



Planning, Development & Inspections

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A Division of Community Services
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MINUTES OF REGULAR MEETING

Wake County Planning Board

Wednesday May 1, 2019 (1:30 p.m.)
Wake County Justice Center
300 S. Salisbury St., Room 2700
Raleigh, North Carolina

Members Present: (8) Mr. Jason Barron (Chair), Mr. Thomas Wells (Vice-Chair), Mr. Phil Feagan, Mr. Bill Jenkins, Mr. Amos Clark, Ms. Tara Kreider, Mr. Asa Fleming, Mr. Ted Van Dyk, Ms. Brenna Booker-Rouse

Members Absent: (1) Ms. Susan Sanford

County Staff: (7) Mr. Tim Maloney, Ms. Sharon Peterson, Mr. Tim Gardiner, Mr. Bryan Coates, Ms. Jenny Coats, Ms. Beth Simmons, Mrs. Loretta Alston

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

Guests: (5) Town of Fuquay-Varina Representatives: Mark Matthews, Assistant Town Manager; Samantha Smith, Planning Director; Akul Nishawala, Senior Long-Range Planner; Melissa Stafford, Long Range Planner; Jay Myers, Public Utilities Director

1. **Meeting Called to Order** – Mr. Jason Barron called the meeting to order at 1:30 P.M. Mr. Wells asked for a question of privilege, which was granted by Mr. Barron. Mr. Wells asked that the entire assembly observe a moment of silence to remember those affected by the recent events that occurred on the campus of UNC Charlotte on April 30, 2019.
2. **Oath of Office** – Mr. Kenneth Murphy administered the oath of office to new Board member, Ms. Brenna Booker-Rouse.
3. **Petitions and Amendments:** Motion to adopt the agenda as written was made by Mr. Clark and seconded by Mr. Wells. The agenda was unanimously approved as presented.
4. **Motion to approve minutes of March 6, 2019** was made by Mr. Van Dyke and seconded by Mr. Clark. The minutes were unanimously approved.
5. **Consideration of Fuquay-Varina Extra-Territorial Jurisdiction (ETJ) Request**
Mr. Bryan Coates led Board members in an overview the Fuquay-Varina ETJ request in Wake County. ETJ provides municipalities control over development areas expected within their jurisdiction in the near future. The prevalence and use of municipal ETJ with respect of community planning and infrastructure development is a common practice in North Carolina.

State law authorizes municipalities to have ETJ areas based on the following:

- 1- Existing or projected urban development
- 2- Areas of critical concern to the town that are expected to come within their corporate limits in the near future
- 3- Allow for a smoother transition from county to municipal services

- 4- Based on municipal population requirements, as follows for Fuquay-Varina;
 - a) 25,000 or more people = ETJ extension up to 3 miles from current corporate limits (satellites excluded)
 - b) State certified 2017 population estimate = 25,548
 - c) US Census official population estimate = 27,906

Mr. Coates stated the purpose of ETJ as a plan for the long-term growth of the Town and its surrounding lands, including: Land Use Planning, Zoning/Development Review, Utility Infrastructure Planning and Construction, Transportation Planning and Construction, Public Safety Planning (Fire and Police), and Parks and Recreation Planning and Construction.

Mr. Coates presented a Wake County Land Use Plan Classification Map, which identifies the different municipal areas in Wake County. Mr. Coates specifically identified those color-coded areas as city limits, ETJ areas, short range urban service areas, long range urban service areas, and non-urban areas.

This ETJ request was initiated in August 2018. The Town of Fuquay-Varina held five community meetings last fall and encouraged public input. The Wake County Planning Board's Land Use Committee also held three meetings that included opportunities for public input. The Town's request includes 22,038 acres, divided into five areas. The request requires the Wake County Planning Board apply the adopted criteria to review the request and make a recommendation to the Wake County Board of Commissioners. Wake County is the only county known in North Carolina that evaluates ETJ requests based on criteria adopted in the Land Use Plan.

Mr. Coates explained the impacts of the ETJ request on property owners:

- 1- Property converts from Wake County Zoning to Town of Fuquay-Varina Zoning
- 2- Bona-fide farms are exempt from municipal and county zoning until the farms use ceases operation
- 3- Residents can continue using private wells and septic
- 4- State law – Involuntary Annexation by referendum
- 5- ETJ Extension is not annexation
- 6- ETJ residents do not pay town taxes
- 7- ETJ residents can join Fuquay-Varina Planning Board and Board of Adjustment (BOA)
- 8- ETJ residents cannot vote in Fuquay-Varina town elections
- 9- Wake County does not provide public water, sewer, and does not maintain public roads or sidewalks

Mr. Coates reminded the Planning Board Members of the adopted criteria for ETJ and outlined how the request meets the criterion.

Criterion 1- Classification as Urban Services Area (Long-Range, Short-Range, Annexation Boundaries)
 The area within ETJ request is classified as Fuquay-Varina's Short Urban Services within the General Classification Map of the Wake County Land Use Plan. Fuquay-Varina has annexation agreements in place with Holly Spring and Garner, and a letter of understanding with Cary. They are currently working on a new agreement with Angier.

Criterion 2- Commitment to Comprehensive Planning (Land Use Planning & Capital Improvement Plan)
 The Town of Fuquay-Varina has adopted plan elements, and Mr. Coates gave an overview of the various plans in place.

Criterion 3- Adoption of Special Regulations (Watershed, Highway Overlays, Historic Preservation)
 There are currently no special highway regulations in place for the NC 540 corridor. Fuquay-Varina does have protected transportation corridors and they do participate in the Wake County historic preservation program, as well as having its own historic districts, a watershed protection ordinance, and other recent ordinance changes related to agricultural uses.

Criterion 4- Municipal Water and Sewer Service (Water & Sewer service planning and construction)
 Mr. Coates outlined the ongoing and recently completed sewer upgrades in the ETJ area.

Criterion 5- Evidence of Feasibility for Urban Density (Land Use Plans, Development Patterns, Growth)
There are large parcels of vacant land close to transportation corridors and public sewer/water utilities which is expected to stimulate development. The densities they have planned along the major corridors and in most of their future area would support annexation and they do have a lot of mixed-use categories that can vary the density depending on the location. Also, the US401 corridor is part of the Wake County Transit Plan.

Criterion 6- Annexation within Ten Years (Annexation Policies and History)
Fuquay Varina does require voluntary annexation if residents want to connect to municipal water/sewer service. Mr. Coates presented a map of the Town's annexation numbers within the last 10 years.

Criterion 7- Existing ETJ's (Recent Annexations/Current ETJ)
Mr. Coates presented maps and statistics of current ETJ areas and plans for future annexation.

Mr. Coates highlighted past ETJ's in Wake County involving the towns of Garner and Cary, involving utility expansion, and those that created "doughnut holes." Examples of an ETJ's impact to property owners includes: Property converts from Wake County Zoning to Municipal Zoning; residents may continue using private wells/septic systems; state law requires that involuntary annexation be done by referendum; bona-fide farms are exempt from municipal and county zoning until the farm use ceases operation; ETJ residents do not pay town/city taxes; ETJ residents can join the town Planning Board and Board of Adjustment; and ETJ residents cannot vote in town/city elections.

STAFF FINDINGS

- 1- The Town of Fuquay-Varina's request for 22,038-acre ETJ Extension is in accordance with North Carolina State law 160A-360 Article 19.
- 2- The Town of Fuquay-Varina's request for 22,038-acre ETJ Extension is all within the Town's Short-Range Urban Services Area on the Wake County Land Use Classification Map.
- 3- The Town of Fuquay-Varina recently adopted its 2035 Community Vision Land Use Plan and Community Transportation Plan, and Land Development Ordinance.
- 4- The Town of Fuquay-Varina Community Improvement Program (CIP) provides a 5-year plan for water and sewer infrastructure, street improvements, and community services.
- 5- The Town's CIP shows the areas within the ETJ request that will have municipal and water sewer service nearby within the 5-year timeframe.
- 6- The Town's requested areas for ETJ expansion have portions that will not have major utility infrastructure within the 5-year timeframe of the ETJ Review Criteria.
- 7- The Town of Fuquay-Varina is experiencing growth pressure within its Urban Services Area shown by recent annexations and municipal utility extensions.
- 8- The Town's requested areas for ETJ expansion have portions designated Rural Residential (less than .33 dwelling units per acre) within the 2035 Community Vision Land Use Plan.

STAFF RECOMMENDATION

Wake County Planning Staff finds that certain areas of the Town's ETJ expansion request meet the County's ETJ Criteria. These areas are depicted on Attachment AA and depicts a total recommended 11,240 acres of land for ETJ consideration.

- Area One: 1780 acres
- Area Two: 2576 acres
- Area Three: 1960 acres
- Area Four: 996 acres
- Area Five: 3928 acres

For additional important information, click on staff ETJ presentation attachments below.

[FV ETJ Staff Report](#)

[Attachment AA Staff Recommendation](#)

At 2:09pm, Mr. Barron opened the floor for public comment and heard comments from the public body.

LAND USE RECOMMENDATION

Mr. Amos Clark stated that the Land Use Committee met on three separate occasions; on January 30, 2019 February 20, 2019 and on March 20, 2019. The Committee recommended the same plan as staff for areas 1,4 and 5.

The Committee made different recommendations for areas 2 and 3 which reduced the Town's original ETJ request of 22,038 to 11,240 Mr. Clark presented into evidence a map of the recommendations to the committee, attached here as Attachment BB.

Attachment BB LUC Recommendation

At 2:51pm, Mr. Barron closed the floor to public comment and recessed the Board until 2:56pm, at which point he opened the floor for committee decision.

At 3:41pm, Chairman Jason Barron entertained a motion to support the recommendation of the Land Use Committee. Mr. Ted Van Dyk made a motion to support the recommendation made by the Land Use Committee. The motion was seconded by Mr. Bill Jenkins. Mr. Barron called for a vote of the Board, and the motion was carried unanimously.

6. Comprehensive Plan Update

Mr. Tim Maloney and Ms. Sharon Peterson gave a brief update as follows:

- Surveys and other outreach events are still underway
- Plans to coordinate outreach with the City of Raleigh regarding some proposed I-540 interchanges
- Board members may volunteer at any outreach events, an update sign-up calendar will be posted
- A Comprehensive Plan Update and an update from the NC Turnpike Authority will be presented to the Growth and Sustainability Committee of the BOC on May 20th, please attend if interested
- The ETJ recommendation that this committee voted on today, will be presented to a BOC work session, for members to learn about ETJ and for any questions. Tentatively, that is planned at the June work session. The next step would be a public hearing session at a regular meeting. Once these dates are firm, planning staff will notify this Board
- New Planning Board appointments by BOC will be made on Monday, May 6.

Mr. Ted Van Dyk excused himself from the meeting at 3:47pm.

7. Reports

Committee Reports: None

Staff Reports:

Mr. Steven Finn made the following announcements:

- A significant number of applications for zoning and subdivisions have come in since the last BOA meeting (five separate days there have been 10 applications). Development continues to be consistent and the LDS system continues to be heavily utilized.

8. Chairman's Report

Mr. Barron did not have anything to report, but he did thank Mr. Phil Feagan and Ms. Tara Kreider for their service on the Planning Board and presented them both with a plaque and a round of applause.

9. Upcoming Meeting

The next Planning Board meeting is scheduled for Wednesday, August 7, 2019.

10. Adjournment

Having no further announcements, the meeting was adjourned at 3:57 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
May 1, 2019

Jason Barron declared the regular meeting
of the Wake County Planning Board for
Wednesday, May 1, 2019 adjourned at 3:57 p.m.

Respectfully Submitted:

Jason Barron
Wake County Planning Board

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