

# *Town of Maggie Valley*

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Phone 828-926-0866    3987 Soco Road    Maggie Valley, NC 28751

## **Planning Board**

### **Regularly Scheduled Meeting**

**Tuesday July 16th, 2024**

**5:30 PM**

1. Call to Order/ Pledge of Allegiance
2. Roll Call/Quorum Determination
3. Disclosure of Conflicts/Approval of Agenda
4. Approval of Minutes
  - a. June 18<sup>th</sup>, 2024
5. NEW BUSINESS
  - a. Adoption of the Planning Board Rules and Procedures.
  - b. Revision/update to the Comprehensive Land Use Plan.
6. OLD BUSINESS
  - a. Update on Haywood County Planning Board, Chairman Helpers.
  - b. Reminder: Maggie Valley's 50<sup>th</sup> Birthday Celebration July 19<sup>th</sup> 3-7.
7. Adjourn

**Planning Board Minutes  
Regular Meeting  
Maggie Valley Town Hall Boardroom  
Tuesday, June 18, 2024  
5:30pm**

**Planning Board Members Present:** Chairman Eric Helfers, Bill Sebastyn, Jared Lee, Chuck Cummings, Janet Banks

**Members Absent:** None

**Staff Present:** Sam Cullen, Town Planner, Noah Taylor, Assistant Town Planner, Alexis Livesey, Administration Intern

**Others Present:** Warren Sugg, CDC

**1. Call to Order**

The meeting was called to order at 5:30 pm by Chairman Helfers. The Pledge of Allegiance was said by all.

**2. Roll Call/Quorum Determination**

Five members are present. A quorum was established.

**3. Disclosure of Conflicts/Approval of Agenda**

Chairman Helfers asked if there were any conflicts of interest on the agenda for anyone. There were none.

He asked if there was any discussion on the agenda. There was none.

Chairman Helfers then asked for a motion to approve the agenda.

**Janet Banks made the motion to approve the agenda for the June 18<sup>th</sup> meeting. Chuck Cummings seconded. The Motion passed with all in favor.**

**4. Approval of Minutes**

**a. April 16, 2024**

Chairman Helfers asked if there were any corrections to the minutes. There were none.

Chairman Helfers then asked for a motion to approve the minutes.

**A motion to approve the minutes was made by Bill Sebastyn. Jared Lee seconded. The Motion passed with all in favor.**

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**5. New Business**

**a. Text Amendment to the Planning Board Rules and Procedures.**

Planner Cullen gave the report and background information. He stated that the updated language is to move the charter to the Unified Development Ordinance and remove the Extra-territorial Jurisdiction (ETJ) language as well as update the attendance requirements for members.

Planner Cullen offered to answer any questions.

Bill Sebastyn asked about section D of the Rules and Procedures and if the required monthly meeting is necessary and suggested language be added to state that the board will meet if there are actionable agenda items.

Planner Cullen stated that he will add the language about actionable agenda items to the meeting requirement section.

Janet Banks asked if the language is necessary because staff makes a decision to meet if there are actionable items.

Chairman Helfers stated that it would provide clarification to people reading the rules for the planning board.

Bill Sebastyn noticed that there were different terminologies used for the Board of Aldermen and Town Council throughout the document and stated that it could cause confusion.

Planner Cullen stated that the term Board of Aldermen (BOA) is from the old charter and will be updated to town council in the future.

Chairman Helfers asked if there was any more discussion. There was none. He then asked for a motion.

**Bill Sebastyn made the motion to recommend approval of the revised text amendment. Janet Banks seconded. The Motion passed with all in favor.**

**Jared Lee made the motion to adopt the consistency statement for the revised text amendment to the Planning Boards Rules and Procedures. Janet Banks seconded. The motion passed with all in favor.**

**b. Preliminary Plat Approval for Leatherwood Property (Valley View), PIN 8608-79-5334**

Planner Cullen gave the report and background information. He stated that this is a 155-lot subdivision. He stated that the BOA approved the conditional site plan last year and noted the conditions the BOA imposed such as buffering along 276. The developer is intending to do this project in one phase. He stated that there are certain sewer easements listed on the plat but

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they should be labeled so it's easier to decipher. These easements will allow access for infrastructure of future developments.

Planner Cullen offered to answer any questions.

Chuck Cummins asked about access to the development and ingress/egress for the entrance of the development. He asked if there is a NCDOT cut through.

Planner Cullen stated that NCDOT is updating the highway in front of the property and down Jonathan Creek. He stated that the developers have applied for their driveway permit and are working with NCDOT on the entrance.

Chuck Cummings stated issues further up the highway that have led to some accidents.

Planner Cullen asked Warren Sugg, from CDC, about the timeline on getting the driveway permit back from NCDOT.

Warren Sugg stated that he does not know the timeline on getting the permit back, but he believes the NCDOT would only allow a righthand turn out of the development.

Chairman Helfers asked about parking in this development and the average size of parking pads.

Warren Sugg stated that there are 18x18 pads in front of the houses, but most houses will have garages as well.

Planner Cullen stated that this development's parking exceeds the UDO requirements.

Bill Sebastyn asked about contractors for the infrastructure and if they will be inspected by Town staff.

Planner Cullen stated that Mike Mehaffey, the Public Works Director, will be inspecting the infrastructure and will receive the proper documentation of completion once the infrastructure is complete.

Chairman Helfers asked if there was any more discussion. There was none. He then asked for a motion.

**Bill Sebastyn made the motion to recommend approval of the preliminary plat as reviewed on June 18<sup>th</sup>, 2024, for Valley View Development for parcel known as PIN 8608-79-5334 with the condition that the sewer easements at the ends of roads B, C and E be labeled with location and width. Janet Banks seconded. The Motion passed with all in favor.**

**c. Text Amendment to the Sign Ordinance, UDO Section 157.10**

Planner Cullen gave the report and background information. He stated that current language about nonconforming signs is not enforceable by law and needs to be removed. He stated that

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the current language reads that non-conforming signs need to be removed in a certain time period. This text amendment is to better reflect N.C.G.S.

He stated that this text amendment was initiated by the BOA.

There was much discussion concerning the sign ordinance and the need for revision.

Chairman Helfers asked if there was any more discussion. There was none. He then asked for a motion.

**Janet Banks made the motion to recommend approval of the text amendment to the Sign Ordinance, UDO Section 157.10. Bill Sebastyn seconded. The Motion passed with all in favor.**

**Bill Sebastyn made the motion to adopt the consistency statement for the text amendment to the Sign Ordinance, UDO Section 157.10. Jared Lee seconded. The motion passed with all in favor.**

**6. Old Business**

**a. Update on Haywood County Planning Board, Chairman Helfers**

Chairman Helfers stated that the County Planning Board is trying to apply for a street safety grant program that is 5 counties large.

He stated that the board is working on a contact list to help gather support for this program and asked Jared Lee to be a part of that list and Town of Maggie Valley Staff.

He spoke of the recent pedestrian safety plan in Maggie Valley that was in partnership with NCDOT.

He stated that there are many business owners that would benefit from this program as well.

Jared Lee asked if this grant program concerned mainly bike lanes.

Chairman Helfers stated a portion does because the program is to get cyclists *and* pedestrians away from the major roadways. He stated that Land of Sky Regional Council would be involved as well.

He stated that an online survey will be created and be sent out to the contact list.

Janet Banks asked if this includes walking paths/greenways, Chairman Helfers stated yes.

Chuck Cummings asked if the paths would be behind residential developments, and that could create a privacy issue.

There was discussion on public greenways

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Planner Cullen stated that he has two items to discuss as well.

1. Planner Cullen stated that the BOA passed a resolution allowing Haywood Water Ways to apply for a stream bank restoration grant behind Maggie Valley United Methodist Church.
2. Planner Cullen stated that planning staff met with the owner of Cool Breeze Campground and stated that the owner applied for the facade grant for screening on the east and north side of the property. He stated that she is the first applicant since the grant reopened.

**7. Adjourn**

**Janet Banks made a Motion to adjourn, seconded by Chuck Cummings. The Meeting adjourned at 6:14pm.**

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Eric C. Helfers, Chairman

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Noah Taylor, Town Planning Assistant

# **TOWN OF MAGGIE VALLEY PLANNING BOARD RULES OF PROCEDURE**

## **ARTICLE I MAGGIE VALLEY PLANNING BOARD**

- 1.1 BOARD:** The official name of this Board shall be the Town of Maggie Valley Planning Board which shall herein be referred to as the Board.

## **ARTICLE II POWERS OF THE BOARD**

- 2.1 PURPOSE:** The powers and duties of the Board are as follows:
- a. Acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions.
  - b. Prepare and, from time to time, amend and revise a comprehensive and coordinated plan for the physical development of the area. The comprehensive plan shall be the Planning Board's recommendation to the Board of Aldermen for the development of the town including, among other things, the general location, character and extent of streets, bridges, playgrounds, parks, and other public ways, grounds and open space; the general location and extent of public utilities; whether publicly or privately owned or operated, the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, and the most desirable pattern of land use within the area.
  - c. Prepare and recommend ordinances promoting orderly development of the area in accordance with the adopted land use plan including a zoning ordinance and subdivision regulations. The Board may initiate, from time to time, proposals for amendment of the zoning ordinance and of subdivision regulations based upon its studies. In addition, it shall review and make recommendations to the Board of Aldermen concerning all proposed amendments to the zoning ordinance and subdivision regulations.
  - d. Determine whether specific proposed development conforms to the principles and requirements of the comprehensive plan of the area and to make recommendations concerning them.
  - e. Issues preliminary and final plat approval or as stated in the Subdivision Ordinance.
  - f. Keeps the Board of Aldermen and general public informed and advised on matters relating to the planning process.
  - g. Makes recommendations deemed fit for improving development of the area.
  - h. Exercises other powers and performs other duties as are authorized or required elsewhere in the N.C. General Statutes, or by the Board of Aldermen.

## **ARTICLE III MEMBERSHIP**

- 3.1 COMPOSITION:** A planning board, consisting of five (5) members, is hereby established in accordance with G.S. 160D-301. All Five (5) members, appointed by the Town Board of Alderman, shall be citizens and reside within the town limits of Maggie Valley. Members shall serve without compensation but may be reimbursed for actual expenses incidental to the performance of their duties within the limit of funds available to the board.
- 3.2 TENURE:** Members of the board shall be appointed to serve terms of three (3) years, and until their respective successors have been appointed and qualified. The terms of the original members may be staggered so that all terms do not expire simultaneously. Vacancies shall be filled for the unexpired term only.
- 3.3 ATTENDANCE:** Any member of the board who misses three (3) consecutive regular meetings, or four (4) of the regular meetings in a calendar year, shall lose his or her status as a member of the board, and shall be replaced by the Town Board of Aldermen. Absence due to a sickness, death, or other emergencies of like nature shall be recognized as excused absences and shall not affect the member's status on the board, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced by the Town Board of Aldermen.
- 3.4 CONDUCT:** Board members should not indicate positions regarding requests prior to receiving information received at the meeting. When conducting Board business (whether in person, via email, or other communication methods), members shall conduct themselves in a respectful, ethical, and professional manner. Any member who engages in misrepresentation of information or inflammatory, hostile, or threatening language or behavior toward others, including, but not limited to, elected officials, staff, or other Board members, will be removed from the meeting. Any member who engages in the aforementioned behavior is subject to dismissal by the Board of Aldermen.



## **ARTICLE IV OFFICERS & STAFF**

- 4.1 OFFICERS:** Following annual appointments, the Board shall elect one (1) member to serve as chair to preside over meetings and shall elect one (1) vice chair to perform the duties of the chair when the chair is unable. Terms shall be one (1) year, with eligibility for reelection.
- 4.2 GENERAL DUTIES OF STAFF:** The Town Planner or designee(s) shall serve as liaison staff to the Board and shall: keep the minutes and records of the Board; prepare the agenda for meetings; provide notice of meetings; attend to correspondence of the Board; and provide technical assistance to the Board.

## **ARTICLE V MEETINGS**

- 5.1 MEETINGS:**
- a. Regular: The Board shall establish a regular meeting schedule and shall meet at least monthly and more often as it shall determine and require. Regular meetings will be held the third Tuesday of each month at 5:30 PM in the Town Hall Board Room.
  - b. Special: Special meetings may be called only by the Chair provided that at least forty-eight (48) hours' notice of the time of such a meeting shall be given to each member by the staff. Communication of such notice may be by any reasonable means selected by the staff, including but not limited to U. S. postal system, telephone (including voice mail messages), E- mail, and physical delivery. Staff shall maintain a roster containing contact information for each Planning Board member.
  - c. Adjourned or Continued: The Board may adjourn to a regular meeting or continue a meeting to a specified date and time without the meeting's becoming a special meeting and without further notice to members of the public being required.
  - d. Cancellation: Whenever there is no business for a meeting of the Board, the Chair, in consultation with staff, may cancel a regular meeting by giving notice to all Board members and the public not less than 48 hours prior to the time of the scheduled meeting.
  - e. Work Sessions, Joint Meetings: The Board may hold work sessions, informal meetings or committee meetings, including joint meetings with the Board of Aldermen, with other advisory bodies of the Town, or with governing or advisory bodies of other governmental units, in order to consider or deliberate over business within its purview. Such meetings are official meetings of the Board and require noticing per applicable notice requirements. The time and place of joint meetings is decided by the Chair, staff, and the Chair of the body with whom a joint meeting is to be held.
- 5.2 PUBLIC ACCESS & NOTIFICATION:** All meetings of the Board shall be open to the public, with reasonable notice of the time and place given to the public, in accord with Chapter 143, Article 33C of the N.C. General Statutes. All

records, files, and accounts shall be public records.

- 5.3 QUORUM:** A majority of the voting members of the Board shall constitute a quorum. A majority is more than half (50%). A member who has withdrawn or been excused from an agenda item shall be counted as present for the purpose of determining whether or not a quorum is present provided that more than one-third (1/3) of the voting members must be present and voting for there to be a quorum. A quorum must be present before any business is transacted. Social gatherings shall not be deemed as official meetings so long as there is no discussion of public business. The concurring vote of a simple majority of those members present shall be necessary to take any official action.

## **ARTICLE VI ORDER OF BUSINESS**

- 6.1 AGENDA:**
- a. Program: Items of business at all meetings shall appear on the agenda. The agenda shall be set by the Chair in coordination with staff; any changes to the agenda shall be made by the Chair.
  - b. Requests: All items on the agenda should be presented to staff at least seven (7) days prior to a regular meeting.
  - c. Order of Business: The order of business for a regular meeting shall be as follows:
    - Pledge of Allegiance
    - Roll call and determination of quorum
    - Disclosure of conflicts and approval of agenda
      - Chair asks members to declare potential conflicts of interest that they have or that they feel another member has, stating the believed nature
    - Approval of minutes of previous meeting(s)
    - Public comment (if allowed by majority vote of the board)
    - New business
    - Old business
    - Adjournment
- 6.2 ORDER OF REVIEW:** The order of business for review and consideration of applications and other matters before the Board shall be as follows:
- Presentation and/or Recommendation by staff
  - Presentation by Applicant/Owner/Agent (Not to exceed 15 minutes unless deemed appropriate by the Chair)
  - Opportunity for comment at the discretion of the Board
- 6.3 OPPORTUNITY FOR COMMENT:** Comments may be accepted from members of the public by vote of the majority of the Board. The length of time allocated for comments shall be three minutes per speaker and may be extended by vote of the majority of the Board.

## **ARTICLE VII CONFLICT OF INTEREST**

- 71 DEFINITION:** Conflicts of interest shall include, but are not limited to, a close familial, business or other associational relationship with a person affected by the matter before the Board, or a direct positive or negative financial interest in the outcome of the matter.
- 72 DISCLOSURE:** Before adopting the agenda, the Chair will ask members to announce any conflicts of interest. When a member believes they may have a conflict of interest related to a specific matter, they shall declare it prior to any consideration of the matter. When a member believes another member may have a conflict of interest related to a specific matter, they shall declare it prior to any consideration of the matter. The member shall state the nature of the conflict to the Board, and the Board shall take action by a majority vote in determining whether or not to excuse the member from participation during consideration of and voting on that matter.
- 73 EXCUSAL:** The excusal of a member due to a conflict of interest shall not constitute an absence in accordance with Section 3.3 and shall not affect the determination that a quorum is present as outlined in Section 5.3.
- 74 PARTICIPATION:** An excused member may remain in the meeting room, but shall not participate in the discussion of, and shall not vote on, the matter. An excused member may participate as a non-Board member in the comment of matters for review by the Board by leaving the stage.

## **ARTICLE VIII ACTION BY BOARD**

- 8.1 ACTIONS:** All actions of the Board shall be in the form of a motion, duly seconded, and voted upon by all members present. If no quorum is present, the only motion permitted is a motion to adjourn, including a motion to adjourn to a specified date and time which may be other than the regularly scheduled meeting.
- 8.2 VOTING:**
- a. Procedure: Voting shall be done by a show of hands. If there is a tie vote, the motion fails.
  - b. Assignment: Affirmative votes from a majority of the members present and voting shall be required to adopt any motion. The abstention of any member who is physically present or has withdrawn (without being excused by the Board due to a conflict of interest or other declared reason) shall be recorded as an affirmative vote.
  - c. Record: In the case of a divided vote on any question on which the Board is required to act, the record shall include the vote of each member.

#### **8.4 DECISIONS:**

- a. Consistency: All decisions by the Board shall be in accordance with the Unified Development Ordinance, provided that the Board may make interpretations of the Unified Development Ordinance as necessary in performing its duties and responsibilities.
- b. Time Allotted: All decisions by the Board shall be made in accordance with the time limits applicable to that decision as determined by a controlling authority, including but not limited to: The General Statutes, the Unified Development Ordinance, and the direction of the Board of Aldermen. If no specific time period controls a decision, the Board shall make a decision as quickly as is reasonable under the circumstances.
- c. Record: The Board shall keep a record of its meetings, including attendance of its members, its resolutions, findings, recommendations, and actions

#### **8.5 COMMUNICATIONS:**

- a. Public Representation: Only the Chair, or a member designated by the Chair, shall speak officially for the Board. Board members may speak publicly as private citizens on planning matters; however, courtesy demands that they indicate in such cases that they are presenting their own opinions. No member of the Town staff has any authority either direct or implied to speak for the Board or to bind it in any way.
- b. Internal: Email shall serve as the primary means of communication between staff and Board members. Content related to Board agenda items should be limited to clarifying questions; discussion of Board business is prohibited. Questions, suggestions, or concerns should be relayed directly to staff.
- c. External:
  - i. Official Inquiries: Members that receive official inquiries shall direct those inquiries to staff.
  - ii. Mobile/Digital Platforms: Members shall avoid discussing Board business in such forums. (Such actions may, become evidence in quasi-judicial or legal proceedings.)
  - iii. Contact: Contact with interested parties (i.e., those with a pending or submitted application or business before the Board), concerning the subject or contents of a pending or submitted application or request, outside of publicized meetings should be avoided.
  - iv. Board members shall not accept any gift, meal, or any other thing of value from any party involved in a request.
- d. Confidential Information: In the event that confidential material is distributed with the agenda, such as a memorandum from the Town Attorney advising the Board on a legal issue, such information shall be marked confidential. Board members shall not discuss, disclose, or distribute any confidential material at an open meeting or with or to members of the public.

**ARTICLE IX**  
**ADOPTION & AMENDMENT**

**9.1 REVIEW OF RULES:** These Rules of Procedure shall be reviewed as needed by the Board.

Most recently amended the day of 2024

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Chairman, Eric Helfers

Attest:

\_\_\_\_\_  
Assistant Town Planner, Noah Taylor



# *Planning Board Staff* *Report*

## Update to the Town of Maggie Valley Comprehensive Land Use Plan.

In accordance with NCGS 160D-501 the Planning Department has been working on updates to the Comprehensive Land Use Plan. NCGS requires that local governments “reasonably maintain” their comprehensive plans by adjusting and/or modifying language within the document to reflect local planning initiatives and the goals of the community.

After recent development approvals it is clear the Town of Maggie Valley needs to consider preservation of areas in town with steep slopes. The attached proposed amendment includes language concerning the Towns opinion of steep slopes, as well as additional new text highlighted in yellow.

While the Comprehensive Plan is an advisory document the addition of this language will be helpful for future conditional zoning approvals as well as possible text amendments to the Unified Development Ordinance.

Attached are some pictures of hillside and ridgetop developments in communities within a few hours of Maggie Valley. The idea behind a steep slope ordinance would not be to eliminate development on all slopes but better control it. Steep slope ordinances have environmental and aesthetic values.



Sugar Mountain NC





Beech Mountian NC



Gatlinburg TN

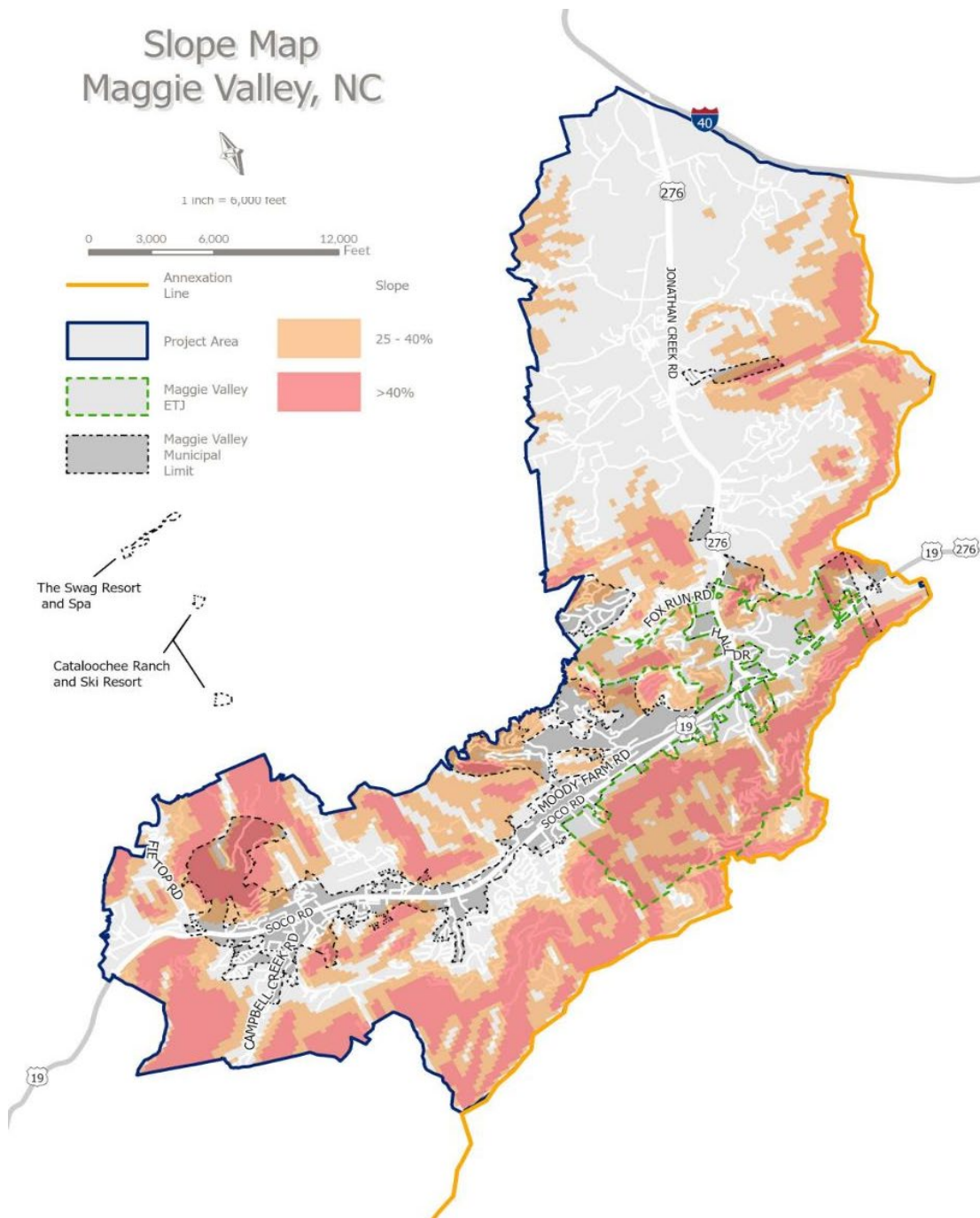




Rich Cove Maggie Valley



Mountainside development conducted outside of the floodplain limits is often on steep slopes placing structures at risk for landslides and erosion. Historically Town development has largely disregarded these considerations, leading to existing infrastructure in high-risk locations for environmental and structural damage. The Town now recognizes the importance of preserving the mountainsides and ridgetops.



As reflected in the map above the Town has many areas within, and just outside, of the municipal limit exceeding 25% in grade.

**Planning Board Recommendation and Reasonableness Statement for updating the Comprehensive Land Use Plan, by adding language to express concern over future development of hillsides and ridgetops.**

The proposal is to add language on Page 36 of the Town of Maggie Valley Comprehensive Land Use Plan expressing concern over development of slopes.

This update is reasonable and in the public's interest because it will aid in preserving the environmental and aesthetic value of the Valley in the future.

The Planning Board recommends approval of this update.

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Eric Helfers, Planning Board Chairman

Attest:

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Assistant Town Planner, Noah Taylor