



TOWN OF WAYNESVILLE

Planning Board

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

Development Services
Director
Elizabeth Teague

Planning Board Members

Susan Teas Smith (Chairman)
Ginger Hain (Vice Chair)
Stuart Bass
R. Michael Blackburn
Gregory Wheeler
Don McGowan
Marty Prevost
Tommy Thomas
Barbara Thomas

Special Called Meeting

Town Hall, 9 South Main Street, Waynesville, NC 28786
Monday, January 24, 2022, 5:30 PM

A. CALL TO ORDER

1. Welcome/Calendar/Announcements
2. Adoption of Minutes
 - November 15, 2021 Regular Meeting as presented (or as amended)

B. BUSINESS

1. Discussion of draft Stormwater Ordinance, LDS 12.5 and 15.4.1, and consideration of scheduling a public hearing.
2. Discussion of draft Traffic Impact Analysis Ordinance, LDS 6.10, and consideration of scheduling a public hearing.
3. Discussion of draft Ordinance for LDS corrections and updates.
4. Report of Subcommittee on LDS regulations relevant to major subdivisions and planning board feedback.
5. 2021 Year End Summary of Planning Board and Development Services activities

C. PUBLIC COMMENT/CALL ON THE AUDIENCE

D. ADJOURN



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Susan Teas Smith (Chairman)
Ginger Hain (Vice)
Gregory Wheeler
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Michael Blackburn
Don McGowan
Marty Prevost
Tommy Thomas
Barbara Christian Thomas

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MINUTES OF THE TOWN OF WAYNESVILLE PLANNING BOARD Regular Called Meeting Town Hall – 9 South Main St., Waynesville, NC 28786 November 15, 2021

THE WAYNESVILLE PLANNING BOARD held a Regular Called Meeting November 15, 2021, at 5:30 p.m. in the board room of the Town Hall, 9 South Main Street, Waynesville, NC. 28786.

A. CALL TO ORDER

1. Welcome/Calendar/Announcements

The following members were present:
Ginger Hain (Vice Chairman)
Gregory Wheeler
Stuart Bass
Don McGowan
Michael Blackburn
Barbara Christian Thomas

The following Board members were absent:
Marty Prevost
Tommy Thomas
Susan Teas Smith (Chairman)

The following staff members were present:
Elizabeth Teague, Development Services Director
Byron Hickox, Land Use Administrator
Olga Grooman, Planner
Esther Coulter, Administrative Assistant
Kathy Johnson, Deputy Clerk
Ron Sneed, Attorney

The following media were present:
Becky Johnson, The Mountaineer

The following applicant representatives were present:

Daniel Hyatt, P.E. Wade Trim Engineers
 Ron Ashmore. Ashmore Architects, LLC
 William Ratchford, Southwood Realty Company
 Thomas Jones, P.E., WGLA Engineering

Members of the public including:

Dick young
 Allen Shelton

Vice Chairman Ginger Hain called the meeting to order at 5:32 pm and welcomed everyone. She asked Development Services Director Elizabeth Teague to go over the calendar.

Ms. Teague asked the board to consider rescheduling or canceling the next regularly scheduled Planning Board meeting for December 20th because of Christmas. Consensus of the board was to cancel the meeting unless an application comes in that requires action by the board. Ms. Teague asked the board to consider rescheduling the January 17th meeting which falls on Martin Luther King Day. The Board agreed to tentatively reschedule the meeting to January 12, 2022, depending on schedules.

2. Adoption of Minutes

Vice Chairman Hain asked the Board to review the October 18th and October 26th meeting minutes.

A Motion was made by Board Member Don McGowan and seconded by Board Member Michael Blackburn to approve the minutes of the October 18th Planning Board meeting as presented (or amended). The motion carried unanimously.

A motion was made by Board Member Gregory Wheeler and seconded by Board Member Barbara Thomas to approve the minutes of the October 26th Planning Board meeting as presented (or amended). The motion carried unanimously.

B. BUSINESS

Ms. Hain said there were three items in tonight's meeting and asked that the "discussion on procedure to revise LDS regulations relevant to major subdivision" scheduled as the last item be moved to the first item. Members of the board agreed.

1. Discussion on procedure to revise LDS regulations relevant to major subdivisions.

The Planning Board voted in the last meeting to form a committee to start working on improving the Towns ordinances for major subdivisions. Board members Michael Blackburn, Susan Teas Smith, Don McGowan, and Ginger Hain have volunteered to be on the committee with Barbara Thomas as an alternate member. Attorney Ron Sneed suggested that this would be an appropriate time to discuss the size and the makeup as well as the scope of the committee. Board members stated that the scope of the committee would be limited to regulations and procedures related to major subdivisions. The makeup of the committee would start with Planning Board members and the committee will then decide how to proceed.

Planning Board Minutes
 November 15, 2021

Board members discussed times and dates for the first committee meeting and decided on December 7th at 10:00am in the conference room at Town Hall with a projected time being 60 to 90 minutes.

2. Public hearing on a major site plan review for a 14-unit townhome development at Richland and Church Street, PIN 8615-17-6586.

Vice Chairman Hain read the protocols for the Administrative proceedings and explained that public comment sheets were to be filled out by anyone that wishes to speak. She opened the public hearing at 5:44pm and invited Town Planner Olga Grooman to begin her presentation.

Ms. Grooman read the staff report and explained this is the first major site plan review since the adoption of text amendments in the Land Development Standards related to 160D. This project is a major site plan of a multi-family development with more than 8 units and a public hearing is required.

This project proposes 14 town homes at the intersection of Richland Street and Church Street. There will be a total of two buildings. One building with 6 units and one building with 8 units. Each unit will have 3 bedrooms, 2.5 baths, and a two-car garage. Total site is 1.5 acres, with the built-on area of .43 acres, or just under one third of the site. An authorization form is provided for Wade Trim to represent the property owners before the Planning Board and the applicant has provided environmental information, including information from the U.S. Army Corps of Engineers and NCDEQ, civil site design, architectural designs and building elevations.

Applicants met with Technical Review Committee staff on April 21, 2021, an initial application documents were submitted September 28, 2021 and reviewed by the Town's Technical Review Committee again on October 7, 2021. Two public hearing notices were published in the November 3rd and November 10th editions of the Mountaineer newspaper. Property was posted on site, and the letters to adjacent property owners were sent on October 22, 2021.

Ms. Grooman explained that in the 2035 Land Use Plan, this property is designated as Mixed-Use Community in the Neighborhood Residential zoning district and is suitable for medium density residential development and remains consistent with the purpose and intent of the Main Street Neighborhood Residential (MS-NR) zoning district. Townhomes are permitted in the district at a density of ten units per acre. This project proposes fourteen units per 1.5 acres, compliant with density and Townhome definitions and guidelines with each unit separated by one or more vertical common fire-resistant fire walls, and the land underneath each unit titled to the unit.

Ms. Grooman went over the site plan and zoning with the Board, explaining that the proposed project is in compliance with zoning use, dimensional requirements, and density with 14 townhome units on 1.5-acre lot. Each building meets or exceeds required perimeter and interior setbacks, with the back corner Unit one being the closest to an adjacent property line and compliant. The two residential buildings are designed so that the primary façade of the building is three stories (garage and two living levels), and the height is less than sixty feet from the peak of the roof to the highest adjacent grade. It exceeds the ten percent minimum impervious surface requirement in this district, providing open space and leaving delineated wetlands untouched, in addition to providing required civic space designated as a playground, satisfying the five percent civic space requirement.

The project is in compliance with the Basic Lot and Use Standards (LDS 4.3). All units front the right of way public street of Richland street with shared driveways with entryway into the units through the garage in the front and through doors in the back.

Townhome Building Design Guideline design standards are met, including sloped roofs with eaves with no porches or stoops on the front or side. Because the property is located in the MS-NR District the garages may be located on the front façade and approximately eighteen percent of the facades are permeable. The roof is standing seam metal, which also meets the Town's design standards.

The project will connect to Richland Street through 3 two-way entrances for the building with 6 units and two entrances for the building with 8 units and there will be 14 shared parking spaces. The developer will rebuild a 5-foot sidewalk along the Richland Street to connect to the existing sidewalk on Church Street. Internal sidewalks for main entrances in the back of the units and for the access to the playground will also be provided. The engineered utility plan provided by the applicant is subject to final approval by the Public Works Director including locations and specifications for fire hydrants and water and sewer lines. The project complies with the Fire Code requirement which is one hydrant within 600 feet of the structure.

For civic space the developer has proposed a 3,275 square foot playground surrounded by chain link fence with seating and 4-foot sidewalks leading to the playground from both buildings.

The landscape plan shows 12 trees along Richland Street frontage and 6 trees along the Church Street frontage therefore meeting all landscaping requirements.

The plan indicates a two-car garage with each unit and one bicycle parking space which complies with Parking and Driveway Standards.

Lighting shall be submitted to Town staff for approval.

The applicant has provided a compliant sedimentation and erosion control plan which includes silt fencing, structures, and areas to be left undisturbed. The developer provided a drainage plan showing drainage structures for controlling stormwater runoff.

Ms. Grooman concluded that the proposed Major Site Plan is consistent with the 2035 Comprehensive Land Use Plan, Goal 2 to "create a range of housing opportunities and choices." The site plan complies with all applicable requirements of the ordinance: zoning and dimensional requirements, building design guidelines, civic space, landscaping, parking and driveways, and environmental standards. The plan has infrastructure as required by the ordinance to support the plan as proposed.

Board Member Don McGowan asked if this project was in total compliance with every ordinance in the Town. Olga said the site plan for the project is in complete compliance with the LDS. AS part of the building permit and inspections process, staff will determine bicycle and ADA parking, make certain the building is not in the flood plain and make some adjustments as necessary for compliance. There was discussion among board members and staff on the proposed project and Ms. Teague went over the zoning map and answered questions from the board.

Ron Ashmore from Ashmore Design complimented staff on a great job and explained that he represented Daniel Hyatt, and Richland Estates, LLC. He went over the layout and materials that were planned for the project and answered questions from Board members. He said the materials being used would be harmonious to the area.

Vice Chairman Hain thanked the speakers and opened the meeting to public comment.

Dick Young
191 Meadow Street
Waynesville

Mr. Young stated that he thought this property was in a wetland until Mr. Ron Muse filled it in. He stated the creek runs through it and the train goes back and forth until about ten thirty at night. He opposed the project because this is one of the most heavily traveled streets in Waynesville.

Chairman Hain asked if anyone had any questions or if there was anyone else that wished to speak. No one had questions or wished to speak. There was discussion among board members and agreement that the site plan and elevations met the requirements.

A motion was made by Board Member Don McGowan, and seconded by Michael Blackburn to approve the major site plan for a 14-unit townhome development at Richland and Church Street, PIN 8615-17-6586. Amended to include bicycle parking. The motion carried unanimously. (6-0)

Ms. Hain dismissed at 6:20 pm for a break. The meeting reconvened at 6:26 pm.

3. Public hearing on a Special Use Permit Request to develop a 150-unit apartment development at 1426 Howell Mill Road, PINs 8616-94-1485 and 8616-94-1047. (Quasi-Judicial Proceeding)

Vice Chairman Hain read the protocols for the Quasi-Judicial hearing and explained the rules for this type of hearing. She asked if anyone wanted to be recognized as having standing in these proceedings.

Allan Shelton
Monte vista drive
Waynesville

Mr. Shelton said he was not aware of the situation and questioned the recent rezoning. He said the neighborhood has concerns about the number of units that are going to be on that property. He also expressed concern on the access road on Howell mill road intersection and traffic. More than anything, he asked how will the property be managed? If it is a corporate entity, he said so many of those things go south. Attorney Ron Sneed went over the rules for standing and said the presentation from the applicant may answer some of Mr. Shelton's questions. Ms. Hain explained that Mr. Shelton was now in standing and he could speak and ask questions after the presentation. Ms. Teague said that on behalf of the Town, because of the location of Mr. Shelton's property as adjacent to the applicant property, the Town accepts that Mr. Shelton has standing and welcomes his questions, cross examinations, and any additional evidence that he would like to enter into the record.

Ms. Hain opened the public hearing at 6:37pm and asked everyone that was going to make public comment as part of the Hearing to come forward to be sworn in. (William Ratchford, Susan Clark, Terri Clark, Sherry Morgan, Barbara Henry, Terry Lipom, Marty Stiles, Garland Tom Jones, Byron Hickox, Elizabeth Teague) came forward to be sworn in.

Land Use Administrator Byron Hickox presented the staff report this project called, "Haven of Lake Junaluska." The property is located within the Raccoon Creek Neighborhood Residential district (RC-NR) and is a vacant unaddressed 10.41-acre lot located on Howell Mill Road, near the intersection of Asheville Highway. Base density in this district is 10 units per acre with a possible density of 16 units per acre with a special use permit. Developers are proposing a density of 14.4 units per acre, requiring this quasi-judicial hearing for a special use permit. He reviewed the criteria for Special Use Permits.

Mr. Hickox stated that the proposed project consists of seven multi-family buildings, a clubhouse with a pool, and three detached garage buildings. Each building is three stories and range in height from approximately 42 feet to 47 feet above the surrounding grade. Two entry drives off Howell Mill Road are provided with parking lots located at the interior of the development is proposed. The use is consistent with the Neighborhood Residential (NR) zoning, and the purpose and intent of the RC-NR District which he read for the Board.

The 2035 Comprehensive Land Use Plan identifies this lot and the surrounding area as Regional Mixed-Use and was recently rezoned from Commercial Industrial to the Raccoon Creek Neighborhood Residential District. The project meets the Comprehensive Land Use Plan goals to continue smart growth principles by creating walkable and attractive neighborhoods and commercial centers, and encouraging infill, mixed use and context-sensitive development. Additionally, it creates housing opportunities and choices with new rental housing inside Waynesville's city limits and ETJ.

Mr. Hickox explained the proposed buildings met all required dimensional setbacks from the fronting thoroughfare and property lines. The building frontages are three stories in height and have sloped roofs with all roof-top equipment screened from public view, meeting Town standards. Three freestanding detached garages are included in the site plan. Facades that face a street lot line must have windows or main entrance doors of fifteen percent of the area. Primary elevations and elevations facing a public street or open space should have architectural features on all elevations as appropriate for the building type. The proposed primary elevations on buildings number 6 and 7 and the clubhouse incorporate gables, recessed entries, eaves, window trim and balconies, meet LDS standards. The clubhouse has a side facade along Howell Mill Road that includes window trim, gables, a tower element, eaves and offsets in the façade. The buildings are primarily clad in brick and board and batten siding roof is clad in architectural shingle. All building material design standards are met.

The town has capacity to provide water and sewer to serve the development. Utilities will be installed underground and a sprinkler-based fire suppression system will be required for each building. The developer proposes replacement of the existing 5-foot sidewalk along Howell Mill Rd frontage of this property with a 10-foot multi use asphalt path to accommodate the Town's planned greenway path which continues on to Asheville highway.

A dog park, swimming pool and playground area are included in the proposed site plan, and the project will designate .62-acre tree preservation area along the south property line. Mr. Hickox reviewed site plan map with the Board and explained Section 8.6.1 (A) and the requirements for landscaping and placement of trees and screening. No dumpster locations are indicated on the site plan. He said once the locations are determined, required screening must be installed in accordance with Land Development Standards.

The developer has proposed 272 parking spaces which exceeds the minimum requirement of 225 auto spaces and includes 20 bicycle spaces, meeting all parking requirements. Driveways connecting the development to Howell Mill Road are 24 feet wide and spaced 430 feet apart which meets driveway standards and fire and emergency vehicle access requirements. Because Howell Mill Road is maintained by NCDOT the driveway connection must have their approval.

Pedestrian pathways within parking lots must be provided with different paving materials, striping, or similar methods. Additional pedestrian crosswalks are needed within the development across the northeast of Building five and northwest of building two and northeast of the clubhouse. Defined crosswalks should also be shown across the two main driveway entrances. There should be a designated pedestrian pathway to the civic space located in the southeast corner of the development.

A lighting plan will be required for approval by Town staff and must comply with all lighting standards for the RC-NR District. Full cut off light fixtures and directed architectural lighting for buildings and walkways will be required.

The east boundary of the proposed development is adjacent to Raccoon Creek and its associated floodplain. Only a few feet of the floodplain obtrude onto the property and all development will take place outside of the floodplain. The developer must obtain a permit and follow the prescriptions of a North Carolina Erosion and Sedimentation Control Plan from the NC Department of Environmental Quality. The developer has provided a Conceptual Stormwater Management Plan showing three underground detention systems as stormwater control measures. The developer will be required to submit engineered stormwater plans to be reviewed by a third-party engineer firm for compliance with the LDS standards.

On behalf of the Town Mr. Hickox entered the following items as Evidence:

1. Staff Report
2. Transmittal Cover Sheet from WGLA Engineering
3. Application for Special Use Permit
4. Narrative Description of Project from Southwood Realty Company
5. Authorization for William Ratchford of Southwood Realty Company to apply to the Town of Waynesville Planning Board for a Special Use Permit
6. Submitted Plans for Have at Lake Junaluska (11 Pages)
7. Estimated Water and Sewer Demand for Proposed Project
8. Statement of Water and Sewer availability from Jeff Stines, Director of Waynesville Public Services
9. Zoning Map of Surrounding Area
10. Town of Waynesville Land Development Standards by Reference
11. Photographs of Public Notice Signs Posted on Property
12. Public Notice Letter sent to Adjacent landowners
13. Public Notice Published in the Mountaineer Paper

The Board thanked Mr. Hickox for his presentation and invited the applicant to come forward to start his presentation.

William Ratchford, Vice president of Southwood Realty Company introduced himself and stated that he has an undergrad degree in civil engineering and is licensed in the state of North Carolina. He is a licensed building contractor for North Carolina, South Carolina, Georgia, and Louisiana. He is the heir to the company that his father and Uncle own fifty percent of Southwood Realty based in Gastonia North Carolina. The company currently owns and manages twenty-one thousand units and typically builds a thousand to twelve hundred units a year including the Palisades at Plott Creek in Waynesville. This project is a sister plan to Palisades with the same floor plans. The Triangle/Southwood Realty have been around for over forty years and have never declared bankruptcy and has never had a property go back to the bank. He said there is a severe shortage of housing in Waynesville, and that it is not getting better.

Mr. Ratchford stated his agreement to all of the landscaping screen walls and the pedestrian pathways suggested in the staff report. The compactor was not labeled on the site plan but was included behind building five beside the dog park, and would be a fully bricked enclosure with iron gates to match the brick. He introduced Mr. Tom Jones, engineer for the project, and asked him to come forward to speak.

Engineer Garland Tom Jones, with WGLA Engineering, gave a history of his education and work history and stated he has a degree in civil engineering. He complimented Mr. Hickox on the staff presentation and said Mr. Ratchford has agreed to the additional landscaping and crosswalks recommended in the staff report. He said the required five percent civic space would be .53 acres which is being met and almost doubled with the 1.02 acres the developer is providing. He went over the map of the site plan and showed the Board that the dumpsters were on the site plan but they were not marked but would be added.

The driveways on Howell Mill Road are at the existing locations of curb cuts. He stated that they have gone back to the exact spots NCDOT marked for entrances when the road was widened, and designed the site around those existing entrances. NCDOT will need to review those again and give approval for the driveway permit. He stated that there are several more permits that need to happen after this meeting, including storm water, water sewer extensions and third-party review as mention in staff report.

Mr. Jones addressed the residents by saying he would ask them to imagine what this site could have become with its previous industrial zoning. He then went over the findings of fact worksheet for SUP criteria and stated that:

- The project conforms the character of the neighborhood with the building height of no more than three stories and that there are minimal existing trees there now, but that the plan and proposed landscaping will transition between single family residential and the industrial zoning across Howell Mill.
- Existing NCDOT access are being used to minimize traffic hazards and to minimize traffic congestion. The town has an existing ten-inch water line to the south west corner of the property and there is an existing twelve-inch sewer line to the north east corner at the highway 23 business location. So there are adequate utilities and infrastructure to support the use.
- The project will provide drainage in accordance with Town standards. Unlike possible industrial uses prior to rezoning, the proposed project will not be an ongoing source of vibration, odor, dust, smoke or gas. Any noise will be minimal and similar to residential and commercial areas.

- The project will not be in any way detrimental to or endanger the public health, safety and general welfare. He thanked the Board for their time and the consideration for approval.

Mr. Jones answered questions the Board had and went over the site plan map. Mr. Ratchford added that they have worked out an agreement with Evergreen packaging to ensure that the developer and residents will not interfere with Evergreen Operations. It is understood that Evergreen is an industrial use and will continue to be industrial use and important to the Town. We will not object to any of their industrial uses. Mr. Jones and Mr. Ratchford referenced the site plan and answered additional questions from the Board.

Ms. Hain stated the name Haven at Lake Junaluska was a lovely name, but that Lake Junaluska was actually down the road and they may want to reconsider another name.

Mr. Shelton stated that he would like to know about security. He stated that they have prepared a good case, but whether they are doing the right thing is another question.

Mr. Ratchford said he could not promise one hundred percent security, just as Mr. Shelton could not promise one hundred percent security on his land or anyone else's land. However, Mr. Ratchford explained, we check our applicants' credit and do a full criminal search based on a third-party blind study. We do not rent to murderers and child molesters, nor petty crimes, and drugs. He continued, "we typically have a courtesy officer that lives on property and receives reduced rent and is allowed to run tag numbers. With the rents in the \$1300 - \$1500s, it is typically not our residents who create issues." Our manager works on site and we have security cameras. We share our camera activity with the police, and the police may enter at any time without a warrant as long as they can tell us it is a matter of safety for our residents. We have an ungated six-foot fence around the property so we can maintain and get a good view with security cameras.

Ms. Hain called for public comment.

Harry Lipom
2782 Old Asheville Road
Waynesville

Mr. Lipom showed the Board on the map where his property was located. He said that two years ago, DOT took two acres of my land and dumped all the field dirt and rock and dumped it in the flood plain. It is no longer in the flood plain. I am opposed to this project because of safety. Any time I am leaving my driveway in the morning, especially around the time Tuscola lets out, cars are coming around the corner very quickly. We also have Junaluska Elementary School around the corner. Right now, we are already planning a multi-apartment complex conversion of the old hospital which is three quarters of a mile from there resulting in more cars on the road. There is another development going in at the end of raccoon road which I hear is 110 houses. All of this will feed directly into this area through that traffic circle and pass this property. Who knows maybe one of these days an apartment of 40 or 50 units may be a reasonable thing? But 150 units you are putting on a highway that already has a lot of very fast traffic. With the other developments starting at the same time, I think the timing of this is very poor. After we see what affects these other developments are going to have that have already been approved. I think it would be reasonable to consider more apartments at that point in time. Right now, I think it is a wrong and unsafe move.

Marti Stiles
60 Monte Vista Drive
Waynesville

Ms. Stiles said she was concerned about the quantity of units that are going to be going in. The area is not that big for 150 units. The traffic is another safety factor. There is a train that comes in the middle of the night and clanks cars. She asked what type of siding was on the outside of the buildings.

Mr. Ratchford clarified it would be cement board siding.

Ms. Stiles said the Haven of Lake Junaluska name sounded like a cemetery. She asked if the entrance to these buildings were locked or would they be open all day long. Would there be any place for homeless people to enter. Who would be allowed to enter the pool area?

Mr. Ratchford clarified there were open breezeways with no trespassing signs. The pool is to be used by residents only. He stated that there will be a maintenance man on the site who will maintain grounds and the pool area.

Barbara Henry
142 Monte Vista Drive
Waynesville

Ms. Henry said we live in one of the most special communities in Haywood County. Most all the people are retired. This is going to be very close to us, and we don't want all the noise. This not only hurts our community; it hurts the whole town of Waynesville as people come in to shop in Waynesville and see these big monster things standing in the air. If the 10 acres had a few houses on it with a club house and a pool and it was fixed like some of the other it would be really nice but not big apartment houses. She thinks people from out of town should not come in here and do whatever they want, it is ruining our little Town. It is going to look like Asheville. We would like to keep a nice quiet community.

Mr. Ratchford located Ms. Henry address and confirmed it on the map, and said it was hundreds of feet away from the location of the project.

Terri Clark
11 Atkins Street
Waynesville

Mr. Clark stated he was opposed to this proposal. This would impact the welfare of the community. Waynesville is a very special community. He and his wife moved here in March from Dallas where they saw a small town changed slowly. A lot of that had to do with Zoning changes, allowing dense population, renting neighborhoods verses households where people invest in the property. They bought a house that was built in 1920 and are restoring it. You want citizens that are invested in the community and pay their fair share of taxes and want what is best for the long-term growth. The argument is more around profitability instead of what is best for the Town. We left the town we came from for that reason, apartments started to sprout up. You have seen what happened to Asheville. Things can go negatively pretty quickly if we don't take measures to protect things. My request again is to not allow the zoning

change. I drove by the Plott creek development and there is nothing special about it. That one is 4 units per acre and here they want to go to 14 units per acre. Its just going to be more of an eye sore. He thanked the Board for their time.

Mr. Ratchford asked Mr. Clark to state how close his house is to the proposed development.

Mr. Clark stated he lived in the town of Waynesville and comments were about not wanting to impact the Town of Waynesville.

Susan Clark
11 Atkins Street
Waynesville

Ms. Clark said they are not really close to this property but that she feels it is “our town and we will be impacted as we drive down these roads. We are here as concerned citizens and here to support our neighbors that do live in the area.” I am a new resident and committed to being part of the community. Our choice was to buy an existing home here and make it better. We live in town and decided not to build in the mountains because we want to look at them. Progress and development are not the same things. I am opposed to this project; apartments do not necessarily bring in citizens that are long term. It takes a lot of city services without tax payers necessarily. This is a project about making money. The most important thing about making more is so there could be more money coming in not because it is a good idea for this community. This is a quality-of-life issue. We moved to Waynesville to live in a small town. And that’s what we hoped to do. I read in the mountaineer there is almost 800 apartments being built in two years. That seems excessive to me. Many of the residents are opposed to this. She said she was not a zoning expert but they have shop here. She opposes huge development and lots of departments. Its ok to stay small. Housing shortage is a relative term. We don’t have to house everyone in the world this is a beautiful town and she hopes they do things well and will consider this. She opposes the project.

Allan Shelton
Monte vista drive
Waynesville

Mr. Shelton spoke on his opposition to the project and said he was not aware the rezoning had been done. He pleaded with the Town of Waynesville to stand with the citizens. The zoning was done and his property joined it, and he doesn’t know how that happened. He questioned how (the project) got as far along as it has and the citizens didn’t know what was coming. The citizens of Waynesville do not want to see this on that property coming into town. He said it states in the Comprehensive Land Use Plan the goal is to keep Waynesville a small aesthetically pleasing place. He stated it would be better for a business or company that employs people that will keep the money here in Waynesville or Haywood county. He mentioned security. You have to be very careful walking around because of all the needles. You cannot plan enough to keep the drugs out of these apartment buildings. He said Mr. Ratchford cannot screen it because he does not live in this area. He asked the Board to look out for the citizens. He has lived in this community all of his life and it is concerning that we would even consider putting that many units on this property.

Mr. Jones responded and said a lot of people want to live in Waynesville, and it would be nice if things didn’t have to change. He was born in Asheville and raised in Henderson County. This is 150 units of

apartments we are talking about. What if the same 150 people-built homes on half acre lots. That would be 300 acres of development. With this project, people can live in Waynesville without so much development impact. This would be a benefit verses single family dwelling. Change is hard but people are going to come anyway. Why not let them live closer together, verses spread out in a development?

Mr. Ratchford also rose to respond. He said his family has spent twenty-six million dollars in the Town of Waynesville and is committed in this Town. He stated that his company just put a twenty-year loan on Plott Creek and are a tax payer of the Town. He stated that he has been to more planning board meetings than most of the people in the audience, and is committed to this town. As this is a Quasi-Judicial board, you have to take matter of fact from professionals in their field. This hearing is not about denying an apartment complex, it is a hearing on the number of apartments that are allowed to be built. The number of apartments will help us with security and with creating more community. We want our projects to be places where renters stay longer and it is more profitable to us. We want to be good stewards in the apartment industry. The number of units makes it feasible to do this type of development. We would move on to another project if it is not feasible. However, we know that Waynesville needs apartments. Our project at the Palisades of Plott Creek would have filled up in four months if the weather had not been a factor, and we now have a waiting list.

Sherry Morgan
437 Boundary Street
Waynesville

Ms. Morgan said she and her husband moved from a sub-division. She said her husband was a lifelong resident of Haywood County and is a retired fire chief. They renovated a Victorian house on Boundary Street with the idea of retirement. She said they have read in the Mountaineer that about 780 proposed households would be added over the next two years. Currently we have ten thousand people in our town and when you add 780 more households, the Town will increase by at least 1500 people and possibly up to 3000 people if each family has children. Ms. Morgan expressed concern on the toll this growth would take on the water system. She said we already supply water to the fire hydrants in Maggie Valley and now Canton is proposing a shared water system. The Towns treatment plant has a permitted capacity of eight million gallons a day. We are currently at half capacity. She stated the Town needs economic development. She said there were only two department stores and three grocery stores that are constantly packed, and now we are having to wait at the gas pumps. There must be a balance in preserving what makes Waynesville special and controlled growth. The Town of Waynesville web sit states the goal is to engage the public in future decision making that protects property values, preserves the historic character of Waynesville and promotes progress with a vision. She asked the Board to consider the impact on the Town.

Irene Lipom
278 Asheville Road
Waynesville

Ms. Lipom said she has lived here four years. She said the Board was here for service and what is best for the community, safety and managed growth. She appealed to the Board to make this a measured decision on the balance of service and profit. What do we want people to see when they drive into Waynesville? Is this what we want people to see when they drive into our community? I think it is an issue on public safety.

Board member Stuart Bass asked if there were a standard for traffic impact analysis for new development.

Ms. Teague said in the Town of Waynesville regulations state that any development that would have to generate 3000 cars per day, in order to be required to do a traffic impact analysis. The Town would look at the analysis to determine any road improvements as part of the new development. This project falls below the 3000-trip threshold.

Mr. Shelton asked staff if there had been another project approved for more apartment units across from Sonoco Plastics Plant.

Ms. Teague said there had been an approval for an 84-unit apartment complex.

Mr. Shelton asked if there had been a traffic study done combining both projects.

Ms. Teague stated the Town could not make one developer responsible for the impact of another developer. With improvements made on Howell Mill Road by DOT, the road has more than enough capacity to handle both developments. The Howell Mill corridor has the potential of new growth.

Mr. Shelton asked if the Town was looking at opening a way into the plaza. Ms. Teague said the Waynesville Plaza is an area that could redevelop and there is potential to tie a secondary entrance in to Howell Mill Road that would line up with the secondary entrance to Ingles. A secondary entrance into the plaza would help with traffic back up at the intersection of Howell Mill Road and Russ Avenue. She noted that the location of the project in question allows future residents a choice to take Asheville Highway or Howell Mill Road and that traffic going or leaving the site would be diffused in many directions.

Mr. Shelton asked how traffic would be forecasted with all the growth. Ms. Teague said the traffic forecast on the Russ Avenue side has been conducted by DOT as part of the Russ Avenue improvement project. She stated for the record she has an advanced certification in transportation planning.

Mr. Jones said Evergreen had also done a traffic study and have determined the traffic would not have a negative impact on them.

Mr. Shelton thanked his neighbors for stepping up and he pleaded with the Board to do what was right for the Town and really listen to the citizens.

Mr. Ratchford said apartments are already a given right to this site. He asked the neighbors to consider how long this parcel of land has been vacant. We conceive the best use for the property is multi-family. In a neighborhood, you cannot choose your neighbors. Neighbors look out for each other. The Clubhouse is a one-story building seventy feet below Mr. Shelton's house. We are trying to be a good neighbor and are in it for the long haul. My family is involved in day-to-day operations of all of our properties. Every part of this is a family business.

Mr. Shelton spoke on the history of the property and named multiple developments with apartments already underway and asked to board to please reconsider and vote no on this project.

Ms. Hain asked the Board if there were any question.

A motion was made by Board member Michael Blackburn, seconded by Don McGowan to close the public hearing at 8:32 pm. The motion carried unanimously. (6-0)

Ms. Hain dismissed at 8:32 pm for a break. The meeting reconvened at 8:42 pm.

Ms. Hain said the Board will not be voting on rezoning or approving an application for apartments. She said the Board would be considering a special use permit that would allow a 150-unit apartment complex at this density. Apartments are already allowed and that is not the discussion of this meeting.

There was much discussion as the Board went through the Planning Board Worksheet. The Board spent a lot of time determining the neighborhood context of the development, given its location on two major roadways, the industrial uses across Howell Mill Road, the proximity of Junaluska Elementary school, and surrounding residential uses.

A motion was made by Board member Don McGowan, seconded by Board member Michael Blackburn that adequate measures are being taken to provide Ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads because there was no traffic study required, one expert testified that the location where traffic will be diffused and curb cutouts that will be determined by DOT. The motion carried unanimously. (6-0)

A motion was made by Board member Don McGowan, seconded Board member Gregory Wheeler that the town has adequate capacity for utilities (water, sewer, drainage, electric, etc.) are available based on a written statement from Public Services Director. The motion carried unanimously. (6-0)

A motion was made by Board member Michael Blackburn, seconded by Don McGowan that the proposed use will not be noxious or offensive by reasons of vibration, noise, odor, dust, smoke or gas because it is a residential development. The motion carried unanimously. (6-0)

A motion was made by Board member Barbara Thomas, seconded by Stuart Bass that the establishment of the proposed use will not impede the orderly development and improvement of surrounding property for uses permitted based on the current variety of uses in the surrounding properties. The motion carried unanimously. (6-0)

A motion was made by Board member Don McGowan, seconded by Board member Michael Blackburn that the establishment maintenance or operation of the proposed use will not be determined to or endanger the public health, safety or general welfare because of the security measures employed of the resources of management in oversight, and screening of applicants. The motion carried unanimously. (6-0)

A motion was made by Board member Stuart Bass, seconded by Board member Michael Blackburn to place conditions on the special use permit to include the landscaping street walls, dumpsters and pedestrian mark path to be included in the final site plan.

A motion was made by Barbara Thomas, seconded by Board member Michael Blackburn that the proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on site because of existing uses. Ginger Hain (yes), Barbara Thomas (yes), Stuart Bass (yes), Michael Blackburn (yes), Gregory Wheeler (no), Don McGowan (no).

Ms. Hain asked if anyone had public comment.

Monroe Miller
2200 Camp Branch Road
Waynesville

Mr. Miller said three years ago this Board approved the Browning Branch development contingent upon NCDOT approving the driveway access permit application. Chris Lee, the NCDOT district engineer gave an approval on October 15, 2018. The application listed Mr. Ross as the developer, not Mark Hevier who was discovered later to be the real developer. He said Elizabeth Teague knew full well who the real developer was. I have filed a complaint against Chris Lee for approving a knowing false application and brought this matter before the DA's office. NCDOT has two levels of approval for a driveway access permit application. The first original application by Chris Lee as was the case with Browning Branch. Second the final approval based on final construction drawings also as is the case with Browning Branch. On October 1, 2021 Wanda Austin, division Engineer said the driveway permit is still open and has not been accepted at the time of this E-mail. The department will investigate the construction of the driveway and make any suggestions or conditions. A public records request from NCDOT reveals that no information as of 10-14-2021 has been supplied to NCDOT since the first application for the Browning Branch development. Browning Branch does not have final approval.

Mr. Miller continued, "turning our attention to the Queen subdivision or Sunnyside development," he has three requests for public information open, two are with the Town of Waynesville. First for Elizabeth Teague and Byron Hickox for all of their e-mails dealing with the Queen subdivision or Sunnyside development, to determine the identity of the real developer. Second for NCDOT for the Queen subdivision or Sunnyside development driveway access permit application to determine if the name on the application matches that supplied by Elizabeth Teague. Thirdly, the approved NCDOT driveway permit and affidavit that Elizabeth Teague says she has from Patrick Bradshaw, Civil Design Concepts. He said when he receives this information, he will come before the Board again to review his findings. He would like it recorded into the record that he has correspondence with Wanda Austin. He thanked the Board for allowing him to speak

C. ADJOURN

A motion was made by Board member Michael Blackburn, seconded by Don McGowan to adjourn the meeting at 9:42 pm.

Ginger Hain, Vice Chairman

Kathy Johnson, Deputy Clerk

Planning Board Minutes
November 15, 2021

Planning Board Staff Report

Subject: Stormwater Ordinance Text Amendment
 Ordinance Section: Section 12.5 of the Land Development Standards
 Applicant: Staff initiated text amendment; Development Services Department
 Meeting Date: January 24, 2022

Background

The goal of today's presentation is to update the Board on the Town's current Stormwater Program and needed changes to the stormwater ordinance. The Town of Waynesville holds a National Pollutant Discharge Elimination System Permit (NPDES) issued by the NC Department of the Environmental Quality (NC DEQ) on August 19, 2021. The permit is valid for five (5) years, and replaces the Town's former NPDES permit. The purpose of the NPDES permit is to manage stormwater runoff, reduce the discharge of pollutants, and protect water quality within the Town's jurisdiction. In North Carolina, it is required that a permit holder develop a comprehensive Stormwater Management Plan that addresses the following "Six (6) Minimum Measures" to stay in compliance:

1. Public education and outreach
2. Public participation/involvement
3. Illicit discharge detection and elimination
4. Construction site stormwater runoff control
5. Post-construction runoff control
6. Pollution prevention/good housekeeping

One of the program requirements is to "maintain adequate legal authorities through ordinance" (permit reference 3.6.2). The Town adopted a Stormwater Ordinance as part of the original NPDES Permit which was issued in 2005. Since that time, the State has provided updated guidance and standards of stormwater management practice. Proposed text amendments will align the Town's ordinance with the updated NCDEQ Stormwater Model Ordinance for North Carolina and the Town's current NPDES permit.

Staff Recommended Text Changes:

The proposed text amendments include the following changes:

- Definitions of stormwater map, watershed, stormwater control measures (SCMs)
- Addition of Natural Resources Inventory and Stormwater Management System Concept Plan
- Clarification of authority, penalties for violations, and remedies
- Explanation of record keeping
- Standards for SCMs based on the NC DEQ Design Manual
- Clarification of As-Builds standards for final stormwater inspection
- Additions to non-illicit discharges section

Staff submits the attached draft ordinance for review and discussion by the Planning Board. The proposed changes to the current Land Development Standards are in red. After receiving the Board's feedback today, the staff plans to bring the draft ordinance to the Planning Board on February 21, 2022.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the first goal of the 2035 Comprehensive Plan:

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

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.
- Reinforce the unique character of Waynesville.

Goal 3: Protect and enhance Waynesville's natural resources.

- Encourage park and greenway development to protect watersheds and improve access to open space.
- Protect rural lands, iconic views, and mountain vistas.
- Protect and enhance water quality and forests.

The Town will also maintain adequate legal authority through aligning the LDS with the State's Model Stormwater Ordinance.

Attachments

1. Presentation
2. Draft Ordinance
3. Consistency Statement Worksheet

Recommended Motions

No motion is needed today. The staff presents the proposed text amendment for Planning Board's review and feedback. However, if the Planning Board feels appropriate, we would like to go ahead and move forward with the legislative process for a text amendment, and schedule a public hearing for the next Planning Board meeting on February 21, 2022.

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 of 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:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- It will “protect and enhance Waynesville’s natural resources,” (Goal #3);
- It will keep the Town in compliance with the NC DEQ permit requirements.

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen 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 ____, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on ____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

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

That the Land Development Standards be amended as follows:

1. Amend the section 12.5- Stormwater Management as follows:

~~12.5- Stormwater Management.~~ Stormwater Ordinance.

It is hereby determined that:

- This section shall be officially known as "the stormwater ordinance." It is referred to herein as "this section."
- Development and redevelopment alter (...)

2. Amend the section 12.5.1 Purpose as follows:

- Establish design and review criteria for the construction, function, and use of structural stormwater BMPs (also called stormwater control measures, or SCMs) that may be used to meet the minimum post-development stormwater management standards.

3. Amend the section 12.5.2 Applicability as follows:

~~C. — Minimum Development Thresholds: The standards in this section shall apply to all new development projects and all redevelopment projects that cumulatively disturb one (1) acre or more, and to projects of less than one acre that are part of a larger common plan of development or sale, or that have a proposed increased impervious surface on completion of greater than 24,000 square feet provided that all new development directs stormwater runoff to landscaped areas and other pervious surfaces to the maximum possible extent as determined by the Administrator.~~

C. Minimum Development Thresholds: The standards of this section shall apply to all new development and redevelopment projects that:

- a) Cumulatively disturb one (1) acre or more.
- b) Projects of less than one acre and that are a part of a larger common plan of development or sale, even though multiple, separate, or distinct activities take place at different times on different schedules.
- c) Projects of less than one acre and that have a proposed increased impervious surface on completion of greater than 24,000 square feet.

All development and redevelopment shall direct stormwater runoff to landscaped areas and other pervious surfaces to the maximum extent possible. All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters, minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

D (...)

4. Add a bullet point to the end of section 12.5.3 Exemptions as follows:

The following development applications are exempt from the standards of this section:

- (...)
- Activities that are exempt from permit requirements of Section 404 of the Federal Clean Water Act as specified in 40 CFR 232 (primarily ongoing farming and forestry activities) are exempt from the provisions of this section.
- Redevelopment that results in no net increase in built-upon area and provides equal or greater stormwater control than the previous development is exempt from the provisions of this ordinance.

5. Amend the section 12.5.4 Administration as follows:

Delegation of Authority: Any act authorized by this ordinance shall be carried out by the Development Services Director and may be carried out by his or her designee as a Stormwater Administrator. For the purpose of this section, the Stormwater Administrator shall mean any Development Services employee designated in this function.

The Administrator shall have the following powers and duties under this section:

- Review, approve or disapprove (...)
- (...)
- Take necessary actions to administer the provisions of this section.

Map: The stormwater map shall be kept on file by the Development Services Department and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all structural stormwater control measures permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

Conformance to Stormwater Plans: The latest versions of the Town of Waynesville Stormwater Management Plan and Illicit Discharge Detection and Elimination Plan are herein incorporated by reference. Conformance to them is required in addition to the standards of this Ordinance.

Conflict of Laws: This section is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law. Where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

Other Permits: No certificate of compliance or occupancy shall be issued by the Town of Waynesville Development Services without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the Development Services may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

6. Amend the section 12.5.6 Design Manual as follows:

12.5.6 Design Manual.

~~A. The Town of Waynesville shall utilize the latest edition of the North Carolina Department of Environment and Natural Resources (DENR) Division of Water Quality (DWQ) Stormwater Best Management Practices Design Manual as the Stormwater Design Manual.~~

A. **Reference to Design Manual:** The Town of Waynesville shall use the policy, criteria, and information, including technical specifications and standards, in the *North Carolina Department of Environmental Quality (NC DEQ) Stormwater Design Manual* as the basis for decisions about stormwater plans and about the design, implementation, and performance of structural and non-structural stormwater control measures.

The Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II and other applicable stormwater laws.

B. **Right to Consult:** Stormwater management practices that are designed, constructed, or maintained (...)

C. **Relationship of Design Manual to Other Laws and Regulations:** If the specifications or guidelines of the Design Manual are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the Design Manual.

D. **Changes to Standards and Specifications.** If the standards, specifications, guidelines, policies, criteria, or other information in the design manual are amended subsequent to the submittal of an application for approval pursuant to this ordinance but prior to approval, then Section 15.16.1-Permit Choice will apply.

7. Amend the section 12.5.7 Standards as follows:

A. General Requirements:

~~1. A stormwater drainage and management plan and a permit shall be required will all development applications to which this section applies. A Stormwater Management System Concept Plan is required for all development and redevelopment projects to which this section applies. This plan shall be prepared (...).~~

8. Amend the section 12.5.7 Standards as follows:

A. General Requirements:

(...)

B. Water Quality Design Requirements:

(...)

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:

~~6.~~ 1. All structural stormwater ~~management~~ 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.

~~7.~~ 2. (...)

~~8.~~ 3.

~~9.~~ 4.

~~10.~~ 5.

~~11.~~ 6.

~~12.~~ 7.

~~13.~~ For areas of redevelopment, the following shall apply:

- ~~—— a. provide a 20% reduction in impervious surface area; or~~
- ~~—— b. provide water quality measures for 20% of the impervious area; or~~
- ~~—— c. provide a combination of impervious area reduction and water quality measures equivalent to a 20% reduction in impervious surface area; and~~
- ~~—— d. provide water quality for any increase in impervious surface area.~~

~~13.~~ 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 and 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.

C. D. Water Quantity Design Requirements:

(...)

D. E. Stormwater Conveyance Systems Design Requirements:

(...)

E. F. Uniform Watershed Analysis:

(...)

9. Amend the section 12.5.9 Illicit Discharges and Connections as follows:

A. Illicit Discharges: (...) However, non-stormwater discharges associated with the following activities are allowed provided that they do not significantly impact water quality:

- ~~Filter backwash and draining associated with swimming pools.~~ Dechlorinated swimming pool discharges.
- Landscape irrigation and lawn watering.
- Springs, diverted stream flows, rising ground waters, and flows from riparian habitats and wetlands.
- Filter backwash and draining associated with raw water intake screening and (...)

10. Amend the section 12.5.11 Inspections as follows:

C. **Annual Maintenance Inspections and Report:** (...) The person responsible for maintenance of any structural BMP installed pursuant to this section shall submit to the Stormwater Administrator an inspection report from one of the following persons performing services only in the area of competence: a qualified registered North Carolina professional engineer, landscape architect, **soil scientist, aquatic biologist,** or person certified by the North Carolina Cooperative Extension Service for stormwater treatment (...).

D. **Records of Installation and Maintenance Activities:** The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

E. **Nuisance:** The owner of each stormwater BMP, whether structural or non-structural BMP, shall maintain it so as not to create or result in a nuisance condition.

11. Add the section 12.5.13 Additional Standards for Special Situations as follows:

12.5.13 Additional Standards for Special Situations.

A. **Trout Waters:** In addition to the standards for handling stormwater set out in the Design Manual, development and redevelopment that drains in whole or part to class TR waters shall design and implement the best stormwater practices that do not result in a sustained increase in receiving water temperature, while still meeting the other requirements of this article.

B. **Pet Waste:** Pet waste can pollute rivers, streams, and lakes. Stormwater runoff carries pet waste into drainage ditches and storm drains where it is then dumped, untreated, into the nearest waterway. Dog waste contains bacteria, viruses, and parasites that can harm humans and affect water quality. Once in a waterway, pet waste can travel long distances and pollute a large area. Therefore:

- It shall be unlawful for the owner or custodian of any dog to take it off the owner's own property limits without the means to properly remove and dispose of the dog's feces from any public or private property.
- It is the responsibility of a dog's owner or custodian to clean up the dog's feces from any public or private property outside of the dog's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.

- “Means to properly remove and dispose of feces” shall consist of having on or near one’s person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain dog waste until it can be disposed of in an appropriate container.
- This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.

12. Add the section 12.5.14 Interpretation as follows:

12.5.14 Interpretation.

- A. **Meaning and Intent:** All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in section 12.5.1, Purpose. If a different or more specific meaning is given for a term defined elsewhere in Town of Waynesville Code of Ordinance, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance.
- B. **Text Controls in Event of Conflict:** In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.
- C. **Authority for Interpretation:** The Stormwater Administrator or a Development Services employee designated to carry out the duties of a Stormwater Administrator has authority to determine the interpretation of this ordinance. Any person may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The stormwater administrator shall keep on file a record of all written interpretations of this ordinance.
- D. **References to Statutes, Regulations, and Documents:** Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the Design Manual), or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.
- E. **Computation of Time:** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town of Black Mountain, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town of Black Mountain. References to days are calendar days unless otherwise stated.

13. Amend the section 15.4.1 Environmental Survey as follows:

15.4.1 Environmental Survey.

An environmental survey is intended to identify natural features, environmentally sensitive areas, and endangered species, forest stands, ~~or trees of a uniform size and species; specimen trees of varying sizes and species, particularly free standing or open grown or field grown trees; a distinctive tree line or forest edge;~~ existing watercourses and previously documented endangered species habitats. Identification of existing trees, understory vegetation, wetlands, perennial streams, floodplains, and topographical features on a site prior to the advanced preparation of development plans enables the reasonable and practical planned preservation of existing and environmentally sensitive areas. ~~This requirement provides the Town and the applicant the ability to evaluate the proposed development in order to preserve vegetation, to improve the appearance of the development proposed and to encourage the use of the existing forest and~~

~~tree canopy, specimen trees, and significant vegetation to satisfy the requirements of this Ordinance. It is the expectation requirement that readily available spatial data, including GIS information, floodplain and floodway designation, wetlands delineation, and topography be provided in addition to identified natural features. will be sufficient for the survey~~

Environmental Survey **must** include **Natural Resources Inventory**, which is:

A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description must include a discussion of soil conditions and soil types, forest cover, geologic features, topography, delineated wetlands, perennial and intermittent streams, native vegetative areas on the site, boundaries of existing predominant vegetation, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.

14. Amend the section 15.4.4 Construction Documents/Preliminary Plat as follows:

(...) All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the adopted Manual of Specifications.

If a project falls under the Town of Waynesville Stormwater Ordinance, the **Stormwater Management System Concept Plan** is required. The Plan can be a written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

15. Amend the section 15.7.3 Stormwater Permits as follows:

To ~~insure~~ ensure that development in the town does not result in increased stormwater runoff which adversely impacts adjacent property, no development to which this ordinance applies, shall be commenced without the issuance of a Stormwater Permit ~~by the Administrator, which is a part of the building permit, unless specified otherwise by the Administrator.~~

(...)

C. Required Application Information: Environmental Survey, which **must** include **Natural Resources Inventory** (15.4.1), and Construction Documents **that must include Stormwater Management System Concept Plan** (15.4.4) (may be waived by Administrator as appropriate).

D. Determination of Conformity: If the Stormwater Administrator finds that the application complies with the standards of this ordinance, the Administrator shall approve the application. The Administrator may impose conditions of approval as needed to ensure compliance with ~~this section the Stormwater Ordinance and this section~~. The conditions shall be included as part of the approval. If the Administrator finds that the application fails to comply with the standards of this section, the Administrator shall notify the applicant in writing, and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application. A complete revised application shall be reviewed by the

Administrator after its re-submittal and shall be approved, approved with conditions, or disapproved. If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required ~~along with the appropriate fee for a new submittal. One re-submittal of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the first re-submittal shall be accompanied by a permit review fee additional fee, as established pursuant to this section.~~

E. As-Built Plans and Final Approval: Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as built” plans for all stormwater management facilities or practices after final construction is completed. The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

E. F. Public Notification: (...)

F. G. Appeals: (...)

G. H. Permit Validity: (...)

H. I. Permit Extension: (...)

16. Amend the section 16.2.2 Civil Penalties as follows:

C. Enforcement and Violations of the Stormwater Ordinance.

The following remedies and penalties provided for violations of the Chapter 12.5- Stormwater Ordinance, shall be cumulative and in addition to any other remedy provided by law, Town ordinance, and may be exercised in any order.

1. Authority to enforce. The provisions of the Stormwater Ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the Town. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the city.

2. Violation unlawful. Any failure to comply with applicable requirements, prohibitions, standards, or limitations imposed by the Stormwater Ordinance, or the terms or conditions of any permit, maintenance agreement, or other development or redevelopment approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance and is subject to a civil penalty of not more than \$500 per day, with each day that a violation continues constituting a separate offense. Each day that a violation continues shall constitute a separate and distinct violation or offense.

3. Responsible persons/entities. Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair, or maintain any structure, BMP, practice, or condition in violation of the ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may

include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an owner, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or development of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to: Person maintaining condition resulting in or constituting violation. An architect, engineer, builder, contractor, developer, agency, the owner of the land on which violation occurs, any tenant or occupant of the property, any person responsible for stormwater controls pursuant to a private or public document, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this article, or fails to take appropriate action, so that a violation of this article results or persists.

4. Notice of Violation and Order to Correct. When the Stormwater Administrator finds that any building, structure, or land is in violation of the ordinance, the Stormwater Administrator shall notify, in writing, the property owner or other person violating the ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation.

The Stormwater Administrator may deliver the notice of violation and correction order personally, by the law enforcement, or by certified or registered mail, return receipt requested.

A person who receives a notice of violation and correction order, or the owner of the land on which the violation occurs, may submit to the stormwater administrator a written request for an extension of time for correction of the violation.

5. Withholding of Certificate of Occupancy: The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

6. Disapproval of subsequent permits and development approval: As long as a violation of this ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the approving body may disapprove, any request for permit or development approval or authorization provided for by this ordinance or the zoning, and/or subdivision regulations, as appropriate for the land on which the violation occurs.

7. Injunction, abatements, etc.: The stormwater administrator may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

8. Correction as public health nuisance, costs as lien, etc.: If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by G.S. 160D, the Stormwater Administrator may cause the action to be corrected and the costs to be assessed as a lien against the property.

17. Add the following definition to the section 17.4 Definitions, General as follows:

Stormwater Control Measure (SCM). A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapotranspiration, post-filtration discharge, reuse of stormwater or a combination thereof.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.) or alternatively, the geographic region within which water drains to a particular river, stream or body of water.

18. Add the following definition to the section 17.5 Definitions, Floodplain Damage Prevention as follows:

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.) or alternatively, the geographic region within which water drains to a particular river, stream or body of water.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

TOWN OF WAYNESVILLE STORMWATER PROGRAM

AND LOCAL STORMWATER ISSUES

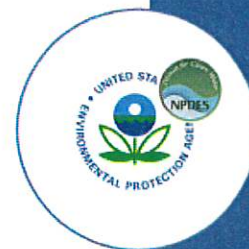


Presented by:

Olga Grooman, Development Services

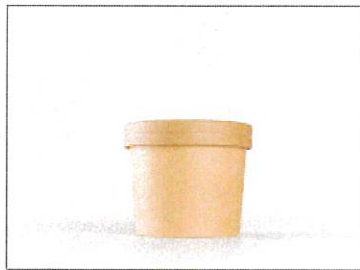
History of Water Quality Regulations

- 1970 EPA established
- 1972 Clean Water Act regulates discharges, establishes national water quality criteria
- **NPDES permit required:**
 - 1990 Phase I Stormwater (> 100,000 population)
 - 1999 Phase II Stormwater (small MS4s)
- **Goals:** to reduce the discharge of pollutants, manage runoff, and protect water quality



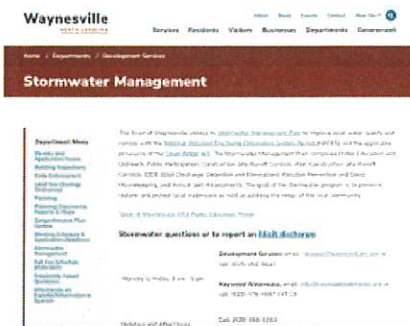
Stormwater Issues:

- Proper Oil Disposal: cool- store- dispose
- Sediment Pollution
- Trash and Chemicals disposal
- Impaired water quality
- Thermal stress and household runoff



Public Participation and Involvement

- Public meetings
- Webpages
- Hotline
- Stream clean-ups / Adopt A Stream
- Storm drain stenciling



NPDES Permit Requirements

- **NPDES**- National Pollutant Discharge Elimination System

Develop a comprehensive Stormwater Management Plan (SWMP) to address six Minimum Control Measures:

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination (IDDE)
4. Construction Site Runoff Controls
5. Post-Construction Runoff Control Program
6. Pollution Prevention/ Good Housekeeping

+ Program Administration (logging, annual self assessments to the NCDEQ)



Town of Waynesville Website → Departments → Development Services → Stormwater Management page (on the sidebar)

<https://www.waynesvillenc.gov/departments/development-services/stormwater-management>

Stormwater Management Plan
Town of Waynesville
NCS000501
Approved June 28, 2021

Waynesville
North Carolina
Progress with Vision
1871

DEQ APPROVED August 19, 2021

Environmental Quality

N.C. Division of Energy, Mineral and Land Resources
(DEMLR)

Stormwater Management
Program Assessment
612 H. Satterly Street, Raleigh NC 27604

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

PERMIT NO. NCS000501
TO DISCHARGE STORMWATER UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

The Town of Waynesville

is hereby authorized to discharge stormwater from their municipal separate storm sewer system located within the corporate limits of the Town of Waynesville in Haywood County

to receiving waters, Richland Creek, Hyatt Creek, Alens Creek, Shelton Branch, Browning Branch, Camp Branch, Flot Creek, Eagleest Creek, Farmer Branch, Shingle Cove Branch, Raccoon Creek, Factory Branch, and Mauney Cove Branch, and unnamed tributaries within the French Broad River Basin in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I through X, hereof.

This permit shall become effective August 19, 2021

This permit and the authorization to discharge shall expire at midnight on June 30, 2026.

Signed this day August 19, 2021

for Brian Winters, Director
Division of Energy, Mineral, and Land Natural Resources
By the Authority of the Environmental Management Commission

Post-Construction Stormwater Management

- **Stormwater Ordinance: LDS Section 12.5.**
 - Establishes minimum post-development stormwater management standards.
 - Ensures that all Stormwater Control Measures (SCMs), such as detention ponds, underground detention systems, rain gardens, are properly maintained and functioning as designed.
 - Annual inspections and reporting: private and municipal
-
- **Projects:**
 - Disturb 1 acre or more
 - Smaller area, but part of the larger project of 1+ acres
 - Disturb <1 acre with 24,000 sq ft of impervious surface
 - Private and Town-owned SCMs



Illicit Discharge Detection and Elimination Program


- The purpose of the Town's IDDE Program is to prohibit, detect, and eliminate illicit connections, discharging, illegal dumping, and spills into the MS4. The program also focuses on staff training and public awareness of illicit discharges, improper disposal of waste, and reporting procedures.
- Update Stormwater and Illicit Discharge ordinances once per permit term (5 years) to maintain adequate legal authority




Why Do We Need a Stormwater Program?

Had you rather fish in...

This




Or This




NC STATE UNIVERSITY Stormwater

Had you rather swim in

This



Or This



NC STATE UNIVERSITY Stormwater BMP Maintenance & Inspection



Calhoun Road Substation



Fire Station #1



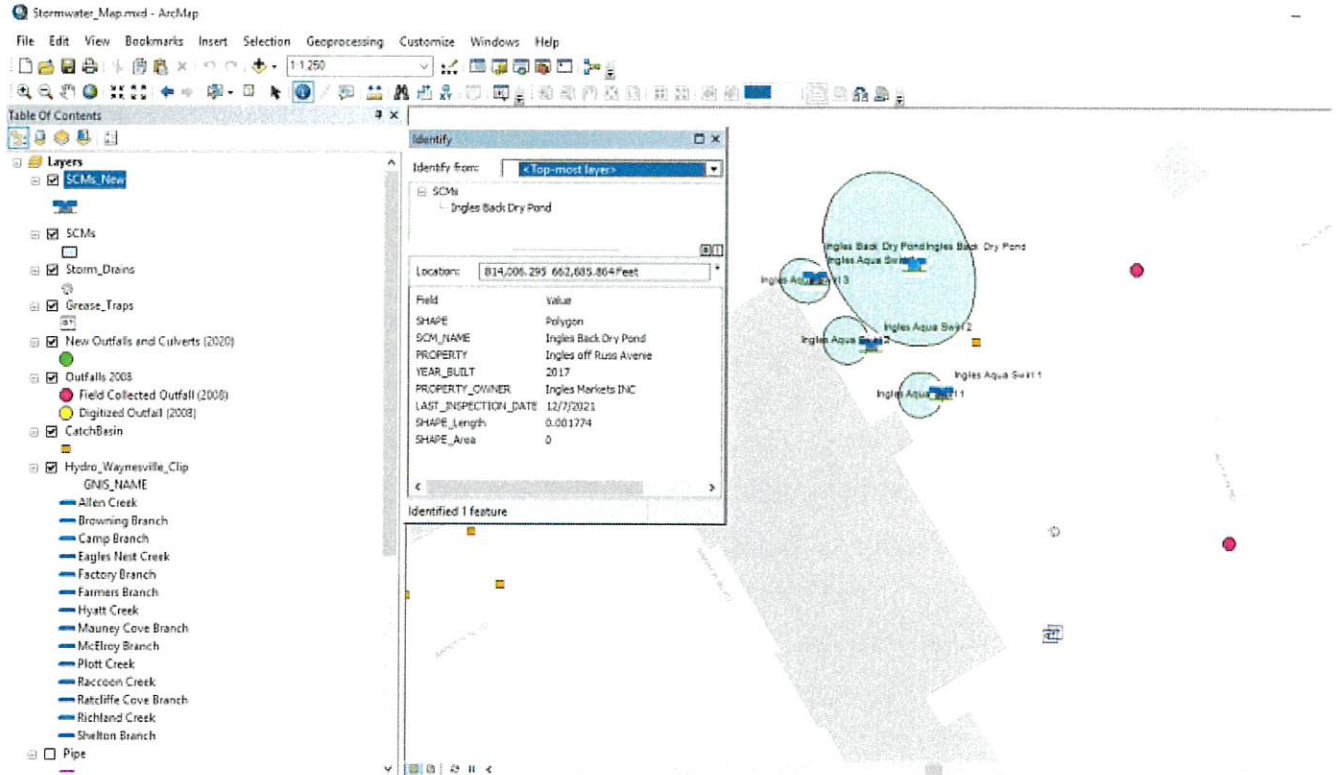
Raingarden at Waynesville Greenway

Stormwater Hotline: 1-866-STOP-MUD

Concerns, questions, or comments about stormwater issues or program?

Proposed Text Amendments:

Map: The stormwater map shall be kept on file by the Development Services Department and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all structural stormwater control measures permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.



Proposed Text Amendments:

- A. Reference to Design Manual:** The Town of Waynesville shall use the policy, criteria, and information, including technical specifications and standards, in the *North Carolina Department of Environmental Quality (NC DEQ) Stormwater Design Manual* as the basis for decisions about stormwater plans and about the design, implementation, and performance of structural and non-structural stormwater control measures.

The Design Manual includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II and other applicable stormwater laws.

NC DEQ Stormwater Design Manual

C-2. Bioretention Cell

Design Objective
A bioretention cell is an excavated area that is filled with a specialized soil media and plants, or grasses. It is designed to temporarily hold and filter stormwater. Bioretention cells are one of the most versatile SCMs. They can be installed in a variety of soil types from clay to sand and in a wide variety of sites. They are also one of the most effective SCMs for removing pollutants, because they use many different pollutant removal mechanisms, including infiltration, absorption, adsorption, evapotranspiration, microbial action, plant uptake, sedimentation, and filtration.

Design Volume
The design volume for a bioretention cell is equivalent to the volume that is contained above the planting surface in the event of the bypass mechanism for the design storm.

Important Links
[Plan 314, NSAC 201-1059 - MDC for Bioretention Cells](#)
[SCM Design Document, C-2 - SCM for Bioretention Cells](#)

Proposed Text Amendments:

12.5.13 Additional Standards for Special Situations.

A. Trout Waters: In addition to the standards for handling stormwater set out in the Design Manual, development and redevelopment that drains in whole or part to class TR waters shall design and implement the best stormwater practices that do not result in a sustained increase in receiving water temperature, while still meeting the other requirements of this article.

B. Pet Waste: Pet waste can pollute rivers, streams, and lakes. Stormwater runoff carries pet waste into drainage ditches and storm drains where it is then dumped, untreated, into the nearest waterway. Dog waste contains bacteria, viruses, and parasites that can harm humans and affect water quality. Once in a waterway, pet waste can travel long distances and pollute a large area.

Proposed Text Amendments:

Environmental Survey **must** include **Natural Resources Inventory**, which is:

A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description must include a discussion of soil conditions and soil types, forest cover, geologic features, topography, delineated wetlands, perennial and intermittent streams, native vegetative areas on the site, boundaries of existing predominant vegetation, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.

Proposed Text Amendments:

If a project falls under the Town of Waynesville Stormwater Ordinance, the **Stormwater Management System Concept Plan** is required. The Plan can be a written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

Proposed Text Amendments:

Stormwater Control Measure (SCM). A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapotranspiration, post-filtration discharge, reuse of stormwater or a combination thereof.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake.) or alternatively, the geographic region within which water drains to a particular river, stream or body of water.

Planning Board Staff Report

Subject: Land Development Standards (LDS) text amendment
Ordinance Section: Section 6.10 Transportation Impact analysis
Applicant: Staff initiated text amendment; Development Services Department
Meeting Date: January 24, 2022

Background

The Town's Land Development Standards regarding Transportation Impact Analysis, or "TIA," is required for developments with an estimated trip generation of 3,000 vehicles per day or greater during an average weekday. In several recent developments, concern has been raised by the public and planning board members that this threshold may be too high to truly evaluate the impact of traffic within Waynesville. As the Town is seeing more development pressure in residential and more rural or agricultural areas with small roads, this concern has been increased. This estimate of traffic generation is derived from the Institute of Transportation Engineers or "ITE" Manual and is based upon national averages and typical roadways. However, within the Town of Waynesville, many of our roads are narrow, windy and steep.

The Town therefore contracted with JM Teague Engineering to evaluate this threshold for a TIA for the Town of Waynesville and asked them to recommend a more realistic threshold for when traffic creates an impact that might warrant improvements to the adjacent and connecting roadway system. Staff is expecting additional information which will be provided at the Planning Board Meeting.

Staff Recommended Text Changes:

The proposed text amendments are based on lowering the TIA threshold to 500 cars per day. This would apply generally to any new residential development of 50 units or greater. This recommendation is based on engineering experience in Western North Carolina where cases have shown that an additional 500 cars per day during peak travel hours and at key intersections can impact the level of service and safety of a roadway. The proposed changes to the current Land Development Standards are in red. After receiving the Board's feedback today, staff will seek additional review by JM Teague Engineering, and could move the draft ordinance through the formal legislative text amendment process and schedule a hearing on February 21, 2022.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the first goal of the 2035 Comprehensive Plan:

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

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.

The Town will also maintain adequate legal authority through the most up-to-date ordinance.

Attachments

1. Draft Ordinance

Recommended Motions

No motion is needed today. The staff presents the proposed text amendment for Planning Board's review and feedback.

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 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:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The Town will maintain adequate legal authority through the most up-to-date ordinance.

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen 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 ____, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on ____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

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

That the Land Development Standards be amended as follows (in red):

1. Amend Section 6.10 Transportation Impact Analysis as follows:

I. 6.10 Transportation Impact Analysis.

A Transportation Impact Analysis (TIA) is a specialized study that evaluates the effects and impacts of a development's traffic on the surrounding transportation infrastructure. It is an essential part of the development review process to assist developers and governmental agencies in making land use decisions involving annexations, subdivisions, rezonings, special land uses, and other development reviews. The TIA helps identify where developments may have a significant impact on safety, traffic, roadway transportation operations, and provides a means for the developer and governmental agencies to mitigate these impacts. The TIA should address issues such as transportation network safety, operation, access management, and bicycle/pedestrian facilities. Ultimately the TIA can be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary on and off the site, to provide safe and efficient access and traffic flow. The TIA may show improvements being necessary on the development site or off site on the surrounding transportation network.

6.10.1 When Required.

The Town of Waynesville requires a Traffic Impact Analysis using its own thresholds, parameters, and mitigation requirements. The Town's requirements may not reflect the same requirements as NCDOT. According to the NCDOT TIA Guidelines, municipal TIA requirements take precedence over NCDOT TIA requirements, if more restrictive.

A TIA shall be required for a rezoning, subdivision plan, site plan, special use permit, certificate of zoning compliance, or preliminary plat for developments under the following conditions:

A. Trip Generation Threshold: A TIA is required when a development is anticipated to generate 500 trips per day or 50 trips in the peak hour. (Trips do NOT equal cars. One car leaving and then returning equals 2 trips)

Examples of common land uses that approximate this threshold include:

- 50 single-family homes
- 70 apartments / townhomes
- 100 room hotel
- 30,000 square foot office building
- 20,000 square foot shopping center

B. Other Thresholds: A TIA is also required at 70% of the Trip Generation threshold (350 daily trips or 35 peak hour trips) when one or more of the following conditions are met:

1. Site is within 1 mile of a school greater than 250 students with a school access directly or indirectly (1 turn away) on the same road of at least one of the site access points, and where there is no major intersecting road (5,000 ADT) between the site and the school.
2. Site is within ½ mile of a traffic signal that would be considered in the traffic impact study area.
3. If the site has a direct access on a major roadway (5,000 ADT)

6.10.2 TIA Contents and Requirements.

A traffic impact analysis report shall be determined based on a scoping meeting with the Town Administrator at which the location, context, and nearby land uses are considered in determining the scope of the TIA. The Town requires a TIA scoping document completed by the applicant and reviewed for completeness and reasonableness by the Town. The scoping document should be signed by both parties PRIOR to the commencement of the TIA. The scoping document will provide the applicant and the Town concurrence with study parameters such as study area, growth rate, peak hours, pass-by trips, trip generation, trip distribution,

and land use codes. The existing conditions, background conditions, buildout conditions, and horizon conditions must be included in the study. The scoping document parameters and a sample scoping document can be found in the Appendix.

A TIA will vary in range and complexity depending on the type and size of the proposed development and based on the scope determined through the scoping document process.

Reports shall require the full rationale, from a North Carolina licensed engineer, to perform such duties to support the recommendations of this analysis. The submission shall include all pertinent traffic data and computations affecting the design proposal. The TIA must be sealed by a licensed professional engineer in North Carolina.

6.10.3 Improvements May Be Required.

Based on the findings of the analysis, mitigation measures may be required to improve adjacent roadways such as the creation of turn lanes, bridge replacement, crosswalks, road widening, or other physical improvements. The TIA could also involve strategies other than roadway construction or other physical improvements such as changes to traffic signal timing or phasing, and transportation management strategies.

6.10.4 Thresholds for Mitigation.

The Town requires consideration of roadway and/or operational improvements when the proposed development causes changes to the roadway Level of Service (LOS), increased queuing, or based on crash history, and as follows:

Mitigation Thresholds:

No mitigation will be necessary if the approach Level of Service (LOS) remains an "A" or "B" between Background and Horizon conditions AND if safety and operational concerns do not exist based on sight distance, blocking, queuing, or crash history.

If the approach Level of Service at Background is a "C" and delay increases more than 30% at Horizon conditions, mitigation should be required to reduce the LOS "C" delay increase to 10%.

If the approach Level of Service at Background is a "D" and delay increases more than 25% at Horizon conditions, mitigation should be required to reduce the LOS "D" delay increase to 10%.

If the approach Level of Service at Background is an "E" and delay increases more than 20% at Horizon conditions, mitigation should be required to reduce the LOS "E" delay increase to 10%.

If the approach Level of Service at Background is an "F" and delay increases more than 15% at Horizon conditions, mitigation should be required to reduce the LOS "F" delay increase to 10%.

If the site-generated traffic causes an increased queue at Horizon of 50% on any approach with less than 250-foot queue at Background, mitigation should be required to reduce the queue increase to 25%.

If the site-generated traffic causes an increased queue at Horizon of 25% on any approach with between 250-foot and 750-foot at Background, mitigation should be required to reduce the queue increase to 20%.

If the site-generated traffic causes an increased queue at Horizon of 15% on any approach with greater than 750-foot at Background, mitigation should be required to reduce the queue increase to 10%.

If the crash history shows greater than 3 *similar* crashes within a 12-month period, "preventable" mitigation should be required to reduce the chances of similar crashes involving site-generated traffic.

Mitigation should include references to the available right of way, potential constraints, project phasing, and innovative techniques to achieve the required mitigation goals.

Existing V/C REMOVE TABLE	Allowable Increase in V/C By Development
0.00—0.60	0.10
0.61—0.70	0.07
0.71—0.80	0.05
0.81—0.90	0.03
0.91—1.00+	0.02

6.10.5 Alternative to a Traffic Impact Analysis

In the event that a TIA is not required according to the Town's thresholds, the Town may still require an alternate traffic study to validate the safety and operation of the street system at or near the proposed site. Alternate studies may include:

Left of Right Turn Lane warrant analysis at the site access points. This analysis should be conducted using NCDOT methodology found in the current edition of the NCDOT Driveway manual.

Sealed Technical Memorandum addressing only the site access point including operation, safety, and trip impact to the adjacent roadway.

Sealed Safety Study along a stretch of street impacted by the site to address construction traffic, roadway width adequacy, pavement adequacy, etc.

The Town will use the submitted TIA as a tool to determine mitigation or improvements on the street network. The Town reserves the right to require less than or more than what is recommended in the TIA based on the right of way availability, safety, community concerns, or other factors.

~~6.10.5~~ 6.10.6 Payments-in-Lieu of Improvements.

The Board of Alderman may, at its discretion, accept either mitigation measures to be completed by the developer or a fee paid to the Town in lieu of mitigation. The fee shall be equal to the costs of the required mitigation measures, as determined by the Administrator. A combination of mitigation measures and payments-in-lieu of dedication may be permitted. Payments-in-lieu of dedication shall be approved as part of the Development Plan.

~~6.10.6~~ TIA Requirements and Parameters.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

TIA Guidelines – Appendix

(Not part of ordinance but supplement to be included in Specifications Manual or as stand alone guidance)

Definitions

AA DT: Average Annual Daily Traffic gathered through a small sample size and projected to an annual rate.

ADT: Average Daily Traffic gathered through a 365-day data collection process.

Background Conditions: No Build. Conditions at the time of proposed project completion but not including any site generated trips. The background condition contains additional trips based on natural growth rates or other planned and scheduled projects in the study area.

Build Out Conditions: Conditions at the time of project completion including site generated trips, natural growth, or other planned and scheduled projects in the study area.

Existing Conditions: Current conditions not including any growth or new development

Growth Rate: The natural traffic growth rate of the study area roadway area. The growth rate generally takes into account an additional or reduced number of homes, small commercial establishments, and the number of local drivers. Significant changes in these areas should be addressed specifically.

Horizon Conditions: Conditions 2 years beyond Build Out Conditions including another 2 years of natural growth and other planned and scheduled projects in the study area.

Internal Capture Trips: Trips that serve multiple land uses within the site. To keep these trips from being “double-counted” a certain percent can be excluded from one land use if they are included on another land use

Level of Service (LOS): The relationship of travel demand compared to the roadway capacity determines the level of service (LOS) of a roadway. Six levels of service identify the range of possible conditions. Designations range from LOS A, which represents the best operating conditions, to LOS F, which represents the worst operating conditions.

Pass By Trips: Site generated trips that result from vehicles already on the adjacent street and are not new to the study area. These trips do not disappear but result in a diverted movement. For instance, instead of traveling past the site access, the vehicle may turn left into the site access and right out when leaving the site.

VPD: Vehicles per day either gathered for a 24-hour period or expanded from a smaller sample.

TIA Scoping and Parameters

The scoping document should include the following information:

- A project description and scaled site plan including both narrative and illustrations, adjacent land uses, sidewalks, bicycle facilities, all adjacent streets turning lanes, roadway striping, roadway signing, roadway grades.
- Site build out year.
- A location/vicinity map showing the nearest major intersections.
- Growth rate – should be based on an engineering assessment, current traffic patterns, future land use plans, historical traffic growth patterns, etc. Generally, the growth rate will be between 1.5% and 4% annually.
- Study area – should be from the site access point or points to the next major intersection (5,000 ADT), or to a point where site generated traffic dissipates to 10% of additional traffic on the

roadway, whichever is further away. The study area can also include stretches of roadway (non-intersections) if deemed applicable by the Town.

- Trip generation using the methodology provided by the ITE Trip Generation Manual, including assumed Land Use Codes.
- Trip distribution for the entire study area. Include ingress and egress trips.
- Pass-By Trips – Use guidance from the ITE Trip Generation Manual should be used but should not be more than 25%.
- Internal Capture – Use guidance from the ITE Trip Generation Manual.
- The study period should be for the Peak Hour (or hours) period and include Existing (current conditions), Background or No Build (conditions at the time of proposed build out but not including any site generated trips, Build Out (conditions at the time of build out including site generated trips), and Horizon (2 years beyond build out conditions).

Peak Hours will vary based on traffic patterns, land use, and adjacent street volumes but will generally be AM, PM, and sometimes mid-day. In most circumstances, the peak hour should be based on the peak hour for the site trip generation but may be expanded to include peak periods of adjacent streets, nearby schools or other specialty land uses. Some land uses such as parks, outdoor commercial, or places of worship may require a weekend peak hour.

- Traffic signal operation should be modeled with current phasing and timing unless a traffic signal upgrade project is currently planned and designed. No Turn On Red should be implemented on all approaches. This will allow the applicant to modify the current traffic signal phasing or timing as part of mitigation if needed.
- Vehicle data collection should usually be during the peak periods in 2 – 3 hour blocks. 12 – 13 hour data should be collected when performing a traffic signal warrant study.

Other

All approaches within the study area with four (4) or fewer trips during the peak hour should be modeled as 4 trips in order for most modeling software to perform adequately.

The TIA should address sight distance at all site access points (meeting AASHTO recommendations).

The TIA should address queuing and blocking of adjacent property driveways.

The TIA should include a crash study at each studied intersection. The crash study should include 5 previous years and projections for the Horizon year

The TIA should include all raw data – data collection in 15 min bins, intersection model runs, turn lane warrant calculation sheets, signal warrant calculation sheets, internal capture calculations, etc.

Planning Board Staff Report

Subject: Land Development Standards (LDS) text amendments regarding grammatical corrections and adding definitions of Preliminary Plat and Master Plan
 Ordinance Section: Multiple sections of LDS
 Applicant: Staff initiated text amendment; Development Services Department
 Meeting Date: January 24, 2022

Background

Last year, the Town completed substantial updates to the Land Development standards in order to comply with changes in the NC General Statutes guiding local government authority to govern land use, referred to as "160D." Since that time, additional typographical errors and incorrect and outdated information in the Land Development Standards still need to be corrected. Additionally, staff wanted to address the planning board's concerns with eliminating any confusion of common terms and application requirements as a result of procedural changes prompted by 160D.

Staff Recommended Text Changes:

The proposed text amendments include definitions of plat, preliminary plat, final plat, and master plan; clarification of the requirements for a preliminary plat and construction documents; amendment of references with relevant provisions from 160D; and the elimination of grammatical errors and outdated information/terms. The proposed changes to the current Land Development Standards are in red. After receiving the Board's feedback today, staff could move the draft ordinance through the formal legislative text amendment process and schedule a hearing on February 21, 2022.

Consistency with the 2035 Comprehensive Land Use Plan

Staff submits that the proposed text amendments to the LDS are consistent with the first goal of the 2035 Comprehensive Plan:

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

- Encourage in-fill, mixed use, and context-sensitive development.
- Promote conservation design to preserve important natural resources.

The Town will also maintain adequate legal authority through the most up-to-date ordinance.

Attachments

1. Draft Ordinance

Recommended Motions

No motion is needed today. The staff presents the proposed text amendment for Planning Board's review and feedback.

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 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:

- The Town of Waynesville will continue to “promote smart growth in land use planning and zoning;” (Goal #1);
- The Town will maintain adequate legal authority through the most up-to-date ordinance.

WHEREAS, the Planning Board has reviewed and recommends the proposed text amendments for enactment by the Board of Aldermen; and

WHEREAS, the Board of Aldermen 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 ____, 2022 at the regularly scheduled meeting of the Waynesville Planning Board, and on ____, 2022 at the regularly scheduled meeting of the Board of Aldermen;

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

That the Land Development Standards be amended as follows (in red):

1. Amend Section 1.5 Consistency with All Adopted Plans as follows:

In accordance with G.S. 160D, all development plans shall be in conformance with all adopted plans (including comprehensive plans, transportation plans, small area plans, open space and greenway plans, or any other plan adopted by the Waynesville Board of ~~Commissioners~~ Aldermen).

2. Amend Section 1.7.1 Violations Continue as follows:

(...) construction or other activity is clearly consistent with the express terms of this ordinance. ~~bl;~~

3. Amend Section 1.10 Effective Date as follows:

Many provisions herein are a restatement of previous provisions of the Land Development Standards and are hereby continued without interruption. All other provisions of this ordinance ~~shall become~~ became effective April 12, 2011, and subsequently, including provisions of 160D, as adopted June 22, 2021.

4. Amend Section 2.2 Districts by District Type as follows:

The following ~~31~~ 30 base districts are organized into categories (...).

5. Amend Section 2.6 Overlay Districts as follows:

A. **Purpose:** The Historic Overlay District (HOD) is a zoning overlay district established pursuant to NCGS § ~~160A-400~~ 160D-940 (...).

6. Amend Section 2.7.1 Standards for Conditional Districts as follows:

In addition to modification of specific district provisions (...).

7. Replace Section 6.2.2 Required Conformance to the Waynesville Specifications Manual as follows:

~~6.2.2 Required Conformance to the Waynesville Specifications Manual.~~

~~The Town of Waynesville Specifications Manual (WSM) is herein incorporated by reference. Conformance to the WSM is required in addition to the standards of this Ordinance.~~

6.2.2 Required Conformance to the Specifications of the Town's Public Services Department.

The specifications of the Town's Public Services Department are herein incorporated by reference. Conformance to them is required in addition to the standards of this Ordinance.

8. Amend Section 6.4.1 Street Network as follows:

E. Street Stubs:

(...)

4. **Stub Street Details:** (...) ~~See WSM for sign specifications.~~

9. Amend Section 6.7.6 Curb Radii and Construction as follows:

C. Minimum Specifications: All curbed streets shall be built in accordance with the ~~Town of Waynesville Specifications Manual~~ specifications of the Town's Public Services Department.

10. Amend Section 6.7.7 Pavement Standards as follows:

A. Minimum Specifications: All street types, except alleys, shall be paved to meet the ~~current specifications of the Town of Waynesville Specifications Manual~~ specifications of the Town's Public Services Department.

B. (...)

C. Alleys: (...) However, when alleys are proposed to be paved, the pavement shall meet the ~~specifications of the Town of Waynesville Specifications Manual~~ specifications of the Town's Public Services Department.

11. Amend Section 6.7.8 Utilities as follows:

A. Minimum Specifications: All utility installations within rights-of-way shall be consistent with the ~~Town of Waynesville Specifications Manual and Section 6.12 of this Chapter~~ specifications of the Town's Public Services Department and Section 6.11 of this Chapter.

12. Amend Section 6.8.1 Sidewalks as follows:

B. Design Standards:

(...)

3. Sidewalks shall be constructed of concrete or other approved materials (such as pavers) and built in accordance with the ~~Town of Waynesville Specifications Manual~~ specifications of the Town's Public Services Department.

13. Amend Section 6.11.4 Sanitary Sewer Systems as follows:

D. Public Sewer Systems:

1. Where connection is proposed (...), the proposed system shall be installed according to ~~town specifications and standards~~ the specifications of the Town’s Public Services Department and designed by a registered engineer.

14. Amend Section 14.4 Board of Adjustment as follows:

14.4.2 Membership and Quorum.

B. The Board shall not pass upon any question relating to an appeal from a decision, order, requirement or determination of town officials or an application for a variance ~~or special use permit~~ when there are less than four-fifths (4/5) of the board members with jurisdictional authority present.

15. Amend four (4) cells of the table in 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
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(Table continues)

Special Use Permit	15.10	Quasi-Judicial	Planning Board	1, 2, 3 , 5	Planning Board	Superior Court	2 years	Up to 3 years max.*
Designation of Historic Landmarks/Districts	15.11.1	Legislative	HPC	1,2,3	Board of Aldermen	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
Text Amendment	15.14	Legislative	Planning Board	1,2,3, 4	Board of Aldermen	Superior Court	n/a	n/a
Variance	15.13	Quasi-Judicial	BOA	1, 3 , 4	BOA	Superior Court	30 days to Appeal	n/a

(Table continues below)

16. Amend two (2) cells of the table in Section 15.4 Application Requirements as follows:

15.2.3 Permit/Process Type

Permit/ Process Type	Section	Environmental Survey (15.4.1)	Sketch Plan (15.4.2)	Mater Plan (15.4.3)	Construction Documents (15.4.4)	Preliminary Plat (15.4.4)	As-Build Drawings (15.4.5)	Final Plat (15.4.6)	Building Elevations (15.4.7)
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(Table continues)

Site Plan/Design Review (Major)	15.8.2	X		X	X				X(a)
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(Table continues)

Subdivision (Major)- Preliminary Plat	15.9.3	X		X		X			
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(Table continues below)

17. Amend Section 15.3.7 Neighborhood Meeting as follows:

A **Neighborhood meeting is mandatory for development projects of 31 or more lots/units** or where required prior to any public hearing or review by a board or commission. This meeting will allow the applicant to explain the proposed project and to be informed of the concerns of the neighborhood. **When an applicant is required to conduct a neighborhood meeting, a summary of the meeting in the form of meeting notes or minutes along with a list and contact information for all attendees shall be submitted to the ~~board or commission~~ Planning Board** for their review.

18. Amend Section 15.4 Application Requirements as follows:

Application Requirements.

~~(...) The Administrator will prepare and disseminate appropriate checklists for use by applicants in their submission. These checklists are part of the Waynesville Specifications Manual and are made a part of this ordinance by reference.~~ The Administrator shall determine the requirements of the building permits.

19 Amend Section 15.4.2 Sketch Plan as follows:

(...) All plans shall be submitted at a scale not less than 1 inch = 50 feet, **and in digital and paper format (for Site Plans) or 1 inch = 200 feet (for Subdivisions)** unless otherwise authorized by the Administrator.

20. Amend Section 15.4.3 Master Plan Requirements as follows:

The Master plan for a minor or major site plan review is intended (...) All plans shall be submitted at a scale not less than 1 inch = 50 feet, and in digital and paper format (for Site Plans) or 1 inch = 200 feet (for Subdivisions) unless otherwise authorized by the Administrator.

21. Amend Section 15.4.4 Construction Documents/Preliminary Plat as follows:

~~The Construction Documents: for Site Plans and Subdivision Plans shall constitute a full a complete set of engineered drawings necessary for final permitting and construction. All plans shall be submitted at a scale not less than 1 inch = 50 feet unless otherwise authorized by the Administrator. All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the adopted Manual of Specifications.~~

Construction Documents: A full and complete set of engineered drawings is necessary for a building permit and construction. All streets, utilities, and stormwater, and other infrastructure systems shall be designed and constructed in accordance with the specifications of the Town's Public Services Department. Construction documents shall be submitted at a scale not less than 1 inch = 50 feet, unless otherwise authorized by the Administrator.

Preliminary Plat: The preliminary plat for a subdivision that shall be prepared by a registered surveyor or engineer and shall show the following:

1. The location of existing and platted property lines, streets, buildings, watercourses, railroads, transmission lines, sewers, bridges, culverts, and drainpipes, water mains, city limit lines, and any public utility easements.
2. Boundaries of tract shown with bearings, distances, and closures.
3. Wooded areas, marshes, and any other physical conditions within the site.
4. Boundary of floodplain, floodway within the site as provided in the most current FIRM.
5. The location (layout) of any proposed streets, rights-of-way, pavement widths, and approximate grades, sidewalks, greenways, or trails within the subdivision.
6. The location (layout) of proposed utilities (sewer, water, gas, electricity), showing connections to existing systems or location plans for individual water supply, sewage disposal, storm drainage, location of proposed hydrants, and the like.
7. Proposed lot lines, lot and block number, approximate dimensions, and acreage for each lot.
8. Proposed location and acreage of civic space and open areas, if required.
9. Proposed location and acreage of designated stormwater management areas if required.
10. Proposed minimum building setback lines.
11. Title, date, north point, and graphic scale.
12. Name of owner, surveyor/engineer.
13. Total number of lots.
14. Sketch vicinity map showing relationship between subdivision and surrounding area.

A preliminary plat shall be submitted at a scale not less than 1 inch = 200 feet, unless otherwise authorized by the Administrator.

22. Amend Section 15.4.6 Final Plat as follows:

(...) The final plat shall constitute an accurate survey of the entire phase as shown on the approved ~~master plan~~ preliminary plat and shall include all the relevant notes and certifications.

23. Amend Section 15.5 General Requirements for Evidentiary Hearings and Quasi-Judicial Decisions as follows:

(...) In accordance with G.S. 160D-1-2, -1402, decisions ~~on the approval of site plans and subdivisions and~~ are quasi-judicial in nature if the ordinance authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with (...).

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

D. Required Application Information: Environmental Survey (15.4.1), Master Plan (15.4.3), and Building Elevations ~~for Design Review~~ (15.4.7) (may be waived by Administrator as appropriate)-Construction Documents (...).

25. Amend Section 15.9.4 Final Plat for Major Subdivision as follows:

B. Improvements to Be Installed or Guaranteed: All required infrastructure improvements shall be either installed or financially guaranteed in accordance with Section ~~6.13~~ 6.12.

26. Amend Section 17.4 Definitions, General as follows:

Final Plat. The final map of all or a portion of a subdivision or development which is presented for final approval. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Final Plat shall ensure compliance with all development standards as specified for the zoning district as well as all other Town development requirements.

Master Plan. A map or plan showing the layout and specifications of a site which is presented for approval. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Master Plan shall ensure compliance with all development standards as specified for the zoning district as well as all other Town development requirements.

Plat. A plat means and includes the terms: map, plan, or replat; and also means a map or plan of a parcel of land which is to be or which has been developed or subdivided.

Preliminary Plat. A map indicating the proposed layout of a development and related information that is submitted for preliminary review. It is prepared by a licensed engineer, registered land surveyor, or licensed landscape architect. A Preliminary Plat shall ensure compliance with all development standards as specified for the zoning district as well as all other Town development requirements.

ADOPTED this _____ Day of _____, 2022.

TOWN OF WAYNESVILLE

J. Gary Caldwell, Mayor

ATTEST:

Eddie Ward, Town Clerk

APPROVED AS TO FORM:

Martha Bradley, Town Attorney

Year End Summary of Projects and Development Services Data.

Planning Board Report

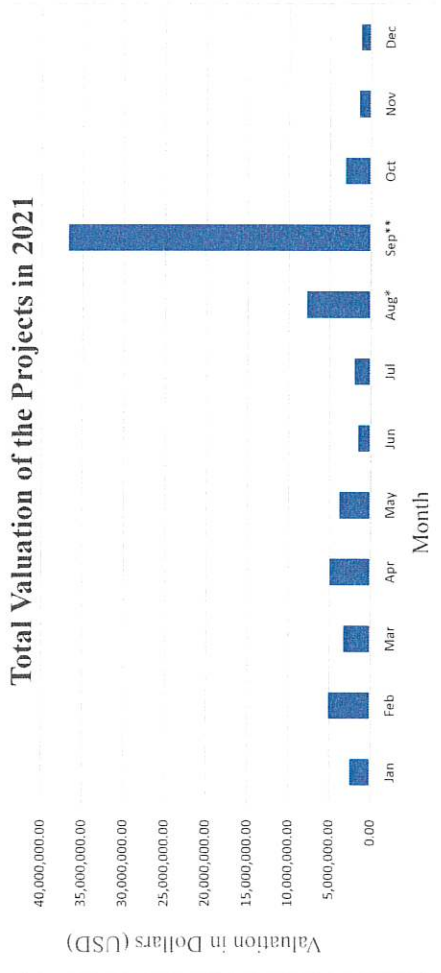
January 24, 2022

Projects that went through the Planning Board in 2021:

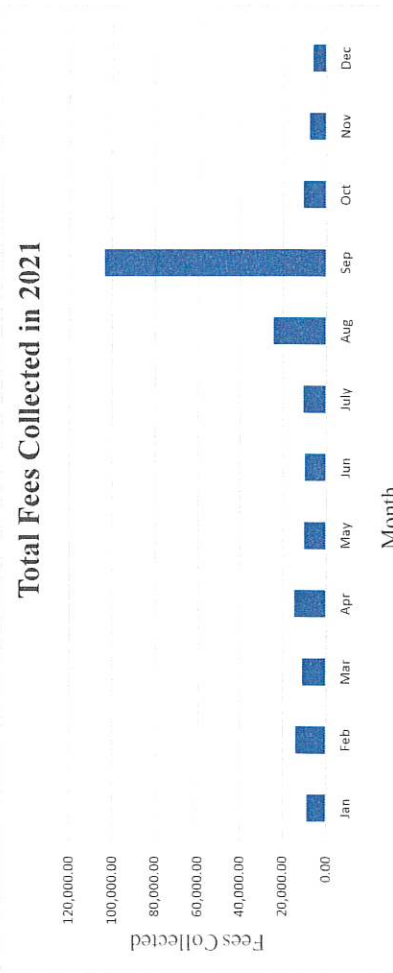
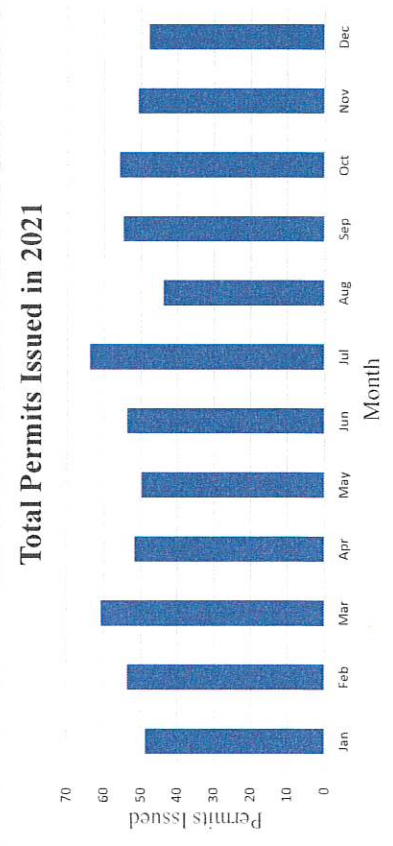
1. Major site plan by Mountain Housing Opportunities for an 84-unit multi-family development at multiple properties at Howell Mill and Calhoun Road (passed).
2. Discussion of draft definitions and zoning relative to halfway houses and other congregate care facilities (tabled)
3. Site plan amendment review to a Conditional District Plan at 75 Giles Place (passed).
4. Map amendment (rezoning) request at 1426 Howell Mill Road and an unaddressed abutting lot from Commercial Industrial to Raccoon Creek Neighborhood Residential (passed).
5. Conditional District Rezoning application by Mills Construction for a 60-unit multi-family development at 104 Locust Drive (passed).
6. Chapter 160D text amendments to Land Development Standards (passed).
7. Revisions to Sign Ordinance to allow digital information in school signs (passed).
8. Conditional district zoning amendment within the Waynesville Country Club for a cottage development (passed).
9. Major subdivision for 115 homes off of Sunnyside Road (passed)
10. Major site plan review for a 14-unit townhome development at Richland and Church Street (passed).
11. Special Use Permit Request to develop a 150- unit apartment development at 1426 Howell Mill Road (passed).
12. Initiated but not completed:
 - Railroad corridor study.
 - Discussion on procedure to revise LDS regulations relevant to major subdivisions.

Calendar Year 2021: Permits Issued, Project Valuations, and Fee Summary

Month	Total Permits	Projects Valuation	Total Fees
January	49	\$2,513,508.91	\$8,734.00
February	54	\$5,057,403.55	\$13,905.00
March	61	\$3,290,056.12	\$10,956.00
April	52	\$4,926,348.00	\$14,542.50
May	50	\$3,773,082.55	\$9,951.00
June	54	\$1,529,227.00	\$9,772.00
July	64	\$1,986,526.74	\$10,419.00
August	44	\$7,745,035.87	\$24,455.00
September	55	\$36,705,866.47	\$103,732.00
October	56	\$3,111,012.46	\$10,421.00
November	51	\$1,465,075.17	\$7,570.00
December	48	\$1,212,634.05	\$6,066.00
Total:	638	\$73,315,776.89	\$230,523.50



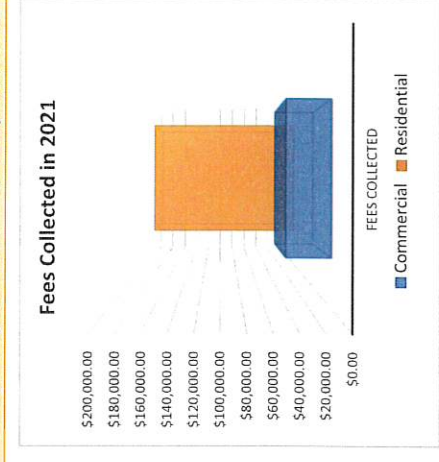
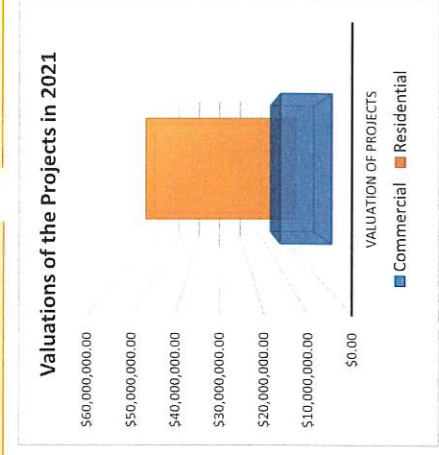
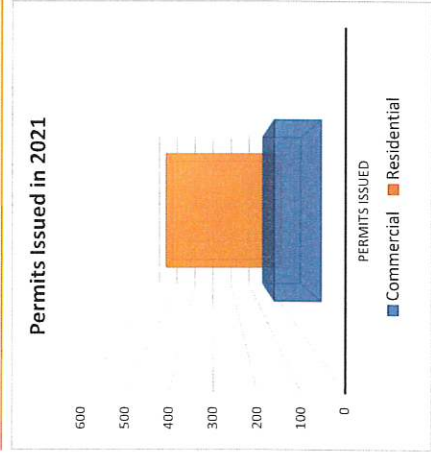
*August: New Giles Addition **September Mountain Creek Apartments (former BILO site)



Calendar Year 2021: Commercial vs Residential Permits

Commercial Permits by Month

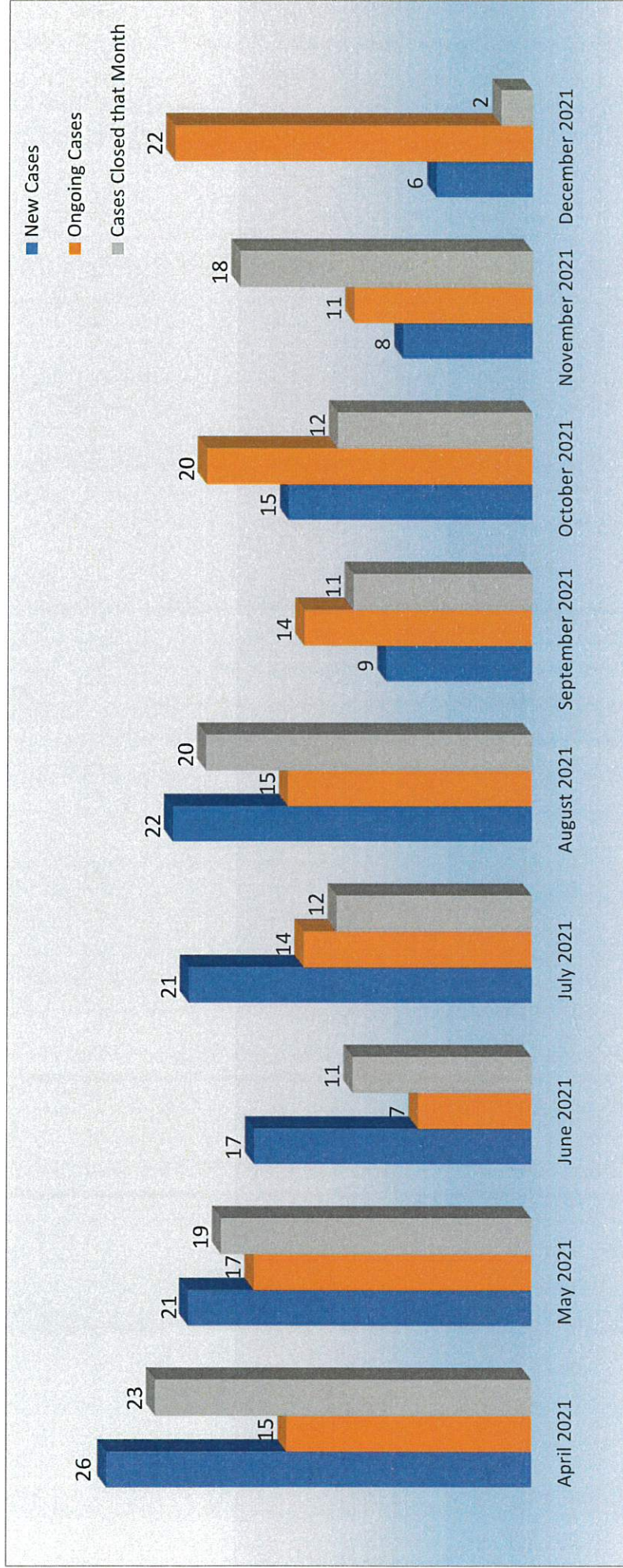
Month	Number of Permits	Total Valuation	Total Fees
January 2021	13	\$1,784,343.91	\$4,823.00
February 2021	9	\$2,637,306.00	\$1,225.00
March 2021	11	\$130,803.00	\$1,075.00
April 2021	7	\$80,234.00	\$450.00
May 2021	9	\$1,347,062.48	\$4,158.00
June 2021	10	\$348,804.00	\$2,390.00
July 2021	20	\$417,841.74	\$3,450.00
August 2021	15	\$5,205,569.00	\$16,200.00
September 2021	6	\$1,082,450.00	\$4,016.00
October 2021	10	\$514,470.00	\$1,025.00
November 2021	11	\$297,922.84	\$1,679.00
December 2021	10	\$124,070.00	\$788.00
Total:	131	\$13,970,876.97	\$41,279.00



Residential Permits by Month

Month	Number of Permits	Total Valuation	Total Fees
January 2021	36	\$729,165.00	\$3,911.00
February 2021	45	\$2,420,097.55	\$12,680.00
March 2021	50	\$3,159,253.12	\$9,881.00
April 2021	45	\$4,846,114.00	\$14,092.50
May 2021	41	\$2,426,020.07	\$5,793.00
June 2021	44	\$1,180,423.00	\$7,382.00
July 2021	44	\$1,568,685.00	\$6,969.00
August 2021	29	\$2,539,466.87	\$8,255.00
September 2021	49	\$35,623,416.47	\$99,716.00
October 2021	46	\$2,596,542.46	\$9,396.00
November 2021	40	\$1,167,152.33	\$5,891.00
December 2021	38	\$1,088,564.05	\$5,278.00
Total:	507	\$59,344,899.92	\$189,244.50

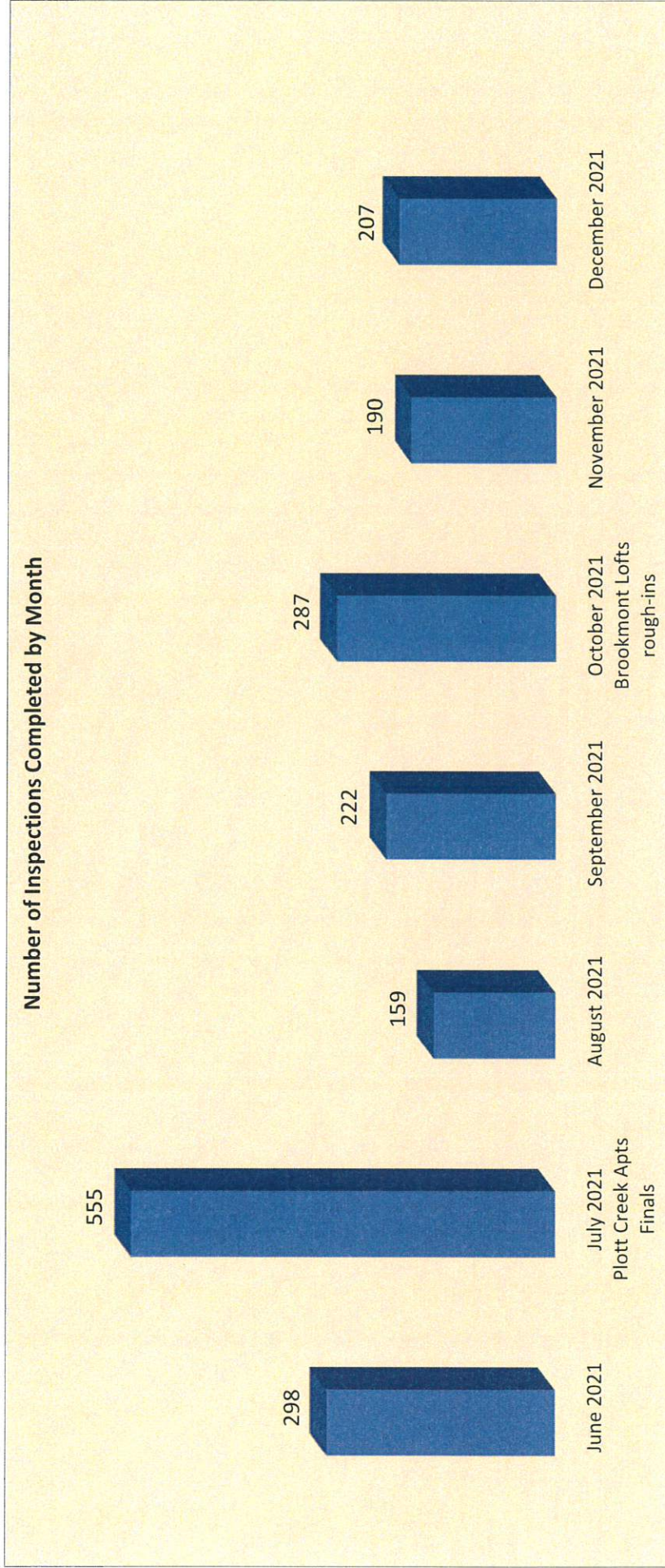
Code Enforcement Caseload (tracking started in April)



Code Enforcement Cases: Breakdown
Calendar 2021, April-December 31 (tracking started in April)

Grass	71
Accumulation	50
Unsafe Structure	12
Nuisance	16
Junked Vehicle	10
Construction without Permit	2
Minimum Housing	2
Other	10
Total:	173

Building Inspections (tracking started in June 2021)



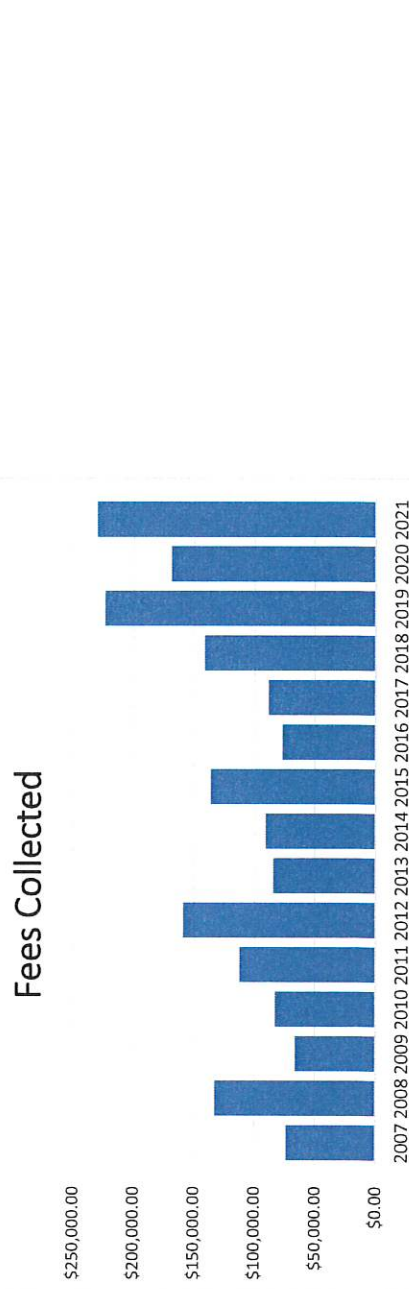
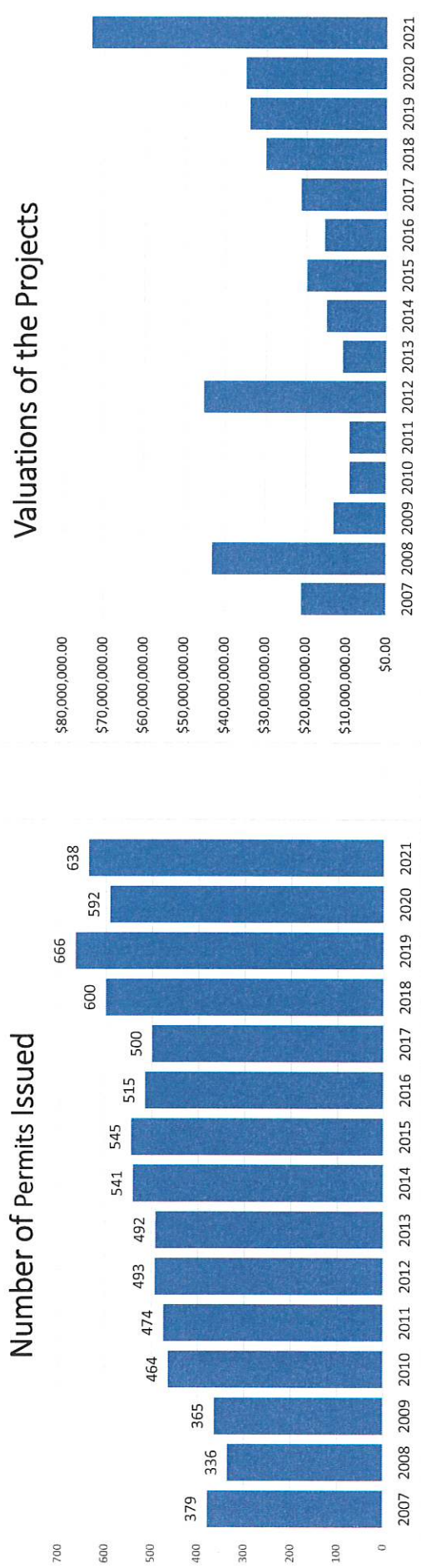
Yearly Valuation, Permit, and Fee Summary

2007-2021 Calendar Years*





Year	Total Permits	Total Valuation	Total Fees
2007	379	\$21,072,229.96	\$73,750.00
2008	336	\$43,220,599.83	\$132,906.95
2009	365	\$13,114,707.81	\$66,789.00
2010	464	\$9,135,480.79	\$83,127.60
2011	474	\$9,202,849.82	\$112,400.50
2012	493	\$45,239,244.29	\$159,211.00
2013	492	\$10,887,467.25	\$84,503.55
2014	541	\$14,995,966.66	\$90,965.88
2015	545	\$19,789,180.55	\$136,636.65
2016	515	\$15,492,446.19	\$77,039.85
2017	500	\$21,324,714.74	\$88,490.23
2018	600	\$30,115,263.70	\$141,592.97
2019	666	\$34,075,998.94	\$223,952.75
2020	592	\$35,126,493.92	\$168,733.96
2021	638	\$73,315,776.89	\$230,523.50

*Margin of error up to 10% is possible due to missing, duplicate, incomplete, or erroneous data. These data are best suited for analyzing general trends.

Yearly Valuation, Permit, and Fee Summary 2007-2021 Calendar Years



Code Enforcement Cases in 2021

-  Properties / Code Enforcement Cases 2021
-  Waynesville_Streets
-  Rail Road
-  Waynesville City Limits (without ETJ)

