

Planning Board Minutes
Regular Meeting
Maggie Valley Town Hall Boardroom
Tuesday, September 17, 2024
5:30pm

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

Members Absent: None

Staff Present: Town Planner Sam Cullen, Town Clerk Kathy Johnson

Media Present: No media was present.

Others Present: One other person was present.

1. Call to Order

The meeting was called to order at 5:29 pm by Chairman Eric Helfers. The Pledge of Allegiance was said by all.

2. Roll Call/Quorum Determination

Five members were 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, he asked for a motion to approve the agenda.

Janet Banks made a motion to approve the agenda for the September 17th meeting. Chuck Cummings seconded. The Motion passed with all in favor.

4. Approval of Minutes

a. July 16th, 2024

Chairman Helfers asked if there were any corrections to the minutes. There was none, he asked for a motion to approve the minutes.

A motion to approve the July 16th Planning Board minutes made by Bill Sebastyn, seconded by Chuck Cummings. The Motion passed with all in favor.

5. New Business

a. Text Amendment to the UDO section 156.13 Street Standards; Private Streets

Town Planner Sam Cullen said the planning department has been investigating a text amendment to add language in the Unified Development Ordinance concerning the maintenance of privately owned streets within the municipal boundaries.

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He said the planning department recommends the language be amended to require maintenance plans be put in place for approved private streets in all new developments. This text amendment will provide an outlet for future homeowners when maintenance issues arise.

Planner Cullen reviewed the ordinance with Board members and noted the changes.

156.13 Street Standards General Provisions, if approved, will be changed to:

If private roads are approved, then a road maintenance agreement signed by the parties utilizing such private road for access to their property or POA provisions outlining road maintenance responsibilities must be in place and recorded before recordation of a final plat.

160.02 Definitions will be amended to add:

PRIVATE ROAD-Roads that are owned, operated, or maintained by an individual, individuals, or property owners' association shall be considered a private road.

PROPERTY OWNERS' ASSOCIATION (POA) An organization that makes and enforces rules and guidelines for a subdivision, planned community, or condominium building.

Planner Cullen answered questions about development in Maggie Valley.

Bill Sebastyn said he likes the idea of having the requirements recorded upfront.

Planner Cullen said this is something he has asked the developers to do since he has been the Town Planner but he feels these changes will help in future development.

Chairman Helfers asked for a motion to approve the amendment to the UDO for private streets.

Jared Lee made the motion to approve the Text Amendment to the UDO section 156.13 A (3) Street Standards; Private Streets and 160.02 Definitions. Chuck Cummings seconded. The Motion passed with all in favor.

Mr. Cullen reminded the Board that the Consistency and Reasonableness statement would need a motion. Janet Banks asked that the "s" in developments be placed in parentheses.

Janet Banks made a motion to approve the Consistency and Reasonableness statement as adjusted, for amending the Subdivision Ordinance by adding a requirement that all Town approved private streets within new development(s) have maintenance provisions in place before final plat approval. Bill Sebastyn seconded. The motion carried unanimously.

Chairman Helfers asked for discussion about private roads that are not currently being maintained because of no road maintenance agreement. He said it is a safety hazard for emergency vehicles.

There was discussion between Board members and Planner Cullen answered questions about road maintenance. Janet Banks asked if the Town Attorney had advised the Town to keep records

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of these roads that are in bad shape, to keep the Town from getting sued. Planner Cullen said he would check and get back with the Board.

b. Steep Slope Overlay District Discussion

Chairman Helfers said there is no need for Maggie Valley to hire a new inspector to implement this ordinance.

Mr. Cullen said this is going to be a long process. He reviewed a map with the Board and presented his staff report and background information.

He said the planning department has reached out to other communities to inquire how they handle steep slope development. Most jurisdictions start regulating slopes when they hit a combination grade and elevation. He gave examples of properties in town with different slopes and elevations and reviewed responses received from nearby communities.

Janet Banks confirmed with Mr. Cullen this would be creating a separate category of zoning when it occurs R1, R2, and R3 steep slope. Mr. Cullen said yes, and the steep slope Ordinance would only address things such as increased setbacks, lower density etc. It would not address actual uses or building heights, those are addressed in the base district.

Mr. Cullen said he would like any suggestions, discussion and input before the crafting of the Ordinance. He would like to get community input as well.

Chairman Helfers questioned how this would apply to high end RV parks. Mr. Cullen said if an RV park was approved it would probably lower the density and increase the setbacks.

Chuck Cummings spoke about the importance of using engineering when building on steep slopes.

Chairman Helfers said to make clear that the approval process is part of the current process. The Town is not proposing to hire a separate inspector.

Planner Cullen said he will move forward in crafting an Ordinance and presenting it to the Board for a recommendation, but this will take many months.

6. Old Business

a. Update on Haywood County Planning Board, Chairman Helfers

Chairman Helfers said the Haywood County Planning Board met on August 26th. There was a presentation on “Smartgov”, a software capability, the primary benefit of flow and approval that can be done electronically via a smart phone. The developer will be able to use this feature to save time. Other updates include.

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- Rezoning the Canton mill property to light industry/ residential and a portion commercial.
- The Jail is now twenty percent complete.
- Waynesville has identified the areas of conservation in farming areas.
- The Canton library has a pictorial before and after display in honor of the third anniversary of the flood.
- The telecom tower was going to be 175 feet and is now going to be 145 feet. Twelve percent of the coverage will not be available due to the reduction.

He said it was an interesting meeting because “you get to hear what each town is doing.”

7. Adjourn

Janet Banks made a Motion to adjourn the meeting at 6:32pm, seconded by Chuck Cummings. The motion carried unanimously.

s/Eric C. Helfers

Eric C. Helfers, Chairman

s/Kathy Johnson

Kathy Johnson, Town Clerk