously in favor of the motion.

For more details, please click on the following presentation link: [PB native plants.pptx](#)

6. Committee Reports – No reports.

7. Comprehensive Plan Update – Ms. Nolan gave an overview of participation efforts and where we are to date. We are still in Phase 2 of the project. Phase 3 will start in December. Staff gave an overview of events and outreach they have participated in to date:

- 18 Public Outreach Events
 - Spark Con, International Fest, Farmers Markets
 - Regional Centers, Libraries, Senior Events
- 9 Stakeholder Events
 - Plan Advisory Committee, Triangle Community Coalition, OSAPAC
- ~2,175 survey responses (256 from International Fest!)

Special appreciation was given to Mr. Bryan Coates for going out into the community participating in Bingo, senior events to get more participation in all areas.

Survey Trends

- Concerns: traffic, loss of open space, affordability
- Want to see: quality education, access to transit, parks & open space
- Development should go: within municipalities
- Mobility: want to be able to bus, bike, walk to destinations
- Neighborhoods: want to be able to walk

Planning Board Discussion

Mr. Fleming commented he had a great time and that people were receptive, very open and honest.

Ms. Nolan informed the Board another survey will be coming out the first of the year, 2019. The survey will be paired down to fewer questions. The committee will know how much time is required up front and how much time it takes to complete the survey.

Next Steps

Prepare for PLANWake Participate Part #2 Survey and Local Public Outreach Events.

Next Phase:

First of the year – update to BOC during their regular work session.

For more details, please click on the links below:

[Comp Plan Update Nov 7, 2018.pptx](#)

Also, stay tuned for events and online engagement:

www.PlanWake.org

8. Staff Reports

Ms. Peterson informed Board members of an upcoming Fuquay-Varina ETJ which will go to the Land Use Committee. A quorum will be required to take action; therefore, Ms. Peterson asked Board members to be mindful of upcoming meeting dates.

Mr. Finn advised the Board that Technical Review Committee and Board specific items have now been processed through our new permitting system. This represents a milestone for processing applications online. He identified the recent trend at RTP with increased commercial upfits and minor commercial permits being reviewed. Additionally, he updated the Board regarding research of how other counties handle tree and vegetation protection for new development. It was noted that there will likely be an agenda item for Code & Ops in early 2019.

Mr. Maloney reminded the Board that the UDO Text Amendment will appear on the Board of Commissioners agenda on 12/3/2018.

9. Chairman's Report – None

10. Having no further announcements, the meeting was adjourned at 2:46 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
November 7, 2018

Jason Barron declared the regular meeting
of the Wake County Planning Board for
Wednesday, November 7, 2018 adjourned at 2:46 p.m.

Respectfully Submitted:



Jason Barron
Wake County Planning Board

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