TOWN OF WAYNESVILLE
Planning Board

9 South Main Street
Suite 110
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

Ginger Hain **(Chair)**
Travis Collins **(Vice Chair)**
John Baus
Michael Blackburn
Tommy Thomas
John Mason
Alex McKay
Tommy Rose
Kathy Lalonde

Development Services Director
Olga Grooman

Regular Meeting of the Planning Board
Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, November 16, 2026, 5:30 p.m.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
   - Next special called Planning Board meeting: January 11, 2027.

2. Approval of Minutes as presented (or as amended)
   - August 24, 2026, Special Called Meeting
   - September 21, 2026, Regular Meeting
   - October 19, 2026, Regular Meeting

B. BUSINESS

1. End-of-Year Board update on Board action items.

2. **Legislative Hearing:** Text amendments related to permit choice and duration of the site-specific vesting plans to comply with the new G.S. 143-755(a1), S.L. 2026-41 and Senate Bill 445, S.L. 2026-59, LDS Sections 15.2.3 and 15.16.

3. **Legislative Hearing:** Text amendments to Stormwater Ordinance (LDS 12.5), based on the recommendations from the 2026 Comprehensive Stormwater Plan.

4. **Discussion:** Text amendments related to greenway standards specifications, Chapter 6 of the LDS.

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN

The Town's Land Development Standards (LDS) may be found at:
https://www.waynesvillenc.gov/departments/development-services/land-use-zoning-ordinances

Minutes and agendas from Planning Board and Town Council meetings may be found at:
https://www.egovlink.com/waynesville/

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Tommy Thomas
Kathy Lalonde

Interim Development
Services Director
Olga Grooman

Special Called Meeting of the Planning Board
Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, August 24, 2026, 5:30 p.m.

THE WAYNESVILLE PLANNING BOARD held a Special Called Meeting on August 24th, 2026, at 5:30 p.m., in the boardroom of the Town Hall at 9 South Main Street, Waynesville, NC 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:

Travis Collins (Vice Chair)
Michael Blackburn
Kathy Lalonde
Tommy Thomas
Tommy Rose

The following members were absent:

Ginger Hain (Chair)
John Baus
John Mason
Alex McKay

The following staff members were present:

Olga Grooman, Interim Development Services Director
Alex Mumby, Land Use Administrator
Tyler Anderson, Stormwater Management Coordinator
Esther Coulter, Administrative Assistant

Vice Chair Travis Collins welcomed everyone and called the meeting to order at 5:30 p.m. Mr. Collins said he wanted to thank all the members of the public who have attended and told them he appreciated their patience and grace. Mr. Collins read the procedures for the meeting and opened the public hearing at 5:38 p.m.

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B. BUSINESS

1. **Legislative Hearing:** text amendments related to the definitions of indoor recreation and billiard/pool hall, Land Development Standards (LDS) section 17.3.

Applicants' Presentation:

Jeff Fish, a lifelong Waynesville resident, spoke in support of the proposed pool hall text amendment. He shared his lifelong involvement in pool and referenced the former underground pool room, operated by Jimmy Ortiz, as part of the community's local pool history.

Mr. Fish emphasized that pool has evolved into a positive recreational and competitive activity that welcomes individuals of all ages, including youth and senior citizens. He noted that Waynesville currently lacks a dedicated facility where residents can participate in this sport and socialize.

He further highlighted the opportunity for a local pool facility to provide constructive after-school activities for youth, encourage participation in recreation, and help identify and develop untapped talent within the community.

Jeff expressed support for bringing a quality pool facility back to the area and emphasized its potential community-wide benefits.

Chuck Stevenson, a Canton resident of approximately six and a half years, presented in support of the proposed pool hall, emphasizing the need for additional indoor recreational and social gathering opportunities in the community.

He discussed the growth and changing perception of the billiards industry, noting its increased mainstream popularity, national television coverage, large-scale tournaments, and estimated global industry growth of 3–5%. He highlighted the growing demand for upscale entertainment venues that provide interactive, screen-free social experiences, particularly among younger generations.

Mr. Stevenson also discussed the economic benefits of billiards leagues and tournaments, specifically referencing the Smoky Mountain Nine-Ball Shootout, which has reportedly been held locally for approximately 35 years and generates tens of thousands of dollars in economic activity for the area.

In demonstrating consistency with the Town's Comprehensive Land Use Plan, the applicant referenced:

Page 32 – Infill Development and Redevelopment: The proposed location is near the Waynesville Plaza commercial center and would encourage redevelopment of an existing vacant property.

Page 42 – Economic Development: The proposal supports entrepreneurship and encourages diverse business opportunities.

Page 98 – Existing Land Use: The project supports redevelopment of distressed commercial properties and underutilized commercial areas.

Mr. Stevenson proposed the pool hall would provide a needed indoor recreational and entertainment destination, encourage social interaction, generate economic activity, and support the Town's goals for commercial redevelopment and economic development.

4.

Land Use Administrator Alex Mumby provided additional clarification regarding the applicants' proposed location within Waynesville Plaza Shopping Center, which is currently zoned Walnut Street Neighborhood Residential Mixed-Use Overlay. The property is located just outside the Russ Avenue Regional Center District, where the proposed use would otherwise be permitted.

Mr. Mumby explained that the proposed text amendment was developed to provide two potential options for allowing the proposed pool hall to operate at the applicants' desired location. However, because this is a text amendment, the changes would apply throughout the Town rather than being limited to the specific property.

Mr. Mumby also identified a minor correction to one of the proposed options, clarifying that the use should be permitted in all business districts, rather than mixed-use overlays.

Staff invited questions from the Planning Board, and the applicants.

Public Comment:

Phyllis Austin spoke in support of the proposed pool hall, sharing how billiards has positively impacted her grandson, Dalton Carter, who has a disability. She explained that traditional sports have presented challenges for him, but pool has provided an inclusive opportunity to participate in a sport, compete, develop friendships, and experience personal achievement.

She emphasized that billiards is an activity accessible to all ages and abilities, offering opportunities for youth, seniors, and individuals with disabilities to participate together. She noted that Dalton's involvement in APA and Ultimate Pool leagues has provided him with new friendships, competitive opportunities, and the accomplishment of earning trophies.

Phyllis also highlighted the need for additional indoor recreational opportunities for local youth, families, and visitors, particularly during inclement weather. She suggested that the facility could serve residents of local group homes and others with disabilities who may benefit from an inclusive recreational environment.

Phyllis expressed strong support for the proposed pool hall, emphasizing its value as an inclusive recreational and social gathering place that would promote accessibility, community connections, youth engagement, and opportunities for individuals of all ages and abilities.

Dalton Carter spoke in support of the proposed pool hall, sharing that he has played billiards for approximately four years and enjoys this sport. He explained that his disability limits his ability to participate in other sports with friends, while billiards has allowed him to meet people, build friendships, and enjoy time with others. He expressed appreciation for the opportunity to participate and excitement about having a local place to continue playing and socializing.

Neil Cosmo, owner and operator of the Ultimate Pool League in Western North Carolina, spoke in support of the proposed pool hall. He noted that pool halls are established in Asheville, Franklin, and Murphy, but identified a lack of a similar facility in Waynesville. He described billiards as an inclusive team sport that brings people together across ages and abilities, including individuals with disabilities. He emphasized the social, recreational, and health benefits of participating in pool leagues, as well as the value of having an indoor activity during inclement weather and winter months. He stated his strong support for the applicants' efforts to establish a pool hall in Waynesville, believing it would benefit the community.

Gene Slay, owner and operator of the APA Pool League in Western North Carolina, spoke in support of the proposed pool hall and requested removal of the zoning limitation to allow the use. He explained that APA is a large, family-oriented league that encourages participation among beginner and intermediate players and promotes social interaction and community involvement. He stated that pool leagues benefit local businesses by bringing teams and customers into establishments for several hours, generating additional revenue. He also highlighted the positive personal impacts of league participation, including providing individuals recovering from addiction and veterans with social connections and activities outside the home. He emphasized that larger pool facilities are needed to support league operations and growth and stated that the proposed facility would benefit local businesses and the Waynesville community.

Kim McKenna, Waynesville resident, spoke in support of the proposed pool hall, noting that the community previously had a pool hall but currently lacks a comparable facility. Having played pool for 38 years, she expressed interest in helping revive the women's regional pool tour, which previously operated in Canton. She explained that hosting tournaments would require a larger facility with sufficient tables, food, and beverages to accommodate 30 to 40 participants for one- or two-day events. She also noted that a pool hall would provide constructive recreational and competitive opportunities for youth and adults in the community.

Lea Davis, spoke in support of the proposed pool hall, emphasizing the inclusive and supportive nature of the pool community. She described the friendships, mentorship, and sense of belonging that pool leagues provide to people from diverse backgrounds and professions, including individuals who may otherwise feel isolated. She noted that the community misses having a local place to gather and participate.

Daniel Conner also expressed support, describing how playing pool and the relationships he developed through the sport helped him during his recovery from a brain injury. He emphasized that billiards provides opportunities for competition, social interaction, and lasting friendships. He noted that local players currently travel to Asheville and South Carolina to access quality facilities and spend money outside Waynesville. He stated that a high-quality pool hall in Waynesville would provide a valuable recreational venue and benefit the local community.

Tyler Park spoke in support of the proposed pool hall text amendments, sharing how joining the APA Pool League in Franklin provided opportunities for personal growth, competition, travel, and lasting friendships. He described progressing as a player and eventually traveling to Las Vegas to compete. He emphasized the positive experiences and opportunities that pool leagues provide and expressed support for Neil and Gene's efforts to bring similar opportunities to Waynesville, noting the potential to attract tournaments, visitors, and economic activity to the community.

Daniel Metzger, a lifelong Waynesville resident and local business owner, spoke in support of the proposed pool hall. He highlighted the camaraderie and positive impact of pool leagues, sharing how participation had made a meaningful difference in another individual's life. He noted that local players currently travel to Asheville to play, resulting in spending money outside the community. He expressed confidence in the applicant's ability to manage the facility responsibly and stated that the pool hall would provide additional recreational opportunities, generate local revenue, and support growth in Waynesville.

Vice Chair Travis Collins closed the public hearing at 6:49 p.m.

A motion was made by Board member Michael Blackburn, seconded by board member Tommy Rose, first is to strike Billiard/Pool Hall as a separate definition and use altogether, and to fold it into the use of Recreation Facilities, Indoor. This approach would allow for Billiard/Pool Halls and for individual pool tables to exist in all districts with minimal changes to the ordinance. The motion passed unanimously.

A motion was made by Board member Michael Blackburn, seconded by board member Tommy Rose, that the proposed amendment is consistent with the 2035 Comprehensive Plan and is in the public interest and to recommend the proposed amendment to the Town Council. The motion passed unanimously.

2. **Discussion:** text amendments to Stormwater Ordinance (LDS 12.5), based on the recommendations from the 2026 Comprehensive Stormwater Plan.

Interim Development Services Director, Olga Grooman, explained that the proposed stormwater ordinance amendments were prompted by recommendations from the Town's Stormwater Master Plan and changes to state legislation. The Town received a $400,000 grant to develop a long-term stormwater plan, completed by WithersRavinel, which identified six potential projects and recommended strengthening the existing ordinance based on practices in other communities.

Ms. Grooman also explained that recent state legislation limits the Town's authority to require treatment of existing impervious surfaces on development sites. Under the new requirements, the Town may generally require treatment only for newly added impervious surfaces. The proposed amendments are intended to clarify local stormwater regulations while maintaining compliance with state requirements.

Tyler Anderson, Stormwater Coordinator, presented four staff-recommended amendments to the Town's stormwater ordinance based on recommendations from the WithersRavinel Stormwater Master Plan and recent state legislation.

1. Riparian Buffer Requirements: Establish a minimum 50-foot natural riparian buffer adjacent to intermediate and perennial streams for major subdivisions and major site plans. Limited approved improvements, such as utility crossings, stream crossings, and outfalls, would be permitted. The purpose is to protect stream corridors, reduce sediment entering waterways, and improve aquatic habitat.

2. Stormwater Control Measures in Floodplains: Prohibit above-ground stormwater control measures (SCMs), including detention basins, wet ponds, sand filters, and bioretention cells, within regulatory floodplains. Staff explained that these facilities may interfere with floodplain functions, create additional flooding concerns, and increase maintenance costs.

3. Existing Development and Redevelopment: Add a new ordinance section consistent with North Carolina House Bill 162. The amendment would generally exempt existing legally established built-upon areas from additional stormwater control requirements resulting solely from ordinance changes or redevelopment. Existing impervious areas would receive square-foot-for-square-foot credit when calculating requirements for new development, unless otherwise required by federal or state law.

4. Stormwater System Design Standards: Increase design requirements for stormwater collection systems, including ditches, swales, pipes, and cross-drainage systems. Proposed standards include:

- Design capacity for the 10-year, 24-hour storm event.
- Minimum pipe diameter of 15 inches.
- Minimum pipe slope of 0.5%.
- Minimum flow velocity of 2.5 feet per second and maximum velocity of 8 feet per second when flowing full.
- Requirements to contain stormwater flow within the designed pipe or ditch system.

Tyler explained that the proposed standards are intended to improve stormwater infrastructure capacity, protect waterways and floodplains, clarify requirements for existing development, and support the Town's 2035 Comprehensive Plan.

The Board discussed proposed increases to stream buffer requirements, including the possibility of increasing the current 25-foot buffer to 50 feet or even 100 feet.

Key points raised by the Board:

- Members expressed concern that stream buffer measurements could be subjective, particularly when determining the top of the bank along meandering streams. There was concern that future developers, particularly larger developers with experienced legal counsel, could challenge how buffers are measured and administered.

  Staff explained that buffers are measured from the top of the bank and would follow the natural path of the stream rather than using a straight-line measurement.

- A 50-foot buffer could significantly affect smaller residential properties and potentially make some properties difficult or cost-prohibitive to develop. Members discussed whether increased buffers should apply to all properties or only larger developments subject to stormwater regulations.

- The possibility of establishing a minimum property size or limiting the requirement to major subdivisions was also discussed.

- Members generally supported stronger stormwater protections, particularly given the area's experience with Hurricane Helene and the impact of sediment-filled stormwater ponds.

- Members also expressed concern about increasing development and whether existing regulations provide adequate protection.

- The Board expressed concern that new flood maps could significantly change development restrictions.

- The Board supported that the new text amendments should protect natural resources without unnecessarily preventing reasonable development.

- The Board also want to understand how proposed changes would affect projects already approved under existing standards.

- Members emphasized the importance of maintaining meaningful standards rather than simply meeting minimum requirements.

Staff explained that several other Comprehensive Plan's recommendations had not yet been brought forward because of their strong potential impact.

Direction from the Board:

The Board supported staff doing additional research and preparing proposed language for stronger stormwater requirements, including increased pipe sizing, erosion control, downstream impact analysis, and restrictions on

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stormwater ponds in floodplains. The Board also directed staff to include all ordinance recommendations from the Comprehensive Stormwater Plan into the presentation so they could consider all of them rather than only the ones that were selected by staff before making final recommendations to Council.

C. ADJOURN

Vice Chair Travis Collins adjourned the meeting at 6:50 p.m.

Travis Collins, Vice Chair

Esther Coulter, Administrative Assistant

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Interim Development Services Director
Olga Grooman

Regular Meeting of the Planning Board
Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, September 21st, 2026, 5:30 p.m.

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting on September 21st, 2026, at 5:30 p.m., in the boardroom of the Town Hall at 9 South Main Street, Waynesville, NC 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:
Travis Collins (Vice Chair)
John Baus
Michael Blackburn
Kathy Lalonde
John Mason
Alex McKay
Tommy Thomas
Tommy Rose

The following members were absent:
Ginger Hain (Chair)

The following staff members were present:
Olga Grooman, Interim Development Services Director
Alex Mumby, Land Use Administrator
Esther Coulter, Administrative Assistant
Ron Sneed, Attorney

Vice Chair Travis Collins welcomed everyone and called the meeting to order at 5:30 p.m. Mr. Collins asked for announcements from Interim Development Service Director Olga Grooman.

A motion was made by Board member Tommy Thomas, seconded by Board member Alex McKay, to approve the minutes of July 20th, 2026, meeting as presented. The motion passed unanimously.

B. BUSINESS

1. Election of Chair/Vice Chair.

A nomination was made by Vice Chair Travis Collins for Ginger Hain to continue as the Chair for the Planning Board, seconded by Michael Blackburn. The nomination passed unanimously.

A nomination was made by Board member Michael Blackburn for Travis Collins to continue as the Vice Chair for the Planning Board, seconded by Tommy Rose. The nomination passed unanimously.

Vice Chairman Travis Collins read the procedures for the Legislative Hearing and the rule of conduct. He opened the public hearing at 5:38 p.m.

2. **Legislative Hearing:** Text amendments to Stormwater Ordinance (LDS 12.5), based on the recommendations from the 2026 Comprehensive Stormwater Plan.

Interim Development Service Director Olga Grooman, said staff are asking to continue the Public Hearing until the regular November 16th, 2026, meeting. On August 24th, 2026, staff were asked to clear up the suggestions and bring back the recommendations for the board to look at and determine the ones to move forward with.

A Motion was made by Tommy Thomas, seconded by John Baus, to continue the public hearing on the text amendments to Stormwater Ordinance until the regular scheduled November 16th, 2026, meeting. The motion passed unanimously.

Kathy Lalonde asked for Tommy Thomas to receive a draft copy of agenda packet before he departs so that he can give his recommendation.

Vice Chair closed the public hearing at 5:41 p.m.

Vice Chair opened the next legislative public hearing at 5:41 p.m.

3. **Legislative Hearing:** Text amendments to remove the minimum parking requirements, as required by recently passed House Bill 162, the Parking Lot Reform and Stormwater Control Act (LDS Chapter 9).

Interim Development Service Director Olga Grooman presented a proposed text amendment to the Town of Waynesville's Land Development Ordinance to comply with North Carolina House Bill 162. The legislation prohibits local governments from requiring minimum off-street parking spaces based on a property's use or occupancy.

Ms. Grooman spoke of the House Bill 162 and what the current regulations are:

- State Mandate: The Town must eliminate minimum parking requirements from the development regulations. This is a required change under state law, not a voluntary policy decision.

- Limited Impact on Waynesville: Ms. Grooman believes the amendment will have little practical effect because Waynesville's existing parking requirements are already relatively low. Developers typically provide more parking spaces than required because market demand determines their needs.

- Existing Requirements: The ordinance currently requires varying amounts of parking, including:
    - Commercial: 1 space per 600 square feet.
    - Restaurants: 1 space per 8 seats.
    - Townhomes: 1.5 spaces per unit.
    - Lodging: 1 space per room.
    - Residential care facilities: 1 space per 2 units.
- Downtown Exemption: The Central Business District is already exempt from minimum parking requirements.

MS. Grooman explained that other parking-related standards will remain, although minimum parking quantities will be eliminated, the Town will retain authority over:

- Parking lot paving and marking.
- Accessibility standards.
- Landscaping and tree coverage.
- Parking lot screening.
- Bicycle parking requirements (one rack for every 20 vehicle parking spaces).

Ms. Grooman said the ordinance revisions removed the minimum parking requirement table, eliminated related exemptions, revised references throughout the ordinance, relocated bicycle parking provisions, and clarified language referring to parking structures and garages.

Town Staff recommends that the Planning Board find the amendment consistent with the Comprehensive Plan, specifically with Goal 1 and Goal 5.

Ms. Grooman stated the amendment is necessary to comply with state law, but the Town does not anticipate significant changes to development or parking availability in Waynesville because market demand, rather than minimum ordinance requirements, generally determines how much parking developers provide.

Ms. Grooman stated that the Planning Board is only being asked to make a recommendation to Town Council, not grant final approval.

Board members generally recognized that the parking amendment was required by state law and that the Town had limited authority to change it. Their primary concerns were the potential consequences of eliminating minimum parking requirements, particularly the possibility of increased street parking on narrow roads and interference with emergency vehicle access.

The discussion also identified two separate issues for further attention:

- Street parking regulations: Town Staff were asked to review existing general ordinances and consult with the Police Department regarding restrictions on parking that blocks traffic or emergency access.
- Oversized commercial vehicles: A board member John Mason requested clearer, measurable standards to prevent inconsistent interpretation and enforcement.

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The board's questions focused less on opposing the state-mandated amendment and more on identifying other local regulations that may need clarification or improvement.

A motion was made by Board Member Tommy Rose, seconded by Board member Tommy Thomas, that the proposed amendment is consistent with the 2035 comprehensive plan, it is in public interest, and recommend the proposed amendment to Town Council. The motion passed unanimously

Vice Chair closed the public hearing at 6:07 p.m.

Vice Chair opened the next public hearing at 6:07 p.m.

4. **Legislative Hearing:** Text amendments to remove the screening requirement for Outdoor Storage in Commercial Industrial districts (LDS 3.5.8).

Interim Development Services Director Olga Grooman presented staff report and provided an overview of the citizen-initiated text amendment to eliminate screening requirements for outdoor storage yards within Commercial Industrial zoning districts.

Mr. Leatherwood, a local resident and business owner, requested a text amendment to eliminate the additional Type A landscaping buffer requirement for outdoor storage yards located next to other uses within the Commercial Industrial District. He wants to develop an outdoor vehicle storage area and potentially add storage buildings on his property across from the Haywood Community College High-Tech Center. He believes the approximately 2,000 new residential units in Eastern Waynesville have created a need for additional storage. Mr. Leatherwood mentioned the development would help increase the value and productive use of his property.

Mr. Leatherwood emphasized that he was not opposed to fencing, gates, or security measures. His objection was specifically to the additional landscaping and visual screening requirement, which he believes is unnecessary given the property's existing conditions.

Mr. Leatherwood argued that the additional screening requirement creates an unnecessary expense and could reduce security. He asked the Board to remove that requirement so his outdoor storage proposal could proceed without the extra internal buffer requirement.

Board member Kathy Lalonde expressed concern that the request was not fair because the board ensured that Haywood Community College across from Mr. Leatherwood's business complied with the landscaping requirements.

A motion was made by Board member Tommy Thomas, seconded by Board member John Mason, that the proposed amendment is consistent with the 2035 comprehensive plan and is in the public interest. The motion passed unanimously.

A Second Motion made by Board member Tommy Thomas, seconded by Board member John Mason, to recommend the proposed amendment to the Town Council. The motion passed 7:1, with board member Kathy Lalonde voting in opposition.

Vice Chair closed the public hearing at 6:31 p.m.

C. ADJOURN

A motion made by Board member Michael Blackburn, seconded by Board member Tommy Thomas, to Adjourn the meeting at 6:32 p.m. The motion carried unanimously.

Travis Collins, Vice Chairman

Esther Coulter, Administrative Assistant

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Tommy Thomas
Kathy Lalonde

Development Services Director
Olga Grooman

MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD
Regular Meeting
Town Hall – 9 South Main St., Waynesville, NC 28786
Monday, October 19th, 2026

THE WAYNESVILLE PLANNING BOARD held a Regular Meeting on October 19th, 2026, at 5:30 p.m., in the boardroom of the Town Hall at 9 South Main Street, Waynesville, NC 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:
Travis Collins (Vice Chair)
Michael Blackburn
John Mason
Alex McKay
John Baus
Kathy Lalonde
Tommy Thomas

The following members were absent:
Ginger Hain (Chair)
Tommy Rose

The following Staff were present:
Olga Grooman, Development Services Director
Alex Mumby, Land Use Administrator
Ron Sneed, Board's Attorney

Vice Chair Travis Collins welcomed everyone and called the meeting to order at 5:30 p.m. Mr. Collins then asked Development Services Director Olga Grooman if there were any announcements.

Ms. Grooman stated that staff would prepare the annual summary of the Board's actions and projects for presentation at the November 16, 2026, meeting. She also provided an updated on upcoming text amendments and a potential single-family site plan on a protected ridge that the Board may review in the upcoming months.

Ms. Grooman discussed the Board's December and January meetings. The Board agreed to cancel the December 21, 2026, meeting, noting that several special-called meetings had been held throughout the year in addition to the regularly scheduled meetings. Ms. Grooman confirmed that canceling the December meeting would not affect any pending applications. Also, since the January meeting coincides with the Martin Luther King Jr. holiday, the Board agreed to hold a special-called meeting on January 11, 2027, instead.

B. BUSINESS

1. **Administrative Hearing:** Major site plan review for a 200-unit multi-family development located off Hyatt Creek Road in Waynesville, NC, on two unaddressed parcels: 15.67-ac parcel (PIN 8604-47-3885) and a 16.49-acre parcel (PIN 8604-37-8735).

Vice Chair Travis Collins opened the public hearing at 5:34 p.m. He read through the procedures for the administrative hearing.

Applicant's Presentation:

Marie Jasinski, Project Manager with Site Design, Inc., presented an overview of the proposed development. She stated that the project complies with the applicable ordinance requirements and consists of 200 residential units across six (6) buildings.

Ms. Jasinski reviewed the proposal in accordance with the Waynesville Land Development Standards (LDS), noting that the plan meets the following criteria:

1. The plan is consistent with the adopted plans and policies of the Town;
2. The plan complies with all applicable requirements of the ordinance; and
3. The plan provides the infrastructure required by the ordinance to support the proposed development.

She noted that the proposed multifamily development is consistent with the Hyatt Creek Regional Center (HC-RC) zoning district, where multifamily development is a permitted use. Ms. Jasinski explained that the site design was intentional to preserve as many existing trees as possible while avoiding floodplain and wetland areas to minimize environmental impacts. She also noted that more than six (6) acres would be placed in a conservation easement and that a walking trail would be incorporated into the development.

Ms. Jasinski further stated that the development meets all other applicable ordinance requirements, including Fire Code standards for ingress and egress. She reviewed the Traffic Impact Analysis (TIA) and noted that the Fire Marshal's requirement for a left-turn median lane had been satisfied.

Board member John Baus asked Ms. Jasinski questions about the projected occupancy, number of bedrooms, and number of people that would live there.

Ms. Jasinski answered that there would be 343 bedrooms. She also noted that usually there is one occupant per bedroom.

Mr. Baus asked about the estimated wastewater amount.

Ms. Grooman responded with the calculation, as it was stated in the utilities letter.

Board member Tommy Thomas asked whether all the units were rental.

Ms. Jasinski responded yes.

Board member Alex McKay asked if there was an expansion plan.

Ms. Jasinski replied that there were no plans for expansion.

Board member John Baus asked whether all units were at market rate or there were some affordable units.

Ms. Jasinski replied that all units will me at market rate.

Staff's Presentation:

Development Services Director Olga Grooman provided an additional overview of the proposed development and its compliance with the Land Development Standards (LDS). She reiterated that a significant portion of the property would be placed in a conservation easement and that the proposed development avoids environmentally sensitive areas.

Ms. Grooman explained that the Hyatt Creek Regional Center (HC-RC) zoning district does not establish minimum lot size, density, or minimum pervious surface requirements. She reviewed the applicable setback, civic space, and parking standards and confirmed that the proposal complies with the LDS. However, she noted that additional amenities would need to be provided within the designated civic space areas.

Regarding the building design, Ms. Grooman stated that the plans were generally compliant with the ordinance requirements. However, staff recommended a condition prohibiting vinyl siding on the multifamily buildings, as it is not permitted under the ordinance. She noted that the site plan did not clearly identify all the proposed exterior building materials.

Ms. Grooman also reviewed the traffic study and discussed the required left-turn median lane along Hyatt Creek Road and the widened driveway, both of which had been incorporated into the proposed design. She noted that the development would include a five (5)-foot sidewalk and street trees along its frontage on Hyatt Creek Road.

Additionally, Ms. Grooman stated that the project would be required to obtain an Erosion and Sedimentation Control Permit from the State due to the disturbance of more than one acre. She also noted that the development would provide a bus stop shelter on-site and could present an opportunity for future transit expansion, as the current transit route extends only as far as Walmart.

Ms. Grooman reiterated the two (2) conditions recommended by staff:

1. Vinyl siding cannot be used on the multifamily residential buildings.
2. Additional amenities shall be provided within the designated civic space areas.

Board member Kathy Lalonde inquired whether there was any concern that the proposed bridge over the creek would not withstand flood.

Ms. Grooman noted that the developer would need an Army Corps permit for any work within the stream. She added that the area is in the floodplain.

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Ms. Jasinski replied that their team would be running a lot of calculations and installing a bottomless arch culvert.

Board member Tommy Thomas suggested that the developer should segregate the proposed dog park and playground for children.

Board member John Baus expressed his concerns about water capacity. He stated that there were a lot of developments approved over the years, and he was concerned about the times when droughts occur. Mr. Baus also stated that he did not think the utilities letter by the Public Works was specific enough.

Ms. Grooman explained that the letter from the Public Works Director confirmed that adequate water and sewer capacity is available to serve the proposed development and that the Town is not experiencing a water shortage. She noted that all necessary infrastructure improvements would be the responsibility of the developer. She reiterated that sufficient capacity, including flow, is available to accommodate the development. However, the developer has not yet reached the infrastructure design stage, when specific pipe sizes would be determined. She clarified that these details would be addressed at a later stage of the process and emphasized that, for purposes of the current approval, the important consideration is that adequate water and sewer capacity is available.

Board Member Michael Blackburn questioned where Mr. Baus had obtained the information regarding a water shortage. He noted that there had been no water service interruptions and stated that the Board members were not experts in water and sewer infrastructure. Rather, the Board relies on the professional assessments, reports, and letters provided by the appropriate Town staff.

Board Member Kathy Lalonde asked whether a townwide assessment of water capacity would be conducted in the future.

Ms. Grooman explained that Public Works staff regularly monitor water availability and that periodic assessments are typically conducted.

Board's attorney Ron Sneed explained that at this point there is adequate capacity to serve this specific development, and that what is required.

Public Comment:

Vice Chair Travis Collins read through the public comment procedures.

Audrey Hager: She owns 32 Chancery Lane, which is just around the corner. Her question is about the sidewalks and whether they can be extended further. Ms. Hager asked whether the development would impact their well and stated that she wanted sewer service too. She also expressed a traffic backup concern.

Daniel Miller: He lived off Hyatt Creek Road for 40 years. His property looked down on this site. The subject property is beautiful. He stated that it is depressing that this beautiful place will be made ugly, in his opinion. He also expressed noise concerns.

Patrick Ryan: He noted that just because it is a technical process, it does not mean that it is the right thing to do. He noted that the Board should adhere to the vision of the area- "Progress with Vision," and that the Board owes the Town and its citizens.

Kenneth Ratcliffe: He resides at 154 Chancery Lane. The neighborhood is across the street. Iti is a rural setting right after Walmart. He questioned how much was enough. What makes people come to Waynesville is the

mountains, parkland, and people. It would be a travesty to put this project there and take away the area's beauty forever.

Janet Rendon: She resides off Kerouac Drive. They are concerned about their driveway being across. The development also would devalue their property, she stated.

Chris Wilson: His wife and him moved here from Kentucky because of the weather. They tried to built a home here and went through a lot of red tape. Tap fees were also expensive. He questioned the vision for the area. The flooding is another concern. He expressed safety concerns related to the roundabout and interstate ramp. He also stated that the community is spending a lot of money on the sewer plant to be finished. He was also concerned that the community is turning into Vegas and Gatlinburg.

Jean Migliarini She grew up here. Her property abuts the proposed development. Her concern is traffic. She stated that there are a lot of rear-end collisions off Hyatt Creek Road. There is a blind spot at the roundabout. It takes her family a long time to get out of their driveway. Flooding and erosion issues in the area are concerning too. She asked the Board to consider the project seriously.

Betsy Wall: She is a resident in the vicinity and a member of the Environmental Sustainability Board for the Town. This creek floods. She stated the area was lucky during the Hurricane Helene. She expressed concern that we only rely on the 100-year floodplain maps. The submitted plan does not show how many gallons of water the proposed bridge can accommodate. The standard of building has not been codified to a certain level. The builders do not come here with the vision. She advocated to implement higher building code standards. She also stated that we need housing that addresses the needs of our workforce.

Helen Ryan: She asked who the builder is. She also inquired about why we need apartments and what the occupancy rate would be. The market-rate pricing is another concern because an average person in Waynesville cannot afford these apartments. She stated that we need housing, but we need housing that addresses the needs of the community. Ms. Ryan inquired why there are new apartments approved when the occupancy rates for the existing ones are unknown.

Amanda Iandola: She stated that the entire field was full of water after Helene, as well as the field next to it. The fields cannot be mowed as they always get flooded. There is trouble building in that area. Significant increase in traffic is another concern. She inquired whether there was a traffic study done. Ms. Iandola also expressed concerns about fireflies and light pollution. She asked to delay the Board's decision until mitigation is found.

Ms. Grooman discussed the findings from the traffic study and replied to concerns about light and noise and stated that they will be subject to applicable Town ordinances.

Vice Chair Travis Collins closed the public hearing at 6:41 p.m. The Board deliberated.

Board's Deliberation:

Board member Kathy Lalonde inquired whether a stop sign would be possible.

Ms. Grooman replied that staff could ask the NCDOT.

Board member Alex McKay asked Ms. Grooman to elaborate on the Traffic Impact Analysis study and suggested mitigations.

Board Member John Baus expressed concerns regarding the consistency of the proposed development with the Town's adopted plans and policies. He stated that he did not believe the project advanced the goals of the Comprehensive Plan, particularly those related to promoting a diverse housing stock and protecting and enhancing Waynesville's natural resources. He questioned whether the development was consistent with the Town's policies and expressed concerns about whether the utility infrastructure was adequate to support the project. He further stated that, based on the information provided, he did not believe the proposal met the ordinance requirements related to utilities.

Board Member Kathy Lalonde asked the Board's attorney Ron Sneed whether the Board had the authority to deny the application based on concerns about future water availability.

Mr. Sneed explained that the most credible information currently available to the Board was the letter provided by Public Works, which confirmed adequate water capacity. He noted that the Board did not have a study indicating that the proposed development would contribute to a future water shortage. At present, the Town has adequate water available, although future planning and resource management remain important considerations. He acknowledged that a study would provide additional information, particularly regarding potential conditions during a severe drought or similar circumstances. However, he cautioned that denying the application based on concerns unsupported by the available evidence could expose the Town to an appeal or legal challenge. He reiterated that the Board had some discretion but should rely on the professional information provided by Public Works.

Mr. Sneed also provided background on the statutory framework governing major site plan reviews. He explained that prior to the implementation of North Carolina General Statutes Chapter 160D, major site plans were reviewed through a quasi-judicial process. Under the current framework, consistency with the Comprehensive Plan is generally addressed through legislative decisions, such as text and map amendments, when the Town Council adopts zoning regulations. The Town Council establishes the policies and standards, while the Board's responsibility during site plan review is to determine whether the proposal meets the requirements already established by the ordinance. He emphasized that the Board cannot impose requirements beyond those adopted by the Town Council.

Board member Michael Blackburn asked what the consequences would be if the Board determined that the application did not meet all applicable requirements. He emphasized that, if the Board chose to deny the application, it would need to identify which specific requirements had not been satisfied.

Board's attorney Ron Sneed reiterated that the Board must rely on the information presented and determine whether the application meets the applicable ordinance requirements. He explained that the Board could deny the application if it found that specific requirements of the ordinance had not been met, but it would need to clearly identify and explain those deficiencies.

Board member John Mason acknowledged that public policy and governance are not always precise processes but emphasized that the Board is bound by the applicable regulations and procedures. He noted that the Board had been advised to follow the established review criteria, including consistency with adopted plans and ordinances and the availability of required infrastructure. He expressed concern that Chapter 160D limits the Board's ability to consider broader policy concerns when the proposal meets the established requirements. He described the Board's position as difficult, noting that approving a project despite broader concerns about long-term planning may create challenges for the Town in the future, while denying an application that meets the ordinance requirements could expose the Town to litigation. He referenced the Town's long-term water infrastructure needs, including the consideration of water towers, as an example of issues that may require attention before future capacity challenges arise.

A motion was made by Board member Michael Blackburn, seconded by Board member Tommy Thomas, to approve the site plan as presented with two conditions: additional amenities in civic space areas and no vinyl for siding. The motion carried 4:3, with Board members John Mason, Alex McKay, and John Baus voting in opposition.

Ms. Grooman reminded Vice Chair Mr. Collins that the Board needed to approve the Minutes from August 17th meeting. Vice Chair Collins asked if anybody had any correctios for the August 17th, 2026, Minutes.

A motion was made by Board member Alex McKay, seconded by Board member Michael Blackburn, to approve the Minutes from August 17th, 2026, regular Planning Board meeting as presented. The motion carried unanimously, 7:0.

2. **Legislative Hearing:** Text amendments to glazing and transparency requirements for commercial uses, Land Development Standards (LDS) Section 5.10.3- Ground Level Detailing.

Vice Chair Travis Collins opened the public hearing at 7:03 p.m.

Land Use Administrator Alex Mumby presented the staff report. Mr. Mumby provided an overview of the recently passed North Carolina Senate Bill 445, an omnibus bill titled "An Act to Provide Further Regulatory Relief to the Citizens of North Carolina," which also limits local government glazing and transparency requirements for commercial and mixed-use building façades. The legislation establishes a maximum glazing requirement of 35% of the ground-floor façade area, with a reduced maximum of 20% for certain uses, including religious, medical, educational, civic, institutional, and other non-retail service uses. Ground-floor glazing is defined as the exterior wall area measured from grade to 10 feet above grade, excluding certain functional areas.

Mr. Mumby explained that, after reviewing the legislation and the Town's Land Development Standards (LDS), most of the Town's existing requirements are already within the limits established by the State. Although the LDS requires 50% façade transparency, it also establishes window placement and height requirements that generally result in less glazing than the State's maximum. Staff showed the Board an image that was created to demonstrate that, for a 100-foot-long building with a standard 6-foot, 8-inch door, the Town's requirements would result in approximately 130 square feet of windows, compared to the State's maximum of 350 square feet. Staff noted that an exception could occur with an unusually tall door, which is considered unlikely.

Staff recommended incorporating the State-mandated maximum glazing requirements into the LDS as a safeguard to ensure that the Town's standards do not exceed State limits, while retaining the existing local standards.

Board member Mr. Mason asked Mr. Mumby to clarify the standard and what prompted this bill at the State-level.

Mr. Mumby clarified the standards as they apply to the LDS and responded that he could only speculate about the origins of this bill. He noted that, given the specificity of the legislation, it appeared to be directed at a particular jurisdiction in response to concerns raised by a developer.

Board member Kathy Lalonde stated that it was a nice to handle the required changes because it would preserve the existing standards that are working while adding language to ensure that the Town's requirements do not exceed the limits established by State law.

A motion was made by Board member Kathy Lalonde, seconded by Board member John Baus, to find the text amendment to be consistent with the 2035 Comprehensive Land Use Plan's Goal 1 "to continue to promote smart growth principles in land use planning and zoning," and that it is reasonable and in the public interest. The motion passed, 7:0.

A motion was made by board member Kathy Lalonde, seconded by board member John Baus, to recommend the proposed text amendment to the Town Council. The motion carried, 7:0.

3. **Legislative Hearing:** Text amendments related to findings of fact, conditions, and consistency statement requirements for major site plans and major subdivisions, LDS Sections 15.8.2 and 15.9.3.

Vice Chair Travis Collins opened the public hearing at 7:12 p.m.

Development Services Director Olga Grooman presented the staff report. She explained that the proposed text amendment was initiated upon the recommendation of Planning Board's attorney Ron Sneed to eliminate unnecessary procedural requirements for projects subject to administrative review that must be approved when they meet all applicable ordinance standards. The amendment addresses the current requirements for Planning Board review of major site plans and preliminary plats for major subdivisions. Ms. Grooman explained that these decisions are administrative in nature and must be based on objective standards established by the Land Development Standards (LDS) and applicable ordinances. If an application meets the required standards, it must be approved.

She noted that the current review provisions require the Planning Board to determine consistency with the Town's adopted plans and policies and allow the Board to impose conditions on approvals. These provisions create unnecessary procedural requirements and raise legal concerns because administrative approvals do not allow for discretionary decisions beyond ensuring compliance with applicable ordinances. Ms. Grooman explained that these requirements, along with the phrase "Findings of Fact," are remnants of the previous quasi-judicial review process. In 2021, the Town revised the LDS to establish administrative review procedures consistent with North Carolina General Statutes Chapter 160D and legal guidance from the UNC School of Government and the Town and Planning Board Attorneys.

The proposed amendments to LDS Sections 15.8.2 and 15.9.3 include three changes: eliminating the requirement for the Planning Board to determine whether major site plans and preliminary plats are consistent or inconsistent with the Town's adopted plans and policies; removing the authority to impose discretionary conditions beyond those necessary to ensure compliance with applicable ordinances; and eliminating the phrase "Findings of Fact," which is generally associated with quasi-judicial proceedings. Staff emphasized that the amendments do not diminish the Planning Board's authority or establish new approval processes but instead align the ordinance language with the administrative review process already adopted by the Town.

Board member John Baus expressed concern that the fact that development is not consistent with any of the Comprehensive Plan's goals would no longer be mentioned.

Ms. Grooman responded that consistency with the Comprehensive Plan is not technically a criterion for consideration during the administrative review process. She also explained that eliminating the "Findings of Fact" provision would remove the requirement for the Board's attorney to prepare a formal written order, which typically closely mirrors the staff report.

Board member Kathy Lalonde stated that she finds this text amendment useful because it clarifies the process for administrative decisions.

A motion was made by Board member Tommy Thomas, seconded by Board member Michael Blackburn, to find the text amendment to be consistent with the 2035 Comprehensive Land Use Plan's Goal 1 "to continue to promote smart growth principles in land use planning and zoning," and that it is reasonable and in the public interest. The motion passed, 6:1, with board member John Baus voting in opposition.

A motion was made by board member Tommy Thomas, seconded by board member Kathy Lalonde, to recommend the proposed text amendment to the Town Council. The motion passed, 6:1, with board member John Baus voting in opposition.

4. **Discussion:** Text amendments related to greenway standards specifications, Chapter 6 of the LDS.

Board Vice Chair Travis Collins asked the Board whether they wished to begin the discussion related to greenway standards that evening or postpone it to a future meeting.

Ms. Grooman reiterated that this was not a public hearing, but a discussion only.

Land Use Administrator Alex Mumby explained that the discussion could be complex, as staff would like to consider allowing greenways as an alternative means of compliance with sidewalk construction requirements.

The Board decided to postpone the discussion until the next meeting.

C. AJOURN

A motion was made by board member Michael Blackburn, seconded by board member Kathy Lalonde, to adjourn the meeting. Motion carried, 7:0. All voted in favor.

The meeting was adjourned at 7:28 p. m.

Travis Collins, Vice Chair

Esther Coulter, Administrative Assistant

Planning Board Staff Report

Subject:	End-of-Year Board Update on Board Action Items
Presenter:	Olga Grooman, Development Services Director
Date:	November 16, 2026

Background

In 2026, the Planning Board has met 13 times, including three (3) special-called meetings in addition to regular monthly meetings. The Planning Board approved several major development projects and recommended multiple text amendments to the Town Council. Below is the summary of the Board's activity in 2026:

Residential developments approved:

The Planning Board has approved 466 residential units in 2026.

1. **Valleywood Phase II:** a major subdivision (administrative process) of 148 lots for single-family residences on a portion of 57.5-acre property at 192 Ratcliff Cove Road (PIN 8625-08-4616) and on a 9.9-acre property at 40 Ratcliff Cove Road (PIN 8615-99-9587). The total project area is 58.02 acres.

   Status: The project has received an Erosion and Sedimentation Permit from the State and is currently under active grading.

2. **Saxony Manner Apartments:** Special Use Permit (quasi-judicial procedure) for a multi-family housing development at 38 Hall Top Road in Waynesville, NC 28786 (PIN 8616-13-3822). This approval was for a 60-unit affordable senior housing project on a 5.5-acre property.

   Status: The project is preparing to apply for building permits.

3. **Palisades at Plott Creek Phase II:** Special Use Permit (quasi-judicial procedure) for the 58-unit apartment complex at 1415 Plott Creek Rd., Waynesville, NC 28786 (PIN 8605-32-8929).

   Status: The project is going through the environmental permitting process with the State and the floodplain permitting process with the Town.

4. **Gateway at Hyatt Creek:** Major site plan (administrative process) for a 200-unit multi-family development located off Hyatt Creek Road in Waynesville, NC, on two unaddressed parcels: 15.67-ac parcel (PIN 8604-47-3885) and a 16.49-acre parcel (PIN 8604-37-8735).

   Status: The project is preparing to apply for building permits.

Commercial developments approved:

1. Special Use Permit (quasi-judicial process) request for a **multi-tenant commercial property** at 1897 S Main St., Waynesville, NC 28786 (PIN # 8604-79-8173).

Status: The project is nearing completion, and the four (4) tenants are Jersey Mike's, Wing Stop, AT&T, and Dunkin' Donuts.

2. Major Site Plan review (administrative process) for a new 3-story **Mountain Credit Union office** building at 1700 Russ Avenue, Waynesville, NC 28786 (PIN 8616-36-7164). The project received a variance from the commercial façade guidelines to allow the building to have smaller windows.

   Status: The project has received building permits and is under active construction.

3. Special Use Permit request (quasi-judicial procedure) for the expansion of one existing **storage building** located at 187 W. Marshall St., Waynesville, NC 28786 (PIN 8616-40-9101). This was the second special use permit hearing after the site plan was modified from the one approved in 2026.

   Status: The project is preparing to apply for building permits.

4. Major Site Plan (administrative process) for **Haywood Community College** expansion, located at 144 Industrial Park Drive, Waynesville, NC 28786 (PINs 8616-96-6627, 8616-96-8970, and 8626-06-1969). The project proposed 19,258-sf one-story building expansion, courtyard addition, parking lot reconfiguration, and stormwater improvements.

   Status: The project has applied for the Stormwater Permit with the Town. The plans are currently under review.

Rezoning applications (legislative process):

1. Rezoning request was submitted for the 4.96-acre parcel located at 38 Hall Top Road, Waynesville, NC 28786 (PIN 8616-13-3822), to change the zoning classification from Hall Top Residential Low Density (HT-RL) to Dellwood Residential Medium Density (D-MD).

   Status: The rezoning was approved by the Town Council, allowing multifamily residential development as a permitted use on the property. This approval created the opportunity for a proposed senior apartment complex (Saxony Manor) to move forward with a subsequent Special Use Permit application for review by the Planning Board.

Text amendments (legislative process):

1. Text amendment to establish the **Rural Conservation District (RCON)** and its standards in Chapter 2 of the Land Development Standards.

   Status: Town Council approved the creation of the RCON district while requesting that amendments to density, building height, and Table of Uses symbology be sent back to the Planning Board for review.

2. **Floodplain Ordinance** revisions, as required by the NC Emergency Management Agency. In April 2026, the NC Department of Public Safety- Emergency Management- announced the release of the 2026 NC Model Flood Damage Prevention Ordinance. Because the Town of Waynesville participates in the National Flood Insurance Program, we need to update our ordinance.

Status: The text amendment was approved by the Town Council.

3. Text amendment to update the **symbology of the Table of Uses**, Land Development Standards 2.5.3.

   Status: The text amendment was approved by the Town Council.

4. Text amendments related to the definitions of indoor recreation and **billiard/pool hall.**

   Status: The text amendment was approved by the Town Council, and the use was expanded to all zoning districts.

5. Text amendments to remove the **minimum parking requirements**, as required by recently passed House Bill 162, the Parking Lot Reform and Stormwater Control Act (LDS Chapter 9).

   Status: The text amendment was approved by the Town Council.

6. Text amendments to remove the **screening requirement for Storage – Outdoor Storage Yards** in Commercial Industrial districts (LDS 3.5.8).

   Status: The text amendment was approved by the Town Council.

7. Text amendments to **glazing and transparency requirements for commercial uses**, Land Development Standards (LDS) Section 5.10.3- Ground Level Detailing. This is a mandatory change to comply with new state legislation.

   Status: The public hearing was held on November 10th, 2026, at the Town Council meeting.

8. Text amendments related to **findings of fact, conditions, and consistency statement** requirements for major site plans and major subdivisions, LDS Sections 15.8.2 and 15.9.3. This text amendment was recommended by the Board Attorney- Ron Sneed.

   Status: The public hearing was held on November 10th, 2026, at the Town Council meeting.

9. Text amendments to **Stormwater Ordinance** (LDS 12.5), based on the recommendations from the 2026 Comprehensive Stormwater Plan.

   Status: A public hearing is scheduled for today, the November 16, 2026, Planning Board meeting.

10. Text amendments related to **permit choice and duration of the site-specific vesting rights** to comply with the new G.S. 143-755(a1), S.L. 2026-41 and Senate Bill 445, S.L. 2026-59, LDS Sections 15.2.3 and 15.16.

    Status: Public hearing is scheduled for today, the November 16, 2026, Planning Board meeting.

11. Text amendments related to **greenway standards specifications**, Chapter 6 of the LDS.

    Status: Discussion is scheduled for today, the November 16, 2026, Planning Board meeting.

Conditional District site plan amendment (legislative hearing):

1. Site plan amendment to the Russ Avenue Regional Center Conditional District (RA-RC) for the Chick-fil-A property at 45 Barber Blvd, Waynesville, NC 28786, PIN 8616-22-6393. Chick-fil-A requested to add a second drive-thru lane, remove the existing sidewalk along Barber Blvd, modify curb and gutter, modify the retaining wall, and eliminate some landscaping.

   Status: The amendment was rejected by the Town Council.

Other:

1. Single-family development (administrative hearing) on the **protected mountain ridge** at 209 Shining Rock Trail, Waynesville, NC 28786 (PIN 8606-51-0861).

   Status: The site plan was approved by the Planning Board.

Planning Board Staff Report

Subject:	Text amendments related to permit choice and vested rights
Ordinance Section:	Land Development Standards (LDS) Chapter 15, various sections
Applicant:	Staff initiated text amendment, Development Services Department
Meeting Date:	November 16, 2026
Presenter:	Olga Grooman, Development Services Director

Recommended Motions:

1. Motion to find the recommended text amendment as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.

2. Motion to recommend the text amendment as attached (or as amended) to the Town Council.

Background:

The North Carolina General Assembly has recently enacted two (2) pieces of legislation related to permit choice and site-specific vested plans. Both pieces of legislation expand upon existing provisions within the Town's Land Development Standards (LDS).

1. Senate Bill 257 (Section 39.5 of Session Law 2026-41):

The first piece of legislation is Senate Bill 257, and it relates to **permit choice**. Under the existing Town of Waynesville's LDS provisions in Chapter 15, permit choice currently applies to the following:

- "If an applicant submits a complete application for a development permit or approval and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose whether the application will be judged under the previously existing or modified rule" (LDS 15.16.1.A).
- "When a development requires the issuance of multiple permits, the applicant may, for a period of up to 18 months, choose for each permit whether to proceed under the rule that existed at the time of application for the initial permit or under a modified rule" (LDS 15.16.1.B).

Senate Bill 257 expands permit choice to include rezoning applications, including applications for Conditional District (CD) rezoning, under the G.S. 143-755(a1). This allows an applicant to choose which version of the land development regulations will apply to the property if the regulations change while the rezoning application is pending.

Additionally, the legislation expands the statutory definition of a development permit to include legislative approvals, such as Conditional District (CD), rezoning approvals, as well as stormwater permits. This means that these applications also have an option of permit choice under state law.

The bill became effective on July 1, 2026.

2. Senate Bill 445 (Section 41 of Session Law 2026-59):

The second piece of legislation is Senate Bill 445 (Section 41 of Session Law 2026-59), which expands the duration of **site-specific vested rights** from an initial period of two (2) years to five (5) years, and it

increases the maximum vesting period that a local government may authorize from five (5) years to eight (8) years.

Currently, the Town's LDS provides that approvals for minor and major site plans, preliminary plats for major subdivisions, Special Use Permits (SUP), and Conditional Districts (CD) are initially valid for two (2) years. The Administrator may grant an extension of up to three (3) additional years, provided that the total approval period does not exceed five (5) years. LDS Chapter 15 further explains that the decision to extend the vested right may be based on size and phasing of the development, level of investment, economic cycles, or market conditions. This means that under the current ordinance, an applicant may have up to five (5) years from the date of approval to obtain a building permit.

Under the new legislation, site-specific vested rights are initially established for a period of five (5) years. A local government may extend the vesting period for up to three (3) more years, but not to exceed eight (8) years, based on relevant circumstances, such as the size and phasing of the development, level of investment, economic cycles, and market conditions.

Additionally, in accordance with G.S. 160D-108, the Town's LDS provides that a vested right expires if development work is intentionally and voluntarily discontinued for a period of 24 consecutive months (LDS 15.16.3.C). Senate Bill 445 clarifies that the 24-month discontinuance period is tolled (paused) for the duration of a qualifying emergency declaration that covers the property under the G.S. 166A-19.20 or -19.22.

The bill became effective on August 11, 2026.

Recommended Changes:

Staff propose the following amendments to various sections of Chapter 15 of the LDS:

- Change the initial duration of a site-specific vested right from two (2) years to five (5) years.
- Increase the maximum allowable extension of a site-specific vested right from five (5) years to eight (8) years.
- Clarify that the Administrator has the authority to grant extensions of site-specific vested rights and remove language implying that extensions may be referred back to the Planning Board.
- Clarify that permit choice is now available for rezoning and Conditional District (CD) applications.
- Update the definition of a development permit to include Conditional District (CD) approvals, sign permits, and stormwater permits.
- Add a provision stating that the 24-month discontinuance period is tolled (paused) for the duration of a qualifying emergency declaration covering the property.

Consistency with the 2035 Comprehensive Land Use Plan:

The Planning Board could find that this text amendment to the LDS is consistent with the following goals of the 2035 Comprehensive Plan:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.

- Encourage infill, mixed-use and context-sensitive development.

Goal 5: Create opportunities for a sustainable economy.

- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

The Planning Board could find this text amendment to be reasonable and in the public interest because it will align Waynesville's Land Development Standards with state legislation, allowing the Town to maintain adequate legal authority through an up-to-date ordinance.

Public Notice:

Staff provided notice of today's public hearing via advertisements in the *Mountaineer* newspaper on 11/01/2026 and 11/08/2026. Notice was also sent to media contacts and posted on the Town's website and bulletin board.

Attachments:

- Draft Ordinance
- Consistency Statement Worksheet
- Newspaper Notice
- Excerpts from Senate Bill 257 (Section 39.5 of S.L. 2026-41)
- Excerpts from Senate Bill 445 (Section 41 of S.L. 2026-59)

DRAFT ORDINANCE FOR BOARD'S CONSIDERATION

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TEXT OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and,

WHEREAS, the North Carolina General Assembly enacted Senate Bill 257 (Section 39.5 of S.L. 2026-41) that expanded permit choice to rezoning applications under the G.S. 143-755(a1), effective July 1, 2026; and

WHEREAS, the North Carolina General Assembly enacted Senate Bill 445 (Section 41 of S.L. 2026-59) that expanded the duration of site-specific vesting plans from 2-5 years to 5-8 years under the G.S. 160D-108.1, effective August 11, 2026; and

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they meet the following goals of the 2035 Comprehensive Plan:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.
- Encourage infill, mixed-use and context-sensitive development.

Goal 5: Create opportunities for a sustainable economy.
- Encourage creatively designed, mixed-use, walkable centers and commercial districts that appeal to residents and visitors.

WHEREAS, the Planning Board held a public hearing on November 16, 2026, and recommends the proposed text amendments for enactment by the Town Council; and

WHEREAS, the Town Council adopted the 2035 Comprehensive Plan to "enable the growth of a vibrant, healthy, and successful community,"

WHEREAS, the Town Council find this Ordinance is consistent with the Town's 2035 Comprehensive Plan and that it is reasonable and in the public interest to "make decisions about resources and land use in accordance with North Carolina General Statutes;" and

WHEREAS, the Town Council find this Ordinance to be in the public interest because it will align Waynesville's Land Development Standards with state legislation, allowing the Town to maintain adequate legal authority; and

WHEREAS, after notice duly given, a public hearing was held on **November 16, 2026,** at the special meeting of the Waynesville Planning Board, and on _____, **2027**, at the regularly scheduled meeting of the Waynesville Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON _____, 2027, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

That the Land Development Standards to be amended as follows:

1. Amend Section 15.2.3- Permit/Process Type- as follows:

15.2.3 Permit/Process Type.

Permit/ Process Type	Section	Permit/Process Type	Reviewing Agency	Public Notification (15.3)	Approving Agency	Appeal Process	Permit Period	Permit Extension
Certificate of LDS Compliance	15.6.1	Administrative	Admin.	None	Admin.	BOA	12 months	Re-submit
Temporary Use Permit	15.6.2	Administrative	Admin.	None	Admin.	BOA	See 4.6	n/a
Certificate of Occupancy	15.6.3	Administrative	Admin.	None	Admin.	BOA	n/a	n/a
Modification of Dimensional Standards	15.6.4	Administrative	Admin.	None	Admin.	BOA	n/a	n/a
Grading Permit	15.7.1	Administrative	Admin.	None	Admin.	BOA	12 months	Re-submit
Floodplain Development Permit	15.7.2	Administrative	Admin.	None	Admin.	BOA	12 months	Re-submit
Stormwater Permit	15.7.3	Administrative	Admin.	None	Admin.	BOA	12 months	Re-submit
Site Plan/Design Review (Minor)	15.8.1	Administrative	Admin.	None	Admin.	BOA	~~2~~ 5 years	Up to 3 years max.*
Site Plan/Design Review (Major)	15.8.2	Administrative	Admin.	1,2,4	Planning Board	Superior Court	~~2~~ 5 years	Up to 3 years max.*
Subdivision (Minor)	15.9.1	Administrative	Admin.	None	Admin.	Superior Court**	30 days to file plat	Re-submit
Subdivision (Major)	See 15.9.2, 15.9.3, and 15.9.4							
Subdivision (Major)- Preliminary Plat	15.9.3	Administrative	Admin.	1,2,4	Planning Board	Superior Court**	~~2~~ 5 years to final plat	Up to 3 years max.*
Subdivision (Major)- Final Plat	15.9.4	Administrative	Admin.	None	Admin.	Superior Court**	30 days to file plat	Re-submit
Special Use Permit	15.10	Quasi-Judicial	Planning Board	1,2,3,5	Planning Board	Superior Court	~~2~~ 5 years	Up to 3 years max.*
Designation of Historic Landmarks/Districts	15.11.1	Legislative	HPC	1,2,3	Town Council	Superior Court	n/a	n/a
Certificate of Appropriateness (Minor)	15.11.2	Administrative	Admin.	None	Admin.	HPC	12 months	Re-submit

Certificate of Appropriateness (Major)	15.11.3	Quasi-Judicial	Admin.	1,2,3,4	HPC	BOA	12 months	Re-submit
Appeal of Administrative Decision	15.12	Quasi-Judicial	BOA	1,3,4	BOA	Superior Court	30 days to Appeal	n/a
Variance	15.13	Quasi-Judicial	BOA	1,3,4	BOA	Superior Court	30 days to Appeal	n/a
Text Amendment	15.14	Legislative	Planning Board	1,2,3	Town Council	Superior Court	n/a	n/a
Map Amendment (Rezoning)	15.14	Legislative	Planning Board	1,2,3,4	Town Council	Superior Court	n/a	n/a
Conditional District	15.15	Legislative	Planning Board	1,2,5	Town Council	Superior Court	~~2~~ 5 years	Up to 3 years max.*

* See Section 15.16.3
** 160D-1403(b)

Admin—Administrator (14.1) / Town Council (14.2) / BOA—Board of Adjustment (14.4) / HPC—Historic Preservation Commission (14.5) / Superior Court of North Carolina

2. Amend Section 15.8.1- Site Plan/Design Review (Minor)- as follows:

15.8.1 Site Plan/Design Review (Minor).

Sections A-G remain unchanged.

H. **Permit Validity:** Upon the approval of the Minor Site Plan, the applicant shall have ~~two (2)~~ five (5) years to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the Minor Site Plan and any subsequent building permits.

I. **Permit Extension:** Pursuant to 160D-108.1(e)(2), the Administrator may provide an extension for a period exceeding ~~two (2)~~ five (5) years but not exceeding ~~five (5)~~ eight (8) years where warranted in light of all relevant circumstances, including, but not limited to: the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the Administrator. ~~and shall be made following the same application procedure as the initial approval~~. No further development activity shall be performed until the extension approval is issued.

3. Amend Section 15.8.2- Site Plan/Design Review (Major)- as follows:

15.8.2 Site Plan/Design Review (Major).

Sections A-K remain unchanged.

L. **Permit Validity:** Upon the approval of the Major Site Plan, the applicant shall have ~~two (2)~~ five (5) years to obtain a building permit. Failure to secure building permits for the permitted work within this time shall render the compliance void. Any change to the approved plans that has not been authorized by the Administrator shall invalidate the certificate of land development standards compliance and any subsequent building permits.

M. **Permit Extension:** Pursuant to 160D-108.1(e)(2), the Administrator may provide an extension for a period exceeding ~~two (2)~~ five (5) years but not exceeding ~~five (5)~~ eight (8) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the Administrator. ~~and shall be made following the same application procedure as the initial approval~~. No further development activity shall be performed until the new approval is issued.

4. Amend Section 15.9.3. Preliminary Plats for Major Subdivision- as follows:

Sections A-J remain unchanged.

K. **Permit Validity:** Unless substantial work has commenced or a building permit has been obtained, approval of a preliminary plat expires ~~two (2)~~ five (5) years from the date such approval was granted.

L. **Permit Extension:** The applicant may apply for an extension of the approval period. ~~The Planning Board may approve an extension of the time required to file the final plat up to a total of five (5) years from the date the initial application was approved~~ Pursuant to 160D-108.1(e)(2), the Administrator may provide an extension for a period exceeding ~~two (2)~~ five (5) years but not exceeding ~~five (5)~~ eight (8) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. No further development activity shall be performed until the new approval is issued.

5. Amend Section 15.10.3- Special Use Permits (SUP). Effect of Decisions- as follows:

15.10.3 Effect of Decisions.

A. **Appeals:** An appeal from the decision of the Planning Board regarding a Special Use Permit application may be made by an aggrieved party and shall be made to the Superior Court of Haywood County in the nature of certiorari. Any such petition to the Superior County shall be filed with the court no later than thirty (30) days after the applicant receives the written copy of the decision of the Planning Board.

B. **Permit Validity:** ~~Two (2)~~ Five (5) years to obtain building permit. Such permit shall remain valid as long as a valid building permit exists for the project.

C. **Permit Extension:** The applicant may apply for an extension of the approval period. ~~The Planning Board may approve an extension of the time required to file the final plat up to a total of five (5) years from the date the initial application was approved~~ Pursuant to 160D-108.1(e)(2), the Administrator may provide an extension for a period exceeding five (5) years but not exceeding eight (8) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. No further development activity shall be performed until the new approval is issued.

6. Amend Section 15.15.3- Conditional Districts. Effect of Approval/Changes- as follows:

15.15.3 Effect of Approval/Changes.

A. For modifications to an approved Master Plan see Section 15.2.5.

B. **Rescission of Conditional Districts:** The Applicant shall secure a valid building or construction permit(s) within ~~two (2)~~ five (5) years from date of approval of the Conditional District unless otherwise specified. If such project is not complete or a valid building or construction permit is not in place at the end of the ~~two (2)~~ five (5) year period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Town Council. The Town Council may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time. ~~The rescission of a Conditional District shall follow the same procedure as was needed for approval.~~

7. Amend Section 15.16- Permit Choice and Vested Rights- as follows:

15.16 Permit Choice and Vested Rights.

15.16.1 Permit Choice.

A. If an applicant submits a complete application for a development permit, rezoning, Conditional District (CD), or other development approval and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose whether the application will be judged under the previously existing or modified rule (160D-108(b)).

The rezoning applicant may choose which adopted version of the land development regulations will apply to the property requested to be rezoned. If the rezoning applicant chooses the version of the land development regulations applicable at the time of the rezoning application, the rezoning applicant shall not be required to await the outcome of the amendment to the land development regulations prior to having the rezoning application determined (G.S. 143-755(a1).

B. When a development requires the issuance of multiple permits, the applicant may, for a period of up to 18 months, choose for each permit whether to proceed under the rule that existed at the time of application for the initial permit or under a modified rule.

C. For the purposes of this subsection, an erosion and sedimentation control permit or a sign permit do not count as an initial application for a development permit.

15.16.2 Vested Rights: Generally.

A. Pursuant to G.S. 160D-108, a zoning vested right is the right to undertake and complete the development and use of property as it was approved despite a subsequent change in applicable regulation. If the development regulation changes after the application has been approved, the project may continue under the old rule as initially approved.

B. A statutory vested right is established when:

1. A site-specific vesting plan is approved; or
2. A final plat is approved for the initial phase of a multi-phase development; or
3. A development agreement is approved pursuant to G.S. Chapter 160D, Article 10; or
4. When a development permit has been issued for all other types of development.

15.16.3 Vested Right Terms.

A. **Duration:**

Type of Permit/Right	Term
Building Permit	6 months
Development Approval	12 months
Site-Specific Vesting Plan	~~2 5 years~~ 5-8 years
Multi-Phase Development	~~7~~ 8 years from first site plan approval
Development agreement	Per agreement negotiated pursuant to G.S. 160D, Article 10
Development discontinuation	2 years

A vested right for a site-specific vesting plan remains vested for a period of ~~two (2)~~ five (5) years from the date of the first development approval or permit issued for the site. Pursuant to 160D-108.1(e)(2), the Administrator may provide an extension for a period exceeding ~~two (2)~~ five (5) years but not exceeding ~~five (5)~~ eight (8) years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the Administrator and shall be made following the same application procedure as the initial approval.

B. A development permit or approval expires and the vested rights terminate at the time specified in subsection A, unless the work authorized by the permit has substantially commenced. For the purpose of this section, the **substantial commencement** of work shall be determined by the Administrator based on any of the following:

1. The development has received and maintained a valid erosion and sedimentation control permit and conducted grading activity on a continuous basis that has not been discontinued for longer than 30 days; or
2. The development has created substantial on-site infrastructure; or
3. The development has received and maintained a valid building permit.

C. Pursuant to G.S. 160D-108, even if work has substantially commenced, a development approval still expires if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled (the 24-month clock is paused) during any of the following:

1. The pendency of any Board of Adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section.
2. The 24-month discontinuance period is also paused during the pendency of any litigation involving the development project or property that is the subject of the vesting.
3. The duration of any emergency declaration issued under G.S. 166A-19.20 or G.S. 166A-19.22 for which the defined emergency area includes the property, in whole or in part.

15.16.4 Definitions:

For the purpose of this section, the following definitions apply:

A. **Development** - As defined in Section 17.4 of this ordinance

B. **Development permit** - An administrative, legislative, or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:

1. Zoning permits.
2. Site plan approvals.
3. Special use permits.
4. Variances.
5. Certificates of appropriateness.
6. Plat approvals.
7. Development agreements.
8. Building permits.
9. Subdivision of land.
10. State agency permits for development.
11. Driveway permits.
12. Erosion and sedimentation control permits ~~(G.S. 143-755(e)(1)).~~
13. Sign permit.
14. Conditional Zoning approvals.
15. Stormwater permits.

C. **Multi-phase development** - A development containing 25 acres or more that is both of the following:

1. Submitted for development permit approval to occur in more than one phase.
2. Subject to a master development plan with committed elements showing the type and intensity of use of each phase (G.S. 160D-108(j)).

D. **Site-specific vesting plans** - For the purposes of this chapter, the following types of development approvals are site-specific vested plans:

1. Any development for which a special use permit is required;
2. Major subdivisions;
3. Major and minor site plans;
4. Conditional zoning.

15.16.5 Relevant provisions.

A. **Run with the Property:** A zoning vested right is not a personal right but shall attach to and run with the applicable property. All successors to the original landowner may exercise such right under the same conditions and for the same time that the original applicant could have exercised such right.

B. **Town May Terminate Vested Rights Early:** The town may terminate the zoning vested rights upon payment to the affected landowner of compensation for all costs, expenses and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of all financing and all architectural, legal and other fees incurred after approval by the town.

C. **Not Exclusive:** Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this chapter.

D. **Hazard:** The town may terminate the zoning vested right if it determines after a public hearing that natural or man-made hazards are on or in the immediate vicinity of the property, and if not corrected, these hazards would pose a serious threat to the public health, safety, and welfare.

E. **State or Federal Regulation Not Bound by Vested Right:** The zoning vested right may be terminated upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site-specific vesting plan. In such a case the Town Council may, by ordinance, after notice and a hearing, modify the affected provisions upon a finding that the change in state or federal law has a fundamental effect on the plan.

(Ord. No. O-11-21, § 33, 6-22-2021; Ord. No. O-16-22, § 12, 5-10-2022; Ord. No. O-28-24, § 2, 6-11-2024). Editor's note(s)—Section 33 of Ord. No. O-11-21, adopted June 22, 2021, repealed § 15.6 and enacted a new § 15.6 to read as herein set out. Former § 15.6 pertained to vested right and derived from the original codification.

ADOPTED this _____ Day of _____, 2027.

TOWN OF WAYNESVILLE

_____

J. Gary Caldwell, Mayor

ATTEST:

_____

Candace Poolton, Town Clerk

APPROVED AS TO FORM:

_____

Martha Bradley, Town Attorney

To:	Town of Waynesville Planning Board
From:	Olga Grooman, Development Services Director
Date:	November 16, 2026
Subject:	Text Amendment Statement of Consistency
Description:	Text amendments related to permit choice and vesting rights
Ordinance Section:	Land Development Standards (LDS) Chapter 15
Address:	Town of Waynesville Planning Department ("Development Services Department")

The Planning Board hereby adopts and recommends to the Town Council the following statement(s):

☐ The zoning text amendment **is approved and is consistent with the Town's Comprehensive Land Use Plan** because:_____

_____

_____

The zoning text amendment **is reasonable and in the public interest because:**

_____

_____

_____

☐ The zoning text amendment **is rejected because it is inconsistent with the Town's Comprehensive Land Plan** and **is not reasonable and in public interest** because _____

_____

_____

_____

_____

☐ In addition to approving this zoning amendment, this approval is **also deemed an amendment to the Town's Comprehensive Land Use Plan.** The changes in conditions considered in amending the zoning ordinance to meet the development needs of the community and why this action is reasonable and in the public interest, are as follows: _____

_____

_____

Planning Board Member_____, made a motion, seconded by _____

The motion passed _____. *(unanimously or vote results here)*

_____ _____ _____ _____

Ginger Hain, Planning Board Chair Date Esther Coulter, Administrative Assistant Date

TOWN OF WAYNESVILLE

Development Services Department
PO Box 100
9 South Main Street
Waynesville, NC 28786
Phone (828) 456-8647 • Fax (828) 452-1492
www.waynesvillenc.gov

FOR PUBLICATION IN THE MOUNTAINEER: November 1 and November 8 (Sunday) editions

Date: October 28, 2026
Contact: Olga Grooman, (828) 356-1172

Notice of (2) Public Hearings
Waynesville Planning Board

The Town of Waynesville Planning Board will hold two (2) public hearings on Monday, November 16, 2026, at 5:30 p.m. in the Town Hall Board Room, located at 9 South Main Street, Waynesville, NC, to consider:

1. Text amendments to the Stormwater Ordinance, Land Development Standards (LDS) Section 12.5. The proposed text amendments are based on recommendations from the Comprehensive Stormwater Plan and mandatory changes required by recently passed House Bill 162, the Parking Lot Reform and Stormwater Control Act.
2. Text amendments related to permit choice and duration of the site-specific vesting plans to comply with the new G.S. 143-755(a1), S.L. 2026-41 and Senate Bill 445, S.L. 2026-59, LDS Sections 15.2.3 and 15.16.

For more information contact the Development Services Department at: (828) 356-1172, email: ogrooman@waynesvillenc.gov or amumby@waynesvillenc.gov, mail: 9 South Main Street, Suite 110, Waynesville, NC 28786.

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S257 - 2026 APPROPRIATIONS ACT. (SL 2026-41)

View Bill Information

Session Year 2026

Overview: Section 39.5 of S.L. 2026-41 (Senate Bill 257) makes the following changes with respect to the process for challenging local government development regulations:

- Expands the bases on which a person with standing may bring a civil action challenging a local land development regulation to include (i) a claim that the regulation is arbitrary or capricious, and (ii) a claim that a decision implementing a local land development regulation is unconstitutional, on its face or as applied, is in excess of statutory authority, is ultra vires, preempted, arbitrary or capricious, made upon unlawful procedure, made in error of law, or is an abuse of discretion.
- Eliminates the requirement to bring a claim to the applicable board of adjustment before filing a claim in the general court of justice.
- Grants standing to an association, society, or entity whose membership is comprised of an individual with standing to bring an action challenging a local land development regulation. An association that brings a challenge may not seek damages that require individualized proof of injury to one or more individual members.
- Extends the period for bringing suit to contest a local government development regulation from one year after written notice of the final decision is provided to three years after the accrual of the cause of action.
- Requires local administrative staff to issue a written interpretation of a development regulation applicable to stated facts upon written request. Once issued, it is binding on the locality and requester unless altered by a decision-making board or court.
- Allows an applicant for a rezoning application, including conditional rezoning, to choose which version of the land development regulations will apply to the property requested to be rezoned if the land development regulations are amended between the time the rezoning application is submitted and a decision on the rezoning application is made.
- Expands the definition of "development permit" to include legislative approvals, including conditional zoning approvals and rezoning approvals, and stormwater permits.
- Provides recovery of reasonable attorney's fees and costs for a plaintiff who successfully challenges a local government's land development regulation action.

This section became effective July 1, 2026.

(c) Enforcement Defense. – Nothing in this section or in ~~G.S. 1-54(10)~~ G.S. 1-52(21) or G.S. 1-54.1 bars a party in an action involving the enforcement of a development regulation or in an action under G.S. 160D-1403.1 from raising as a claim or defense the enforceability or the invalidity of the ordinance. Nothing in this section or in ~~G.S. 1-54(10)~~ G.S. 1-52(21) or G.S. 1-54.1 bars a party that files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that the party is in violation of a development regulation from raising in the judicial appeal the invalidity of the ordinance as a defense to the order, requirement, decision, or determination. A party in an enforcement action or appeal shall not assert the invalidity of the ordinance on the basis of an alleged defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance.

...

(d) Quasi-Judicial Decisions. – ~~Unless specifically provided otherwise,~~ Except as otherwise provided in G.S. 160D-1403.1 or any other law, a petition for review of a quasi-judicial decision shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy of it is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(e) Others. – Except as provided by this section, the statutes of limitations are as provided in Subchapter II of Chapter 1 of the General Statutes."

SECTION 39.5.(e) G.S. 160D-403 is amended by adding a new subsection to read:

"(b1) Interpretive Determinations. – Upon written request by a person listed under G.S. 160D-1403.1(b), a local government, acting through an administrative official or staff designated pursuant to subsection (b) of this section, shall issue a written determination regarding the applicability or interpretation of a development regulation enacted under the authority of this Chapter to a given state of facts. Upon issuance, the determination shall be binding on the local government and the person requesting the determination, unless the determination is altered or set aside by a decision-making board or a court of competent jurisdiction. The notice and posting requirements of subsection (b) of this section shall apply to any determination requested under this subsection."

SECTION 39.5.(f) G.S. 160D-405(b) reads as rewritten:

"(b) Standing. – Any person who has standing under G.S. 160D-1402(c) or G.S. 160D-1403.1(b), or the local ~~government~~ government, may appeal an administrative decision to the board. An appeal is taken by filing a notice of appeal with the local government clerk or a local government official designated by ordinance. The notice of appeal shall state the grounds for the appeal."

SECTION 39.5.(g) G.S. 143-755 reads as rewritten:

"**§ 143-755. Permit choice.**

(a) If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen

version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.

(a1) If an applicant submits a rezoning application, including an application for conditional rezoning, and the land development regulations are amended between the time the rezoning application is submitted and a decision on the rezoning application is made, the rezoning applicant may choose which adopted version of the land development regulations will apply to the property requested to be rezoned. If the rezoning applicant chooses the version of the land development regulations applicable at the time of the rezoning application, the rezoning applicant shall not be required to await the outcome of the amendment to the land development regulations prior to having the rezoning application determined.

(b) This section applies to all development permits issued by the State and by local governments.

...

(e) For purposes of this section, the following definitions apply:

(1) Development. – Without altering the scope of any regulatory authority granted by statute or local act, any of the following:

a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.

b. Excavation, grading, filling, clearing, or alteration of land.

c. The subdivision of land as defined in G.S. 160D-802.

d. The initiation of substantial change in the use of land or the intensity of the use of land.

(2) Development permit. – An ~~administrative~~ administrative, legislative, or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:

a. Zoning permits.

b. Site plan approvals.

c. Special use permits.

d. Variances.

e. Certificates of appropriateness.

f. Plat approvals.

g. Development agreements.

h. Building permits.

i. Subdivision of land.

j. State agency permits for development.

k. Driveway permits.

l. Erosion and sedimentation control permits.

m. Sign permit.

n. Conditional zoning approvals.

o. Rezoning approvals.

p. Stormwater permits.

(3) Land development regulation. – Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following:

a. Unified development ordinance.

b. Zoning regulation, including zoning maps.

c. Subdivision regulation.

d. Erosion and sedimentation control regulation.

e. Floodplain or flood damage prevention regulation.

S445 - REGULATORY REFORM ACT OF 2026. (SL 2026-59)

View Bill Information

Session Year 2026

Overview: Section 41 of S.L. 2026-59 (Senate Bill 445) extends the vesting period for a vested right for a site-specific development from two years to five years, and extends the time that a local government could provide for additional site-specific development plan vesting from five years to eight years. This section also provides that a vested right precludes all subsequent land development regulations that would impair or delay the development or use of the property as set forth in an approved site-specific vesting plan, rather than only zoning actions, except under certain enumerated circumstances.

This section became effective August 11, 2026, and applies to permit applications filed and appeals filed on or after that date.

exclusive economic zone extending seaward from the territorial sea of each such state."

MOVE ARBOR WEEK FROM MARCH TO NOVEMBER

SECTION 37. G.S. 103-6 reads as rewritten:

"**§ 103-6. Arbor Week.**

The week in ~~March~~ November of each year containing ~~March~~ November 15 is hereby designated as Arbor Week in North Carolina."

ON-SITE WASTEWATER PRODUCTS FOR STORMWATER

SECTION 39. The Department of Environmental Quality shall approve for use as a new stormwater technology any prefabricated permeable block panel system approved for use in the State, as defined in G.S. 130A-343(a)(6a). In developing Minimum Design Criteria for this technology, the Department shall ensure that the MDC follows the manufacturer's installation and service requirements as closely as possible while still complying with federal requirements. When utilized in traffic-rated areas, a person licensed as a professional engineer pursuant to Chapter 89C of the General Statutes may use the approved prefabricated permeable block panel system upon a showing that the system meets H-20 structural loading requirements. For the purposes of this section, "traffic-rated areas" does not include Department of Transportation rated areas but does include driveways and private parking areas with impervious or pervious pavement areas.

H162 TECHNICAL CORRECTION

SECTION 40. Section 2 of S.L. 2026-39 is repealed.

PART IV. LAND USE AND HOUSING AFFORDABILITY REFORMS

SITE-SPECIFIC VESTING PLAN CHANGES

SECTION 41.(a) G.S. 160D-108.1 reads as rewritten:

"**§ 160D-108.1. Vested rights – site-specific vesting plans.**

...

(c) Approval and Amendment of Plans. – If a site-specific vesting plan is based on an approval required by a local development regulation, the local government shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than ~~two~~ five years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on ~~such an approval,~~ an approval required by a development regulation, a legislative hearing with notice as required by G.S. 160D-602 shall be held.

A local government may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. A local government shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site-specific vesting plan is deemed approved upon the effective date of the local government's decision approving the plan or another date determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by staff, if ~~such~~ the modifications are defined and authorized by local regulation.

...

(e) Duration and Termination of Vested Right. –

(1) A vested right for a site-specific vesting plan remains vested for a period of ~~two~~ five years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the local government.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a local government may provide for rights to be vested for a period exceeding ~~two~~ five years but not exceeding ~~five~~ eight years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the local government and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with subsection (a) of this section.

(3) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.

(4) A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(f) Subsequent Changes Prohibited; Exceptions. –

(1) A vested right, once established as provided for in this section, precludes any ~~zoning action~~ development regulation by a local government which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except under one or more of the following conditions:

a. With the written consent of the affected landowner.

b. Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific vesting plan.

c. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.

d. Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the site-specific vesting plan or the phased development plan.

e. ~~Upon the enactment or promulgation of a~~ As required by State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a

fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

(2) The establishment of a vested right under this section ~~does not preclude~~ precludes the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new development regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.

(3) Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of a local government to adopt and enforce development regulations governing ~~nonconforming situations or uses.~~nonconformities.

...."

SECTION 41.(b) This section is effective when it becomes law and applies to permit applications filed and appeals filed on or after that date.

TOLL DISCONTINUANCE PERIOD FOR VESTED RIGHTS DURING EMERGENCY DECLARATIONS

SECTION 42. G.S. 160D-108 reads as rewritten:

"**§ 160D-108. Permit choice and vested rights.**

...

(d) Duration of Vesting. – Upon issuance of a development permit, the statutory vesting granted by subsection (c) of this section for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during ~~the~~ any of the following:

(1) The pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section.

(2) ~~The 24-month discontinuance period is also tolled during the~~ The pendency of any litigation involving the development project or property that is the subject of the vesting.

(3) The duration of any emergency declaration issued under G.S. 166A-19.20 or G.S. 166A-19.22 for which the defined emergency area includes the property, in whole or in part.

...."

Planning Board Staff Report

Subject:	Text amendments related to applicability and exemptions in the stormwater ordinance
Ordinance Section:	Stormwater Ordinance 12.5.7 & Addition of 12.5.11
Applicant:	Staff-initiated text amendment, Development Services Department
Meeting Date:	November 16, 2026
Presenter:	Olga Grooman, Development Service Director Alisha Goldstein, Stormwater Technical Consultant from WithersRavenel

Recommended Motions:

1. Motion to find the recommended text amendment as attached (or amended) as being consistent with the 2035 Land Use Plan and reasonable and in the public interest.

2. Motion to recommend the text amendment as attached (or as amended) to the Town Council.

Background:

The Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES), issued by the NC Department of Environmental Quality (NC DEQ) on October 27, 2026. The permit is valid for five (5) years, and it replaces the Town's former NPDES permit. Its purpose is to manage stormwater runoff, reduce the discharge of pollutants, and protect water quality within the Town's jurisdiction. To achieve these goals, the Town diligently complies with the NPDES permit requirements, promotes and enhances its stormwater program via partnership with Haywood Waterways, and has started the implementation of its recently completed Comprehensive Stormwater Management Plan.

In 2023, Waynesville received a $400,000 Stormwater Planning Grant funded by the American Rescue Plan Act (ARPA) and administered by the NC DEQ. The Town hired the engineering firm WithersRavenel to develop a Comprehensive Stormwater Plan. The plan was based on community input gathered through workshops, as well as input from staff and stakeholders and recommendations from the engineering firm. The proposed amendments are chosen from the recommendations of the Comprehensive Stormwater Plan for their potential to impact on the Town's efforts to protect water quality and the Town's natural resources.

Additionally, the North Carolina General Assembly recently passed House Bill 162, the Parking Lot Reform and Stormwater Control Act. These amendments to North Carolina stormwater law address the treatment of existing built-upon areas and redevelopment. State law now provides that stormwater programs generally may not require private property owners to install new or increased stormwater controls for existing built-upon areas or certain redevelopment activities, except as otherwise required by federal law. The law also directs local governments to incorporate these requirements into their local ordinances. The proposed addition of Section 12.5.11 is intended to provide clear local standards addressing these requirements.

Staff Recommended Text Changes:

1. **Riparian Buffer Requirement – Section 12.5.7**

Proposed: A riparian buffer with a minimum width of fifty (50) feet shall be maintained adjacent to all intermittent and perennial streams for major subdivisions and major site plans.

The required buffer would generally remain in a natural or restored vegetated state. Limited activities, such as approved stream crossings, utility crossings, stormwater outfalls, and other activities authorized by the ordinance or applicable State or federal regulations, would continue to be allowed.

The purpose of the 50-foot riparian buffer is to provide additional protection to streams and stream corridors associated with larger development projects. Vegetated stream buffers can help reduce the amount of sediment and stormwater pollutants reaching streams, provide greater protection for aquatic habitat, and help maintain the natural function of stream corridors.

2. **Prohibit Above-the-Ground Stormwater Control Measures (SCMs) in the Regulatory Floodplain- Section 12.5.7**

Proposed: Above-the-ground SCMs are not allowed in the regulatory floodplain. Such SCMs include, but are not limited to dry detention basins, wet ponds, permeable pavers, sand filters, bioretention cells, etc.

The amendment would prohibit above-the-ground SCMs from being located within the regulatory floodplain.

This provides a clear standard for the location of stormwater facilities and helps protect floodplain functions while reducing potential conflicts between stormwater facilities and flooding.

3. **Existing Development and Redevelopment– New Section 12.5.4**

Proposed: 12.5.11 Existing Development and Redevelopment

A. Existing legally established development shall not be required to install new or expanded Stormwater Control Measure (SCM) solely due to the adoption or amendment of this ordinance, except as required by federal or state law.

B. Existing built-upon area shall not be included in density calculations for additional stormwater control requirements, regardless of whether the existing built-upon area is demolished, relocated, replaced, or remains in place during development or redevelopment.

C. Existing built-upon area is not subject to additional stormwater control requirements under this section, regardless of whether it is demolished, relocated, replaced, or remains in place during development or redevelopment.

D. For purposes of determining the area for which stormwater control measures are required, existing built-upon area shall be applied on a square-foot-for-square-foot basis to reduce the built-upon area subject to stormwater control requirements.

E. Stormwater control requirements cannot be applied retroactively to existing built-upon area, unless otherwise required by federal law.

A new Section 12.5.11, Existing Development and Redevelopment, addresses the requirements in House Bill 162. It clarifies how the Town's stormwater requirements apply to existing development and redevelopment. It provides that new or expanded Stormwater Control Measures (SCMs) generally will not be required in existing built-upon sites. Further, it creates an allowance for existing conditions to continue, as pre-existing nonconformities if the Town amends its stormwater ordinance, except where required by State or federal law.

This new section will provide clarity for property owners of existing built-upon sites and ensures the Town's ordinance is compliant with the recent changes to North Carolina legislation on stormwater requirements.

4. Amend Section 12.5.7. Standards. Section E- Stormwater Conveyance Systems Design Requirements.

This amendment would increase design standards for stormwater pipes, ditches, swales, and cross-drainage systems. This will increase capacity of stormwater infrastructure in new development to handle typical rain events and be consistent with the existing detention requirement to store surface runoff up to the 10-year, 24-hour storm event.

Proposed:

1. Stormwater collection systems (drainage parallel to road, including ditches, swales and pipes) shall be designed to pass the peak flows from the ~~2-year, 24-hour storm event~~ 10-year, 24-hour storm event. The minimum allowable pipe size is 15-inches.

Additional Standards: Contain HGL within pipes, and minimum pipe slope is 0.5% or that which produces a minimum velocity of 2.5 fps and a maximum velocity of 8 fps when flowing full. If a ditch, flow should be contained inside cross-section.

The additional standard specifies that the stormwater flow needs to be kept inside the pipes, and make sure the pipes have enough slope and volume to keep the water moving at a safe speed. Pipes should have a minimum slope of 0.5%, or enough slope to maintain a flow speed between 2.5 and 8 feet per second when the pipe is full. If a ditch is used, the stormwater flow should remain within the designed ditch area and not overflow its banks.

2. Cross drainage systems that do not convey intermittent or perennial streams shall be designed to pass the peak flow rates from the 25-year, 24-hour storm event.

Additional standards for cross drainage pipe conveying intermittent or perennial streams: The headwater depth limited to 1.2 times the opening culvert height.

5. Amend Section 12.5.7.F(1) Uniform Watershed Analysis to clarify development's impact on the greater watershed

This amendment would clarify the uniform watershed analysis. A downstream impact analysis evaluates if new development will cause any impact on flooding or channel degradation downstream of the project site. The analysis provides the Town an estimate of the planned hydrologic and hydraulic changes and determines an appropriate mitigation strategy to the proposed changes identified.

Proposed:

1. Developments must demonstrate post-development safe passage at all conveyances included with the scope of analysis. "Safe passage" means that the conveyance will not cause overtopping during the design storm for which the development is required to control its stormwater runoff rate. The scope of analysis include each analysis point of the development site and each downstream conveyance until reaching a point where the area of the portion of site draining into the system is less than or equal to ten percent of the total drainage area above that point.

6. **Amend Section 12.4.4.E Mandatory Standards for Land-Disturbing Activity**

This amendment would increase the design storm for high density projects for erosion and sediment control practices. The current Town regulation meets the state standard requiring erosion and sedimentation control measures to be designed for the 10-year peak runoff. The proposed design storm of 25-year, 24-hour would be equivalent to the water quantity design requirements for post-development. Sediment is the leading pollutant in North Carolina primarily caused by soil erosion from land disturbing activities.

Proposed:

1. **Runoff:** Except as provided for elsewhere in this chapter, erosion and sediment control measures, structures and devices shall be so planned, designed and constructed as to provide protection from the calculated maximum peak rate of runoff from the 25-year, 24-hour storm for major subdivisions and major site plans.

Consistency with the 2035 Comprehensive Plan

Staff submits that the proposed text amendments are consistent with the following 2035 Comprehensive Plan Goals:

Goal 1: Continue to promote smart growth principles & conservation design
- Promote conservation design to preserve important natural resources.

Goal 3: Protect and enhance Waynesville's natural resources.
- Protect and enhance water quality and forests.

The proposal is reasonable and in the public interest because it clarifies the applicability and exemptions of the stormwater ordinance, thereby strengthening the Town's legal authority through a clear and most up-to-date ordinance.

Attachments

- Draft Ordinance
- Power Point Presentation
- House Bill 162

DRAFT ORDINANCE FOR COUNCIL'S CONSIDERATION

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE TEXT OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and

WHEREAS, the Town of Waynesville must comply with its National Pollutant Discharge Elimination System Permit issued by the North Carolina Department of Environmental Quality on August 19, 2021, and maintain legal authority to enforce the stormwater program through up-to-date ordinances.

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Stormwater Ordinance 12.5.7 and 12.5.11 of the Standards for Stormwater Control Measures and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because:

Goal 1: Continue to promote smart growth principles in land use planning and zoning.
- Encourage infill, mixed-use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.

Goal 3: Protect and enhance Waynesville's natural resources.
- Protect and enhance water quality and forests.

WHEREAS, the proposed amendments increase environmental protections for major subdivisions and high-density developments in order to reduce stormwater impacts, protect stream corridors, improve water quality, preserve aquatic habitat, and further the Town's compliance with its Municipal Separate Storm Sewer System (MS4) Permit requirements;

WHEREAS, the proposed amendments bring the stormwater ordinance in compliance with the House Bill 162 passed by the NC General Assembly;

WHEREAS, the Town Council find this Ordinance is consistent with the Town's 2035 Comprehensive Plan and that it is reasonable and in the public interest to "make decisions about resources and land use in accordance with North Carolina General Statutes." and

WHEREAS, after notice duly given, a public hearing was held **on November 16th, 2026,** at the regular meeting of the Waynesville Planning Board, and on ____**, 2027,** at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON _____, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

1. **Add new section:**

12.5.4 Existing Development and Redevelopment

A. Existing legally established development shall not be required to install new or expanded Stormwater Control Measure (SCM) solely due to the adoption or amendment of this ordinance, except as required by federal or state law.

B. Existing built-upon area shall not be included in density calculations for additional stormwater control requirements, regardless of whether the existing built-upon area is demolished, relocated, replaced, or remains in place during development or redevelopment.

C. Existing built-upon area is not subject to additional stormwater control requirements under this section, regardless of whether it is demolished, relocated, replaced, or remains in place during development or redevelopment.

D. For purposes of determining the area for which stormwater control measures are required, existing built-upon area shall be applied on a square-foot-for-square-foot basis to reduce the built-upon area subject to stormwater control requirements.

E. Stormwater control requirements cannot be applied retroactively to existing built-upon area, unless otherwise required by federal law.

Re-number the subsequent sections accordingly:

12.5.5 Administration.

...

2. **Amend Section 12.5.8.C- Standards for Stormwater Control Measures:**

Owners of property subject to this ordinance and required to install structural stormwater control measures shall implement those measures in compliance with each of the following standards:

1. All structural stormwater control measures shall control and treat the runoff from the 1 year 1-hour storm event as determined by NOAA data for the Town of Waynesville.
2. All structural stormwater treatment management measures shall be designed to have an eighty-five (85) percent average annual removal for total suspended solids (TSS).
3. Areas designated as open space that are not or will not be disturbed, developed or redeveloped do not require stormwater runoff treatment.
4. Where any stormwater management treatment measure utilizes a temporary water quality storage pool as a part of its designed treatment system:
5. a. The drawdown time shall be a minimum of 48-hours and a maximum of 120hours. b. The minimum draw down orifice size shall be 2-inches or equivalent.
   c. The post development peak flow rates discharged shall not exceed the pre development 1-year 24-hour peak discharge rates.

No one BMP shall receive runoff from an area greater than three (3) acres. However, the total drainage area from BMPs used in series (i.e., integrated) can exceed this three (3) acre maximum.

6. Water quality BMPs may encroach into a required buffer as long as the encroachment does not disturb the majority of existing vegetation. Minor understory may be disturbed in order to accommodate water quality structures. Trees and shrubs shall be placed to maximize screening where the encroachment takes place.

   A riparian buffer with a **minimum width of fifty (50) feet** shall be maintained adjacent to all **intermittent and perennial streams** for **Major Subdivisions** and **major site plans**. The required buffer shall remain in a natural or restored vegetated state except for approved stream crossings, utility crossings, stormwater outfalls, or other activities specifically authorized by this ordinance or by applicable State or Federal regulations.

7. No Above-the Ground Stormwater Control Measure is allowed in the regulatory floodplain.

7 (8). General engineering for all projects shall be in accordance with 15A NCAC 2H.1008(c).

8 (9). All stormwater control measures and stormwater treatment practices required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications, standards, and the specific design criteria for each stormwater practice, in the Design Manual. The Stormwater Administrator shall determine whether proposed SCMs/BMPs will be adequate to meet the requirements of this ordinance.

7. General engineering for all projects shall be in accordance with 15A NCAC 2H.1008(c).

8. All stormwater control measures and stormwater treatment practices required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications, standards, and the specific design criteria for each stormwater practice, in the Design Manual. The Stormwater Administrator shall determine whether proposed SCMs/BMPs will be adequate to meet the requirements of this ordinance.

3. Amend Section 12.5.8. Standards. Section E- Stormwater Conveyance Systems Design Requirements.

1. Stormwater collection systems (drainage parallel to road, including ditches, swales and pipes) shall be designed to pass the peak flows from the ~~2-year, 24-hour storm event~~ 10-year, 24-hour storm event. The minimum allowable pipe size is 15-inches.

Additional Standards: Contain hydraulic grade line (HGL) within pipes, and minimum pipe slope is 0.5% or that which produces a minimum velocity of 2.5 fps and a maximum velocity of 8 fps when flowing full. If a ditch, flow should be contained inside cross-section.

2. Cross drainage systems that do not convey intermittent or perennial streams shall be designed to pass the peak flow rates from the ~~10-year, 24-hour storm event~~ 25-year, 24-hour storm event.

3. Cross drainage systems conveying intermittent or perennial streams, shall be designed pass peak flow rates for the 50-year, 24-hour storm event. These structures shall consist of bottomless single span structures.

Additional Standards: The design headwater depth shall not exceed the culvert opening height by more than 20%.

4. Amend Section 12.5.7Section F – Uniform Watershed Analysis.

1. Uniform Watershed Analysis is required for all developments. Calculations must be developed to show the development's impact on the greater watershed. A downstream impact analysis is required for any development based on the Town Manager's determination that the development poses a heightened risk to downstream properties due to its location within the watershed, interface with adjacent properties, or proximity to flood-prone areas.

   a. Limits on Downstream Impact
      1. Developments subject to a downstream impact analysis must demonstrate post-development safe passage at all conveyances included within the scope of analysis. "Safe passage" means that the conveyance will not cause overtopping during the design storm events for which the development is required to control its stormwater runoff rate.
      2. The previous requirement notwithstanding, no development will be responsible for demonstrating post-development safe passage for downstream conveyances which do not provide pre-development safe passage. For any such conveyances, developments must demonstrate that the post-development condition does not increase overtopping during the design storm events for which the development is required to control its stormwater runoff rate.

   b. Scope of Analysis1. The downstream impact analysis must be performed at each analysis point of the development site and each downstream conveyance system (i.e. swales, ditches, open channels, culverts, pipe system, SCMs, ponds, etc.) until reaching a downstream point where the area of the portion of the site draining into the system is less than or equal to ten percent of the total drainage area above that point.

   c. Content of Analysis
      1. The downstream impact analysis must include assumptions, results, and supporting calculations used to demonstrate safe passage.

   d. Mitigating Downstream Impacts
      1. If safe passage cannot be demonstrated at an applicable downstream stormwater conveyance, modifications must be made to the development site to allow for safe passage at the downstream stormwater conveyance.
      2. As a voluntary alternative to the previous requirement, safe passage may be achieved by making improvements to downstream conveyances outside of the development site.

5. Amend Section 12.4.4 section E – Runoff

Except as provided for elsewhere in this chapter, erosion and sediment control measures, structures and devices shall be so planned, designed and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten-year storm. erosion and sediment control measures, structures and devices shall be so planned, designed and constructed as to provide protection from the calculated maximum peak rate of runoff from the twenty-five-year storm for **major subdivisions** and **major site plans**.

ADOPTED this _____Day of _____, 2027.

TOWN OF WAYNESVILLE

_____
J. Gary Caldwell, Mayor

ATTEST:

_____
Candace Poolton, Town Clerk

APPROVED AS TO FORM:

_____
Martha Bradley, Town Attorney

Stormwater Ordinance Text Amendments

Code of Ordinances, Town of Waynesville -Chapter 12

WithersRavenel
Our People. Your Success.

November 16, 2026

How did we get here?

1972 • Clean Water Act

1999 • National Pollutant Discharge Elimination System Permit (NPDES) for Phase II Communities

2020 • 2035 Comprehensive Land Use Plan

2021 • Current NPDES Permit Issued

2026 • Waynesville Comprehensive Stormwater Master Plan

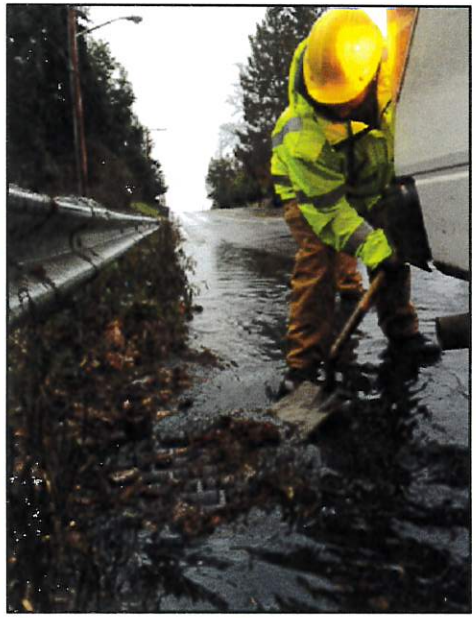
House Bill 162, the Parking Lot Reform and Stormwater Control Act

What is the purpose?

- Manage stormwater runoff
- Reduce the discharge of pollutants
- Protect water quality







Proposed Text Amendments

1) House Bill 162
2) Stormwater Conveyance
3) Riparian Buffer
4) SCMs in the Floodplain
5) Land Disturbing Activity
6) Downstream Impact

1) House Bill 162

Existing

Minimum Development Thresholds:

- Cumulatively disturb ≥ 1 acre
- Projects of less than one acre and part of common plan of development
- Projects of less than one acre and proposed increased impervious surface greater than 24,000 square feet.

Proposed

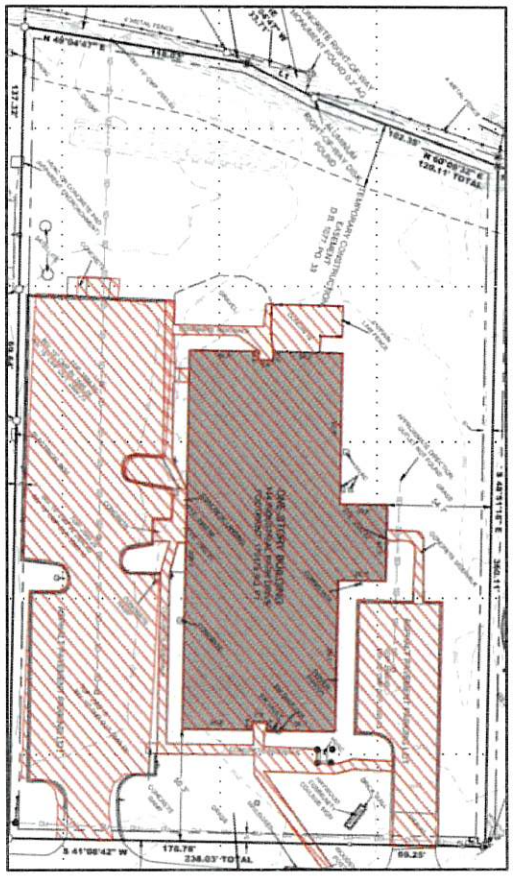
Exempt established development from new or expanded stormwater control measures for existing or certain redevelopment activities unless required by federal law

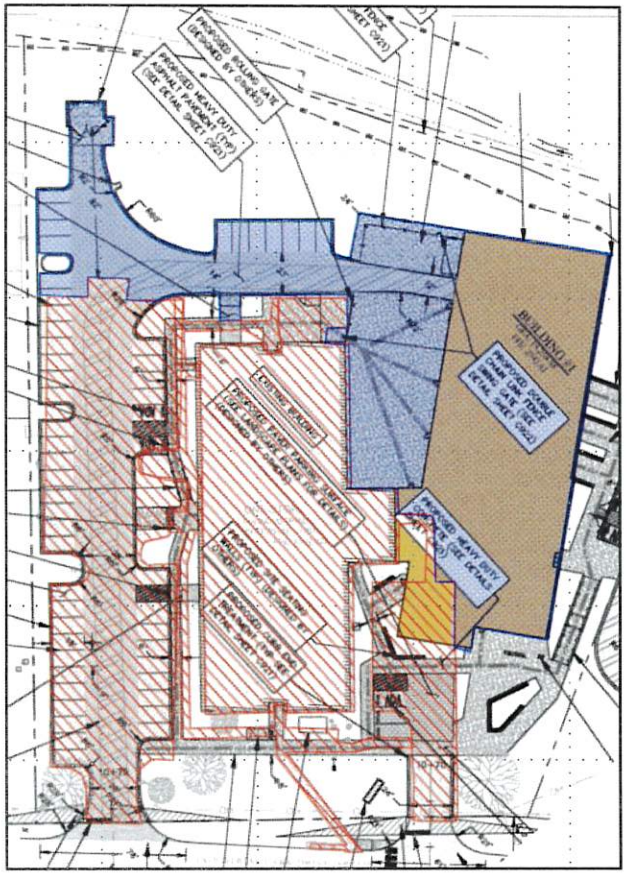
Redevelopment

- Existing built-upon area regardless if it is demolished, relocated, replaced, or remains in place during development or redevelopment is not subject to additional stormwater control requirements.

Existing Built-upon Area

Proposed Built-upon Area





2) Stormwater Conveyance

Stormwater Conveyance	Existing	Proposed	Additional Standards
Drainage parallel to road, including ditches, swales and pipes	*2-year*, 24-hour	10-year, **24-hour**	Contain HGL within pipes, and minimum pipe slope standards
Cross Drainage	*10-year*, 24-hour	25-year, 24-hour	
Cross Drainage conveying intermittent of perennial streams	50-year, 24-hour	50-year, 24-hour	Headwater Depth/Culvert Height ≤1.2

Stormwater Conveyance



Swales



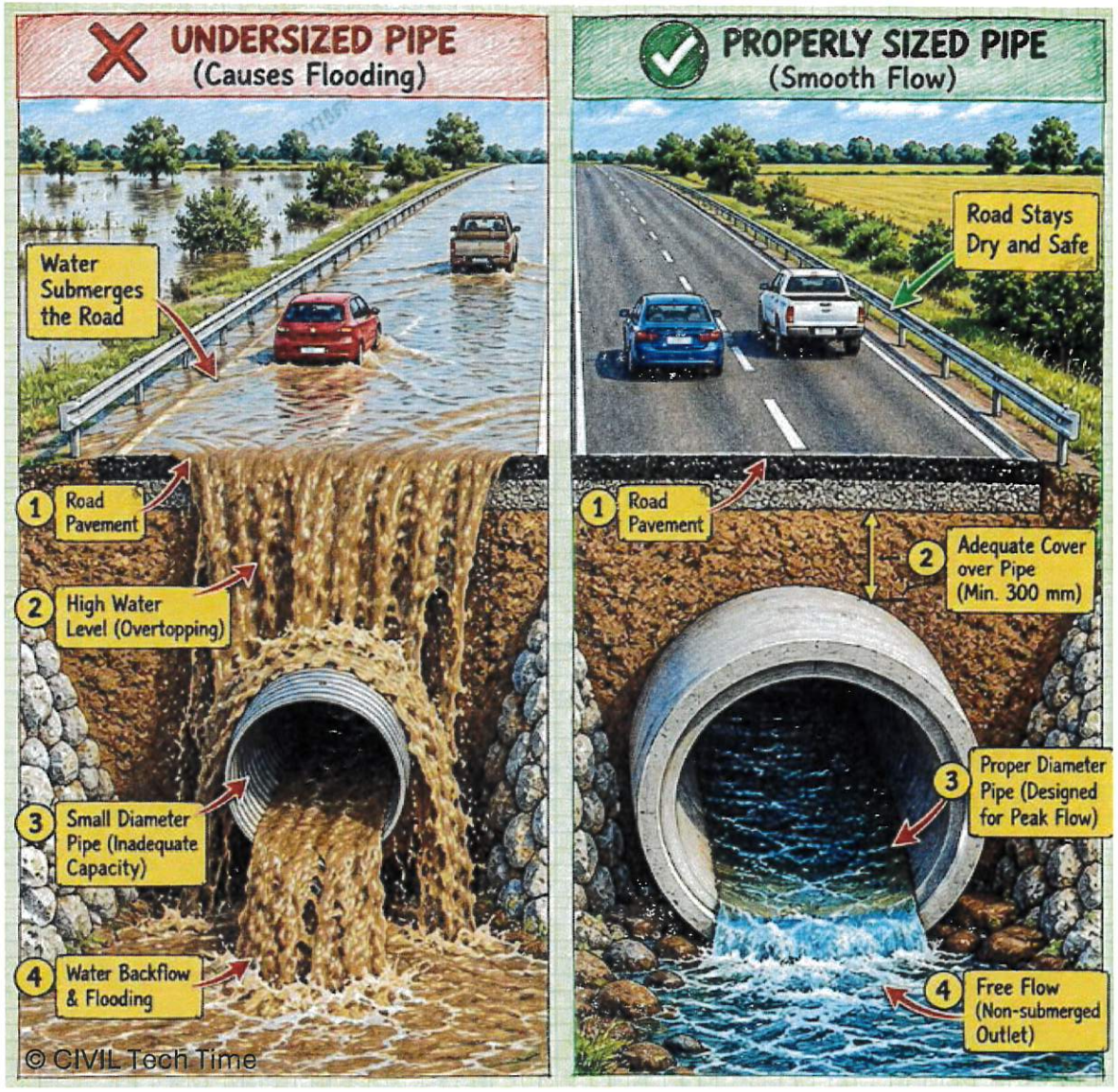
Pipes



Cross-Drainage

Pipe Capacity

- Convey stormwater during storm events
- Prevent road flooding
- Avoids disruptions to transportation
- Reduces maintenance cost



Design Storms

- Fully convey stormwater in the storm sewer from rain events that have a 10% chance of occurring in any one year

NC Climate Office – Waynesville Average Storm

Time Period	Precipitation (inches)
Last 50 years (1976-2025)	3.97
Last 40 years (1986-2025)	3.99
Last 30 year (1996-2005)	4.02

https://products.climate.ncsu.edu/climate/station-percentiles/

Design Storm	Storm Depth (inches)	Conveyance
2-year, 24-hour	3.27	
10-year, 24-hour	4.60	Swales and Pipes
25-year, 24-hour	5.41	Cross Drainage
50-year, 24-hour	6.07	Cross Drainage with Streams

3) Riparian Buffer

Existing

- *30-foot* setback of built-upon area
- Applies to perennial and intermittent streams
- Exceptions for roads, utilities, stormwater control measure

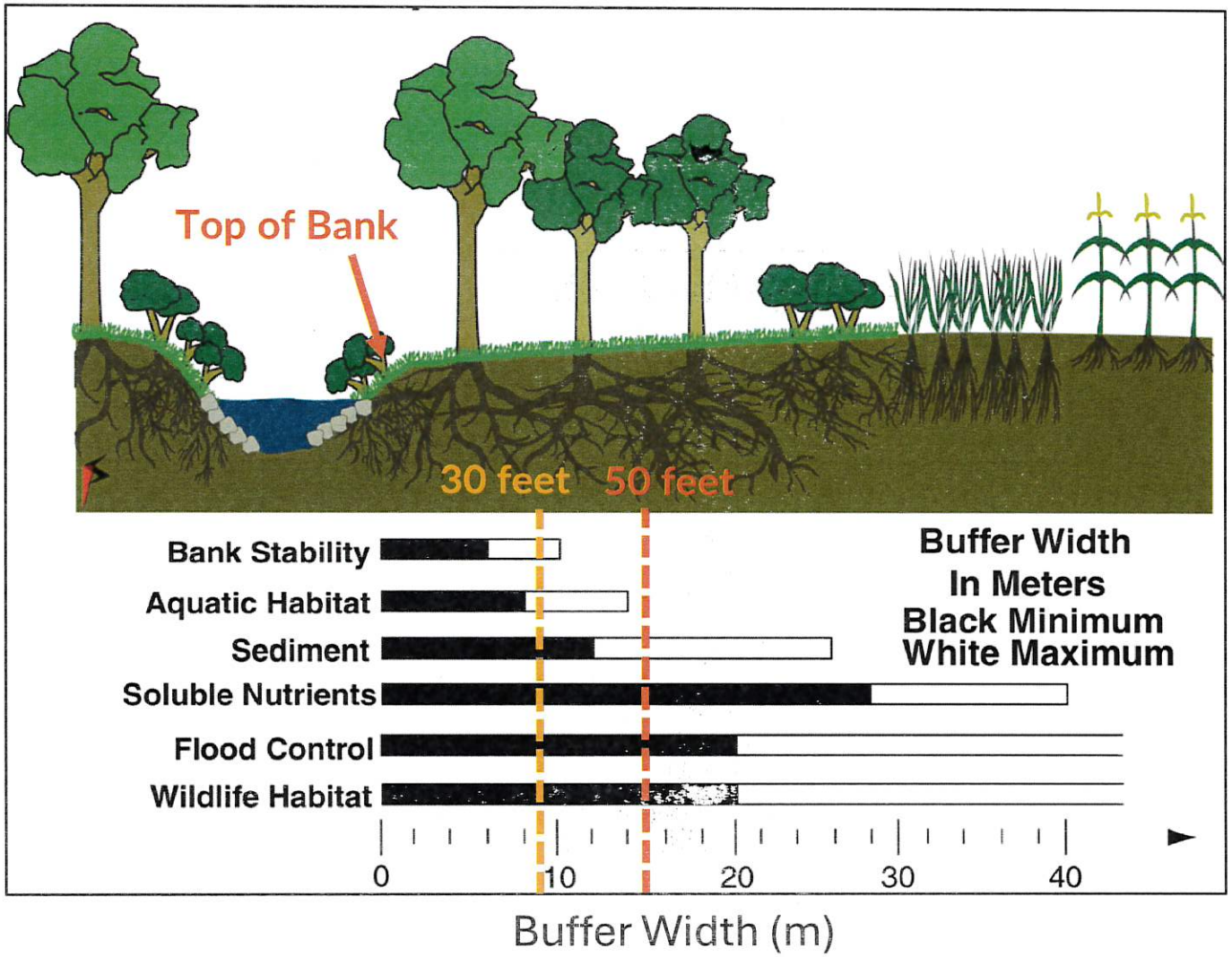
Proposed

- **50-foot** setback of built-upon area
- Applies to perennial and intermittent streams for **Major Subdivision and Major Site Plans**
- Exceptions for roads, utilities, stormwater control measure

Riparian Buffer

- Ecosystem Services
- Determining the Width

Schulz et al. 2000.

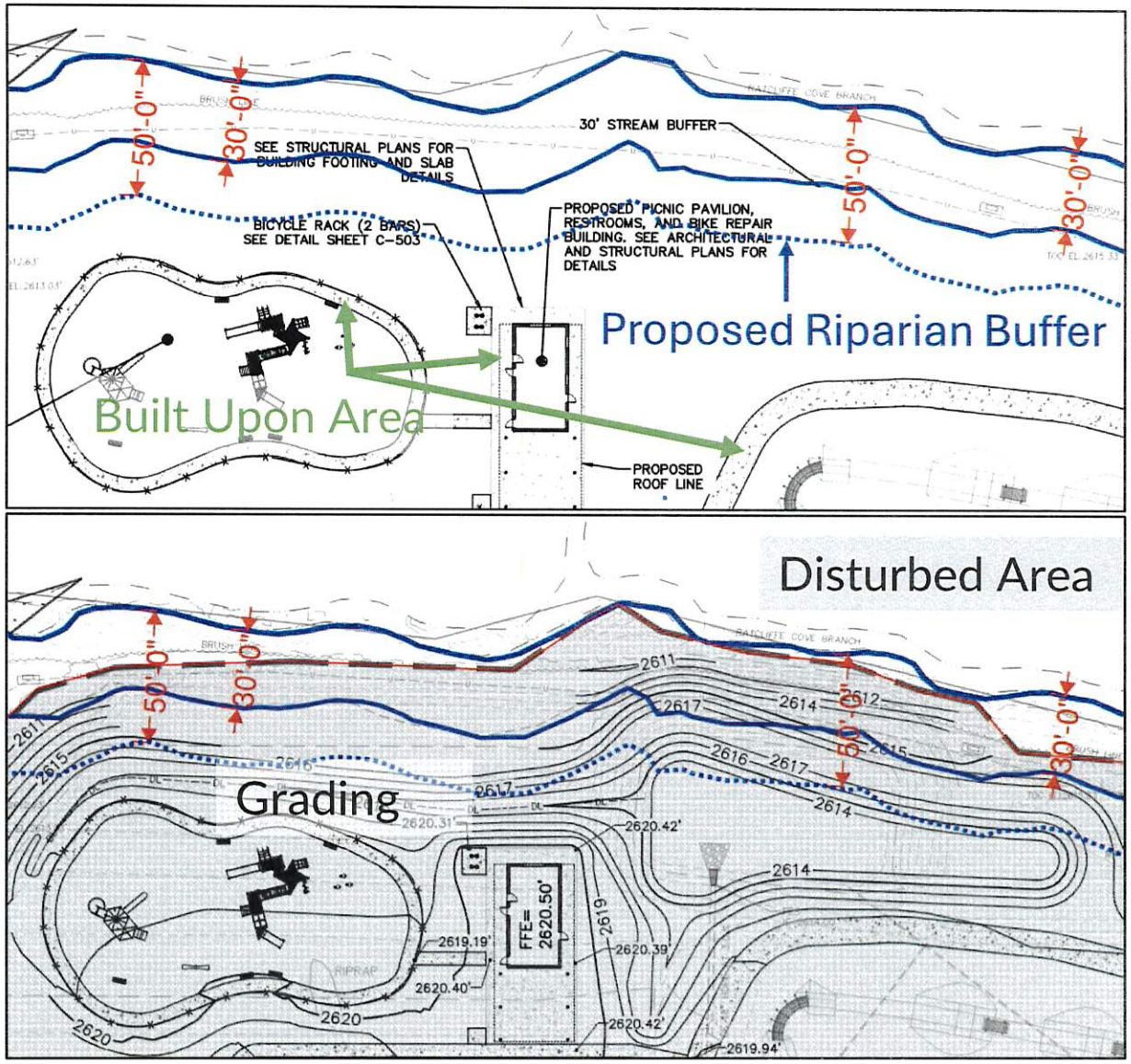


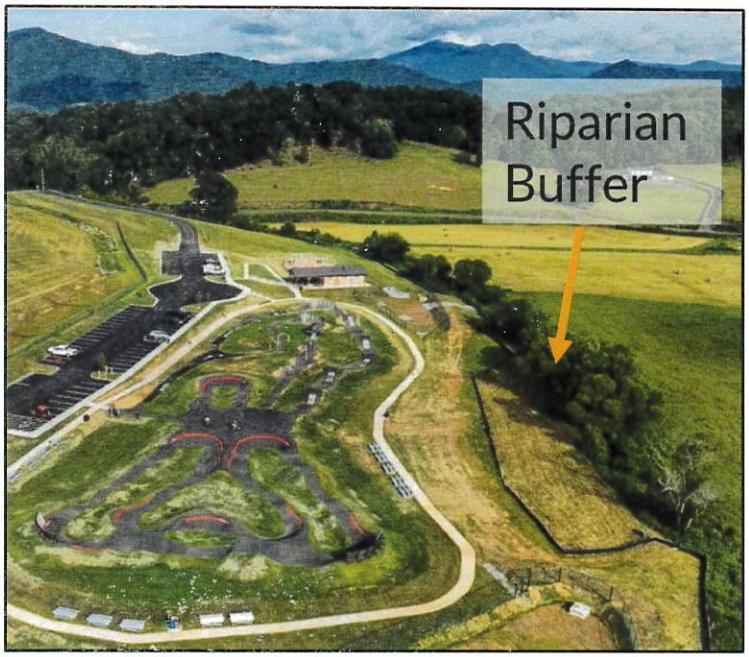
Activities in Riparian Buffers

- Existing and ongoing use
- Remain in a natural or restored vegetated state
- Limited activities that must be approved
  - Utility crossings
  - Stormwater outfalls



Raccoon Creek Bike Park





4) Stormwater Control Measures (SCMs) in the floodplain

Existing

- No fill, construction, or substantial improvements within the *floodway* unless:
  - No rise in flood levels
  - FEMA map revision

Proposed

- **Prohibit above-the-ground stormwater control measure from being located within the regulatory floodplain**

Above-the-Ground Stormwater Control Measures



Wet Pond



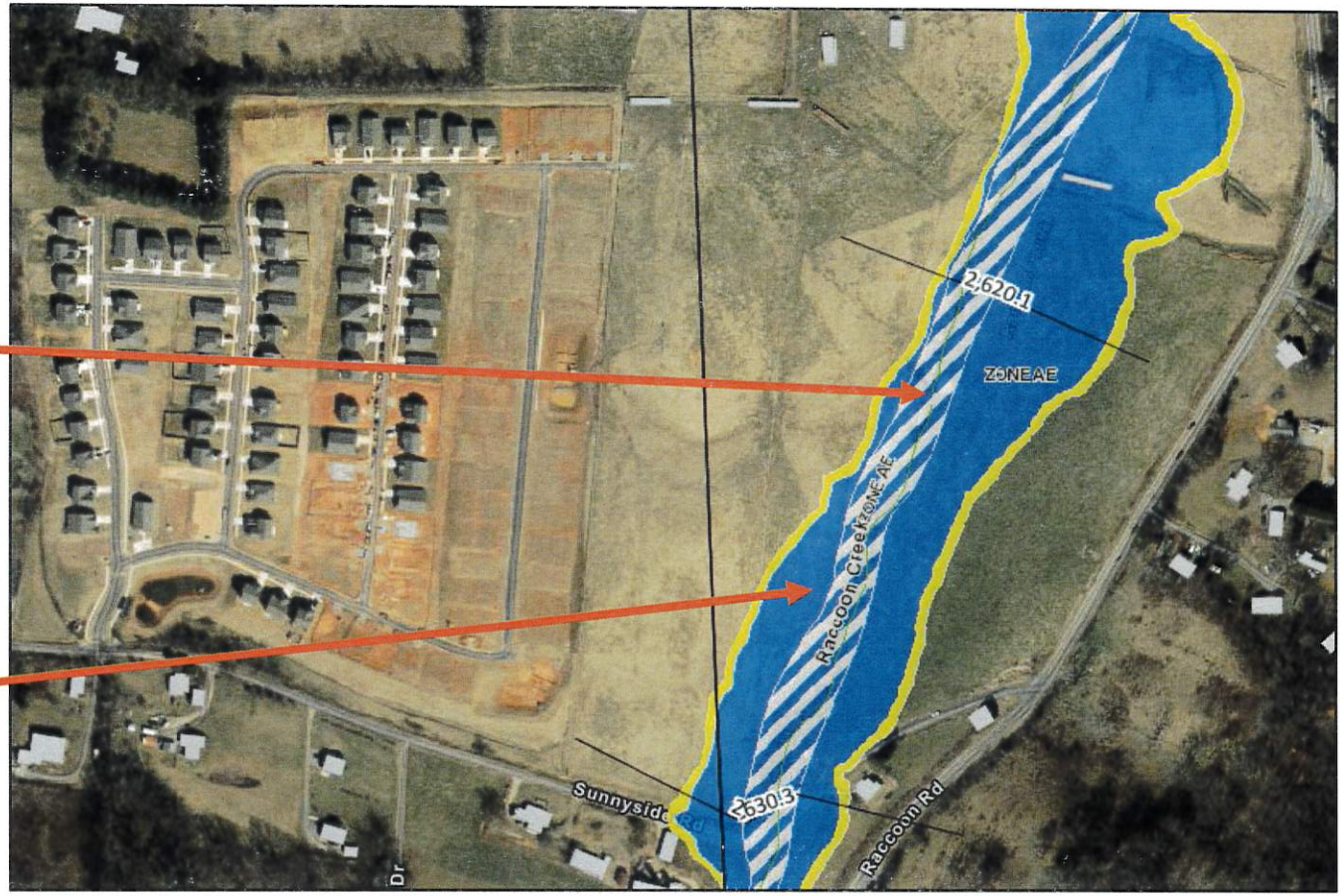
Permeable Pavement

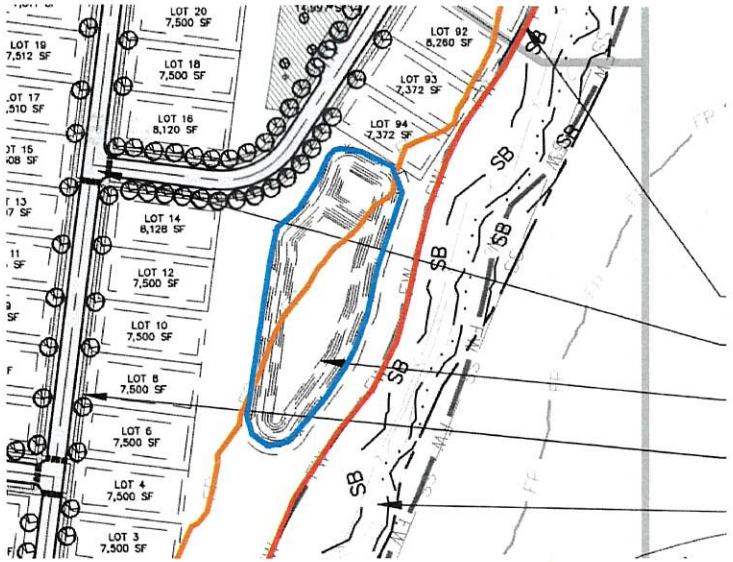


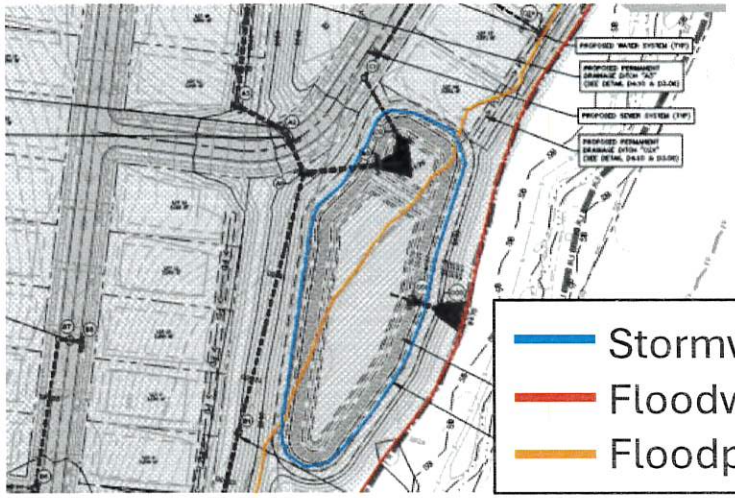
Bioretention

Flood Definitions

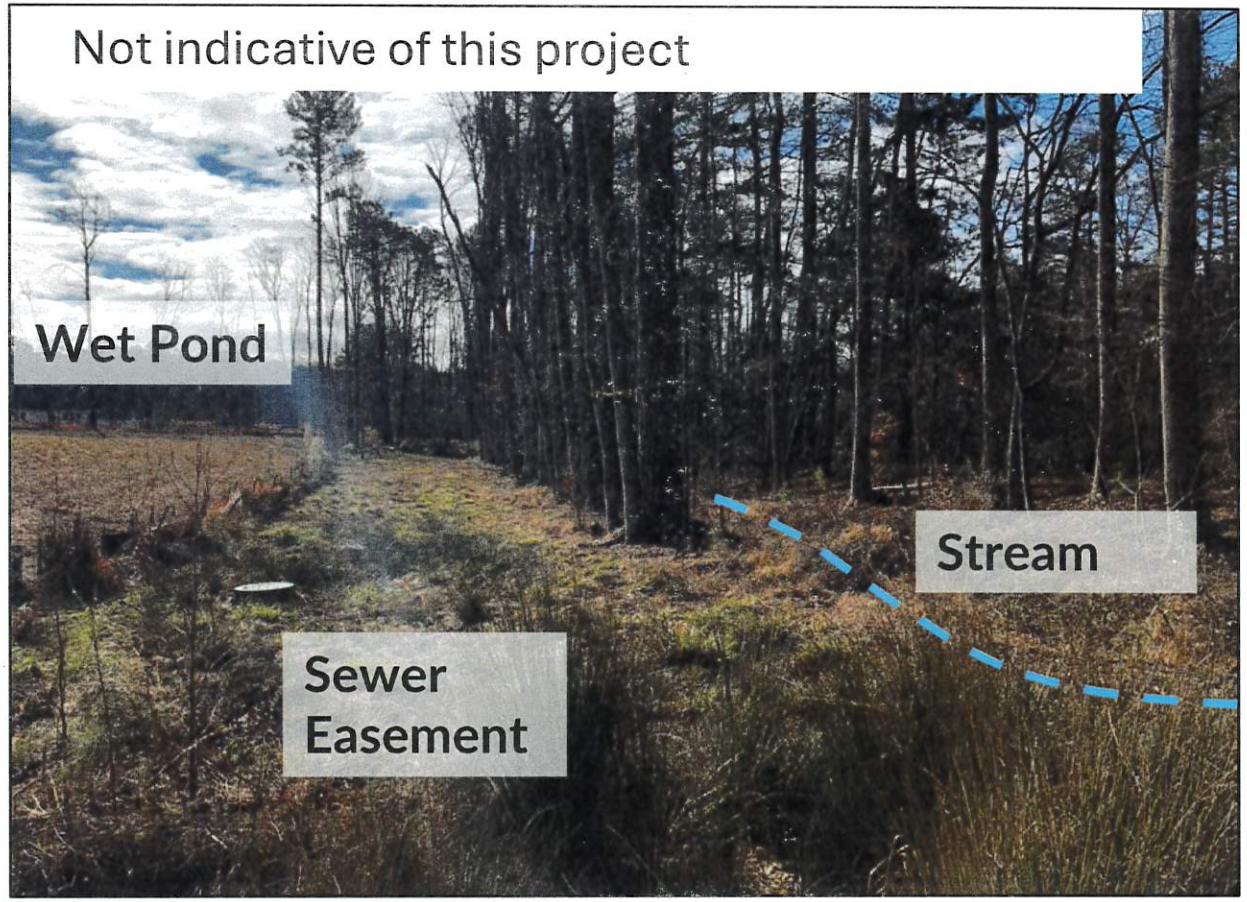
- **Floodway** – channel reserved from encroachment to convey base flood
- **Floodplain** – land susceptible to being inundated by floodwater







Not indicative of this project



Stormwater Control Measure
Floodway
Floodplain

5) Land Disturbing Activity

Existing

- Erosion and sediment control measures shall provide protection from the peak rate of runoff from the *10-year* storm.

Proposed

- Erosion and sediment control measures shall provide protection from the peak rate of runoff from the 25-year storm for Major Subdivision and Major Site Plans

Erosion and Sediment Control

- Sediment is a leading pollutant
- The 25-year design storm matches the existing peak flow standard for post-development stormwater controls



6) Downstream Impact

Existing

Uniform Watershed Analysis is required for all developments. Calculations must be developed to show the development's impact on the greater watershed

Proposed

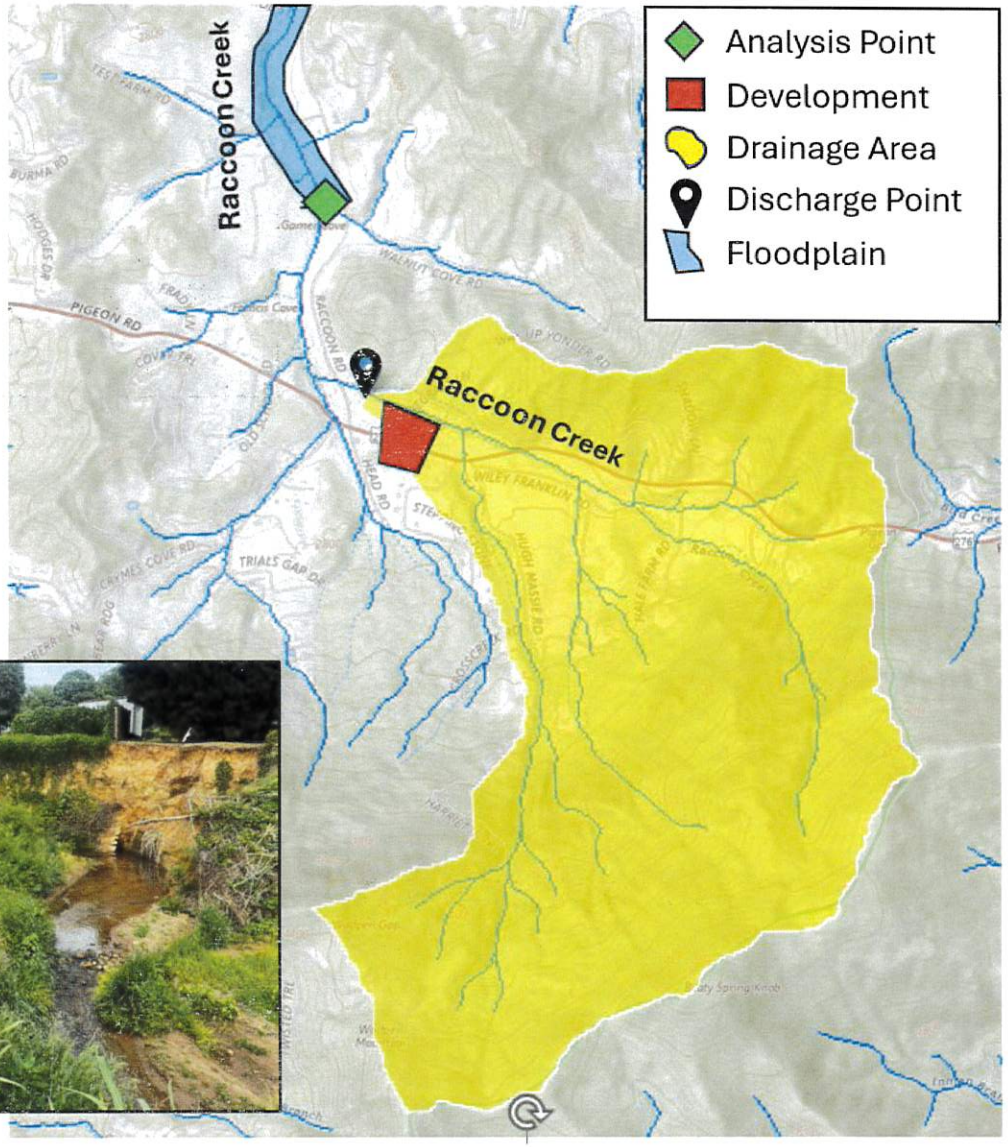
- A downstream impact analysis is required for any development based on the Town Manager's determination that the development poses a heightened risk to downstream properties due to its location within the watershed, interface with adjacent properties, or proximity to flood-prone areas.

Downstream Impact

- Infrastructure
- Flooding
- Channel Degradation







Any Questions?

1) House Bill 162
2) Stormwater Conveyance
3) Riparian Buffer
4) SCMs in the Floodplain
5) Land Disturbing Activity
6) Downstream Impact

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

SESSION LAW 2026-39
HOUSE BILL 162

AN ACT TO RESTRICT LOCAL GOVERNMENTS FROM REGULATING CERTAIN ASPECTS OF OFF-STREET PARKING SPACES AND TO MODIFY THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO REQUIRE STORMWATER CONTROL FOR REDEVELOPED PROPERTY.

The General Assembly of North Carolina enacts:

PART I. PROHIBITING CERTAIN ZONING AND DEVELOPMENT LIMITATIONS RELATED TO OFF-STREET PARKING

SECTION 1.(a) G.S. 160D-702 reads as rewritten:

"**§ 160D-702. Grant of power.**

...

(c) A zoning or other development regulation shall not do any of the following:

(1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.

(2) Require ~~a~~ an off-street parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.

(2a) Require an off-street parking lot to meet a minimum number of parking spaces per development or structure, regardless of occupancy or use. The limitations of this subdivision shall not, however, apply to local governments located in the coastal area, as those terms are defined under G.S. 113A-103, except with respect to the following properties located in the coastal area:

a. Within the boundaries of a National Register Historic District or a local historic district.

b. That are either (i) individually listed in the National Register of Historic Places or (ii) individually designated as a local historic landmark.

c. Individual properties on the Study List for the National Register of Historic Places as maintained by the North Carolina State Historic Preservation Office or a national or State historic landmark, or properties located within a district on the Study List for the National Register of Historic Places as maintained by the North Carolina State Historic Preservation Office or a national or State historic landmark.

(3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code for One- and Two-Family Dwellings.

(4) Establish or require pavement design standards for public roads or private roads that are more stringent than the minimum pavement design standards adopted by the Department of Transportation.

...."

SECTION 1.(b) This section becomes effective January 1, 2027.

PART II. MODIFY THE AUTHORITY OF CERTAIN LOCAL GOVERNMENTS TO REQUIRE STORMWATER CONTROL FOR REDEVELOPED PROPERTY

SECTION 2.(a) G.S. 143-214.7 reads as rewritten:

"**§ 143-214.7. Stormwater runoff rules and programs.**

...

(a1) Definitions. – The following definitions apply in this section:

(1) Built-upon area. – As defined in G.S. 143-214.7D.

(2) Development. – Any land-disturbing activity that increases the amount of built-upon area or that otherwise decreases the infiltration of precipitation into the subsoil. ~~When additional development occurs at a site that has existing development, the built-upon area of the existing development shall not be included in the density calculations for additional stormwater control requirements, and stormwater control requirements cannot be applied retroactively to existing development, unless otherwise required by federal law.~~

~~(2)~~(3) Redevelopment. – Any land-disturbing activity that does not result in a net increase in built-upon area and that provides greater or equal stormwater control to that of the previous development.

...

(b3) Stormwater runoff rules and programs shall not require private property owners to install new or ~~increased~~ stormwater controls for (i) ~~preexisting development~~ existing built-upon area or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. ~~When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment, irrespective of whether the impervious surface that existed before the redevelopment is to be demolished or relocated during the development activity.~~ When development or redevelopment occurs at a site that has existing built-upon area, (i) the existing built-upon area shall not be included in the density calculations for additional stormwater control requirements, irrespective of whether the existing built-upon area is to be demolished, relocated, replaced, or remains in place during development activity, (ii) the existing built-upon area at the site is not subject to additional stormwater control requirements under this section, regardless of whether the existing built-upon area is demolished, relocated, replaced, or remains in place during the development activity, (iii) for purposes of determining the size of the area for which stormwater control measures are required for a development or redevelopment, built-upon area that existed before the development or redevelopment shall be applied on a square-foot-for-square-foot basis to reduce the built-upon area for which stormwater control measures are required, and (iv) stormwater control requirements cannot be applied retroactively to existing built-upon area, unless otherwise required by federal law. A property owner may elect to treat the stormwater resulting from the net increase in built-upon area above the ~~preexisting~~ existing built-upon area at the development or redevelopment for the purpose of exceeding allowable density under the applicable water supply watershed rules as provided in G.S. 143-214.5(d3). This subsection applies to all local governments regardless of the source of their regulatory authority. Local governments shall include the requirements of this subsection in their stormwater ordinances.

...

(b8) A local government may offer nonmandatory incentives that waive building, zoning, connection, or other regulations or fees; provide additional tax and financial benefits; or institute

other incentives for development or redevelopment that implements additional stormwater control measures beyond those required by this section and rules adopted thereunder.

...."

SECTION 2.(b) Each local government that implements a stormwater management program shall amend its stormwater ordinance to conform to G.S. 143-214.7(b3), as amended by subsection (a) of this section, within 12 months of the effective date of this section. Any local stormwater ordinance that is inconsistent with G.S. 143-214.7(b3), as amended by subsection (a) of this section, is void and unenforceable on and after that date. A local government may adopt, amend, or repeal ordinance provisions implementing G.S. 143-214.7(b8) at any time after the effective date of this section.

SECTION 2.(c) This section is effective when it becomes law and applies to stormwater rules and stormwater program amendments adopted on or after that date.

PART III. EFFECTIVE DATE

SECTION 3. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 1st day of July, 2026.

s/ Rachel Hunt
President of the Senate

s/ Destin Hall
Speaker of the House of Representatives

s/ Josh Stein
Governor

Approved 3:04 p.m. this 6th day of July, 2026

Planning Board Staff Report

Topic:	Greenway Text Amendment
Hearing Type:	Discussion
Presenter:	Alex Mumby, Land Use Administrator
Applicant:	Staff Initiated
Date:	November 16, 2026

Background:

In September, Staff attended the Great Trails State Conference in Winston-Salem. This conference works to emphasize the importance and development of trails, greenways, and blueways across the state by bringing together advocates, planners, and stakeholders. During some of the panels at the conference, Staff was inspired to recommend changes to the Land Development Standards to help encourage the construction of greenways as new development occurs. The two recommendations Staff has generated are a standard detail for greenways and the ability to require greenways as alternative compliance where the development intersects with adopted plans. The Town Manager also recommended creating a greenway specification so that standards are uniform across all facilities.

The Town of Waynesville has created multiple plans related to greenway development including the 2010 Pedestrian Plan, the Haywood County Greenway Plan, and two greenway feasibility studies. The Town has also recently received an $85,000 grant from NCDOT to update its pedestrian plan. Staff believes that one of the most effective ways to implement these plans is to require construction of greenways where development coincides with these adopted plans. The LDS already requires such construction for sidewalks where future sidewalks are shown in the 2010 Pedestrian Plan. This proposal would expand the requirement to greenways as well.

The proposal includes the ability for greenways to be substituted as alternative compliance for sidewalks as well as working to fulfill the civic space requirement. Often developers will work to achieve the lowest level of compliance for civic space improvement, typically picnic tables and benches in greenspace. The requirement to build greenways where shown in adopted plans would add additional strength to the civic space section.

In support of requiring greenway construction, a standard detail for greenways is also recommended. The detail described is based on the engineered designs that the Town was provided for the construction of the Boyd Ave connector, as well as standard details provided by other municipalities. Due to environmental constraints, applicants may propose alternative designs.

Staff is looking for the Planning Board's input on this proposal and hopes to bring it forward as a public hearing at next months meeting.

Attachments

- Draft Ordinance
- Raleigh and NCDOT Greenway Standards

DRAFT ORDINANCE FOR PLANNING BOARD CONSIDERATION

ORDINANCE NO.

AN ORDINANCE AMENDING THE TEXT OF THE TOWN OF WAYNESVILLE LAND DEVELOPMENT STANDARDS

WHEREAS, the Town of Waynesville has the authority, pursuant to Article 7 of Chapter 160D of the North Carolina General Statutes, to adopt land development regulations, clarify such regulations, and may amend said regulations from time to time in the interest of the public health, safety, and welfare; and,

WHEREAS, the Town of Waynesville adopted the 2035 Comprehensive Land Use Plan, which sets goals and provides a Future Land Use map to identify where certain types of growth and density should be allowed, and where growth should be restricted; and,

WHEREAS, the Town of Waynesville Planning Board has reviewed the proposed text amendments to the Land Development Standards (LDS) and recommends that they are consistent with the 2035 Comprehensive Plan and that they are reasonable and in the public interest because they meet the following goals of the 2035 Comprehensive Plan:

Goal 1: Continue to promote smart growth principles in land use planning and zoning

- Create walkable and attractive neighborhoods and commercial centers

Goal 3: Protect and enhance Waynesville's natural resources

- Encourage park and greenway development to protect watersheds and improve access to open space

Goal 6: Create an attractive and safe multimodal transportation system

- Provide an interconnected transportation network of roadways, greenways, freight mobility, bicycle routes, and sidewalks that improves safety and strategic access for all users.
- Support development of the Richland Creek greenway and regional greenway connections between Waynesville, Asheville, and other Haywood County and Western Carolina destinations.

WHEREAS, the Planning Board held a public hearing on _____, 2027, and recommends the proposed text amendments for enactment by the Town Council; and

WHEREAS, the Town Council find this Ordinance is consistent with the Town's 2035 Comprehensive Plan and that it is reasonable and in the public interest to "make decisions about resources and land use in accordance with North Carolina General Statutes;" and

WHEREAS, after notice duly given, a public hearing was held on _____, 2027, at a regularly scheduled meeting of the Waynesville Planning Board, and on _____, at the regularly scheduled meeting of the Town Council;

NOW, THEREFORE, BE IT ORDAINED BY THE WAYNESVILLE TOWN COUNCIL, MEETING IN REGULAR SESSION ON_____, AND WITH A MAJORITY OF THE BOARD MEMBERS VOTING IN THE AFFIRMATIVE, THE FOLLOWING:

6.8.2 Trails.

Trails, if provided, shall comply with the following standards:



A. Width: 6—14 ft.
B. Right-of-way/Easement Width: 18—20 ft.
C. Connections: Trail stubs at property lines should be placed in areas that are easily accessible for future connectivity through adjacent parcels.
D. Materials: Compact gravel, concrete, or asphalt or other material approved by the Administrator

6.2.3 Greenways

Waynesville places great importance on the development and expansion of its greenway network. Applicants may provide greenways as a form of alternative compliance for required pedestrian facilities and must do so when development occurs along corridors which have been designated by adopted greenway and pedestrian plans.



Where greenways are built, they must comply with the following criteria:

Width: Greenways must be a minimum of 10 feet wide with a 2% cross slope for water runoff.

Material: Greenways must be paved with concrete or asphalt. Asphalt must be 2 inches deep with an 8-inch compacted gravel subbase and 2 feet of compacted gravel either side of the paved section. Alternative compliance of width and material may be approved by the administrator due to topographic and environmental constraints.

6.8.~~3~~ 4 Pedestrian Crosswalks.

ADOPTED this _____Day of _____, 2027.

TOWN OF WAYNESVILLE

_____

J. Gary Caldwell, Mayor

ATTEST:

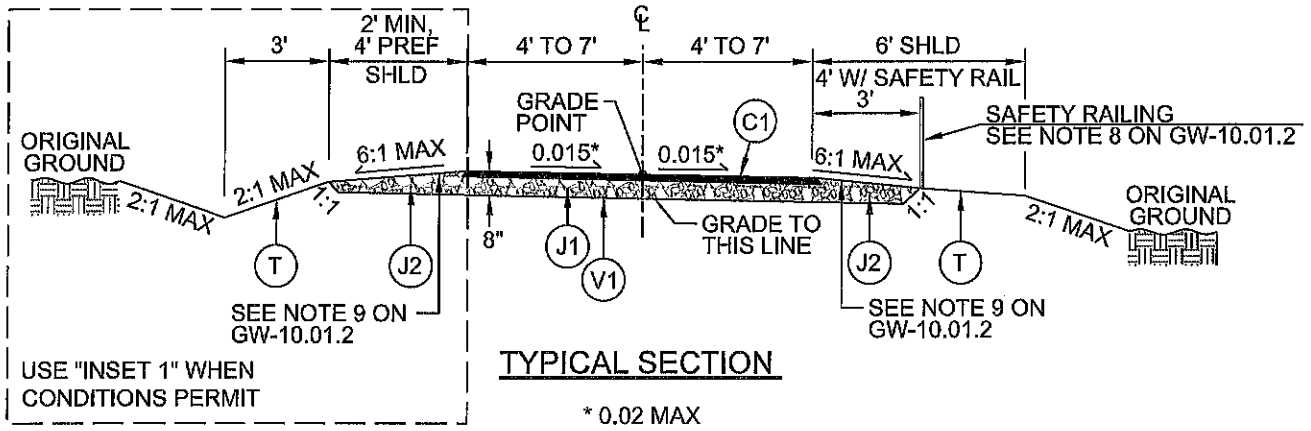
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Candace Poolton, Town Clerk

APPROVED AS TO FORM:

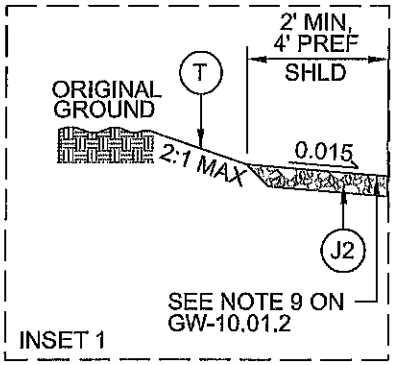
_____

Martha Bradley, Town Attorney



TYPICAL SECTION

* 0.02 MAX



ASPHALT TYPICAL TRAIL SECTION
VARIABLE WIDTH (8' MIN, 14' MAX)

PAVEMENT SCHEDULE	
C1	2" ASPHALT CONCRETE SURFACE COURSE, TYPE S9.5B, AT AN AVERAGE RATE OF 220 LBS. PER SQ. YD. OR 110 LBS. PER SQ. YD. IN EACH OF TWO LAYERS
J1	6" AGGREGATE BASE COURSE
J2	VARIABLE DEPTH AGGREGATE BASE COURSE
T	EARTH MATERIAL
V1	GEOTEXTILE FOR PAVEMENT STABILIZATION

CITY OF RALEIGH
STANDARD DETAIL

REVISIONS	DATE: 12/2022	NOT TO SCALE
	ASPHALT TYPICAL TRAIL SECTION VARIABLE WIDTH (8' MIN, 14' MAX)	
	GW-10.01.1	

ASPHALT TYPICAL TRAIL SECTION VARIABLE WIDTH (8' MIN, 14' MAX) - NOTES:

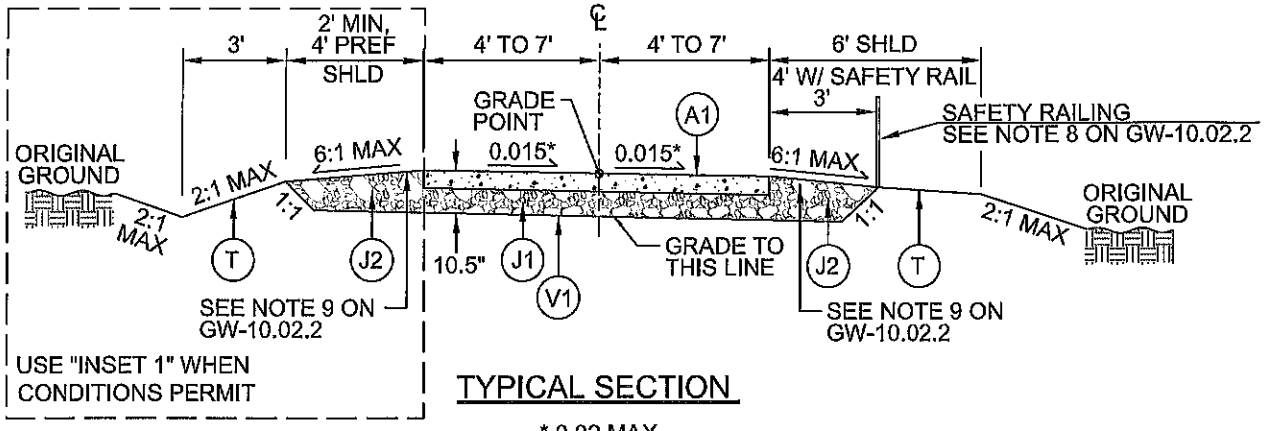
1. TRAIL WIDTH TO BE DETERMINED BY CITY OF RALEIGH.
2. WHEN CONDITIONS PERMIT, USE 6' SHOULDER IN FILL SECTIONS AND 4' SHOULDER IN CUT SECTIONS. USE MINIMUM 2' SHOULDER IN CUT AND FILL SECTIONS. FOR CUT SECTION CONDITION SHOWN IN "INSET 1," APPLY ENGINEERING JUDGMENT TO DETERMINE IF UPHILL SIDE REQUIRES A SWALE.
3. TRAILS OR TRAIL SEGMENTS OF ANY LENGTH MAY BE CONSTRUCTED WITH RUNNING SLOPES/VERTICAL GRADES UP TO 1:20 (5%). TO ACCOMMODATE STEEP TERRAIN, TRAILS MAY BE DESIGNED WITH STEEPER SECTIONS OF CONSTRAINED LENGTH AS SHOWN IN TABLE 1. RESTING INTERVALS WITH FLATTER GRADES ARE REQUIRED BETWEEN TRAIL SEGMENTS ANY TIME THE RUNNING SLOPE EXCEEDS 1:20 (5%). RESTING INTERVALS SHALL BE LOCATED ON UPHILL SIDE OF TRAIL IF ONLY PROVIDED ON ONE SIDE.
4. TO ENSURE THAT A TRAIL IS NOT DESIGNED AS A SERIES OF STEEP SEGMENTS, NO MORE THAN 30% OF THE TOTAL LENGTH OF TRAIL MAY HAVE A RUNNING SLOPE/VERTICAL GRADE of 7.5% (8.33% OR 1:12 MAX). RESTING INTERVALS MUST BE PROVIDED MORE FREQUENTLY AS THE RUNNING SLOPE INCREASES.
5. RUNNING SLOPE/VERTICAL GRADE RECOMMENDATIONS MAY NOT BE ABLE TO BE ACHIEVED FOR TRAIL REPLACEMENT PROJECTS. FOR THESE TYPES OF PROJECTS, REPLACEMENT OF THE EXISTING CONDITION IN KIND IS SUFFICIENT.
6. 1.5% (2.08% OR 1:48 MAX) CROSS SLOPE. CROSS SLOPE DIRECTION VARIES. SLOPE SHOULDERS FOR POSITIVE DRAINAGE. OFTEN REQUIRES CONTINUING PAVEMENT OR SHOULDER SLOPE UNTIL TIE-IN WITH NATURAL GROUND. SEE PLAN SHEETS AND CROSS SECTIONS.
7. WHEN CONDITIONS PERMIT, SHOULDERS TO MATCH CROSS SLOPE OF TRAIL AND SIDE SLOPES TO BE 3:1 OR FLATTER.
8. PROVIDE A SAFETY RAIL FOR THE FOLLOWING CIRCUMSTANCES WITHIN 6' OF THE EDGE OF PAVEMENT: 1) SLOPE > 3:1 AND DROP OF 6'; 2) SLOPE > 2:1 AND DROP OF 4'; 3) SLOPE > 1:1 AND DROP OF 1'. REFER TO GW-20.01 AND GW-20.02 FOR SAFETY RAIL DETAILS.
9. CONTRACTOR GRADE SEED SHALL BE SEWN INTO AGGREGATE BASE COURSE ON SHOULDERS AT THE SURFACE.
10. CONTRACTOR IS RESPONSIBLE FOR RE-ESTABLISHING ALL SLOPES DISTURBED DURING CONSTRUCTION.
11. PROOF ROLLING SHALL OCCUR IN PRESENCE OF THE OWNER OR THE OWNER'S TESTING AGENCY AT THE FOLLOWING STAGES: 1) PRIOR TO PLACING FILL IN LOW AREAS; 2) AFTER THE PREPARATION OF SUBGRADE PRIOR TO PLACING ABC; 3) AFTER THE PLACEMENT OF ABC PRIOR TO PAVING.
12. PAVEMENT EDGE SLOPES ARE 1:1 UNLESS OTHERWISE NOTED.
13. NO ABOVE-GROUND UTILITIES OR UTILITY SURFACE COVERS/PLATES/MANHOLES SHALL BE LOCATED WITHIN THE TRAIL AND SHALL BE A MINIMUM OF 2' FROM THE EDGE OF TRAIL. RAISED MANHOLES SHALL BE A MINIMUM OF 4' FROM THE EDGE OF TRAIL.

TABLE 1 - MAXIMUM RUNNING SLOPE AND TRAIL SEGMENT LENGTH

RUNNING SLOPE	MAX LENGTH OF SEGMENT
1:20 (5%)	200 FT
1:12 (8.33%)	30 FT

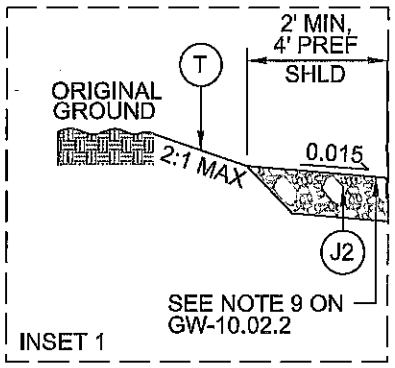
CITY OF RALEIGH
STANDARD DETAIL

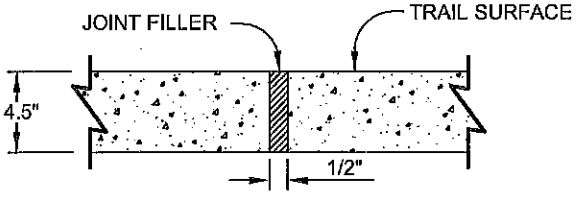
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	GW-10.01.2



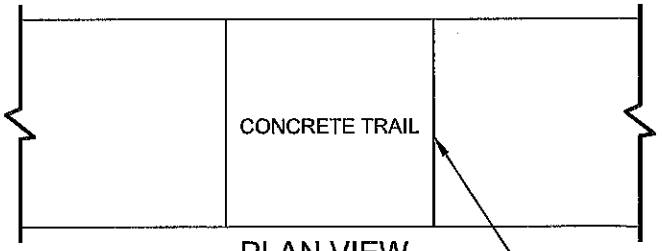
TYPICAL SECTION

* 0.02 MAX





TRANSVERSE EXPANSION JOINT



PLAN VIEW

CONCRETE TYPICAL TRAIL SECTION
VARIABLE WIDTH (8' MIN, 14' MAX)

PAVEMENT SCHEDULE	
A1	4.5" CONCRETE TRAIL, 3,000 PSI, FINISHED WITH CURING COMPOUND, BRUSHED CONCRETE TEXTURE
J1	6" AGGREGATE BASE COURSE
J2	VARIABLE DEPTH AGGREGATE BASE COURSE
T	EARTH MATERIAL
V1	GEOTEXTILE FOR PAVEMENT STABILIZATION

CITY OF RALEIGH
STANDARD DETAIL

REVISIONS	DATE: 12/2022	NOT TO SCALE
	CONCRETE TYPICAL TRAIL SECTION VARIABLE WIDTH (8' MIN, 14' MAX)	
	GW-10.02.1	

CONCRETE TYPICAL TRAIL SECTION VARIABLE WIDTH (8' MIN, 14' MAX) - NOTES:

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3. TRAILS OR TRAIL SEGMENTS OF ANY LENGTH MAY BE CONSTRUCTED WITH RUNNING SLOPES/VERTICAL GRADES UP TO 1:20 (5%). TO ACCOMMODATE STEEP TERRAIN, TRAILS MAY BE DESIGNED WITH STEEPER SECTIONS OF CONSTRAINED LENGTH AS SHOWN IN TABLE 1. RESTING INTERVALS WITH FLATTER RUNNING SLOPES ARE REQUIRED BETWEEN TRAIL SEGMENTS ANYTIME THE RUNNING SLOPE EXCEEDS 1:20 (5%). RESTING INTERVALS SHALL BE LOCATED ON UPHILL SIDE OF TRAIL IF ONLY PROVIDED ON ONE SIDE.
4. TO ENSURE THAT A TRAIL IS NOT DESIGNED AS A SERIES OF STEEP SEGMENTS, NO MORE THAN 30% OF THE TOTAL LENGTH OF TRAIL MAY HAVE A RUNNING SLOPE/VERTICAL GRADE OF 7.5% (8.33% OR 1:12 MAX). RESTING INTERVALS MUST BE PROVIDED MORE FREQUENTLY AS THE RUNNING SLOPE INCREASES.
5. RUNNING SLOPE/VERTICAL GRADE RECOMMENDATIONS MAY NOT BE ABLE TO BE ACHIEVED FOR TRAIL REPLACEMENT PROJECTS. FOR THESE TYPES OF PROJECTS, REPLACEMENT OF THE EXISTING CONDITION IN KIND IS SUFFICIENT.
6. 1.5% (2.08% OR 1:48 MAX) CROSS SLOPE. CROSS SLOPE DIRECTION VARIES. SLOPE SHOULDERS FOR POSITIVE DRAINAGE. OFTEN REQUIRES CONTINUING PAVEMENT OR SHOULDER SLOPE UNTIL TIE-IN WITH NATURAL GROUND. SEE PLAN SHEETS AND CROSS SECTIONS.
7. WHEN CONDITIONS PERMIT, SHOULDERS TO MATCH CROSS SLOPE OF TRAIL AND SIDE SLOPES TO BE 3:1 OR FLATTER.
8. PROVIDE A SAFETY RAIL FOR THE FOLLOWING CIRCUMSTANCES WITHIN 6' OF THE EDGE OF PAVEMENT: 1) SLOPE > 3:1 AND DROP OF 6'; 2) SLOPE > 2:1 AND DROP OF 4'; 3) SLOPE > 1:1 AND DROP OF 1'. REFER TO GW-20.01 AND GW-20.02 FOR SAFETY RAIL DETAILS.
9. CONTRACTOR GRADE SEED SHALL BE SEWN INTO AGGREGATE BASE COURSE ON SHOULDERS AT THE SURFACE.
10. TRANSVERSE EXPANSION JOINTS TO BE MAXIMUM 50' APART. SAWCUT TRANSVERSE CONTROL JOINTS AT MAXIMUM 10' ON-CENTER OR AS OTHERWISE SHOWN ON PLANS.
11. CONTRACTOR IS RESPONSIBLE FOR RE-ESTABLISHING ALL SLOPES DISTURBED DURING CONSTRUCTION.
12. PROOF ROLLING SHALL OCCUR IN PRESENCE OF THE OWNER OR THE OWNER'S TESTING AGENCY AT THE FOLLOWING STAGES: 1) PRIOR TO PLACING FILL IN LOW AREAS; 2) AFTER THE PREPARATION OF SUBGRADE PRIOR TO PLACING ABC; 3) AFTER THE PLACEMENT OF ABC PRIOR TO POURING CONCRETE.
13. NO ABOVE-GROUND UTILITIES OR UTILITY SURFACE COVERS/PLATES/MANHOLES SHALL BE LOCATED WITHIN THE TRAIL AND SHALL BE A MINIMUM OF 2' FROM THE EDGE OF TRAIL. RAISED MANHOLES SHALL BE A MINIMUM OF 4' FROM THE EDGE OF TRAIL.

TABLE 1 - MAXIMUM RUNNING SLOPE AND TRAIL SEGMENT LENGTH

RUNNING SLOPE	MAX LENGTH OF SEGMENT
1:20 (5%)	200 FT
1:12 (8.33%)	30 FT

CITY OF RALEIGH
STANDARD DETAIL

REVISIONS	DATE: 12/2022	NOT TO SCALE
	CONCRETE TYPICAL TRAIL SECTION VARIABLE WIDTH (8' MIN, 14' MAX)	
	GW-10.02.2	

MULTI-USE TRAILS / GREENWAYS

Paved Multi-Use Trail: Overview

Multi-use paths are completely separated from motorized vehicular traffic and are constructed in their own corridor, often within an open-space area. Multi-use trails typically have a concrete or paved asphalt surface and are capable of being constructed within flood-prone landscapes as well as upland corridors.

- Concrete is the recommended surface treatment. Paved asphalt or permeable paving can be used as alternatives.
  1. It is recommended that concrete be used for its superior durability and lower maintenance requirements—especially in areas prone to frequent flooding, and for intensive urban applications; Consider using high albedo pavement in place of conventional concrete surfaces (it reflects sunlight, reducing radiated heat).
  2. As an alternative to concrete, paved asphalt trails offer substantial durability for the cost of installation and maintenance. As a flexible pavement, asphalt can also be considered for installing a paved trail on slopes.
  3. Consider the following for permeable paving: a) It can be twice the cost of asphalt, b) A maintenance schedule for vacuuming debris is required to retain permeability, and c) Not suitable in the floodplain, or in areas without proper drainage (sheet flow or pooling of water with sediment clogs pours).
- Proper trail foundation will increase the longevity of the trail; two inches of surfacing material over four inches (min.) of base course gravel over geotextile fabric is recommended. Soil borings may need to be conducted to determine adequate material depths; it should be designed to withstand the loading requirements of occasional maintenance and emergency vehicles.
- Typically 10' wide, 2% cross slope, with two-foot wide graded shoulders; the shoulders help prevent edges from crumbling and provide an alternate walking and jogging surface.
- Centerline stripes should be considered for trails that generate substantial amounts of traffic, and are particularly useful along curving sections of trail.
- Trail landscaping and maintenance should enhance conditions for wildlife by planting only native species in the trail corridor, removing invasive species when possible, and avoiding harmful pesticides and herbicides. The overall shape of protected natural landscapes along trail corridors also influences wildlife: single, large, contiguous natural areas are more beneficial to wildlife than the same acreage split into smaller segments.





